

County Offices
Newland
Lincoln
LN1 1YL

22 November 2013

Planning and Regulation Committee Meeting

A meeting of the Planning and Regulation Committee will be held on **Wednesday, 4 December 2013** in the **Council Chamber, County Offices, Newland, Lincoln LN1 1YL** at **10.30 am** for the transaction of business set out on the attached Agenda.

Yours sincerely



Tony McArdle
Chief Executive

Membership of the Planning and Regulation Committee (15 Members of the Council)

I G Fleetwood (Chairman), Mrs H N J Powell (Vice-Chairman), Mrs V C Ayling, D Brailsford, D C Hoyes MBE, D M Hunter-Clarke, M S Jones, Ms T Keywood-Wainwright, D McNally, D C Morgan, N H Pepper, J M Renshaw, C L Strange, T M Trollope-Bellew and W S Webb

**PLANNING AND REGULATION COMMITTEE AGENDA
WEDNESDAY, 4 DECEMBER 2013**

Item	Title	Report Reference
1.	Apologies/replacement members	
2.	Declarations of Members' Interests <i>(Councillors are reminded that there is no need to declare an interest if it has already been recorded on the register of disclosable pecuniary interests (DPIs) or notified to the Monitoring Officer in accordance with the regulations. However, Councillors declaring interests must state what the DPI is and accordingly not speak or vote on the item)</i>	
3.	Minutes of the previous meeting of the Committee held on 4 November 2013	3.0 (Pages 1 - 4)
3.1	Minutes of site visits by the Committee to proposed anaerobic digester sites at Stixwould, Langrick and Sibsey; a working anaerobic site at Wrangle and the Carlton Centre to view enforcement issues held on 25 November 2013	(To Follow)
3.2	Minutes of a site visit by the Committee to The Drift held on 28 November 2013	(To Follow)
4.	Traffic items	
4.1	Proposed Pavement Café Licence - Market Place, Grantham	4.1 (Pages 5 - 14)
4.2	Proposed Taxi Ranks - Gladstone Street & Parnell Street, Gainsborough	4.2 (Pages 15 - 26)
4.3	Tennyson Street, Gainsborough - Proposed Waiting Restrictions	4.3 (Pages 27 - 34)
4.4	Denton to Skillington, The Drift/Viking Way - Proposed Prohibition of Driving Order	4.4 (Pages 35 - 50)
4.5	Traffic Regulation Orders and Petitions Received	4.5 (Pages 51 - 60)
5.	County Matter Planning Applications	
5.1	Supplementary Report - For a proposed Anaerobic Digestion Plant at Grange Farm, Fen Road, Toynton St Peter, Spilsby - R.H-J (Farms) Ltd (Agent: Robert Doughty Consultancy Ltd) - (E)S186/1583/13	5.1 (Pages 61 - 88)
5.2	For a 500kW anaerobic digestion plant and for the change of use of a barn to an education centre at Reeds Beck Farm, Reeds Beck, Stixwould - Woodland Estates Ltd (Agent - Robert Doughty Consultancy Ltd) - (E)S170/1988/13	5.2 (Pages 89 - 118)

5.3	For a 499kW anaerobic digestion plant at Laburnum House, Main Road, Langrick - Wildmore Renewables Limited - (E)S96/2043/13	5.3 (Pages 119 - 142)
5.4	To extract 2.25 million tonnes of sand and gravel from land forming an extension to the Baston No 2 Quarry off Langtoft Outgang Road, Langtoft - Hanson Quarry Products Europe Ltd (Agent: Hanson Aggregates) - S50/0123/11	5.4 (Pages 143 - 206)
6.	County Council Planning Applications	
6.1	For a North Sea Observatory and Cafe at Chapel Point, Chapel St Leonards - (E)N31/1987/13	6.1 (Pages 207 - 234)

Democratic Services Officer Contact Details

Name: **Steve Blagg**
Direct Dial **01522 553788**
E Mail Address steve.blagg@lincolnshire.gov.uk

Please Note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

All papers for council meetings are available on:
www.lincolnshire.gov.uk/committeerecords

Agenda Item 3.



PLANNING AND REGULATION COMMITTEE 4 NOVEMBER 2013

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors Mrs H N J Powell (Vice-Chairman), Mrs V C Ayling, D M Hunter-Clarke, R J Hunter-Clarke, Ms T Keywood-Wainwright, J M Renshaw, C L Strange, T M Trollope-Bellew and W S Webb

Councillors: C J Davie attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Development Manager), Charlotte Lockwood (Solicitor), Andy Gutherson (Head of Planning) and Brian Thompson (Head of Highways West)

105 DEATH OF COUNCILLORS C J UNDERWOOD-FROST AND J LIBELL

The Committee stood in silence as a mark of respect following the deaths of Councillors C J Underwood-Frost who was a recent member of the Committee and J Libell who was a member of the Committee from May 1999 to May 2005.

106 CHARLOTTE LOCKWOOD, SOLICITOR TO THE COMMITTEE

The Chairman welcomed Charlotte Lockwood, Solicitor, who had replaced Stuart Tym, Solicitor, as the new legal lead for the Committee.

107 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors D Brailsford, D C Hoyes MBE, D C Morgan and N H Pepper.

Councillor R J Hunter-Clarke deputised for Councillor D McNally for this meeting only.

108 DECLARATIONS OF INTEREST

It was noted that all members of the Committee had been lobbied by the Wildlife Trust in connection with minute 111.

**PLANNING AND REGULATION COMMITTEE
4 NOVEMBER 2013**

109 MINUTES OF THE PLANNING AND REGULATION COMMITTEE HELD
ON 7 OCTOBER 2013

RESOLVED

That the minutes of the previous meeting of the Committee held on 7 October 2013, be agreed as a correct record and signed by the Chairman.

110 TRAFFIC MATTERS

111 DENTON TO SKILLINGTON, THE DRIFT/VIKING WAY - PROPOSED
PROHIBITION OF DRIVING ORDER

Brian Thompson presented a report on the outcome of consultations to permanently prohibit all motorised vehicles from using a length of road on The Drift/Viking Way near Denton, Grantham, for all of the year rather than the seasonal closure from 1 November to 30 April. He added that since the report had been circulated Natural England and the Wildlife Trust had submitted further comments on the options detailed in the report. Brian Thompson stated that there was a further option for the Committee to visit the site.

Comments by the Committee included:-

1. The need for Farmers to be able to access The Drift.
2. There were many different conflicting users.
3. The Drift was a highway before motorised vehicles.
4. There was a need to protect tranquillity as this was an area that comprised a SSSI.
5. The need to protect such areas was enshrined in legislation.

On a motion by Councillor I G Fleetwood, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (unanimous)

That consideration of the proposals detailed in the report be deferred pending a site visit.

112 COUNTY MATTER APPLICATIONS

113 SUPPLEMENTARY REPORT - TO CONSTRUCT A NEW SEWAGE
PUMPING STATION, LAY-BY AND ANCILLARY WORKS AT WOODCOTE
LANE, BURTON BY LINCOLN - ANGLIAN WATER SERVICES LIMITED -
W14/130249/13

Neil McBride stated that the applicant was making a case for carrying out the development under permitted development rights but discussions were on-going with the applicant about whether this was acceptable.

PLANNING AND REGULATION COMMITTEE
4 NOVEMBER 2013

On a motion by Councillor I G Fleetwood, seconded by Councillor D M Hunter-Clarke, it was -

RESOLVED (9 votes for and 1 against)

That planning permission be refused for the reasons detailed in the report.

114 PROPOSED ANAEROBIC DIGESTION PLANT AT GRANGE FARM, FEN ROAD, TOYNTON ST PETER, SPILSBY - R. H-J (FARMS) LTD - (E)S186/1583/13

Comments made by the Committee included:-

1. An enquiry about the grounds for objection.
2. Had the residents been contacted?
3. The opportunity should be taken to visit a working anaerobic digester in view of the new Members on the Committee.
4. An enquiry about the type of vehicles using the site
5. Enquiries about odour and vehicle movements.
6. The effect on highway safety from mud on the road.
7. The number of anaerobic digesters was increasing and there was a need for monitoring.
8. The need to protect agricultural land for food production.

Officers responded to the comments made by the Committee, including:-

1. An explanation of the consultation process particularly for local residents.
2. A site visit to an anaerobic digester operational site could be arranged. Any visit to a site pending approval should only take place when the report was available for consideration by the Committee.
3. Gave details of the type of vehicle used to carry material to the plant.
4. There was an option to improve the access road surface to the site.
5. Odour management and a complaints procedure was addressed by a condition in the report.
6. Details of the land to be used for the production of maize for the plant.
7. Gave details of the capacity of the plant.

On a motion by Councillor W S Webb, seconded by Councillor Mrs H N J Powell, it was

RESOLVED (9 votes for and 1 abstention)

1. That consideration of the planning application be deferred pending a site visit for the following reasons:-

- (a) To view the suitability of the access to and from the site for use by large vehicles supplying the anaerobic digester plant.
- (b) Clarify the source of the feedstock for the anaerobic digester plant.

PLANNING AND REGULATION COMMITTEE
4 NOVEMBER 2013

2. That it be noted that the site visit to Grange Farm, Toynton St Peter, Spilsby, will be carried out on the same day as visits to an operational anaerobic plant at Wrangle and sites for anaerobic digestion plants at Langrick and Woodall Spa which the applications are currently out to consultation and will be brought to the next meeting of the Committee on 4 December 2013.

115 FIRST PERIODIC REVIEW OF MINERAL PERMISSIONS (E)N158/0432/98
[VARIED BY (E)N158/1701/99 AND (E)N158/0075/06] AT KEDDINGTON
OIL SITE, STEWTON NEWKIN LANE, SOUTH COCKERINGTON -
(E)N158/1736/13

Paul Foster, representing the applicant, commented as follows:-

1. He had worked with the planning officers in the preparation of the revised conditions.
2. The content of the report was supported and the application would have no adverse impact on the local community.
3. Gave details of the production of oil and of the site's geography.
4. HGVs would visit the site every two days.
5. Stated that noise levels from flared gas had reduced substantially.
6. The site accorded with all statutory legislation.

In response to further comments made by the Committee, the applicant stated that he believed oil from the site was sent to Immingham for refining and that there were no problems in complying with the conditions.

On a motion by Councillor W S Webb, seconded by Councillor Mrs H N J Powell, it was -

RESOLVED (unanimous)

That the schedule of conditions submitted by the applicant be approved as detailed in the report.

The meeting closed at 11.40 am



Regulatory and Other Committee

Open Report on behalf of Richard Wills, Director for Communities

Report to:	Planning and Regulation Committee
Date:	04 December 2013
Subject:	Proposed Pavement Café Licence - Market Place, Grantham

Summary:

This Paper considers two objections received to a proposal to place a pavement café on Market Place in Grantham Town Centre.

Recommendation(s):

That the objections are overruled and the pavement café licence is granted.

1. Background

- 1.1 Market Place is one of the key shopping areas in the Town Centre
- 1.2 The area has been subject to an environmental improvement scheme which has created large paved areas within the Market Place
- 1.3 A request has been received from Rumours Lounge Bar for a Pavement Café Licence. The pavement café will consist of four tables and seating for 18 persons. Temporary barriers will be placed around an area of 6m x 6m each day and removed at close of business. The area as described would have no obvious effect on pedestrian movements.
Umbrellas will be provided for each table, together with two litter bins, one waste bin and two planters. All furniture will be maintained within the plan area described above, and shown on the attached sketch (Appendix B).
The proposed hours of operation of the pavement Café will be 12.00hrs to 22.00hrs for 7 days per week. The establishment sells alcoholic beverages.
- 1.4 Another similar licence has been granted to the Chequers Public House on Butchers Row / Market Place, opposite the application site, and Eden Wine Bar on the same area as Rumours Lounge Bar, this being in existence since October 2012 without any concerns raised by other statutory bodies.

2. Consultations

2.1 Consultation Process

2.1.1 Members of the Public

Public Notices were erected around the Market Place in the vicinity of the application site. In addition, letters of notification were hand posted to ground floor shops and offices in the Market Place area.

2.1.2 Local Members

Councillor Davies was consulted and fully supports the proposal.

2.1.3 South Kesteven District Council

No objections were raised to the proposals.

2.1.4 Lincolnshire Police

No objections were raised to the proposals

2.1.5 South Lincs Blind Society

No objections were raised to the proposals.

2.1.6 Lincolnshire Fire and Rescue

Raised no general objection to the proposals providing that generic fire precautions contained on Appendix C (attached) are contained within the licence.

2.2 Objections Received

Two objections were received from members of the public:

Resident 1 - Objects on the scale of the proposed area to be allocated to the pavement Café, and raises questions over enforcement issues, quoting that *"At present it remains unclear who will enforce them to take their seats in at 10:00p.m? This area should remain a controlled zone with regards to the public wishing to walk past without the intimidation from drinkers and groups.*

Who will ensure the noise levels from outside drinkers and groups respect the right to sleep for the residents living close by ?

Who will be responsible for enforcing drinkers to remain seating? (sic) Rumours facility for outside seating at the front of its establishment takes over a huge proportion of the pavement. It is intimidatory and fails to reflect respect for the public walking past."

Resident 2 - Objects to all café licences being extended from 8.00pm until 10.00pm and, as such, objects to the granting of this application in particular. The resident has also raised questions regarding enforcement and noise issues and in particular, the playing of music in the designated area.

2.3 Comments on Objections

This authority, in conjunction with the police, reviews and monitors these licences. There is no reason to suppose that enforcement action would not be taken if the applicants were to infringe the terms of the licence. The application does not include the request for the provision of external sound systems.

3. Conclusion

All pavement café licences are reviewed annually therefore, it is recommended that the objections are overruled.

a) Policy Proofing Actions Required

N/A

Appendices

These are listed below and attached at the back of the report	
Appendix A	Location Plan
Appendix B	Proposed Layout of Pavement Café
Appendix C	Lincolnshire Fire & Rescue Conditions to be included in Licence

Background Papers

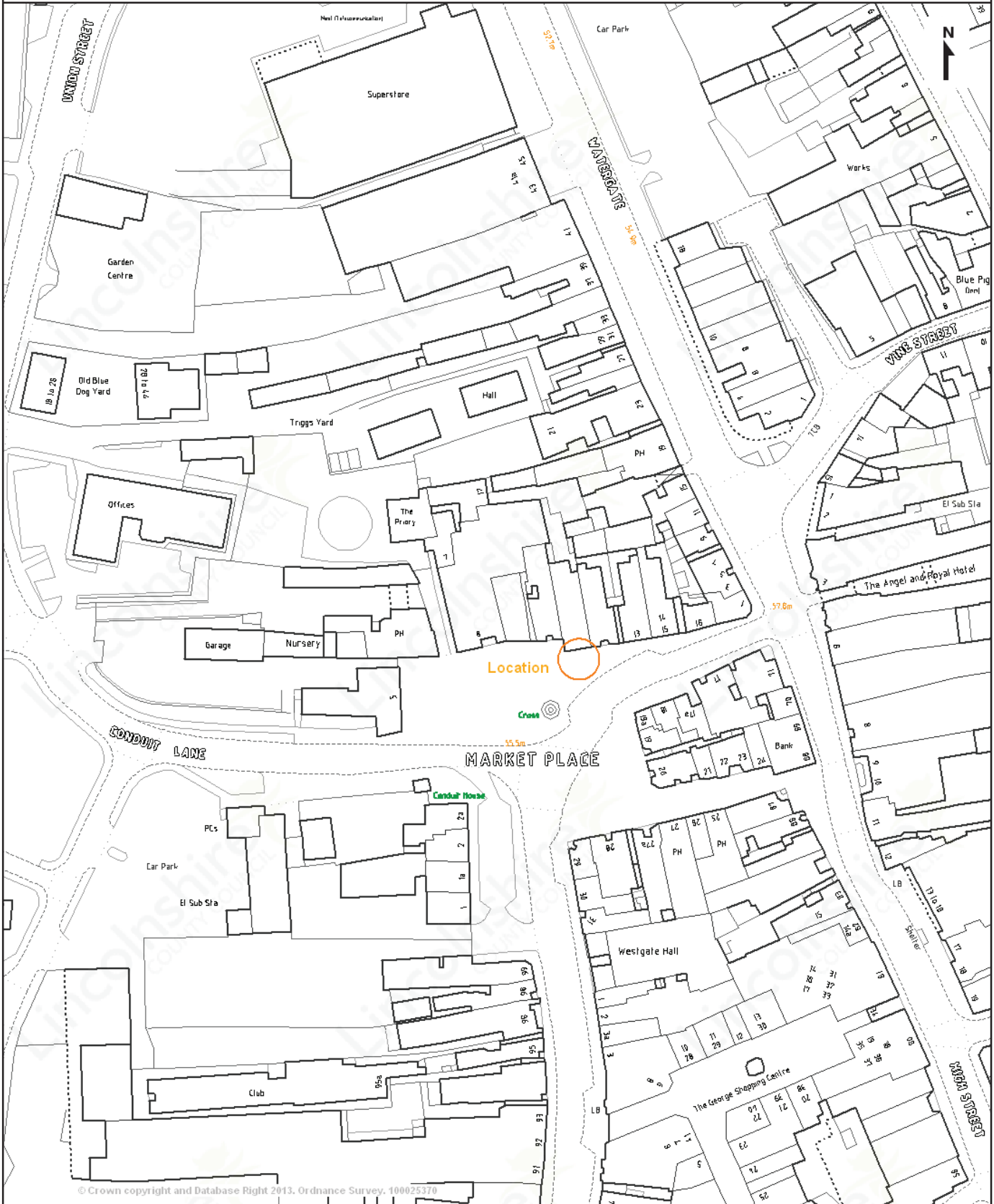
No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Michael Thornhill, who can be contacted on 01522 553706 or mick.thornhill@lincolnshire.gov.uk.

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Rumours Cafe Licence Application

Location Plan APPENDIX A



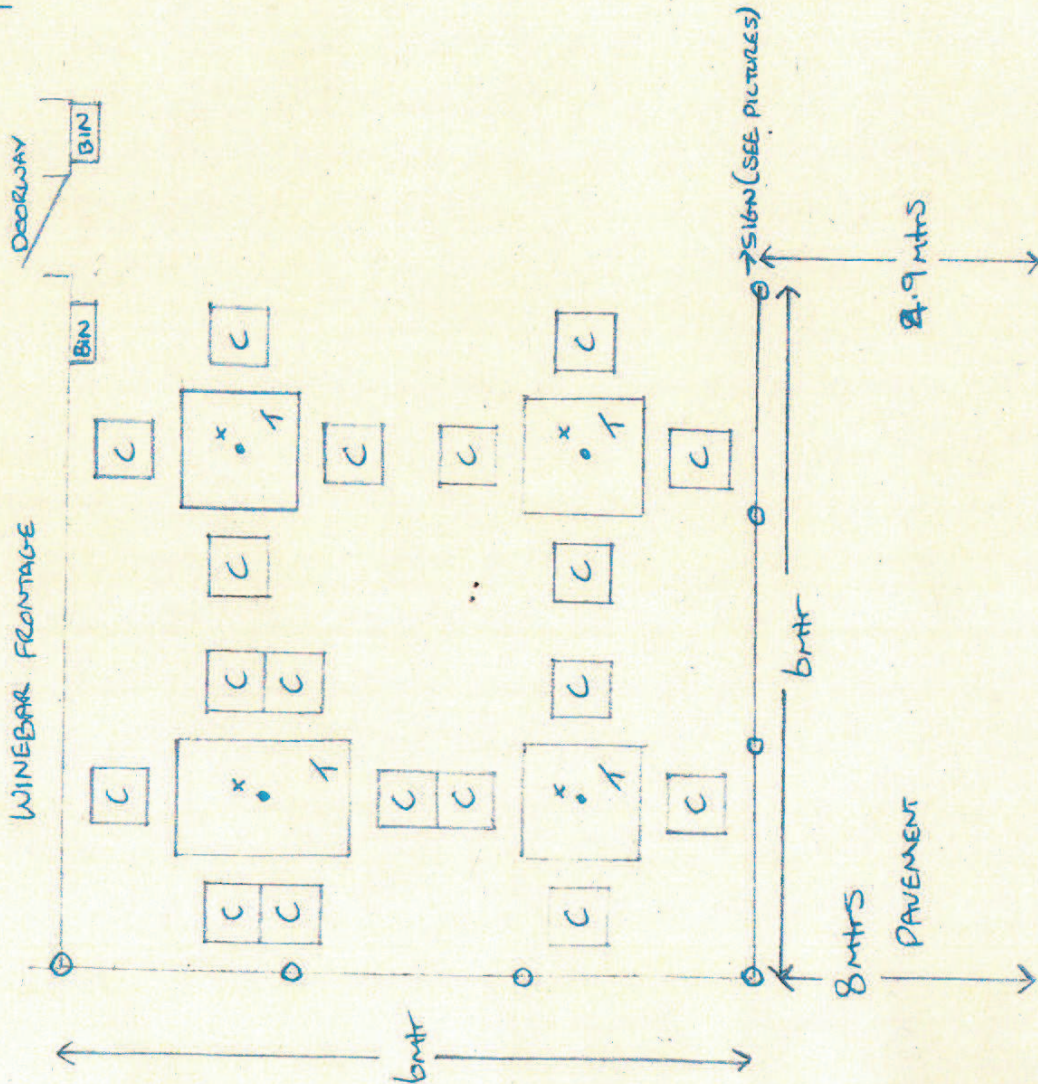
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Rumours Cafe Licence Application

Proposed Layout of Cafe APPENDIX B

1 SQUARE = 0.25 metre

- T = TABLE
- C = CHAIR
- O = BAR/CHIEF
- ' = PARASOL
- X = ASHTRAY



Lincolnshire
COUNTY COUNCIL

Scale

DIRECTORATE FOR DEVELOPMENT
Director: Richard Wills
City Hall, Orchard Street, Lincoln LN1 1DN

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Rumours Café Licence Application

Lincolnshire Fire and Rescue Conditions to be included in Licence:

The following generic fire precautions should become conditions of the above licence.

Fire Appliance Access

The number of tables, chairs and associated furniture should not exceed those applied for and their position must not obstruct fire appliance access to the premises, or any other premises.

Means of Escape

Any tables, chairs and associated furniture, which are sited outside the premises, must not obstruct the exit doors or exit routes from the premises, or any other premises.

Umbrellas and outside gas burners

If canopies/umbrellas and/or outside gas/electric burners/heaters are to be provided in the vicinity of the seating area, a suitable and sufficient fire risk assessment must be carried out with regard to their positioning prior to use. Any canopies/umbrellas provided should also be appropriately flame retardant where this is identified as necessary by the fire risk assessment.

Fire Risk Assessment

The responsible person at the premises must ensure that the existing fire risk assessment for the premises is updated as necessary in accordance with the Regulatory Reform (Fire Safety) Order 2005 prior to the siting of any outside furniture.

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Regulatory and Other Committee

Open Report on behalf of Paul Coathup, Assistant Director, Highways & Transportation

Report to:	Planning & Regulation Committee
Date:	02 December 2013
Subject:	Proposed Taxi Ranks - Gladstone Street & Parnell Street, Gainsborough

Summary:

As the meeting of this Committee on 28 November 2011, objections were considered to proposals for the introduction of permanent taxi ranks in Parnell Street and Gladstone Street, Gainsborough. This report seeks to reach a resolution on these objections following a period of monitoring.

Recommendation(s):

1) That the objections to the temporary taxi ranks being made permanent be received.

2) That, in response to the objections and in the light of monitoring, the proposed full-time taxi rank on Gladstone Street be amended to night-time only, no waiting 6.00pm to 8.00am except taxis, and the proposed taxi rank on Parnell Street be not proceeded with.

3) That, in addition to the proposals at 2) above, proposals be concurrently advertised and consulted on to introduce permanent taxi facilities on the north side of Lord Street and the west side of Church Street, as follows:-

Lord Street, north side -

No waiting at any time except taxis, between points 12m and 30m east of the centreline of Bright Street.

Church Street, west side -

No waiting at any time except taxis, between points 80m and 95m south of the centreline of Gladstone Street,

Loading by goods vehicles only, between points 68m and 80m south of the centreline of Gladstone Street.

Background

1. At the meeting of this committee on 28 November 2011, objections were considered to proposals to introduce two permanent taxi ranks in Gainsborough to replace similar temporary ranks (see Appendix A). The main grounds for objection were that the taxi ranks are under-used, and that they adversely affected the operation of the nearby church on Gladstone Street with regard to weddings, funerals, blood donation, etc...
2. Members will recall that the taxi ranks were originally introduced on a temporary basis in 2010 to support the local taxi trade during works within the highway which were expected to temporarily remove from use and existing rank on Market Street. However, the works on Market Street were postponed and didn't actually take place until early in 2013.
3. In November 2011, the Committee agreed to make a further temporary Order for 12 months (with an option to extend it by a maximum of 6 months) to cover the rescheduled proposed work on Market Street and to give an opportunity to monitor the performance and usage of the temporary taxi ranks before reaching a decision on whether or not they should be made permanent. This temporary Order was eventually made in September 2012 and had the advantage of coming into operation at the same time as Civil Parking Enforcement (CPE) was introduced, giving an indication of how the taxi ranks would be used under the CPE regime once the works were completed. The temporary taxi ranks were therefore monitored before, during and after the works in Market Street.
4. It was evident that, even when no other rank was available, the facility on Gladstone Street was unpopular with taxi operators, apparently due to its remoteness from the central shopping area, to the point where it would remain unoccupied for long periods of time. Similarly, the rank of Parnell Street was unpopular and under-used, although experience suggested that this was because customers were more likely to approach a waiting taxi from behind, which has potential implications for the personal security of the driver. It was noted, however, that Lord Street, which is adjacent to Parnell Street, became an informal taxi rank, often with a number of vehicles waiting to pick up customers. This observation has led to alternative proposals for permanent taxi ranks in Gainsborough, which are discussed below and illustrated on Plan B.
5. Since the introduction of the temporary taxi rank on Gladstone Street, a nearby night club has closed down, arguably reducing the demand for a local taxi facility. However, a fast food restaurant, part of a national chain, is being constructed nearby and this, together with the possibility of the night club reopening at some point, may well lead to increased demand for taxis associated with the night-time economy of the area. For this reason it is proposed to retain the taxi rank on Gladstone Street but reduce its hours of operation to overnight, that is, 1800hrs to 0800hrs (see Plan B). In this way, potential future demand is addressed while at the same time reintroducing a number of on-street parking places during the day in the town centre.

6. There is undoubtedly an over-subscription of taxis in Gainsborough compared with available spaces on ranks. At the request of West Lindsey District Council (the licencing authority) alternative locations for taxi ranks have been sought to provide for vehicles displaced by increased enforcement due to CPE. Two alternative locations have been identified for full-time taxi ranks, namely Lord Street and Church Street.
7. As discussed in Paragraph 4 above, during the period when street works in Market Street prevented the existing taxi rank from being used, Lord Street became an informal taxi rank. Lord Street is only of local importance, forming part of a matrix of streets around the town centre which are a mix of residential, commercial and community buildings (library, Old Hall), where most traffic is circulating looking for an on-street parking place. At around 7.5m wide, it would be able to accommodate a taxi rank in an area where there is frequent indiscriminate parking in contravention of the waiting restrictions (see Plan C).
8. Church Street is a one-way shopping street, contiguous with Market Street. On its eastern side there is limited waiting , while on its western side there is a loading bay for goods vehicles and a bus stop. The loading bay is an over-provision at this location, being designed for an articulated vehicle. It could be reduced in length, and the released kerb space given over to a short taxi rank (see Plan D).

Conclusion

It is evident that the temporary taxi ranks are under-used, and members might be minded to agree that it would be inappropriate for them to remain in an area of the town centre where on-street parking is at a premium. Bearing this in mind, and with regard to the over-subscription of taxi rank places generally in Gainsborough, the revised proposals for the provision of new taxi ranks are commended to the Committee.

Consultation

a) Policy Proofing Actions Required

N/A

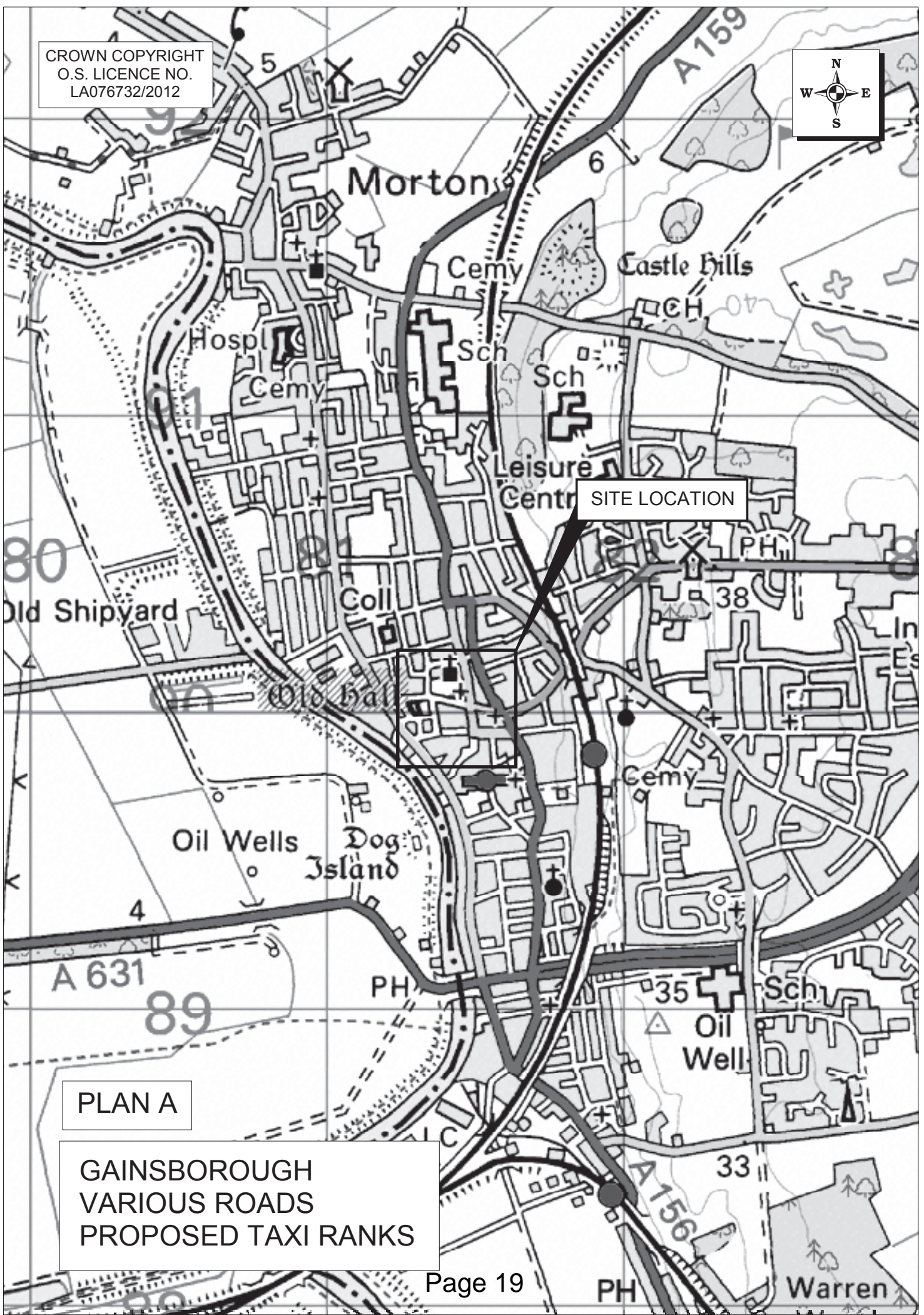
Appendices

These are listed below and attached at the back of the report	
Appendix A	Taxi Plan A 2013
Appendix B	Taxis Gladstone Street Plan B
Appendix C	Taxis Lord Street Plan C
Appendix D	Taxis Chruch Street Plan D

Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Paul Brookes, who can be contacted on 01522 553036 or paul.brookes@lincolnshire.gov.uk.



PLAN A

GAINSBOROUGH
VARIOUS ROADS
PROPOSED TAXI RANKS

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GLADSTONE STREET

Little Church Lane

ROSEWAY

PROPOSED TAXI RANK
(6.00PM - 8.00AM DAILY)

John Robinson Memorial
Congregational Church

Bradford Cottage
Leyden Cottage
Brewster Cottage

LIMITED WAITING

Gainsborough House

16

10

8

2

The Chapel

BUS STOP

29

27

23

17

LIMITED WAITING

30

40

28

38

26

36

24

34

22

32

14

20

12

18

EXISTING NO WAITING AT ANY TIME

EXISTING NO WAITING 8AM-6PM, MON-SAT

GAINSBOROUGH
GLADSTONE STREET
PROPOSED TAXI RANK

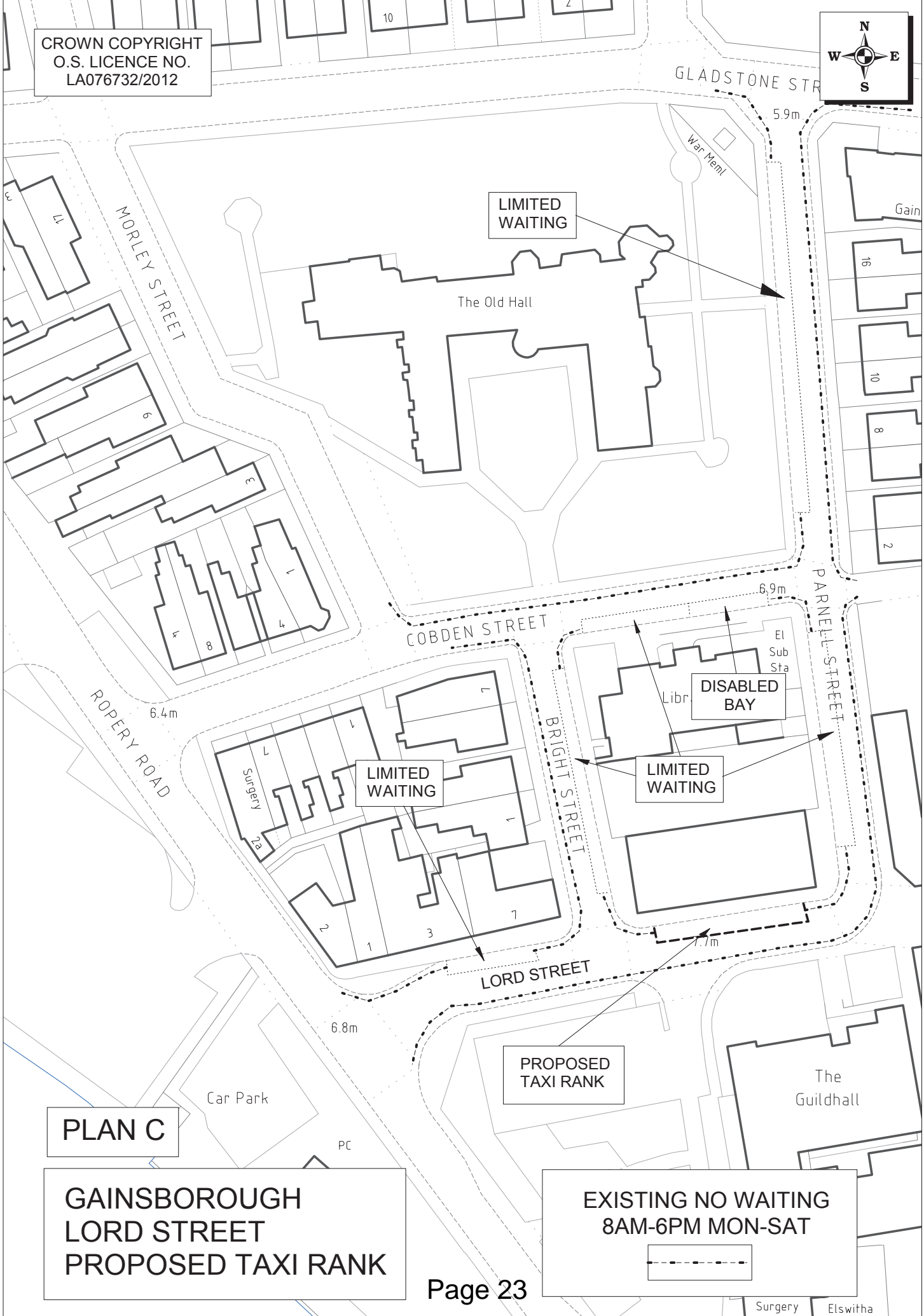
PLAN B

LIMITED WAITING

Library

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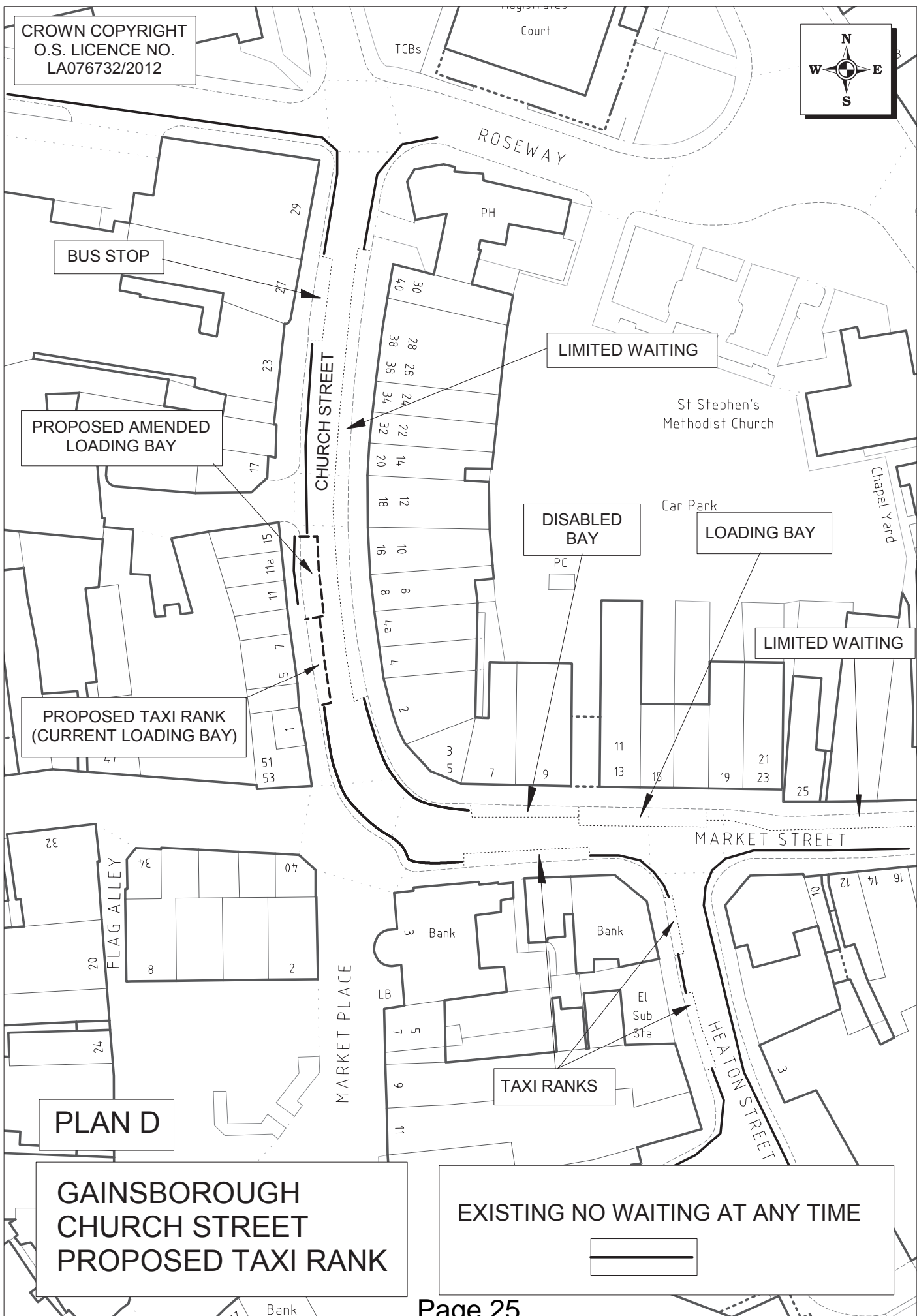
PLAN C

**GAINSBOROUGH
LORD STREET
PROPOSED TAXI RANK**

**EXISTING NO WAITING
8AM-6PM MON-SAT**

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PROPOSED AMENDED
LOADING BAY

PROPOSED TAXI RANK
(CURRENT LOADING BAY)

LIMITED WAITING

DISABLED
BAY

LOADING BAY

LIMITED WAITING

TAXI RANKS

PLAN D

GAINSBOROUGH
CHURCH STREET
PROPOSED TAXI RANK

EXISTING NO WAITING AT ANY TIME

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Agenda Item 4.3



Report Reference:
Regulatory and Other Committee

Open Report on behalf of Paul Coathup, Assistant Director, Highways & Transportation

Report to:	Planning & Regulation Committee
Date:	02 December 2013
Subject:	Tennyson Street, Gainsborough - Proposed Waiting Restrictions

Summary:

This report details objections received to proposed waiting restrictions on Tennyson Street, Gainsborough.

Recommendation(s):

That the objections be overruled and the Order implemented as advertised.

Background

Concerns have been raised by Lincolnshire Fire & Rescue Service because vehicles parked on Tennyson Street near its junction with Spital Terrace cause difficulties for their appliance getting into Tennyson Street from Spital Terrace.

Existing Conditions

Tennyson Street is a residential street of the east of Gainsborough town centre (see Appendix A). It runs northwards from Spital Terrace to Tower Street, another residential street. Although waiting is prohibited on the northern side of Spital Terrace, this does not extend into Tennyson Street (see Appendix B), meaning drivers are not discouraged from parking at the junction. As can be seen on Appendix B, the similar junctions of Tower Street with Tennyson Street, North Street and Northolme area already protected by waiting restrictions.

Proposal

In the interests of maintaining traffic flows it is proposed to prohibit waiting at any time on both sides of Tennyson Street for a distance of 12m from its junction with Spital Terrace.

Objections

The proposals have been advertised and two objections received. Both objectors live on Spital Terrace adjacent to Tennyson Street, and are concerned that the proposals will have a detrimental effect on residents, as on-street parking is at a premium. They point out that they are already unable to park outside their property on Spital Terrace, and the proposals will also prevent them from parking adjacent to their property on Tennyson Street. One of the objectors suggests that prohibiting waiting on only one side of the junction will perform the same function as prohibiting waiting on both sides, and puts this forward as an alternative.

Comments

Comments from County Councillor Pat O'Connor:-

"Recent developments have put increasing pressure on parking spaces in this area and as this continues parking places will be at a premium. Every single parking place is precious and any proposal that essentially removes more has to be considered very carefully. There are currently no resident's parking schemes in this area of the town in general and I support the concerns of the objectors which have been carefully thought out with regards to local residents and the impact of future development in this area."

Conclusion

The proposals are the minimum necessary to allow larger vehicles such as a fire appliance to turn into the junction without being in conflict with parked vehicles. Members will be aware that the Highway Code states the one should not park within 10m of a junction, and the proposals reflect this advice. Not only does parking too close to the junction increase conflict between traffic flows it can also restrict visibility of and by pedestrians crossing at the junction. One of the objectors suggests that restrictions are placed on only the east side of the junction which would allow them to continue parking in their accustomed place on the west side. However, such an arrangement would not address the main issue of reducing conflict between all road users at the junction, as discussed above, and Members might be minded to reject this suggestion.

Consultation

a) Policy Proofing Actions Required

N/A

Appendices

These are listed below and attached at the back of the report

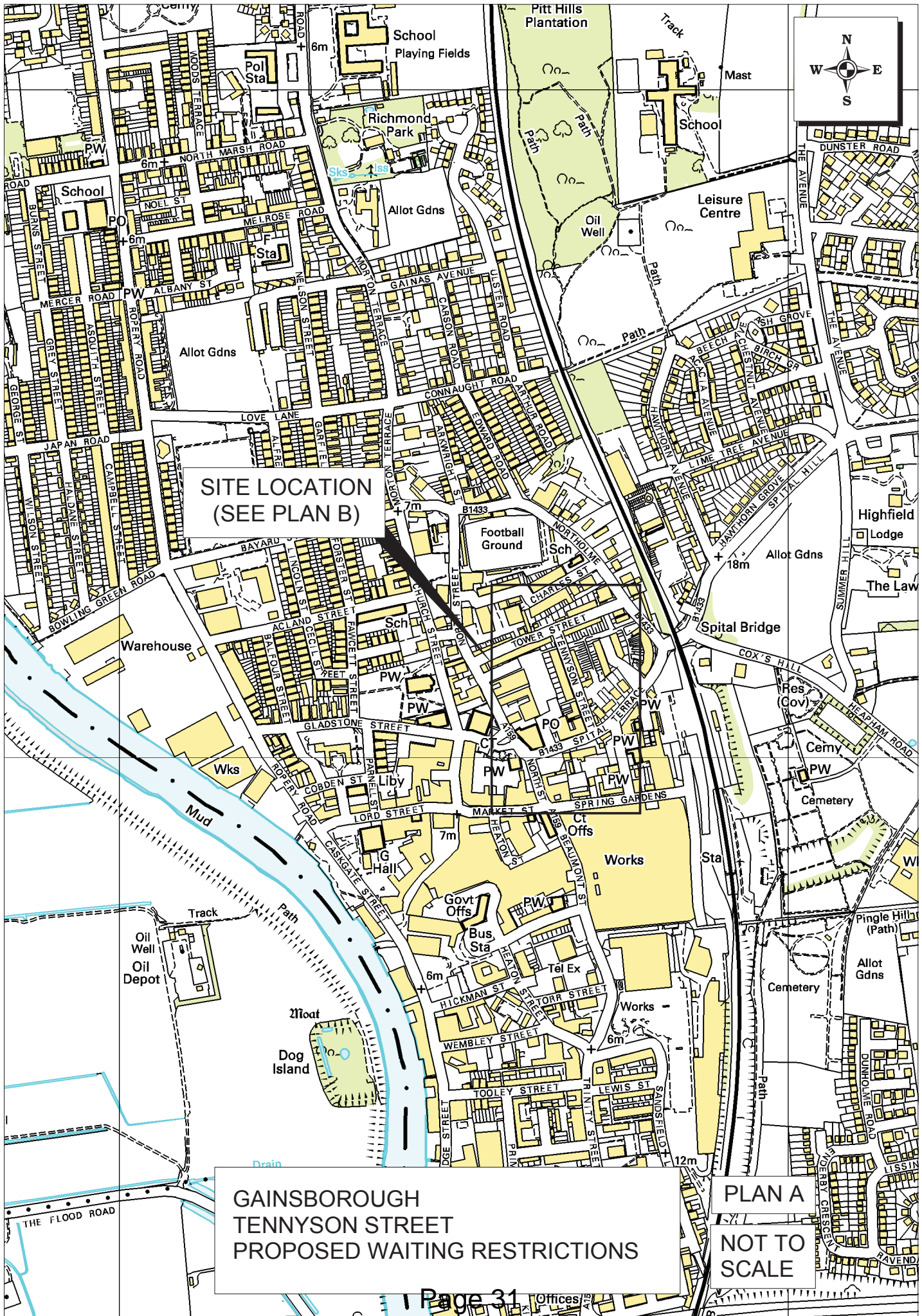
Appendix A	Plan A
Appendix B	Plan B

Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Paul Brookes, who can be contacted on 01522 553036 or paul.brookes@lincolnshire.gov.uk.

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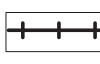
SITE LOCATION
(SEE PLAN B)

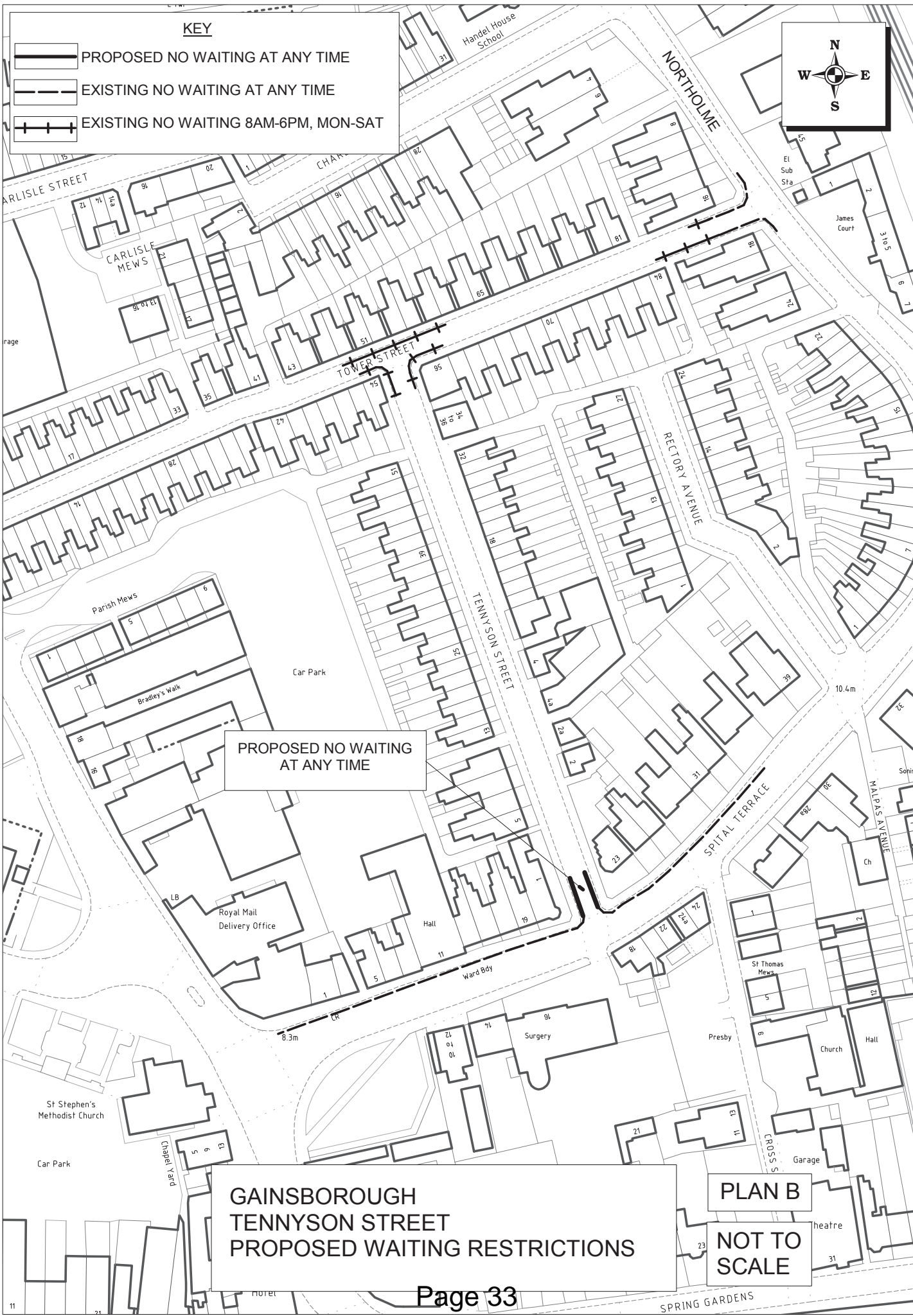
GAINSBOROUGH
TENNYSON STREET
PROPOSED WAITING RESTRICTIONS

PLAN A
NOT TO SCALE

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KEY

-  PROPOSED NO WAITING AT ANY TIME
-  EXISTING NO WAITING AT ANY TIME
-  EXISTING NO WAITING 8AM-6PM, MON-SAT



PROPOSED NO WAITING AT ANY TIME

GAINSBOROUGH
TENNYSON STREET
PROPOSED WAITING RESTRICTIONS

PLAN B
NOT TO SCALE

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Report Reference:
Regulatory and Other Committee

Open Report on behalf of Richard Wills

Report to:	Planning and Regulation Committee
Date:	4 December 2013
Subject:	Denton to Skillington, The Drift/Viking Way - Proposed Prohibition of Driving Order

Summary:

This paper updates the Committee on progress since approval was given to consult to permanently prohibit all motorised vehicles from using this length of road for all of the year rather than the seasonal closure.

Recommendation(s):

It is recommended that the Committee consider the options outlined in Section 3 and that it determines which of these options should be implemented under Section 22(1) (viii) of the Road Traffic Regulations Act.

1. Background

1.1 The Drift is an ancient highway that follows the boundary between Lincolnshire and Leicestershire. It also forms part of the long distance footpath known as The Viking Way. A section of The Drift between the A607 and Saltby airfield passes through King Lud's Entrenchment which, together with The Drift in this area, forms part of a Site of Special Scientific Interest (SSSI).

1.2 The Drift / Viking Way SSSI in this location was designated because it is one of the best remaining examples of limestone grassland in Lincolnshire.

1.3 Sections of this area had, in the past, deteriorated with a suggestion that this had been caused by the use of motorised vehicles. Following discussions with Natural England and Lincolnshire Wildlife Trust, an extensive scheme of restoration works was undertaken. Works included removal of areas of scrub, felling of some trees and re-establishing the calcareous grasslands. This was in accordance with Lincolnshire County Council's duties under the Wildlife & Countryside Act, that is, to take reasonable steps to further the conservation and enhancement of Sites of Special Scientific Interest.

1.4 To enable this restoration to take place the removal of all vehicles using this route was required. Accordingly, an 18 month temporary Traffic Regulation Order (TRO) was introduced for this purpose and included the installation of large tree trunks across the relevant accesses to The Drift / Viking Way to physically stop vehicles gaining entry.

1.5 Following the end of this period it was considered that the introduction of a seasonal Prohibition of Driving Order would be the most appropriate solution for this area as it would enable the SSSI to be maintained but yet be open to all users for part of the year.

1.6 It was therefore decided to consult on a proposal to prohibit all vehicles on The Drift / Viking Way from the A607 near Denton at Hill Top Farm southwards to Saltby Airfield near Skillington, a distance of about 3.8km (2.25 miles). The closure was to be in place from 1st October to 31st March annually, with the road open to all vehicles in the intervening times.

1.7 Full consultations on this proposal commenced in August 2011 with the public advertisement being displayed on site from 23rd September to 21st October 2011. During this time 65 objections and comments were received and after consideration of these it was decided to re-propose the scheme with two minor revisions. These were to change the dates in which the order is in force to 1st November to 30th April and to exempt motorcyclists from the order.

1.8 Consultations then took place on this revision scheme from 4th January 2012 to 1st February 2012 and the public advertisement ran from 10th February 2012 to 9th March 2012. Three objections were received during these periods and following a report to the Planning and Regulation Committee in April 2012 it was decided to overrule the objections and implement the order.

1.9 Following meetings with senior officers from both Lincolnshire County Council and Natural England due to further damage being caused by motorised vehicles to the SSSI, it was decided to consult on a fresh proposal to ban all motorised vehicles from using this stretch of the Viking Way. This would mean that the road could be used by walkers, horses, horse and carriages, and bicycles throughout the year but not the more potentially damaging 4x4 recreational vehicles.

2. Consultations

2.1 Consultation Process

2.1.1 Statutory consultations on this revised scheme took place between 22nd February and 28th March 2013, and a paper was brought before this Committee on the 15th July 2013 (agenda item 5.5) to gain approval for this proposal to be publicly advertised. This was agreed and subsequently the proposal was publicly advertised on site between 6th September and 4th October 2013.

2.1.2 Sixteen responses were received during the consultation phase and 20 were received from the public advertisement stage.

2.2 Objections Received

The Green Lane Association (GLASS) have raised several points:

2.2.1 They would like the seasonal ban trialled with Lincolnshire County Council having the authority to close the road in wet weather and only open it when the highway could withstand motorised traffic again. They state orders of this nature are in place in Bedfordshire and Cambridgeshire and work effectively.

2.2.2 They also state that whilst Lincolnshire County Council (LCC) has a duty to conserve and enhance the SSSI, it also has a duty to maintain the highway for the ordinary traffic which they believe LCC has failed to do.

2.2.3 They believe that the trackway of The Drift in this area is not a natural surface and cannot be a SSSI and therefore Lincolnshire County Council should have been aware of this and should have excluded the trackway when the original order for the SSSI was made. They believe that this exclusion could mean that the area should be maintained to an appropriate standard for the motorised traffic which uses the highway.

2.2.4 They believe that The Drift is only part of the SSSI and that the rest of the site has not been subject to clearance and reseeding.

2.2.5 They state that other highways in areas of calcareous grassland have sustainable trackways or tarred roads with protected verges such as Byards Leap.

2.2.6 They have suggested that a permit scheme could be introduced to allow controlled use of the area by members of specified clubs who would be responsible for policing it.

2.2.7 GLASS believe that the introduction of the TRO would lead to a great loss to greenlaners nationally and that a permanent order should only be used in exceptional circumstances when other management strategies have been tried and failed.

2.2.8 Leicestershire & Rutland Land Rover Club believe that the proposal is unfair to all motorised users. They would support a seasonal TRO between November and April.

2.2.9 The Land Access and Recreation Association (LARA) are concerned about the all year prohibition of motors on this lane. They state that this route is very important to them and that the right balance between highway use and conservation is vital.

2.2.10 The Association of Land Rover Clubs has similarly objected as they believe this lane is a valuable means of access to the countryside for recreational vehicle

drivers. They also want a reasonable balance between the use of the highways and its conservation with appropriate traffic management measures.

2.2.11 One objector would like to leave the route open to all vehicles but closed for walkers, horse riders, and cyclists. He would like the road to be a dedicated route for motor enthusiasts.

2.2.12 Another respondent has objected as he believes it is victimisation against motorcyclists.

2.2.13 A further objector would like extra fencing installed to stop users from deviating from the designated route. He would also like to see motorcycles exempt from the order.

2.2.14 The Trial Riders Fellowship would support the banning of all vehicles over 500kg and with more than 2 wheels.

2.2.15 A different objector would be happy for seasonal restrictions but would like all vehicles over 150kg and more than 2 wheels banned.

2.2.16 Sixteen respondents all objected stating that they would like to see motorcycles exempt from the order.

2.3 Comments Received

2.3.1 A letter not objecting to the proposal was received from Denton Parish Council.

2.3.2 Letters supporting the proposal were received from Skillington Parish Council, Lincolnshire Wildlife Trust, and the Hungerton Estate.

2.3.3 Lincolnshire Wildlife Trust have also submitted a petition supporting this proposal. This petition is supporting a permanent all year ban of all motor vehicles and has received 519 signatures.

2.3.4 Natural England have stated that they strongly support the proposal. They believe that the proposal is essential to protect the SSSI and the species-rich grassland along its length. They have stressed that the existing restoration of The Drift will not be successful if the lane remains open to motor traffic.

2.3.5 A local farmer has commented that he needs to be able to cross The Drift at certain points.

2.3.6 The British Horse Society and also the Poacher Harness Club support the order providing there is provision for horse and carriage drivers as they are worried that the tree trunks would prevent them from gaining access. They recommend other means of blocking access.

3. Conclusion

3.1 There are two feasible options for the Committee to consider. The first is to implement a total ban for all motorised vehicles; this would include motorcycles. This is the solution that Natural England strongly recommends we implement. Implementing this option would ensure that Lincolnshire County Council is taking all reasonable steps to comply with its duties under the Wildlife And Countryside Act and Section 22(1)(viii) but would be in conflict with its duty to protect the rights of the Highway user, as required in the Highway Act 1980.

3.2 Any Prohibition of Driving Order imposed on this area of The Viking Way would have to legally leave enough access of sufficient width to allow for horses and carriages to use. It is considered however to be extremely difficult to install any obstruction that would effectively deter motorcyclists whilst allowing these horse driven carriages to pass.

3.3 A second option to allow the use by motorcycles which would satisfy some of the objections and remove the need to implement onerous access constraints (that may not be effective in any event) should be considered.

3.4 This compromise would allow walkers, bicycles, horses, horse driven carriages and motorcycles to continue to use the lane whilst banning the larger 4x4 motorised vehicles which, from previous site inspections / visits, are considered to have caused the greatest damage to this important SSSI. Natural England does not however support this compromise proposal.

3.5 It is suggested that if the committee is minded to approve this second option it should be reviewed after twelve months to assess if it has been effective in significantly reducing the damage to this section of highway. A further report would be brought to Planning and Regulation for further consideration and determination of a change to the permanent proposal if deemed necessary.

3.6 Whichever option is approved, Lincolnshire County Council will continue working with Natural England to enhance this SSSI area.

Policy Proofing Actions Required

N/A

Appendices

These are listed below and attached at the back of the report	
Appendix A	Committee Paper from 15 July 2013
Appendix B	Minutes of Planning and Regulation Committee Meeting of 15 July 2013
Appendix C	The Drift/Viking Way Map
Appendix D	The Drift/Viking Way Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Report to Planning and Regulation Committee 10 April 2012: Denton to Skillington, The Drift/Viking Way - Proposed Prohibition of Driving Order	Committee Records
Minutes of Planning and Regulation Committee Meeting of 10 April 2012	Committee Records

This report was written by Brian Thompson, who can be contacted on 01522 782070 or lcchighwayswest@lincolnshire.gov.uk.

Regulatory and Other Committee

Open Report on behalf of Richard Wills

Report to:	Planning and Regulation Committee
Date:	15 July 2013
Subject:	Denton to Skillington, The Drift/Viking Way - Proposed Prohibition of Driving Order

Summary:

This paper updates the Committee on progress since approval was given to implement a seasonal prohibition of driving order on a section of the Viking Way near Denton. It also recommends an all year round prohibition order is needed to ensure the Council's duties under the Wildlife and Countryside Act are discharged.

Recommendation(s):

It is recommended that approval is given to consult to permanently prohibit all motorised vehicles from using this length of road for all of the year rather than the seasonal closure. This will be under Section 22(1) (viii) of the Road Traffic Regulations Act.

Background

A report was considered by this Committee on the 10th April 2012 (copy attached), which approved that a seasonal Prohibition Order, operational between 1 October to 31 March, should be implemented on this section of the Viking Way. Committee also requested that an update paper should be presented to this Committee in the summer 2013.

Works undertaken over the past year whilst the closure has been in place are as follows:

- Memorandum of Agreement signed by LCC and Natural England to work together in respect of the restoration of The Drift Site of Special Scientific Interest (SSSI)
- Removal of fly tipping (continuous process) undertaken by SKDC

- Spot spraying of all negative indicator species of plants– undertaken in August 2012
- Hay cutting undertaken in July 2012
- Removal of some scrub
- Erection of legal signs to prevent unauthorised vehicle access
- The Drift SSSI is now a local Police Priority to prevent unauthorised vehicle usage and damage to the SSSI
- Filling in of gaps within the hedgerows and back fencing barriers to prevent damage by motorised vehicles (grant funded by Natural England £20,000)

During the six month 'open' season, April 2012 – October 2012, major damage was being caused by 4x4 and off road vehicles. It should be noted that during this time rainfall was exceptionally high with saturated ground conditions. This resulted in us implementing an emergency closure order in order to protect the SSSI, in accordance with our duties under the Wildlife and Countryside Act. This requires LCC to take reasonable steps to further the conservation and enhancement of a SSSI and to assist Natural England in achieving the Government's Biodiversity 2020 targets in ensuring that sites assessed as 'recovering' (such as The Drift) maintain progress towards favourable conditions.

Conclusion

Following the successful works undertaken to date with the temporary closure, and taking into consideration that the permanent open/closure arrangement has failed to protect this important SSSI, it is requested that approval is given to consult to permanently prohibit all motorised vehicles from using this length of road for all of the year rather than the seasonal closure. This will be under Section 22(1) (viii) of the Road Traffic Regulations Act

Consultation

a) Policy Proofing Actions Required

N/A

Appendices

These are listed below and attached at the back of the report	
Appendix A	Committee Paper from 10 April 2012
Appendix B	Minutes of Planning and Regulation Committee Meeting of 10 April 2012

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Report to Planning and Regulation Committee 10 April 2012: Denton to Skillington, The Drift/Viking Way - Proposed Prohibition of Driving Order	Committee Records

This report was written by Brian Thompson, who can be contacted on 01522 782070 or lcchighwayswest@lincolnshire.gov.uk.

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Extract of Minutes from Planning and Regulation Committee on 15 July 2013

28 DENTON TO SKILLINGTON, THE DRIFT/VIKING WAY - PROPOSED PROHIBITION OF DRIVING ORDER

Brian Thompson presented a progress report since approval was given to implement a seasonal prohibition of driving order on a section of the Viking Way near Denton. The report recommended an all year round prohibition order was needed to ensure the Council's duties under the Wildlife and Countryside Act were discharged.

In response to comments by the Committee officers stated that the proposed prohibition of driving order affected all motorised traffic, that it would still be open for walkers and cyclists and that there was a need to protect the SSSI.

A motion by Councillor T M Trollope-Bellew that this section of the Viking Way should remain open for motorised traffic during the Summer months and closed during the Winter, was not seconded.

On a motion by Councillor I G Fleetwood, seconded by Councillor D Brailsford, it was

—

RESOLVED (11 votes for, 1 against)

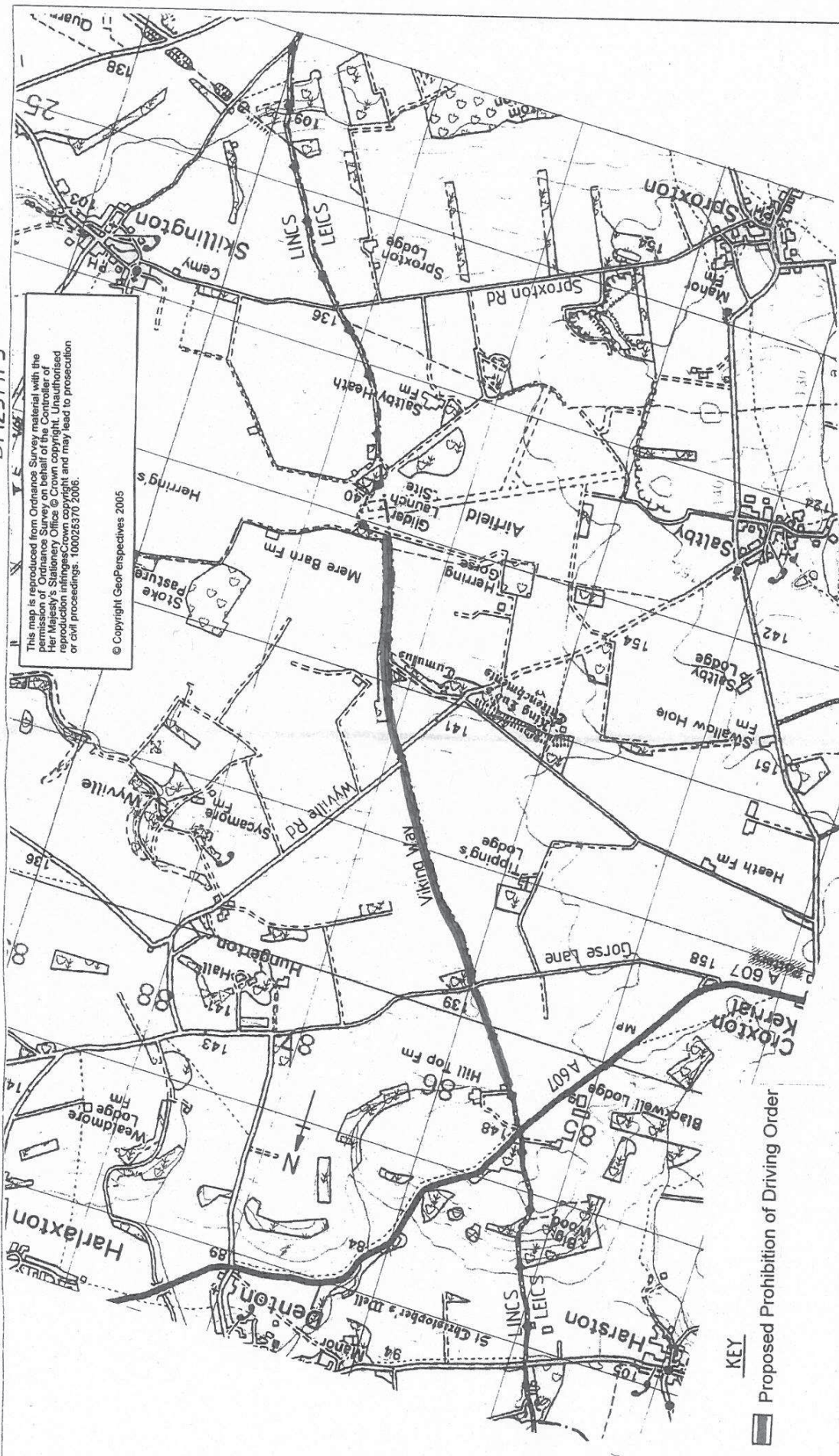
That, under Section 22(1) (viii) of the Road Traffic Regulations Act, approval be given to consult to permanently prohibit all motorised vehicles from using this length of road for all of the year rather than the seasonal closure and that any objections be considered by the Committee.

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KEY

Proposed Prohibition of Driving Order

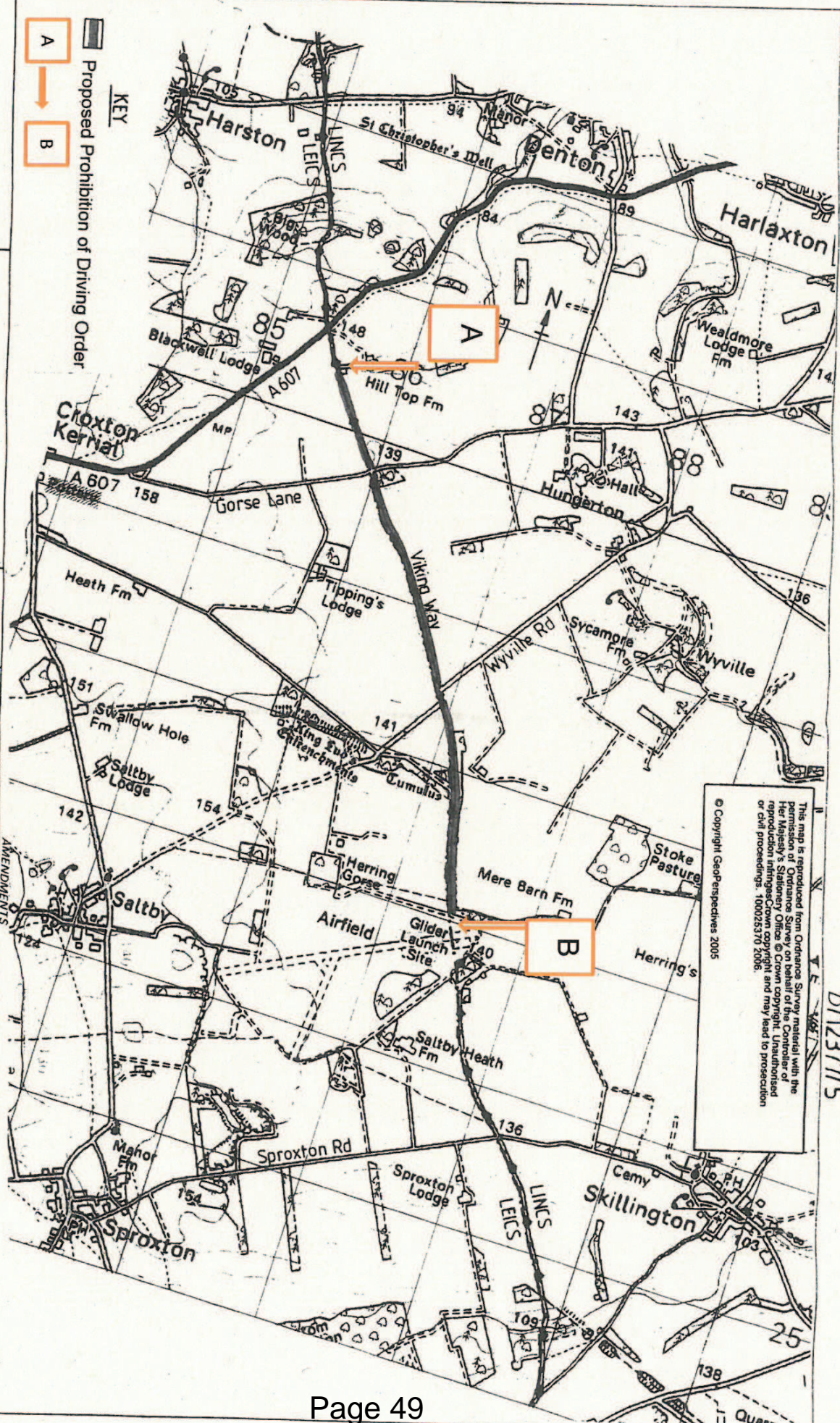
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<p>HIGHWAYS AND PLANNING DIRECTORATE B THOMPSON DIVISIONAL HIGHWAYS MANAGER SOUTH KESTIVEN AND SLEAFORD DIVISION COUNTY OFFICES ANNEX C, EASTGATE SLEAFORD NG34 7EB</p>							
<p>Lincolnshire COUNTY COUNCIL</p>							
<p>Denton to Skillington Viking Way Proposed Prohibition of Driving Order</p>							

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
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KEY

Proposed Prohibition of Driving Order

A 

B 

Lincolnshire

COUNTY COUNCIL

HIGHWAYS AND PLANNING DIRECTORATE
 B THOMPSON
 DIVISIONAL HIGHWAYS MANAGER
 SOUTH KESTEVEN AND SLEAFORD DIVISION
 COUNTY OFFICES
 ANNEX C, EASTGATE
 SLEAFORD NG34 7EB

SCALE
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FILE	CORR.	BY	DATE
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AMENDMENTS

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Denton to Skillington
 Viking Way
 Proposed Prohibition of Driving Order

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Agenda Item 4.5



Regulatory and Other Committee

Open Report on behalf of Paul Coathup, Assistant Director, Highways and Transportation

Report to:	Planning and Regulation Committee
Date:	02 December 2013
Subject:	Traffic Regulation Orders – Progress Review

Summary:

This report informs the Committee of the position on all current Traffic Regulation Orders (Schedules 1-4) and petitions received since the last meeting (Schedule 5).

Recommendation(s):

That the report be received and the receipt of petitions be noted.

1. Background

N/A

2. Conclusion

N/A

3. Consultation

N/A

a) Has the Local Member Been Consulted?

N/A

b) Policy Proofing Actions Required

N/A

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Schedule 1 East Division
Appendix B	Schedule 2 North Division
Appendix C	Schedule 3 South Division
Appendix D	Schedule 4 West Division
Appendix E	Schedule 5 Petitions that have been

	received since the last meeting
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5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report

This report was written by Alan Aistrup, Paul Little, Satish Shah and Brian Thompson and who can be contacted on 01522 782070 or highways@lincolnshire.gov.uk.

SCHEDULE 1

EAST LINDSEY HIGHWAYS DIVISION

PARISH	LOCATION	TYPE	PREVIOUS POSITION	PRESENT POSITION
1. Alford	South Market Place	Waiting and Driving Restrictions	Advert 07/08/13 – 04/09/13	Operative date to be arranged
2. Coningsby	B1192	30mph Speed Limit	Consulting	To be advertised
3. Coningsby	School Lane	Waiting Restrictions	Consulting	To be advertised
4. East Kirkby	A155	50mph Speed Limit	Operative date to be arranged	As previous
5. Frithville / Sibsey	B1184	50mph Speed Limit	Objections to be reviewed	As previous
6. Fulstow	Various Roads	Weight Restriction	Consulting	Advert 02/12/13 – 10/01/14
7. Grimoldby	Various Roads	Prohibition of Motor Vehicles	Representations being reviewed	Operative date to be arranged
8. Great Steeping/Firsby	B195	50mph Speed Limit	Consulting	As previous
9. Haltham	A153	50mph Speed Limit	Consulting	To be advertised
10. Hannah/Markby	A1111	40mph Speed Limit	Advert 02/10/13 – 30/10/13	Objections to be reviewed
11. Holton le Clay	Louth Road	30mph Speed Limit	Advert 09/09/10 – 07/10/13	Operative date to be arranged
12. Langrick	B1184	50mph Speed Limit	Consulting	As previous
13. Louth/Keddington	A16	50mph Speed Limit	Consulting	As previous
14. Louth	Nicholl Hill / Vickers Lane	Waiting Restrictions	Consulting	As previous
15. Louth	Wellington Street	Waiting Restrictions	On Hold (CPE)	As previous
16. Ludford	A631	30 and 50mph Speed Limits	Operative date to be arranged	Operative 23/12/13
17. Mablethorpe	High Street	Waiting Restrictions	On hold (CPE)	Advert 13/11/13 – 11/12/13
18. Mareham le Fen	A155	50mph Speed Limit	Consulting	As previous
19. Revesby	A155/B1183	50mph Speed Limit	Consulting	As previous
20. Skegness	Allenby Way	Waiting Restrictions		Advert 20/11/13 – 18/12/13
21. Skegness	Cavendish Road	Waiting Restrictions	Consulting	As previous
22. Skegness	Cavendish Road	Traffic Calming	Consulting	As previous
23. Spilsby	Queen Street	Waiting Restrictions	Consulting	As previous

PARISH	LOCATION	TYPE	PREVIOUS POSITION	PRESENT POSITION
24. Sutton on Sea	York Road / Broadway	Waiting Restrictions	On hold (CPE)	As previous
25. Theddlethorpe	Various Roads	Speed Limit Review	Operative date to be arranged	As previous
26. Thornton le Fen / Gipsey Bridge	B1184	50mph Speed Limit	Consulting	As previous
27. Ulceby	A1028	30mph and 50mph Speed Limits		Advert 27/11/13 – 08/01/14
28. Utterby / Ludborough	Barton Street	Experimental One-Way Traffic		Consulting
29. Welton le Marsh / Willoughby	B196	50mph Speed Limit	Consulting	As previous
30. West Keal	A155	50mph Speed limit	To Be Advertised	As previous
31. Wragby	Market Place	Alteration to Pedestrian Crossing	Operative date to be arranged	As previous
32. Yarburgh	Various Roads	30mph Speed Limit	Operative date to be arranged	Operative 16/12/13

SCHEDULE 2

GREATER LINCOLN & GAINSBOROUGH HIGHWAYS DIVISION

PARISH	LOCATION	TYPE	PREVIOUS POSITION	PRESENT POSITION
1. Bardney	Horncastle Road	Waiting Restrictions and Bus Stop	Consulting	As previous
2. Bassingham and Carlton le Moorland	Lincoln Road/ Carlton Road	Footway / Cycletrack	Operative date to be arranged	As previous
3. Bigby	A1084 Brigg to B1434 junction	50mph speed limit	Consulting	As previous
4. Bleasby Moor	Village Roads	30mph Speed Limit		Consulting
5. Blyborough	Westbeck Lane	30mph Speed Limit		Advert 28/11/13 – 09/01/14
6. Gainsborough	Gladstone Street and Parnell Street	Taxi Ranks		See report to this meeting
7. Gainsborough	Tennyson Street	Waiting Restrictions		See report to this meeting
8. Gainsborough	The Avenue	40mph speed limit	Consulting	To be advertised
9. Gainsborough	Heapham Road South	40mph speed limit	Consulting	To be advertised
10. Glentworth	St Georges Hill	One Way Traffic	Consulting	As previous
11. Heighington	Station Road	30mph Speed Limit		Advert 12/12/13 – 16/01/14
12. Hemswell Cliff	A631	50mph Speed Limit		Consulting
13. Holton cum Beckering	Village roads	30/40mph speed limit	Operative date to be arranged	Operative 01/11/13
14. Kirmond le Mire	Village roads	40mph speed limit	Operative date to be arranged	As previous
15. Lincoln	Brayford Wharf East	One-way traffic/ Footway/Cycletrack conversion/contraflow cycle lane / Revocation of right turn ban	Operative date to be arranged	As previous
16. Lincoln	High Street	Waiting Restrictions		Advert 14/11/13 – 12/12/13
17. Lincoln	High Street	Street Café (Starbucks)	Objections to be reviewed	As previous
18. Lincoln	Nettleham Road Nursery Grove	Waiting Restrictions	Advert 19/09/13 – 17/10/13	Objections to be reviewed

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PARISH	LOCATION	TYPE	PREVIOUS POSITION	PRESENT POSITION
19. Lincoln	Newark Road/Brant Road/Rookery Lane/Hykeham Road	Waiting Restrictions and Footway/ Cycletrack Conversions	Operative date to be arranged	Operative 19/07/13
20. Lincoln	Wragby Road	Waiting Restrictions	Re-consulting	Operative 12/12/13
21. Linwood	Village roads	40mph speed limit	Operative date to be arranged	Operative 25/11/13
22. Lissington	Village roads	40mph speed limit	Operative date to be arranged	As previous
23. Metheringham	Drury Street	30mph speed Limit		Advert 12/12/13 – 16/01/14
24. North Hykeham	Station Road	Revocation of Waiting Restrictions		Advert 21/11/13 – 19/12/13
25. North Hykeham	Whisby Road/Station Road	Cycleways and Pedestrian Crossings	Operative date to be arranged	As previous
26. Odder	Saxilby Road	30mph Speed Limit		Advert 12/12/13 – 16/01/14
27. Saxilby	A57 / Mill Lane	30mph, 40mph and 50mph Speed Limits	Operative date to be arranged	As previous
28. Scampton	Village Roads	30mph Speed Limit	Advert 31/10/13 – 28/11/13	As previous
29. Welbourn	Low Lane	One-way traffic		Advert 14/11/13 – 12/12/13
30. Welton	Lincoln Road	Bus Stop Facilities	Operative date to be arranged	As previous

SCHEDULE 3

BOSTON & SOUTH HOLLAND HIGHWAYS DIVISION

PARISH	LOCATION	TYPE	PREVIOUS POSITION	PRESENT POSITION
1. Boston	Bank Street	Prohibition of Driving	Objections to be reviewed	As previous
2. Boston	Fishtoft Road	Waiting Restrictions	Consulting	As previous
3. Boston	Market Place	Review of Waiting Restrictions	Consulting	As previous
4. Boston	Strait Bargate	Street Cafe	Objections to be reviewed	As previous
5. Boston	Fountain Lane	Street Cafe	Objections to be reviewed	As previous
6. Deeping St Nicholas	Littleworth Drove	40mph Speed Limit		Advert 17/10/13 – 14/11/13
7. Fleet	B1515	50mph Speed Limit	Advert 01/10/13 – 29/10/13	Operative 11/12/13
8. Gedney	Kingsgate/B1359	40mph Speed Limit	Operative date to be arranged	Operative 02/12/13
9. Kirton	Willington Road	Waiting Restrictions	As previous	As previous
10. Moulton Eaugate	B1165 Randall Bank	40mph Speed Limit	Consulting	Operative date to be arranged
11. Spalding	Spalding Common – B1172	40mph Speed Limit	Consulting	Advert 17/10/13 – 14/11/13
12. Spalding	B1356	30mph Speed Limit	Consulting	Advert 17/10/13 – 14/11/13
13. Surfleet	B1356	30mph and 50mph Speed Limits	Consulting	Advert 17/10/13 – 14/11/13
14. Sutterton	A17	Derestriction	Consulting	As previous
15. Sutton St James	B1390	50mph Speed Limit	Consulting	To be advertised
16. Sutton St James	B1165	50mph and 40mph Speed Limits	Consulting	To be advertised
17. Whaplode	B1165	50mph Speed Limit	Consulting	To be advertised
18. Whaplode	B1168	50mph Speed Limit	Consulting	As previous
19. Wyberton	Various Roads	30mph Speed Limit	Consulting	As previous
20. Wyberton / Frampton / Kirton	B1397	Shared Footway / Cycletrack	Advert 25/09/13 – 23/10/13	Operative date to be arranged

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SCHEDULE 4

SOUTH KESTEVEN AND SLEAFORD HIGHWAYS DIVISION

PARISH	LOCATION	TYPE	PREVIOUS POSITION	PRESENT POSITION
1. Grantham	Harrowby Road (St Annes School)	Pedestrian Crossing	Re-consulting	As previous
2. Grantham	Market Place	Street Cafe		See report to this meeting
3. Grantham	Wharf Road	Waiting Restrictions	Advert 02/10/13 – 30/10/13	Operative date to be arranged
4. Grantham / Manthorpe	A607	Shared Footway / Cycleway		Advert 01/11/13 – 29/11/13
5. Heckington	Sleaford Road	Stopping Up	With Legal Services	As previous
6. Langtoft	A15 and West End	Waiting Restrictions		Advert 19/12/13 – 23/01/14
7. Market Deeping	Halfleet	Waiting Restrictions	Objections to be reviewed	As previous
8. Northorpe	A15	40mph and 50mph Speed Limit		Advert 08/11/13 – 06/11/13
9. Sleaford	King Edward Street / Castle Causeway	Waiting Restrictions	Consulting	As previous
10. Sleaford	London Road	Waiting Restrictions	Consulting	As previous
11. Sleaford	Millfield Terrace	Waiting Restrictions	Consulting	As previous
12. Sleaford	Mareham Lane	Waiting Restrictions	Consulting	As previous
13. Sleaford	Tamar Road	Waiting Restrictions	Consulting	As previous
14. Stamford	Barnack Road	Waiting Restrictions	Advert 13/09/13 – 11/10/13	Objections to be reviewed
15. Stamford	Barnack Road	30mph Speed Limit Extension	Consulting	As previous
16. Stamford	Casterton Road	Footway / Cycletrack	Operative date to be arranged	As previous

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	PARISH	LOCATION	TYPE	PREVIOUS POSITION	PRESENT POSITION
17.	Stamford	Ryhall Road	Footway / Cycletrack	Operative date to be arranged	As previous
18.	Stamford	Sydney Farm Lane	Pedestrian Crossing	Operative date to be arranged	As previous
19.	Stamford	Various Roads	Residents Parking Scheme	Awaiting District Council Decision	As previous

SCHEDULE 5

The following petitions have been received since the last meeting. They have been acknowledged and will be dealt with in the normal manner.

PARISH	LOCATION	PETITION FOR
Algakirk	A17	Request for low noise surfacing
Faldingworth	High Street	Request for bollards
Grantham	Mulberry Chase	Request for completion of development roads
Market Deeping	Stamford Road	Request for Residents Parking
Market Rasen	Rase Lane	Request for adoption
Metheringham	Main Village Road	Request for Pedestrian Crossing
Whaplode	Westmoreland Road	Parking Restrictions



Regulatory and Other Committee

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	4 December 2013
Subject:	County Matter Application - (E)S186/1583/13

Summary:

Supplementary Report

Planning permission is sought by R.H-J (Farms) Ltd (Agent: Robert Doughty Consultancy Ltd) for a proposed Anaerobic Digestion Plant at Grange Farm, Fen Road, Toynton St Peter, Spilsby.

Recommendation:

Following the site visit on 25 November 2013 and in consideration of the relevant development plan policies, and the comments received through consultation and publicity, it is recommended that conditional planning permission be granted.

The Application

1. At its meeting on 4 November 2013, the Planning and Regulation Committee considered an application to site an Anaerobic Digestion (AD) plant at Grange Farm, Fen Road, Toynton St Peter, Spilsby. Following discussion on the application, Councillors resolved to undertake a site visit on 25 November 2013.
2. A copy of the detailed report on this application is attached hereto as Appendix B.
3. At the meeting on 4 November 2013, Committee Members requested further information and details in relation to the following: the access track; the movement of the slurry and waste around the site; identification of where the feed stock would come from; the treatment of surface water and potentially contaminated water at the site and; the removal of 60ha of land from food production.

Site Access Track

4. Committee Members expressed concerns about the suitability and condition of the proposed access track to serve the development. In particular, these concerns related to the potential for mud to be deposited on Fen Road from the track. The applicant has since confirmed that the access track is within their ownership and, notwithstanding this planning application, it is intended to resurface the access track with concrete to Fen Road.
5. It is considered that a condition, requiring details of the surface of the access point to Fen Road addressed by a planning condition attached to any permission granted.

Movement of feedstock

6. The slurry would be transported around the farm (and from the surrounding farms) by a tractor and trailer for the muck, and a tractor and bowser for the slurry. This would be no different from the existing situation, whereby slurry is stored in lagoons around the wider farm site and muck on the sides of the fields. The applicant has confirmed that there would be no HGV's involved in the operation.
7. A plan identifying the location of the farms, from where the feedstock would be sourced, is hereto attached as Appendix C. The furthest distance that feedstock would come from would be the maize from 40ha of land at Hall Farm, Raithby. This is approximately 5.7km to the north of the site and would be transported by tractor and trailer on the main highway, during the harvest period.

Surface Water

8. The Committee raised concerns in relation to surface water drainage and the potential for contaminated surface water run-off. Attention is drawn to Paragraph 19(f) of Appendix B, which reports the comments of the Environment Agency and details a number of conditions they require to prevent pollution from contaminated water and surface water run-off. These conditions include that the digester tanks should have a butyl liner and leak detection system, and for all areas where waste is to be stored and treated, including the silage clamp, to be surfaced with an impermeable pavement incorporating a sealed drainage system. The report makes recommendations for these requested conditions to be included as part of the decision, and it is considered that the imposition of these conditions would address any concerns relating to potentially contaminated surface water run-off.

The removal of agricultural land from food production

9. Councillors expressed concerns about the proposed 60 ha of land that would be used to grow the maize feed stock and thereby taken out of agricultural food production. The applicant has confirmed that 40 ha of the total area would be at Hall Farm, Raithby which is approximately 5.7km to the north of the site area and the remaining 20 hectares would be grown immediately adjacent to the AD plant site.
10. The applicant has stated that the land at Raithby is relatively poor quality (grade 3), and would be used exclusively for growing maize. In 2012 some of the land was used for linseed (biofuel), it is very sandy and does not hold moisture well. There was a very poor yield from the linseed and barley crop grown last year, due to the crop maturing early through poor moisture levels in the soil. The applicant argues that maize would be an ideal crop as it is drought resistant and would thrive on the sandy soils at Hall Farm.
11. The applicant submits that the amount of land given over to agricultural production in Lincolnshire is 484,219 hectares and the applicants 60 ha is equivalent to 0.0124% of Lincolnshires' total and approximately 8% of his own arable production area.
12. The Government's approach in relation to the use of agricultural land for the production of crops for use in electricity generation is set out in the UK Bioenergy Strategy (2012). This document acknowledges the potential impacts of the loss of agricultural land for food production to facilitate the production of energy crops however, it concludes that it is not anticipated that there would be any significant conflicts with food production objectives. It also states that Government policy should aim to maximise opportunities for improving energy crop supplies sustainably and that ways of removing barriers to energy crop production should be explored. In addition to this the National Anaerobic Digestion Strategy and Action Plan (2011) sets out the Government's commitment to on-farm AD plants, as set out above.
13. No further representations have been received since the Committee Meeting on 4 November 2013.

RECOMMENDATIONS

It is recommended that the application is approved subject to the following condition, and those set out in the detailed report attached as Appendix B:

Condition

13. No development shall commence until further details relating to vehicular access to the public highway, including materials, specification of works and construction methods shall be submitted to the Waste Planning Authority for written approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

Reason

13. In the interests of the safety of the public highway and the safety of the users of the site.

Appendices

These are listed below and attached at the back of the report	
Appendix C	Farms Location Plan
Appendix B	Report Reference 8 to the Planning and Regulation Committee on 4 November 2013 relating to planning permission for an Anaerobic Digestion Plant at Grange Farm, Fen Road, Toynton St Peter, Spilsby

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S186/1583/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
Planning and Regulation Committee Meeting Minutes – 4 November 2013	Lincolnshire County Council website www.lincolnshire.gov.uk
UK Bioenergy Strategy (2012)	Department of Energy and Climate Change website www.gov.uk

This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

Appendix C

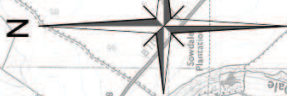
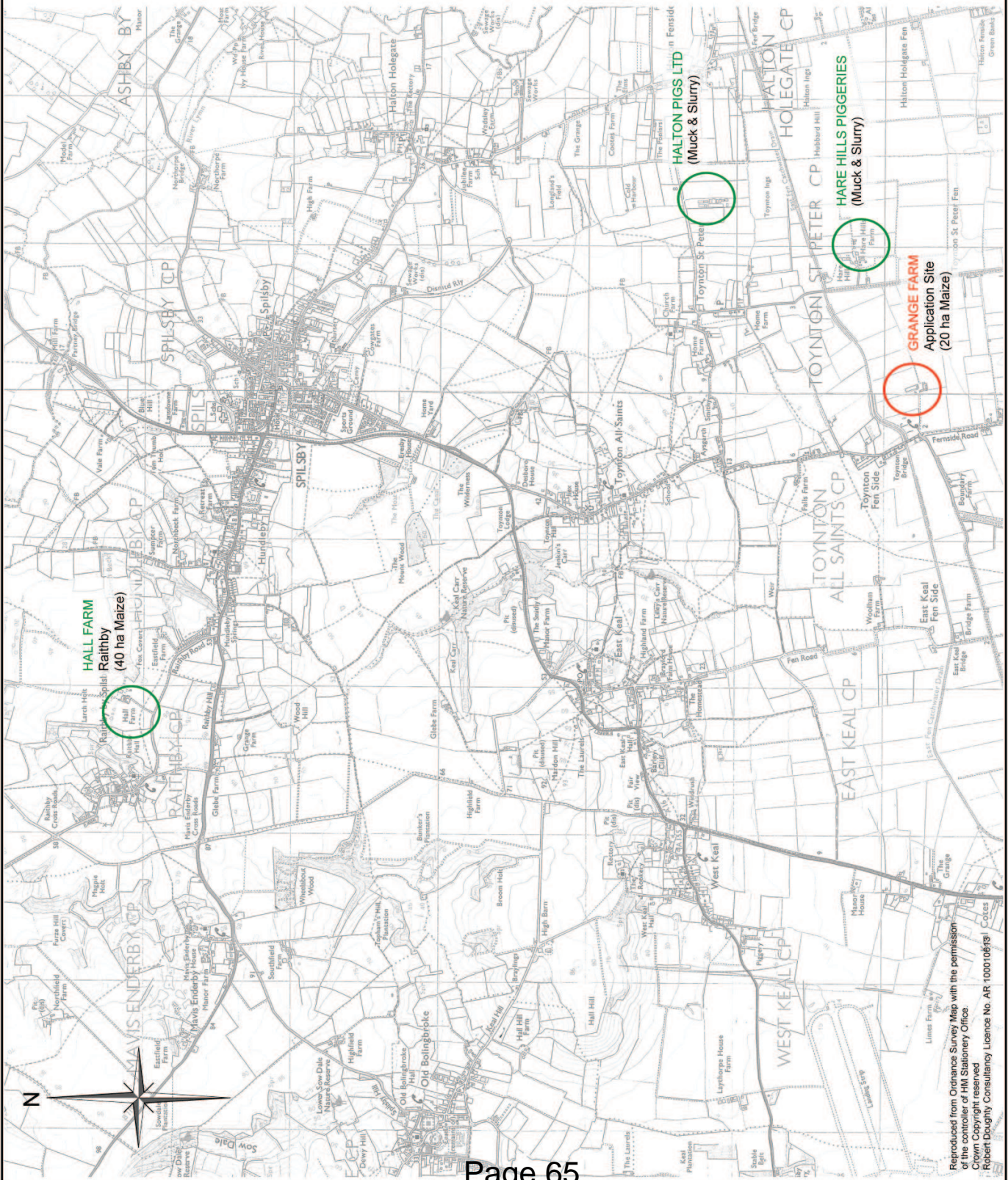
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Rev.	By	Notes	Date

Client	R.H.(Farms) Ltd.
Project	Anaerobic Digestion Plant - Grange Farm
Drawing title	Farms Location Plan
Drawing No.	1071-01-02
Rev.	AB
Date	11/11/13
Checked	LMS
Scale	1:25000 @ A3



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Regulatory and Other Committee

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	4 November 2013
Subject:	County Matter Application - (E)S186/1583/13

Summary:

Planning permission is sought by R H-J (Farms) Limited (Agent: Robert Doughty Consultancy Limited) for a proposed anaerobic digestion plant at Grange Farm, Fen Road, Toynton St Peter, Spilsby.

It is proposed to use pig slurry, animal bedding and purpose grown maize as feed stocks, from land in the applicant's ownership and nearby farms.

The main issues to be considered in the determination of this application are the visual impacts of the proposed development on its countryside location, highway safety and odour impacts.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

The Application

1. Planning permission is sought for an anaerobic digestion plant at Grange Farm, Fen Road, Toynton St Peter, Spilsby. The proposed plant would produce 250kW of electricity and 200kW of heat from the combustion of methane produced from the biological breakdown of maize, pig slurry and animal bedding.
2. The resultant electricity would be used by the farm or fed into the grid at the nearby connection point. The proportion of the heat that would be generated but not used in the digestion process may, depending on the financial implications, in the future be used at the nearby pig unit at Hare Hills Farm, which is in the ownership of the applicant.
3. The total feedstock proposed would be 13,500 tonnes consisting of 2,750 tonnes of maize, 3,750 tonnes of animal straw bedding/muck and 7,000

tonnes of pig slurry which would come from nearby farms, including Hare Hills Farm as follows:

- maize would be grown on approximately 60ha of farmland, owned by the applicant's company and would be stored in a clamp for use throughout the year. It would be sheeted to prevent oxidisation, which would reduce the energy value of the feedstock;
- the pig slurry would be brought direct to the site, from the applicant's own farm and a neighbouring farm, and stored in a reception tank prior to being pumped into the digestion tanks;
- straw muck and bedding is proposed to be brought from the same two farms and used in the process.

The Anaerobic Digestion (AD) Process

4. The straw muck would be macerated and the rest of the feedstock treated, heated and fed into the two digestion tanks. The breakdown of the feedstock would produce biogas (methane).
5. The gas would be transferred to the gas holder at 38°. It would be condensed and cooled in the gas holder where it would remain for up to five hours. Thereafter, it would be piped to the CHP spark engine to drive the engine and generate electricity. In the event that the CHP engine is down for maintenance, preventing the normal operation of the engine, the gas would be redirected to a water boiler and burned to heat the water. The resultant hot water would be pumped through the digester tank to maintain the necessary temperature (38-40°), which would prevent the need for gas flaring.
6. The digestion time would be approximately 46 days, which would allow for the feedstock to be fully broken down, releasing the maximum amount of methane for capture and subsequent combustion. The process would be monitored by telemetry and alarms built into the system, that would ensure that the process operates efficiently.
7. There would be 12,800 tonnes of digestate produced, which would be put through a separate process to produce 10,300 tonnes of liquid digestate and 2,500 tonnes of solid digestate. Both the liquid and solid elements would be used on the applicant's land as a fertiliser and soil improver. The fibrous material would be spread straight onto the land as fertiliser and soil improver. The liquid fraction could be spread straight onto the land or injected directly into it.
8. The AD plant would consist of the following elements:
 - two flat digesters which would be parallel to each other, approximately 8m apart. They would be a maximum of approximately 48m long, 6.3m wide and 1.5m high and would be sunk 2m into the ground, and

constructed from concrete. There would be a solids feeder and macerator and drainage pump at either end;

- a circular gas holder, which would be a maximum of approximately 5.6m high and 8.5m in diameter and painted dark green;
- Combined Heat and Power (CHP) and Process building. This would be approximately 10mx10m and a maximum of 7m high, with a pitched roof and constructed in green plastic coated profile tin sheeting;
- an existing slurry reception tank which is approximately 21.7m in diameter, and 4.8m high;
- a separator for the digestate, which would be a maximum of approximately 4.2m long, 3m wide and 5.6m high;
- a slurry reception tank which would be dark green and a maximum of approximately 8.5m diameter, and 5.6m high;
- there is an existing area of hardstanding which is approximately 36m x 13m;
- a silage storage bay which would be 41m by 13m and surrounded by a 4m high grey concrete wall which would drop to 3.5m in height.

Odour

9. The application states that the resultant digestate is stable and benign, as the anaerobic breakdown has effectively ceased. There would be no odour from the process, as the system has to be 'closed', in order to keep the oxygen out. Consequently, very little odour is produced and once the liquid and solid fractions have been separated out, they are ready to be applied to the land.
10. An odour management plan was submitted with the application, the main findings of which were:
 - the nature of the plug flow system allows for the four phases of the anaerobic digestion process to occur separately within the tank, this combined with the length of time in the plant results in a stable and benign digestate;
 - the proposed system would prevent hydrogen sulphate from being produced, which can produce a pungent odour;
 - the quality of the gas would be recorded once a week, as a minimum;
 - each independent dome on the digesters has its own isolation valve on the gas take-off pipe which would be closed in the event that the dome is removed, therefore ensuring that biogas is not released to the atmosphere.

Noise

11. In terms of noise, the process is largely silent as it is a biological rather than mechanical process. The gas engine would be located within a purpose made building that would have sound attenuation to ensure that sound break out would be minimal. There would be machinery used at either end of the process, which would include the mechanical loading of maize and

muck feedstocks into the digester, and the removal of dry digestate from the facility. Both of these operations would use agricultural machinery, including teleporters and tractors and trailers. The loading would be carried out during normal working hours with a total throughput of 267 tonnes per week.

Flood Risk

12. The site is within Flood Risk Zone 3 and therefore a Flood Risk Assessment was submitted with the application. The main findings of the report were that the site is within Zone 3a, according to the flood zone maps, which indicate that the site would be at risk from fluvial or tidal flooding without defences. The site has protection from fluvial flooding from the existing flood defences to the West Fen Catchwater, which are properly maintained to a 1 in 100 year standard of protection. The Drainage Board have no records of any history of flooding in the area from their drainage system which provides an adequate standard of protection from fluvial flooding.

Vehicular Movements

13. The application states that the traffic associated with the proposal would be no different than at present, as the muck and slurry that would be used as the feedstock is currently brought to the site from two nearby farms.
14. There are 20 tanker loads of pig slurry per week that are taken to the slurry lagoons around the farms. Similarly, with regard to muck there are 20 loads per week that are taken to open storage areas around the farms prior to spreading on the land. As a result of the proposal, all these loads would be taken to the proposed AD plant area.

Site and Surroundings

15. Toynton St Peter is approximately 2.5km south of Spilsby town centre. Grange Farm is located approximately 1.75km south west of Toynton St Peter and 0.75km south of Toynton Lings. The surrounding landscape is flat agricultural fenland interspersed with farm buildings and residential properties. The nearest residential properties include the property on the farm unit, which is approximately 330m to the west of the site; Chestnut Lodge approximately 470m south west of the site and Fendyke Lodge approximately 435m to the north west.
16. Grange Farm is accessed from a dedicated access track at a cross roads from Fenside Road, close to the residential property and also from Fen Road. The site is an irregular shape and is approximately 0.6ha. There is an access track to the north which links Fen Road with Fenside Road, beyond which is agricultural land. To the west of the site are a collection of agricultural buildings and sheds, which run the length of the boundary of the proposed site. Adjacent to these buildings is a group of mature trees and hedging. To the south and east is open agricultural land.

Main Planning Considerations

National Guidance

17. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. Although the NPPF does not deal with waste policy, it does propose the creation of renewable energy as a core planning principle. It establishes the presumption in favour of development that is sustainable and gives strong encouragement to projects that lead to a reduction in greenhouse gasses (paragraph 95). Also the following policies are relevant:

Paragraph 97 states that support should be given to renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

Paragraph 103 states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment.

Technical Guidance to the NPPF- Table 3: Flood Risk Vulnerability and Flood Zone 'Compatibility', sets out the acceptability of uses in the different flood zones.

Paragraph 112 seeks to protect, and recognises the benefits of, the best and most versatile agricultural land, with poorer quality land to be used in preference to that of a higher quality.

Paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution.

Paragraph 123 seeks to prevent adverse impacts as a result of noise pollution.

Paragraph 186 states that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development. The relationship between decision taking and plan making should be seamless.

Paragraph 187 states that local planning authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 215 of the National Planning Policy Framework (NPPF) (March 2012) states that following 12 months since the publication of the

Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the Framework the greater the weight that can be given). This is of relevance to the Lincolnshire Waste Local Plan (2006) and East Lindsey Local Plan (1999).

Annex E of Planning Policy Statement 10 “Planning for Sustainable Waste Management” (2011) (PPS10) – sets out the locational criteria which must be considered in relation to the suitability of proposed sites. Of particular relevance to this application are the issues relating to visual intrusion and odour issues.

In addition, in the Government's National Anaerobic Digestion Strategy and Action Plan (2011), there is a commitment to increasing energy from waste through anaerobic digestion and confirmation on the contribution on-farm AD plants can make to this.

Local Plan Context

18. The following policies of the Lincolnshire Waste Local Plan(2006) and East Lindsey Local Plan(1999) are relevant to this proposal and in conformity with the NPPF, and should continue to be given due weight in the determination of this application:

Policy WLP1 – Objective of the Plan, states that waste management proposals will be considered in relation to their contributions towards the waste management hierarchy which in order of priority is:

- Reduction (minimisation of waste);
- Reuse;
- Recycling and composting;
- Energy recovery from waste;
- Disposal of residual waste.

When applying the hierarchy and assessing the need for waste facilities regard will be paid to:

- Proximity principle;
- Regional self-sufficiency;
- Waste planning policies and proposals of neighbouring areas;
- Best available techniques and the environmental setting of the facility.

Policy WLP11 – Anaerobic Digestion and Mechanical Biological Treatment, states that planning permission will be granted for anaerobic digestion and mechanical biological treatment plants provided the following criteria are met:

- i) any digestate produced as a residue of the process can be satisfactorily managed and disposed of; and

- ii) that the site is located so as to minimise the traffic impact on the highway network. Favourable consideration will be given to those developments that propose multi-modal transportation, for example, waste movement by rail; and
- iii) such facilities will be permitted on land identified for general industrial use (B2) or form an integral part of:
 - (A) sewage treatment plants;
 - (B) intensive livestock units;
 - (C) other waste management facilities;
 - (D) associated with food processing facilities; and
- iv) the proposal meets the criteria set out in Policy WLP21; and
- v) that the proposal is located at a distance from an occupied building (hotels, educational establishments, residential properties and institutions; other than properties in the same ownership as the proposed facility), that will allow any odour impacts upon the use of the occupied building(s) to be sufficiently mitigated against. The distance will be no less than 250 metres; and
- vi) self-sufficiency for operational energy and exportable energy recovery is maximised where appropriate; and
- vii) that with respect to anaerobic digestion plants, methane gas shall be utilised in all but specific circumstances; and
- viii) the application is accompanied by a satisfactory Odour Impact Assessment.

Policy WLP21 – Environmental Considerations, states that planning permission for waste management facilities will be granted where a number of environmental considerations are met. The sections of particular relevance to this application are:

Agricultural Land

- (i) where previously developed land, or land of a lower agricultural grade is not available to accommodate the proposed development and the proposal is on land of the lowest possible grade in that locality.

Drainage, Flood Protection and Water Resources

- (v) where the development would not adversely affect the efficient workings of local land drainage systems, or where it would not be at unacceptable risk from all sources of flooding, or where it would not create an unacceptable risk of flooding elsewhere, or where it would not involve the culverting of open watercourses for reasons other than access, or where it would not derogate groundwater sources and resources, or where it would not harm water quality.

Dust, Odour Etc

- (xi) where the development including its associated traffic movements, visual impact, noise, dust, odour, litter, and emissions, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and/or other local land uses.

Transport System

- (xii) where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated.

Reducing Transportation

- (xiii) where the development proposed contributes where appropriate to the need to minimise the impact of transport requirements.

Recovery of materials

- (xvii) where possible and appropriate the development proposal contributes to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount for final disposal.

Policy A4 – Protection of General Amenities, states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5 – Quality and Design of Development, states that development which, by its design, improves the quality of the environment will be permitted provided it does not conflict with other policies of the plan.

Otherwise, development will be permitted only where:-

- a) its design – including its layout, density, scale, appearance or choice of materials – does not detract from the distinctive character of the locality;
- b) it retains or incorporates features or characteristics which are important to the quality of the local environment including important medium and long distance views;
- c) it is integrated within a landscaping scheme appropriate to its setting.

Results of Consultation and Publicity

- 19. (a) Local County Councillor, Mrs V C Ayling - who is a Member of the Planning and Regulation Committee reserves her position until the Committee date.
- (b) Toynton St Peter Parish Council – support the proposal.
- (c) Witham Fourth District Internal Drainage Board - states that before any work commences on site, details of any surface water disposal arrangements should be submitted to and agreed with the Planning Authority in conjunction with the IDB. If any changes are made to the

surface water or treated water disposal arrangements the Board should be contacted.

- (d) Historic Environment (Lincolnshire County Council) - do not have any comments to make.
- (e) Highways (Lincolnshire County Council) – consider that the proposed development will not be detrimental to highway safety or traffic capacity.
- (f) Environment Agency - in principle does not have an objection to the proposed development, but have serious concerns in relation to the type of plant proposed. The Agency would expect anaerobic digestion plants to have an auxiliary flare to allow controlled burning of gases during maintenance or breakdowns. This is to prevent a build-up of potentially explosive gases and control releases of greenhouse gases. As the current proposal does not include such a flare, it is unlikely to successfully meet the criteria necessary for an environmental permit.

The slurry tank and digestate tank should be covered. The proposed activity could result in nearby communities being exposed to odour emissions. The severity of these impacts would depend on the size of the facility, the way it is operated and managed, the nature of the waste and the prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate odour impacts, the facility and community can co-exist with some residual impacts. In some cases, these residual impacts may cause local residents concern. The sunken digestion tanks would need bunding and leak detection equipment and drainage around the plant would need to be to a sealed drainage system with impermeable pavement.

Following discussions between the Environment Agency, applicant's agent and the Waste Planning Authority on the acceptability of anaerobic digestion plants without flares, the Agency's position is that they believe a flare is necessary and their position is still that the current proposal is unlikely to obtain an Environmental Permit in its current form. If the Waste Planning Authority consider the application could be granted, whilst leaving some details to be confirmed, it may be appropriate to agree the final design at the permitting stage.

The Environment Agency suggest a number of conditions to be imposed on the planning consent including that the development be carried out in accordance with the submitted Flood Risk Assessment (FRA); the digester tanks to have a butyl liner around them and have a leak detection system so that in the case of a leak it would be contained between the tank and liner; and, all areas where waste is to be stored or treated, including the silage clamp, to be surfaced with an impermeable pavement, incorporating a sealed drainage system.

The applicant has confirmed that, notwithstanding the fact that the existing tank on site already has pig slurry in it, it is proposed to use a bespoke granulated covering for both this tank and the proposed tank. The tanks would have a butyl liner and there would be a leak detection system installed.

- (g) Environmental Health Officer (East Lindsey District Council) – if the minimal separation distance to all receptors is 375m as stated in the application then this gives an adequate degree of separation for a development of this nature which is in essence of a similar character to livestock farming with associated slurry and manure handling/storage. The main potential odour sources associated with agricultural anaerobic digesters are usually the silage and slurry/manure feedstock and the digestate storage.

In this case the proposed feedstock is a mixture of energy crops, and imported farmyard manure and pig slurry.

The storage and handling of energy crops is analogous to the operation of a silage clamp on a beef or dairy farm and unlikely to cause a significant off-site odour impact. Storage and handling of manures and other organic wastes need more prescriptive management to ensure control of emissions, although it is noted that on-site storage of slurry already takes place and that the existing slurry store on the site will be used to store digestate in future if the proposed development is built.

Digested material should have lower odour potential than untreated pig slurry, so to that extent the existing slurry store should generate less odour with digestate than currently with untreated pig slurry, providing that the materials spend a suitably long retention period within the digesters.

There is some contradiction in the submitted information about the period for digester residence and if it will exceed 46 days. A long residence time is beneficial in achieving stability and low odour potential in the resulting digestate and 46 days is likely to be adequate.

Treatment of slurry and manure through anaerobic digestion is likely to significantly reduce the odour potential of the wastes at the point of spreading. The impact from delivery of slurry to the AD site will be limited by virtue of the quantities imported on a regular basis and the sealed nature of slurry tankers.

Odour Management Plan

There is no document which could be considered to be an Odour Management Plan accompanying the proposal. The Evergreen Gas document “Odour Management within the Anaerobic Digestion Plant at Grange Farm – RHJ Farms Ltd” that is appended to the Design and

Access statement is more of a process description than an assessment of odour impact

The proposals have been looked at in the context of the recommended key questions presented by the Environment Agency in its sample Odour Management Plan Decision Document, 2011. Observations of the EHO, in relation to the application details, are summarised as follows:

- odour sources such as slurry storage and manure handling and digestate handling are only referred to indirectly. There is no mention of odours from the preliminary processing at the “feed” end of the digesters, and little detail about on-site storage of slurry and solid manure as a feedstock;
- in relation to the management of odorous materials held on site very limited details are provided, although the measures proposed are generally appropriate and proportionate to the nature of the development;
- few problems are anticipated within the proposal. There is no mention of the potential for odour complaints from neighbouring receptors and potential odour receptors are not identified;
- in relation to monitoring no routine odour monitoring is described in the proposals or the “odour” document. There are no proposals for routine off-site odour monitoring and off-site odour assessments;
- no limits on volumes are included but presumably the on-site tanks, clamps and storage facilities will have maximum capacities. No routine contingencies are listed other than combined head and power (CHP) outages and no contingency measures are specified in respect of abnormal events. The site would not be expected to give rise to significant odour emissions under normal operating conditions. However it is appropriate to specify any contingency measures e.g. for suspending deliveries or storing feedstock in the event that the proposed facility breaks down or that feedstock supply exceeds capacity; weather conditions preventing spreading to land and contingencies for if the digester became “poisoned”;
- the control of evaporation is not a key issue for the type of operation proposed, although the most odorous parts of the development, which are the digesters, are entirely enclosed so that evaporation is controlled. The silage clamps will be covered, although the open area could be further reduced if the clamp area were to be split into two halves so that a smaller silage working face is exposed. There is a suggestion that a floating “crust” will be used on the slurry tanks that is to be used for digestate storage. This may or may not be necessary with a long digester residence time;
- the plan does not specifically address appropriate measures for addressing potential odour nuisance for neighbours or emergency incidents.

In conclusion the information provided with the application in the main provides very little by way of an odour risk assessment for the main odour sources with respect to sensitive receptors, potential pathways and required control measures.

However, the risk of unacceptable odour emissions is likely to be relatively low given the nature of the proposed agricultural feedstocks and the location of the proposed development, which is apparently in a relatively isolated rural/agricultural location.

A more detailed Odour Management Plan is likely to be required before the proposed plant is granted an environmental permit by the Environment Agency and should in any case be prepared and approved before the proposed development is brought into use.

The applicant has confirmed that the feedstock would remain in the digester for at least 46 days.

20. The application was publicised by site notice and a press notice appeared in the Skegness Standard on 4 September 2013. Individual properties were also notified. One representation was received which is summarised below:
- concern expressed that given the nature of the application, the neighbour notification list was restricted to three addresses. Last year an application was made for replacing overhead power cables (in comparison an extremely minor development) and all properties on surrounding roads were notified;
 - concern about the effects on air quality;
 - research on the Environment Agency's website has shown some alarming information i.e. "the treatment of biodegradable waste has an inherently high potential for offensive odour and in our experience it is difficult to prevent odour emissions at all times even when the operator has taken all the appropriate measures";
 - living in a rural area there is exposure to "farming smells", which is acceptable, but it would not be acceptable to be exposed to odours from the AD plant;
 - the odour report attached to the application does not adequately explain (in layman's terms) in sufficient detail what the potential odour risk is, and how this would be managed;
 - all local residents should have been notified and given time to research and raise any concerns.

District Council's Recommendations

21. East Lindsey District Council initially objected to the application due to the 4m high wall around the silage clamp, which they considered would appear as an alien feature in the open and flat countryside where there is little vegetation. The provision of a native species hedge would not be sufficient to screen the walls. No objections are raised to the rest of the proposal, subject to the Environment Agency supporting the proposal as the site lies

within Flood Zone 3. Following the submission of an amended plan, East Lindsey District Council withdrew their objection, subject to a suitable landscaping scheme being secured through a planning condition.

Conclusions

22. The aim of policies at the national and local level in relation to waste is to allow waste management operations that move waste up the hierarchy, provided there would be no unsatisfactory environmental impacts resulting from the development. In particular the proposal attracts the presumption in favour of sustainable development as set out in the NPPF and the Government's strategy on AD plants including agricultural holdings.
23. The proposed development would provide a means for energy recovery from animal waste and animal bedding, as well as a proportion of maize crop grown for this purpose. Although small scale the development would, nevertheless, contribute towards achieving the objectives of Waste Local Plan Policies WLP1 and WLP21 (xvii) by providing a means to recover and use a waste stream, thereby moving such wastes up the waste hierarchy. Furthermore, a by-product of the process would be a digestate which would be used as a fertiliser and soil improver. The application would also accord with Policy WLP11 (i), which seeks to ensure the satisfactory management of any digestate produced.
24. The principal of the proposal based on strong Government policy support for AD plants and also its contribution to the waste hierarchy has been established. However, issues in relation to the countryside location, visual impact, flood risk and other amenity issues and traffic need to be assessed.

Location

25. The site is located within open countryside on an existing farm unit 2.5km south of the village of Toynton St Peter. The surrounding countryside is flat and low lying agricultural land, interspersed with residential properties, farmsteads and agricultural buildings.
26. Part (iii) of Policy WLP11 – Anaerobic Digestion and Mechanical Biological Treatment, of the Lincolnshire Waste Local Plan, states that such facilities will be permitted on land identified for general industrial use (B2) or the other stated criteria. Whilst the application site falls outside any of the stated locational criteria the Government has recently given clear support for the siting of AD units on farms. The National Anaerobic Digestion Strategy supports and acknowledges the role of AD units on farms. Consequently although the site does not meet any of the locational requirements of Policy WLP11 this policy was adopted in 2006, sometime before the publication of the Government's strategy on AD plants which clearly supports the location of ADs on farms.
27. The second criterion of Policy WLP11 is to minimise traffic impact. This would be achieved by the following:

- all traffic movements would remain the same as the proposed feed stock is currently brought to the site and stored in slurry lagoons and the bedding muck is stored in the open;
 - the material used to feed the digesters is largely produced on the applicant's farm or on the immediate surrounding area;
 - the solid and liquid products resulting from the anaerobic digestion process can be used on the applicant's farm as fertiliser, reducing the need to transport it off site.
28. There is, therefore, justification for the proposed development to be located within the fabric of the existing farm. All of these factors have implications for reducing the need to travel, in accordance with criterion (ii) of Policy WLP11 and Policy WLP21 (xiii), ensuring that the site and operations being undertaken by the applicant take the opportunity to move to being self-sufficient, in line with criterion (vi) of Policy WLP11. It is concluded that the above reasons provide support for the proposal, despite it falling outside the stated locational criteria of WLP Policy 11.

Landscape and Visual Impacts

29. The proposed site is within a farm holding and is currently used for activities associated with cattle rearing, including the storage of slurry and silage. There is a slurry tank on the site and a number of agricultural buildings and sheds adjacent to the western boundary of the site. As discussed, the main built elements of the proposal would comprise the anaerobic digester units, a processing building, a gas holder and slurry reception tank, and a wall which would be a maximum of 4m at its highest point.
30. The tallest structures on the site would be the CHP and Process building, at approximately 7m high. The existing agricultural buildings extend the length of the site, on the site's western boundary, and the presence of these buildings screen the site on its western and south western boundaries from Fenside Road. The residential property on the farm unit is approximately 330m to the west of the site, the other nearest residential properties to the site are 430m and 460m to the north west and south west of the site respectively. Although the site can be viewed in part from all directions, the distances from any vantage point are of such a scale that views into the site would be obscured. There is currently a slurry tank on site and a silage area and a number of agricultural buildings surrounding it. It is considered that the visual appearance of the proposed development, taken in context with these existing buildings and structures, would not be incongruous in this flat agricultural landscape.
31. In terms of visual impact the proposed development relates to an existing agricultural use in the open countryside, and much of the built form of the operations would be agricultural in character and appearance. This, together with the inclusion of a landscaping scheme, which would incorporate a hedge and trees, would help soften the visual impact of the proposal. On balance, it is concluded that the proposal would not be harmful to the

landscape character and would not be an incongruous feature within the landscape. It is therefore concluded that the proposed development would be in keeping with paragraph 97 of the NPPF and not conflict with Policy WLP21 (xi) of the Lincolnshire Waste Local Plan or Policy A5 of the East Lindsey Local Plan in terms of visual impact.

Highways and Traffic

32. Currently slurry and bedding mulch is moved around the farm and the immediate surrounding land in the applicant's ownership. The proposal would result in all the loads being taken to the application site rather than to other sites owned by the applicant. The location of the plant on the farmstead would remove the need to import feedstock material from further away, thereby according with Policy WLP11 (vi). In addition the resultant digestate would be put back on the fields, removing the need to transport it off site.
33. A relatively small amount of maize (2,750 tonnes) would be grown to supplement the feedstock, this would be grown on the applicant company's existing farmland, near to the application site. The applicant argues that this land would be used for alternative crops which would result in associated traffic movements, and consequently the traffic associated with the proposal would therefore be the same as at present. The Highways Officer has raised no concerns in respect of the local highway network being able to accommodate the proposed vehicle movements and the application is considered to accord with Policy WLP21 (xiii).

Odour

34. The nearest residential property is 330m from the site. Concerns in relation to odours and air quality that may result from the development, have been raised by a local resident. The Environmental Health Officer has stated that the nature of the proposed activities would be akin to the livestock farming activities associated with slurry and manure handling and storage and assessed the application on this basis.
35. The main potential sources of odour would be from the silage and slurry/manure feed stocks and the digestate storage. At the current time these feedstocks are transported to the site and the surrounding land, and the slurry is stored in an open tank on the site. It is considered that the handling and storage of the slurry and silage would in essence be no different from the current situation, and the proposal to cover the slurry tank with a bio crust to prevent odour would be an improvement on the current situation.
36. However, although the Environmental Health Officer has confirmed that few problems in relation to odour would be expected and that the measures proposed are generally appropriate and proportionate to the nature of the development, it is considered that some aspects and potential issues in relation to odour have not been satisfactorily addressed. These relate to the need to incorporate a procedure for odour monitoring, how to manage

complaints received and to be prepared for emergency situations. For these reasons it is considered that a comprehensive odour management plan should be submitted and approved before any development takes place.

37. Criterion (v) of Policy WLP11 - Anaerobic Digestion and Mechanical Biological Treatment, states that planning permission can be granted provided that the proposal is located at a distance from an occupied building, including residential properties, that will allow any odour impacts upon the use of the occupied building to be sufficiently mitigated against. This distance is to be no less than 250m. The development would accord with this policy, since the nearest property is approximately 330m distant. It is also considered that with the submission of a robust odour management plan, which can be secured by planning condition, the development would not be contrary to the aims of criterion (xi) of Policy WLP21 of the Waste Local Plan and Policy A4 of the East Lindsey Local Plan.

Noise

38. Noise associated with the development would result from the associated traffic movements as well as the AD process itself.
39. Anaerobic digestion is a predominantly biological process, with limited use of machinery. The machinery used would include the mechanical loading of feedstocks into the digester and the removal of dry digestate from the facility. This machinery is predominantly agricultural and includes teleporters, tractors and trailers and this would be carried out during normal working hours.
40. As previously discussed, all of the feedstocks would continue to be transported along the existing farm track, which leads directly from Eastville Road, which is sparsely populated. It is considered there would be no significant noise impact on local residents, over and above existing vehicular movements, from the feedstock being brought to the site.
41. The engine associated with the AD operations would be situated in a purpose made building that would have attenuation to ensure that sound breakout from the building is minimal. As previously discussed the nearest residential property would be 330m away and therefore it is considered that noise would not be a significant issue and therefore the application would not be contrary to the aims requirements of Policy WLP21 (xi) of the Waste Local Plan or Policy A4 of the East Lindsey Local Plan.

Flood Risk

42. The site is within Flood Zone 3a. In accordance with the Technical Guidance to the NPPF the development would be classified as a less vulnerable use and is considered to be appropriate. The Flood Risk Assessment (FRA) submitted with the application concluded that the site would be at risk from fluvial or tidal flooding without defences, however the site has protection from fluvial flooding from the flood defences to the West

Fen Catchwater. Furthermore, the Witham Fourth Internal Drainage Board have no records of any history of flooding in the area and the Environment Agency have no objection to the application in terms of flood risk, provided that any development would be carried out in accordance with the submitted FRA. This includes the adoption of measures to safeguard the site and staff from flood events, which includes ensuring vulnerable equipment is set at a level of 1.5m AOD and that the site owner registers with the Environment Agency's floodline. Subject to the imposition of a condition requiring the development to be carried out in accordance with the FRA, it is concluded that the proposed development would be in accordance with Waste Local Plan Policy 21(v).

Other Issues

43. Although the Environment Agency has no concerns in principle to the establishment of an AD plant, they have expressed serious concerns in relation to the ability of the proposals to gain an environmental permit, due to the lack of a flare stack. The applicant maintains that this is a matter that can be dealt with at the permitting stage, and this is in line with government guidance that the planning process and pollution control processes can remain separate in appropriate circumstances. However, if a flue is required at a later stage this would represent a change to the scheme before the Committee today. Depending on the size, nature and location of any flue a further application would be necessary either as a Section 73 to vary the approved plans as set out in the proposed condition 2, or a new application.

Final Conclusions

44. The application is for a small scale anaerobic digestion plant on a farm. The plant would utilise slurry and bedding muck currently brought to the site and adjoining land to produce a renewable energy source, as well as digestate that would be used as a fertiliser. It is considered that the development would not have a negative impact on the landscape, or in terms of vehicular movements. The risk of nuisance odours arising is considered to be low, but this could be addressed by an odour risk management plan. For these reasons it is considered that the application accords with the Development Plan.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

2. The development hereby permitted shall be carried out in accordance with the submitted application and details received on 10 July and 26 July 2013 and following drawing numbers:
 - 1071-01-SP01 Rev C Site and Location Plan
 - 1071-01-Elevations
 - 1071-01-03- Clamp Wall Elevations
3. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment, dated June 2013.
4. The feedstock materials shall be restricted to slurry, animal bedding, maize and any other biomass or energy crops that are grown and sourced from within the farm holding.
5. Notwithstanding the details shown on Drawing No: 1071-01-SP01 Rev C, no development shall commence until the written approval of a landscaping scheme has been submitted and approved in writing by the Waste Planning Authority. The scheme shall include details of the number, species, heights on planting and positions of all the trees. The scheme as approved shall be carried out in its entirety within the period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be adequately maintained, including a 0.5m weed free radius around each tree until they are established, for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
6. No development shall take place until details of the noise mitigation measures to be incorporated in the design and construction of the building housing the combined heat and power engine have been submitted to, and approved in writing by, the Waste Planning Authority. Such details shall include an assessment of the noise levels associated with the engine. The approved details shall be implemented in full.
7. Prior to installation, details of all external lighting shall be submitted to, and approved in writing by the Waste Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
8. The means of connection to the National Grid shall be by underground cable.
9. The material stored within the silage clamps shall not exceed four metres in height.
10. No development shall commence until an odour management plan detailing how, where and when odour will be measured, who will be responsible and how results will be assessed, and include appropriate mitigation measures, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include a procedure for recording and

addressing any complaints. The approved plan shall be implemented in full for the duration of the development.

11. No development shall take place until details of the impermeable surface, for all areas where waste is to be stored or treated, incorporating a sealed drainage system has been submitted to and agreed in writing by the Waste Planning Authority. The scheme as approved shall be implemented in full.
12. No development shall take place until details of bunding and a butyl liner, around the digester tanks, and a leak detection system have been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full and maintained for the duration of the development.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
3. To reduce the risk of flooding to the development.
4. To correspond with the quantities and source of feedstock materials for which planning permission was applied for and to limit the scale of operations in the interests of the amenity of the area.

5, 8 & 9

In the interests of the visual amenity of the area.

6 & 7 In the interests of the general amenity of the area.

10. In the interests of reducing odour pollution to protect the amenity of the area.

11 & 12

To prevent pollution.

Appendices

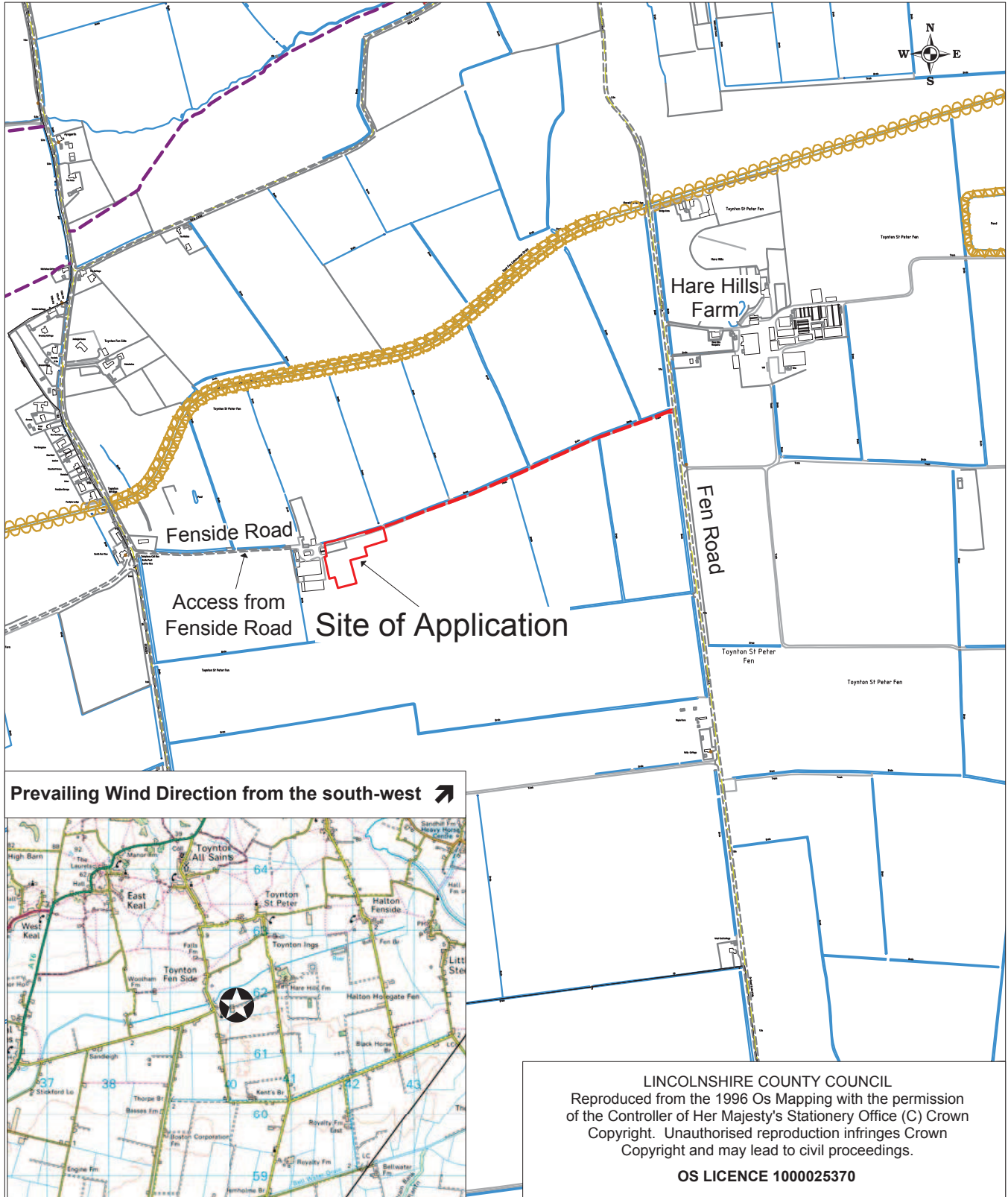
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S186/1583/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
The National Planning Policy Framework (March 2012)	Communities and Local Government website www.gov.uk
National Anaerobic Digestion Strategy and Action Plan (2011)	Lincolnshire County Council website www.lincolnshire.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan (1999)	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk



Location:
Grange Farm
Fen Road
Toynton St Peter

Description:
Proposed Anaerobic Digestion Plant

Application No: (E)S186/1583/13
Scale: 1:10 000

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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	4 December 2013
Subject:	County Matter Application – (E)S170/1988/13

Summary:

Planning permission is sought by Woodland Estates Ltd (Agent – Robert Doughty Consultancy Ltd) for a 500kW anaerobic digestion plant and for the change of use of a barn to an education centre at Reeds Beck Farm, Reeds Beck, Stixwould.

The key issues to consider in this case are the impacts on the development in relation to odour and noise, the impacts on the surrounding area, including nearby residential properties and a grade II listed building and highways impacts.

It is concluded that the proposed development would not cause detrimental impacts as a result of odour or noise and would not result in a loss of amenities to the nearby residential properties. It would not have an adverse impact on the setting of the listed building or on the surrounding landscape character. The traffic movements associated with this development would not be significantly greater than those associated with the day to day operation of a farm and there would be no adverse highways impacts.

Overall, it is concluded that subject to the imposition of suitable conditions to ensure mitigation measures are implemented, the proposed development is acceptable.

Recommendation:

It is recommended that planning permission be granted.

The Application

1. Planning permission is sought for a 500kW anaerobic digestion plant and for the change of use of a barn to an education centre at Reeds Beck Farm, Reeds Beck, Stixwould. The anaerobic digestion (AD) plant proposes to use maize grown on the applicant's farm and chicken litter to be sourced from local chicken farms, of which it is stated that there are several within a 5 mile radius of the site, as the feedstock for the process. The AD plant element of the proposals comprises two principle digestion tanks, silage clamps and ancillary equipment as set out below:

Digestion Tanks

2. Two circular digestion tanks are proposed, both of which would have a diameter of 25 metres, with 4.2 metre high side walls and a flexible membrane domed roof to a maximum of 9.5 metres in height. The main digestion process is proposed to be carried out in the primary tank, where the organic matter is broken down in the absence of oxygen and the temperature doesn't exceed 37 °C. Once the AD process has been undertaken in the primary digester, the digestate is then passed into the secondary digester, where the liquid cools down and a further, albeit small, amount of methane is produced. Both of these tanks would be airtight in order for the anaerobic digestion process to take place.
3. The methane which is produced through the AD process is collected in the flexible membranes at the top of the two digestion tanks and is fed into a Combined Heat and Power Plant. The resultant digestate would be stored in the secondary tank prior to its removal to be used on the farm as a fertiliser.

Plant Control Room

4. The 6 metre gap between the two digestion tanks is proposed to be bridged by a plant control room. This structure would be 6 metres long and 2.5 metres wide. It would have a maximum height of 3.5 metres with an access ladder to the top.

Digestate Separator

5. Once the digestate has been through both digestion tanks, the resultant digestate would be put through a digestate separator to produce liquid and solid digestate. The digestate separator is proposed to be sited between the two digestion tanks, adjacent to the plant control room, and would be 3 metres long by 2 metres wide, with a maximum height of 5.9 metres.

Liquid Tank

6. As stated above, the solid digestate would be stored in the secondary digestion tank, whereas the liquid digestate would be stored in a separate liquid tank which is proposed to have a diameter of 3.5 metres and stand to 5 metres in height. The liquid digestate would either be used as a liquid fertilizer on the applicant's land or stored in the tank ready for reintroduction back into the digestion process.

Macerator Mixer

7. A macerator mixer is proposed to be sited to the north of the primary digestion tank. This would be 6 metres long by 4 metres wide and be 4 metres in height. The maize would be fed into the macerator where it would be chopped and blended with the chicken litter. The chicken litter is proposed to be transferred from a covered trailer into the bottom of the

macerator through a pipework system to prevent it being exposed to the air. The resultant paste would then be fed into the primary digester.

Combined Heat and Power Plant

8. To the north of the secondary digestion tank a Combined Heat and Power (CHP) container and control room are proposed. The methane produced through the AD process is fed into a purpose made engine which burns it to produce 500kW of electricity and 600kW of heat. The electricity is proposed to be used on the farm or exported to the National Grid and the heat is proposed to be used in the AD process. The CHP generator is housed in a container 12.2 metres long by 2.5 metres wide and 2.6 metres tall. However, elements of the generator stand above the height of the container, including a chimney which would be 7.8 metres high. The CHP control room would be 3.1 metres long by 2.5 metres wide and 2.6 metres high. In addition to this a gas conditioner, to the same dimensions as the CHP control room, and a flare which is proposed to be 2 metres wide and 7 metres tall, also form part of the proposed development.

Silage Clamp

9. To the north west of the digestion tanks a silage clamp is proposed with three separate bays. This is proposed to measure 68 metres by 68 metres with solid 4 metre high concrete walls to three sides of the clamp. Two internal walls, creating the three bays, are also proposed to be 4 metres high. The silage clamp is proposed to store the maize which would be brought to the clamp using agricultural tractors and trailers and then rolled with an agricultural tractor to remove as much oxygen as possible from the maize. The maize would then be sheeted over and weighted down to prevent oxygen getting into the feedstock.
10. The applicant, Woodland Estates Limited, farm 687 hectares of land largely to the north of Woodhall Spa. The proposed development would require 11,000 tonnes of maize which it is stated would be grown on 202 hectares of land within the farm. The Design and Access Statement states that the maize would be transported to the AD plant using tractors and trailers. In addition, 1,040 tonnes of chicken litter would be used and this would be brought to the plant from chicken farms in the local area, involving approximately two HGV's visiting the site per week.
11. An existing barn on the farm site is proposed to be converted into an education centre to demonstrate the benefits of the AD technology, together with the work carried out by the applicant in terms of deciduous tree planting and the Higher Level Countryside Stewardship Scheme that is operated on the farm. Little detail was originally provided with the application regarding the proposed conversion, however, the submitted drawings show that the only external alterations proposed is for one window to be replaced with a door. Internally, it is proposed to create an information and teaching area, kitchen and toilet facilities. In further information submitted by e-mail on 17 October 2013 it was confirmed that the barn was considered to be in

relatively good condition and considered to be capable of conversion, with only some minor repair needed.

12. Six car parking spaces are proposed adjacent to the barn which is proposed to be converted, although no further details have been provided of the hard surfacing to these spaces or to the proposed access route from the frontage of the site with Monument Road, past the barn to the AD plant to the rear of the site.

Site and Surroundings

13. The application site lies within Reeds Beck Farm, Reeds Beck, Stixwoud, approximately 2.3km south east of the main settlement of Stixwoud and 2.4km north of Woodhall Spa. Part of the site lies within the existing agricultural buildings on the farm and part lies immediately to the north west of these buildings. The access to the application site is off Monument Road and is close to the junction of this road with Sandy Lane to the south and Poolham Lane to the east. An overhead power cable on wooden poles crosses the application site along its boundary with the existing farm buildings. The Reeds Beck watercourse runs along the western boundary of the application site.
14. To the south of the application site are a number of residential properties on Sandy Lane. To the west of the site is Waterloo Wood and to the south of this is the Grade II listed Wellington Monument. To the east of the site is Poolham Lane which is lined by dense hedgerows. The surrounding area is predominantly agricultural land interspersed with pockets of woodland.

Main Planning Considerations

National Guidance

15. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:
 - paragraph 28 promotes a positive approach to supporting the rural economy;
 - paragraph 97 states that support should be given to renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - paragraph 109 seeks to prevent adverse impacts as a result of noise pollution;

- paragraph 112 seeks to protect, and recognises the benefits of, the best and most versatile agricultural land, with poorer quality land to be used in preference to that of a higher quality;
- paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution;
- paragraph 123 seeks to prevent adverse impacts as a result of noise pollution;
- paragraphs 128 to 141 seek to ensure that any heritage assets associated with development sites are appropriately addressed and sets out the need to protect these assets wherever possible;
- paragraph 186 required planning authorities to approach decision taking in a positive way to foster the delivery of sustainable development;
- paragraph 187 requires planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible;
- paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. This is of relevance with regard to the Lincolnshire Waste Local Plan and the East Lindsey Local Plan (1999); and
- paragraph 216 states that from the day of publication, decision makers may also give weight to relevant policies in emerging plans according to the stage of preparation (the more advanced the greater weight can be given); the extent to which there are unresolved issues; and the degree of consistency of policies with the NPPF. This is of relevance to the Draft Core Strategy and Development Management Policies: Lincolnshire Minerals and Waste Local Plan (November 2013).

Planning Policy Statement 10 “Planning for Sustainable Waste Management” (2011) (PPS10) – sets out in Annex E the locational criteria which must be considered in relation to the suitability of proposed sites, including visual intrusion and odour.

In addition to this, the Government have set out their commitment to anaerobic digestion, including through on-farm AD plants in their National Anaerobic Digestion Strategy and Action Plan (2011) and a commitment to sustainable energy crop production through their UK Bioenergy Strategy (2012).

Local Plan Context

16. The Lincolnshire Waste Local Plan (2006) and the East Lindsey Local Plan (1999) form the adopted development plan in relation to these proposals.

The following policies of the Lincolnshire Waste Local Plan are of relevance in this case:

Policy WLP11 – Anaerobic Digestion and Mechanical Biological Treatment states that planning permission will be granted for anaerobic digestion and mechanical biological treatment plants provided the following criteria are met:-

- i) any digestate produce as a residue of the process can be satisfactorily managed and disposed of; AND;
- ii) that the site is located so as to minimise the traffic impact on the highway network. Favourable consideration will be given to those developments that propose multi-modal transportation, for example, waste movement by rail; AND;
- iii) such facilities will be permitted on land identified for general industrial use (B2) or form an integral part of:
 - (A) sewage treatment plants;
 - (B) intensive livestock units;
 - (C) other waste management facilities;
 - (D) associated with food processing facilities; AND;
- iv) the proposal meets the criteria set out in Policy WLP21; AND;
- v) that the proposal is located at a distance from an occupied building (hotels, educational establishments, residential properties and institutions; other than properties in the same ownership as the proposed facility), that will allow any odour impacts upon the use of the occupied building(s) to be sufficiently mitigated against. The distance will be no less than 250 metres; AND;
- vi) self-sufficiency for operational energy and exportable energy recovery is maximised where appropriate; AND;
- vii) that with respect to anaerobic digestion plants, methane gas shall be utilised in all but specific circumstances; AND;
- viii) the application is accompanied by a satisfactory Odour Impact Assessment.

Policy WLP21 – Environmental Considerations states that planning permission for waste management facilities will be granted where a number

of environmental considerations are met. The sections of particular relevance to this application are:

Agricultural Land

- (i) where previously developed land, or land of a lower agricultural grade is not available to accommodate the proposed development and the proposal is on land of the lowest possible grade in that locality;

Drainage, Flood Protection and Water Resources

- (v) where the development would not adversely affect the efficient workings of local land drainage systems, or where it would not be at unacceptable risk from all sources of flooding, or where it would not create an unacceptable risk of flooding elsewhere, or where it would not involve the culverting of open watercourses for reasons other than access, or where it would not derogate groundwater sources and resources, or where it would not harm water quality;

Archaeology, Historic Buildings, Historic Parks and Gardens, Registered Battlefields

- (viii) where a development would not adversely affect a building listed as being of architectural or historic interest or its setting;

Dust, Odour Etc

- (xi) where the development including its associated traffic movements, visual impact, noise, dust, odour, litter, and emissions, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and/or other local land uses;

Transport System

- (xii) where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated. Improvements or alternative modes of transport can be implemented and/or where there would not be an adverse effect on road safety;

Reducing Transportation

- (xiii) where the development proposed contributes where appropriate to the need to minimise the impact of transport requirements;

Recovery of Materials

- (xvii) where possible and appropriate the development proposal contributes to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The following policies of the East Lindsey Local Plan (1999) are of relevance to this proposal:

Policy A4 – Protection of General Amenities states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5 – Quality and Design of Development states that development which, by its design, improves the quality of the environment will be permitted provided it does not conflict with other policies of the plan.

Otherwise, development will be permitted only where:-

- a) Its design – including its layout, density, scale, appearance or choice of materials – does not detract from the distinctive character of the locality;
- b) it retains or incorporates features or characteristics which are important to the quality of the local environment including important medium and long distance views;
- c) it is integrated within a landscaping scheme appropriate to its setting.

Policy C2 – Development and Demolition affecting a Listed Building states that development affecting the setting of a listed building will be given permission where its form, scale, proportion, materials, siting, boundary treatment and associated landscaping preserve or enhance the special architectural or historic interest of the listed building.

Policy DC6 – Re-Use of Buildings in the Countryside contains a number of criteria to be met in relation to the re-use of buildings in the countryside aimed at ensuring that the development would be in keeping with the surrounding area, that it would not have a detrimental impact on amenities of nearby residents, that the building is capable of conversion, that it would not result in the loss of habitat for protected species and that it would not lead to the dominance of non-agricultural uses in the countryside.

On 1 November 2013 Lincolnshire County Council published the Draft Core Strategy and Development Management Policies: Lincolnshire Minerals and Waste Local Plan for a period of consultation. Whilst this document does not currently form part of the adopted development plan, it is a material consideration in the determination of this application, albeit that it has very limited weight at this stage. The key policies of relevance in this case are:

Policy W3: Spatial Strategy for New Waste Facilities states that new waste facilities, including extensions to existing waste facilities will be permitted in and around specified urban areas and that they will only be permitted outside these areas where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting;
- the treatment of waste water and sewage;
- landfilling of waste;
- small scale waste facilities.

Policy W5: Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Windrow Composting states that such facilities will only be permitted outside the urban areas identified in policy W3 where they would not result in any significant adverse impacts on local communities or the environment; where they would be located a suitable “stand-off” distance from any sensitive receptors; and where they would be located on either:

- land which constitutes previously developed and / or contaminated land, existing or planning industrial / employment land, or redundant agricultural and forestry buildings and their curtilages; or
- land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

Policy DM1: Presumption in favour of sustainable development sets out that planning applications which are in accordance with the Local Plan and the NPPF will be approved unless material considerations indicate otherwise.

Policy DM2: Climate Change states that development should choose locations which reduce distances travelled by HGVs in the treatment of waste, unless other environmental / sustainability considerations override this aim.

In relation to waste proposals should:

- reduce waste disposal to landfill;
- provide renewable energy generation;
- make provision for carbon reduction / capture measures to be implemented where appropriate.

Policy DM3: Quality of life and amenity states that development will not be permitted where it is likely to generate unacceptable adverse effects arising from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to occupants of nearby dwellings and other sensitive receptors.

Policy DM4: Historic Environment states that development that would adversely affect a designated heritage asset of the highest significance will not be permitted.

Proposals that:

- fail to preserve or enhance the character or appearance of Conservation Areas; or
- are detrimental to the character or setting of a listed building; or
- damage, obscure or remove any other heritage assets

will not be permitted unless it is demonstrated that the need for and benefit of the development outweigh these interests.

Policy DM6: Impact on Landscape and Townscape states that development will only be permitted where due regard has been given to the likely impact of the proposed development on the distinctive character of the landscape and townscape of Lincolnshire. If considered necessary by the County Council, additional design, landscaping, planting and screening (including planting in advance of the commencement of the development and a minimum 10 year maintenance period) will be required.

Policy DM11: Soils seeks to protect and, wherever possible, enhance soils. Proposals that would result in the significant loss of the best and most versatile agricultural land will only be permitted where it can be demonstrated that:

- there is an overriding need for the development;
- there is no suitable alternative site of lower agricultural quality that provides the same benefit in terms of sustainability;
- the land could be restored to its previous agricultural quality or better;
- other beneficial after uses can be secured which outweigh the loss of agricultural land; or
- the development is consistent with other sustainability considerations.

Policy DM12: Encouraging sustainable transport movements seeks to minimise road based transport and maximise where possible the use of the most sustainable transport option.

Policy DM13: Transportation by road states that development involving transportation by road will only be permitted where:

- the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and
- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor D Hoyes – who is a member of the Planning and Regulation Committee reserves his comments for the meeting.
- (b) Stixwold with Old Woodhall Parish Meeting – consider that the application is inadequate in relation to a number of issues and object on a variety of grounds, summarised as:
- insufficient notification of the application;
 - Reeds Beck watercourse is not shown;
 - no risk assessment regarding methane gas and the properties in close proximity;
 - the roads shown on the plan include the hedgerows, not just the width of the highway;

- concerns regarding odour in relation to the delivery and unloading of chicken litter and the movement of the maize from the silage clamp;
- concerns regarding road safety due to narrow roads, existing weight restrictions, width of roads, volume of traffic movements generated, staggered crossroads with limited visibility, impact of icy conditions;
- concerns regarding noise disturbance from vehicles accessing and leaving the site;
- concerns regarding impacts on walkers and cyclists especially as area has been promoted for tourism;
- the application fails to say that of the applicant's 687 hectares, a substantial proportion is woodland and used for tourism;
- query whether sufficient land is farmed to use the fertiliser produced and what will happen to any remaining;
- need to protect Reeds Beck from landslip and accidents which may block the beck, particularly as has recently flooded causing damage to properties nearby;
- concerns regarding impacts on habitats;
- concerns regarding health and safety implications especially as plant unmanned for long periods;
- in periods of prolonged rain water runs off the fields onto Poolham Lane and down onto Monument Road at the staggered crossroads;
- query the number of visitors to the education centre and whether a feasibility study has been undertaken to assess the need for the centre;
- if planning permission is granted what steps could be taken to ensure the site could not be further developed or expanded?
- query whether the level of storage is appropriate for the use of the plant under consideration; and
- request a site meeting to discuss the application.

(c) Woodhall Spa Parish Council – object as consider that the full impact of the traffic that will be generated by this facility has not been fully investigated. Surprised at the Highways Officer's comments and do not consider them to be accurate or based on accurate information. Request that these are assessed again before any decision is made. Insufficient information regarding traffic usage and it is vitally important to understand the exact amount of lorry movements that will result and the impact on this area where the roads are narrow single track roads. Concerns regarding conflicts with walkers and cyclists. Suggest that the maize will not only be grown on this farm but transported to the site from other farms which would have highways impacts. Concerned that the fertiliser would be more than is required by the farm so would result in additional traffic movements. Also concerned regarding odour from chicken litter stored on site and impacts of odour on local residents and tourism.

(d) Environmental Health Officer, East Lindsey District Council - originally responded to state no objection in principle but have some concerns to be addressed by the applicant. In relation to odour, this is largely dependent upon the management of the facility. The Environment

Agency via the permitting system will address the management aspect of the proposal. However, at the planning stage it is important that the applicant demonstrates that the plant can be operated in a manner that will ensure that any local receptors are not adversely affected by the proposed development.

The submitted odour management plan is limited and it would be extremely surprising if it satisfied the Environment Agency permitting requirements. Suggest that the applicant either submits a more comprehensive odour management plan at this stage or if planning permission is granted, it is subject to a condition requiring a written odour management plan to be agreed in writing before the site is brought into operation. Recommend that the applicant discusses the requirements of an odour management plan with the Environment Agency as it will form part of the permit for the site.

In relation to noise, the design and access statement advises in para 3.24 that the typical noise specification is 70dB(A) at 7m. Using hemispherical propagation this equates to a sound power level of 94.9dB(A). However the subsequent 'container noise spectrum' advises that the noise is 65dB(A) at 10m which using hemispherical propagation relates to a sound power level of 93dB(A). Whilst such a difference should not be perceptible to the human ear, do expect a report to contain information that does not conflict with itself.

The report continues to advise that the nearest residential building not in the ownership of the applicant is approximately 200m away from the generator. Using the given noise levels and basic noise propagation this would equate to either a level of 39dB(A) or 40.9dB(A) dependant upon the initial sound power level. It is not possible to fully comment on these figures without a background noise level which in a rural environment is likely to be very low. BS4142 considers a low background to be 30dB (although it may be lower in this position). A difference of +10dB between the background noise level and the rating level of the noise (noise source plus any penalties to be applied) indicates that complaints are likely. However, note that there appear to be farm buildings between the noise source and the nearest residential property which will act as a barrier to noise assuming no direct line of sight. It may be necessary to provide some boarding to any open areas to prevent a direct line of sight to the nearest noise sensitive properties / amenity areas. There must be no gaps that would allow noise to travel from the CHP unit to the nearest residential property / amenity area.

Further to the submission of an Odour Management Plan and additional information on 13 November 2013 responded to state that had reviewed the Odour Management Plan and comments relating to noise from the Combined Heat and Power plant. Satisfied that with no line of sight noise from the plant should not be significant. The Odour Management Plan is a working document that will be subject to change however, at this stage it demonstrates an awareness of potential issues

and likely impact. This has satisfied the previous comments made and have no objection.

- (e) Environment Agency – no objection but make informative comments relating to the requirement for an Environmental Permit and the potential impacts of odour emissions on nearby communities.

Also state that where the only waste feedstock to an AD plant is agricultural manure and slurry or where non-waste feedstocks such as crops grown specifically for AD are used with the manure or slurry, the digestate output is not waste if it is spread to land in the same way as undigested manure and slurry would be.

State requirements regarding the storage of oils, fuels and chemicals in order to prevent pollution.

Note that the site is within 200 metres of a watercourse which feeds into a designated river, under the Water Framework Directive and state that the site must be designed in such a way that it will not impact on this river catchment.

- (f) Natural England – this application is in close proximity to the Woodhall Spa Golf Course Site of Special Scientific Interest (SSSI). However, satisfied that provided the proposal is carried out in strict accordance with the details of the application, as submitted, it will not damage or destroy the interest features for which the site has been notified.

Proposal may provide opportunities to incorporate features into the design which are beneficial to wildlife and to enhance the character and local distinctiveness of the surrounding area and these should be considered in the determination of the application.

- (g) Defence Estates – consulted on 15 October 2013 but had not responded at the time of writing this report.

- (h) Witham Third Internal Drainage Board – the maintenance of the adjacent watercourse is riparian responsibility, not the Drainage Board's.

The maintenance of this reach of riparian watercourse is important as residential properties upstream of the road culvert have suffered internal flooding in recent years. However, the new hedge proposed will be opposite a mature one on the other bank and so will make it impossible for plant working from the bank to clear the top to clear the watercourse. In this respect, it is making an already difficult situation worse.

Interesting to note that there will be no run-off from the new unit and it is completely sealed.

- (i) Highways (Lincolnshire County Council) – understand locals fears about the increase in traffic to this site but it would appear that there will only be two additional HGV movements to and from this site per week which will be transporting chicken litter to the site. The existing access does show some signs of overrun by tractors and trailers and suggest that this is improved to suit the largest vehicle likely to visit the site. Recommend a condition to secure this if planning permission is granted.

Recommend that a plan is obtained from the applicant which demonstrates that the largest vehicle can enter and leave the site without overrunning. This should include a swept path analysis of the access.

On the other concerns regarding traffic, this is an operational farm and the vast amount of traffic is already existing and additional traffic to this digester can be offset by the fact that this will create not only power but also fertiliser which can then be spread back on to the land negating the need to import fertiliser from further afield.

- (j) Historic Environment (Lincolnshire County Council) – ground disturbance is relatively limited and do not recommend any further archaeological work.

However, the application area is approximately 200 metres from the Wellington Monument, a Grade II listed building, English Heritage should be contacted for their opinion regarding the potential impact on the setting.

- (k) Trees Officer (Lincolnshire County Council) – consulted on 15 October 2013 but had not responded at the time of writing this report.
- (l) Public Rights of Way (Lincolnshire County Council) – consulted on 15 October 2013 but had not responded at the time of writing this report.
- (m) National Grid – consulted on 15 October 2013 but had not responded at the time of writing this report.
- (n) English Heritage – no comments but recommend that the application is determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

18. The application has been publicised by a site notice, an advertisement in the Horncastle News on 23 October 2013 and neighbouring properties have been individually notified on 15 October 2013. As a result of this publicity 16 representations from eight local households have been received. The issues raised are summarised below:

- understand that an Odour Management Plan would be mandatory if planning permission is granted;

- the education aspect is totally lacking in substance and does not reflect well on the rest of the application;
- in relation to odour and wind, whilst it may not be in the applicant's interest to allow it to escape, once it has happened there will be a cost and elapsed time to remedy it, from living in Sandy Lane know that wind is both excessive and prone to blow in all directions and this could aid the transmission of odour and sound to the detriment of the many residents living nearby;
- not ideal location as too close to residential properties;
- consultation undertaken was not wide enough;
- the surrounding roads are narrow and in poor condition and not suitable to support development;
- concerns regarding ice on the roads in winter;
- concern regarding impact on roadside verges;
- concern regarding highway safety as close to staggered junction;
- insufficient information in relation to vehicle movements and access routes associated with the development and queries relating to this;
- concern regarding impacts on pedestrians, joggers, cyclists;
- concern regarding impacts on tourism;
- planting proposals are inadequate as will take time to establish and there will be leaf fall in winter;
- concern regarding impact of HGV movements on residential water pipes in verges of roads;
- there would be irreversible impacts on wildlife and habitats, including impacts on nesting birds;
- consider that there are more appropriate locations;
- concerns regarding impacts on the listed Wellington Monument;
- concerns regarding impacts on house prices;
- the Reed Beck is missing off the application drawings;
- concerns regarding increase in surface water drainage and impacts on Reeds Beck and potential flooding of nearby homes;

- concerns regarding noise levels and consider that 40dBA at the nearest property is too high and a full assessment should be undertaken;
- concerns regarding visual intrusion into the landscape;
- concerns regarding odour impacts and consider assessment to be inadequate;
- query regarding what security measures will be put in place;
- consider that the proposal is to generate income not to fulfil a need for electricity;
- consider that there is no farm to which this application relates just a conglomeration of sheds and barns housing cattle and storing food;
- no consideration is given to where the on site cattle manure will go;
- the education centre would be better placed elsewhere on the applicant's land;
- concerns regarding impacts on RAF Coningsby; and
- queries regarding the advice of the County Council internal consultees.

District Council's Observations

19. East Lindsey District Council raised no objection to the application but make the following comments. It is considered that the principle of the scheme is sound and accords with the relevant policy as set out in the NPPF. However, request that before the scheme is allowed to proceed a more detailed analysis of the landscape impact and means of mitigating that impact is undertaken. No adequate statement of the significance of the nearby heritage asset (the listed Wellington Memorial) has been submitted as required by the NPPF and this should be included, together with detailed mitigation measures.
20. Also drew attention to the comments of the Stixwold with Old Woodhall Parish Meeting, which were forwarded with their response.

Conclusions

21. The proposed development is for a 500kW anaerobic digestion plant and for the change of use of a barn to an education centre at Reeds Beck Farm, Reeds Beck, Stixwold. The Design and Access Statement states that the applicant company, Woodland Estates Limited, farm 687 hectares of land largely to the north of Woodhall Spa.

22. Lincolnshire Waste Local Plan policy WLP11 deals with anaerobic digestion plants and sets out a number of criteria to be met. These criteria are discussed below in relation to issues such as noise, odour and highways. In relation to the types of location identified within the policy as being suitable for such facilities it is stated that they will be permitted:

“on land identified for general industrial use (B2) or form an integral part of:

- (A) sewage treatment plants;*
- (B) intensive livestock units;*
- (C) other waste management facilities;*
- (D) associated with food processing facilities”.*

23. Whilst the proposed development does not meet any of these locational criteria, the Waste Planning Authority have previously taken the approach that such facilities which utilise feedstock from the immediately surrounding area and can dispose of the resultant digestate on the surrounding area can be considered to be acceptable. In addition, in 2011 the Government published an Anaerobic Digestion Strategy and Action Plan which supports the role of AD plants on farms and this is reflected in policy W5 “Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Windrow Composting” of the Draft Core Strategy and Development Management Policies: Lincolnshire Minerals and Waste Local Plan, which is currently out to consultation, which allows for such AD plants on land associated with an existing agricultural use. Given that the Government’s Strategy is more up to date than the 2006 Waste Local Plan and the emerging policy reflects the Government’s approach, it is considered that the principle of the proposed AD plant on this farm is acceptable, however, the detailed matters regarding its impacts need to be assessed.

Landscape and Visual Impact

24. The NPPF, criterion (xi) of Waste Local Plan policy WLP21 and policy A5 of the East Lindsey Local Plan seek to ensure that new development does not detract from the character of the surrounding area or have detrimental visual impacts. A Landscape and Visual Impact Assessment has been submitted in support of this application, a revised version of which was submitted on 13 November 2013 to take into account the amended planting scheme and the comments of East Lindsey District Council.
25. The proposed AD plant would lie immediately north west of the existing agricultural buildings and farm house at Reeds Beck Farm and the proposed education centre would involve the conversion of one of the buildings within the existing built unit. The only external alteration involved in the proposed change of use to the education centre is the replacement of a window with a door and this would have no impact on the character of the building or on the character of the surrounding area.
26. The proposed AD plant would introduce structures and equipment beyond the existing farm buildings, however, they would be very closely related and

would be viewed as a comprehensive farm unit. The nearest digester tank to the existing agricultural sheds would be approximately 41 metres to the north west. The AD plant could not be sited any closer to the existing buildings than this as there are overhead power lines running between the two, indeed the application site boundary runs along the line of the power lines.

27. Views into the application site are restricted from the east along Poolham Lane due to the existing roadside hedge and tree planting. To the west of the site is the Waterloo Wood and to the north is Halstead Wood, both of which screen views of the site. There would be some views of the proposed AD plant from Monument Road which runs east to west to the south of the application site, but these would be limited by the existing mature trees and hedgerows along the roadside. Sandy Lane joins Monument Road close to the access to the application site and runs in a south easterly direction towards Roughton Moor. The Landscape and Visual Impact Assessment notes that there would be views of the proposed development from the northerly part of Sandy Lane, including from the residential property on the corner of Sandy Lane and Monument Road, but that these views would be limited to the primary digestion tank and the silage clamp as the existing farm buildings would screen views of the rest of the AD plant.
28. The Landscape and Visual Impact Assessment concludes that significant views of this development would be limited to close views from a short length of Monument Road to the east and west of the site, a short length of Sandy Lane to the south of the site, and from Poolham Lane close to the site. Any views of the site would be in the context of an existing farm and its associated buildings. There would be no longer distance views from the nearby settlements of Woodhall Spa, Stixwoud or Roughton Moor due to the intervening blocks of woodland.
29. Overall, it is concluded that the proposed development, whilst including some relatively large structures, would be viewed in connection with the existing farm buildings and would not have a detrimental impact on the character or appearance of the landscape. The development would therefore be in accordance with the NPPF and policy A5 of the East Lindsey Local Plan in this regard.

Highways

30. Waste Local Plan policies WLP11 and WLP21 both seek to minimise the traffic impacts of new development on the highway network. The application site is an existing farm and there are currently no restrictions on farm related traffic movements associated with the site.
31. The Design and Access Statement states that the proposed AD plant would be fed by two feedstocks, maize and chicken litter. It states that the 11,000 tonnes of maize would be grown on the applicants farm and that the 1,040 tonnes of chicken litter would be imported to the site from neighbouring chicken farms, of which it states that there are several within 5 miles of the

site. No vehicle movement data is provided in relation to the maize, however, the Design and Access Statement states that this would be transported within the farm using tractors and trailers. In relation to the delivery of chicken litter, it is stated that this would comprise two HGV deliveries per week.

32. No traffic information has been provided in relation to the proposed education centre on the site and the Design and Access Statement acknowledges that the reason for this is due to it being difficult to quantify at this stage. Provision is proposed for six car parking spaces associated with this element of the development. There are two key limiting factors in relation to the number of visitors to the proposed education building, one is the size of the building and the second is the hours of opening. The existing barn is approximately 16 metres long by 10 metres wide. Approximately 30 square metres of the barn is proposed to be converted into an information and teaching area, with the remaining area proposed to be converted into a kitchen and toilet facilities. As such, the area to attract visitors is relatively small and the number of people which it could accommodate would be limited by this.
33. Although no opening hours of the education centre were proposed in the original application, through discussions, it has been agreed that Monday to Friday 09:30 to 15:30 hours would be acceptable to the applicant. If planning permission is granted, it is recommended that a condition is imposed limiting the opening hours of the education centre to these times as this would limit the traffic movements to within these hours.
34. Most of the representations submitted by local residents, and the representations of Stixwold with Old Woodhall Parish Meeting and Woodhall Spa Parish Council, have raised concerns regarding the impact of the proposed development on the surrounding highway network. Concerns have primarily been focused on the number of traffic movements associated with both elements of the proposed development and the adequacy of the surrounding roads to accommodate it, particularly in relation to the delivery of feedstocks for the AD plant. Concerns have also been raised regarding the proximity of the site entrance to the junctions of Monument Road with Sandy Lane, to the south, and Poolham Lane to the east.
35. As stated above, the application site is an existing farm which does not currently have any restrictions in relation to traffic movements relating to the day to day running of that farm. The application documents state that the maize feedstock would be grown on the applicant's farm and therefore the movement of this to the application site would be within the parameters of the normal working of the farm. The only additional traffic movements relate to the importation of chicken litter and the traffic associated with visitors to the education centre. It is also noted that the resultant digestate produced through the AD process is proposed to be used as a liquid and solid fertiliser on the applicant's farm and as such the importation of fertiliser to the farm would be reduced as result, therefore reducing vehicle movements associated with this.

36. The Highways officer has responded to the application raising no objections to the development but requesting that the access to the site be improved to ensure that the largest vehicle visiting the site can enter and leave the site without overrunning. The Highways officer also acknowledges that this is an operational farm and that the additional traffic proposed to the AD plant would be offset by the fact that this will create power and fertiliser which can be spread back on the land thereby negating the need to import fertiliser from further afield.
37. Whilst the objections raised by the Parish Meeting and local residents are acknowledged, overall it is considered that, subject to the imposition of the recommended conditions, the proposed development would not have a detrimental impact on highway safety or cause problems on the local highway network.

Odour

38. In relation to odour, Waste Local Plan Policy WLP11 sets out two specific requirements; one is that the application should be accompanied by a satisfactory Odour Impact Assessment; the other is that the proposal should be located at a distance of no less than 250 metres from an occupied building (including residential properties) to ensure any odour impacts upon the use of the occupied buildings are sufficiently mitigated against. Waste Local Plan policy WLP21 also requires that there be no adverse impact as a result of odour. Policy A4 of the East Lindsey Local Plan seeks to protect the amenities of people living or working near to proposed development.
39. The AD process operates as a closed system in the absence of oxygen. In this regard, the tanks within which the process takes place are sealed. The feedstock proposed to be used in this AD plant is maize and chicken litter. The maize is proposed to be stored in silage clamps which would be covered by sheeting, rolled and weighted down in order to prevent any oxygen entering the silage. The chicken litter is proposed to be fed directly into the digestion process on arrival to the site and there would be no storage of the chicken litter on the site. The digestate which is produced as a result of the AD process is proposed to be spread on the applicant's land and used as a fertiliser.
40. Following the comments of the Environmental Health Officer, an Odour Management Plan (OMP) was submitted on 13 November 2013. This document addresses odour sources, control techniques, process monitoring, an overview of management strategies and the OMP review process. In relation to odour sources, the OMP considers each aspect of the proposed development and considers the operational risks of odour, the probability of exposure and concludes with an assessment of overall risk. In relation to all elements of the proposed AD plant the probability of exposure is stated to be low and the overall risk not significant, with any potential impacts being confined within the site boundary. The OMP states that routine daily boundary odour tests will be carried out and sets out the framework for a procedure for recording incidents and dealing with complaints.

41. The nearest residential property (not under the control of the applicant) to the AD plant lies approximately 185 metres to the south east of the primary digestion tank and there is therefore a conflict with criterion (v) of policy WLP11 of the Waste Local Plan which requires a distance of at least 250 metres. However, the purpose of this criterion of the policy is to ensure that any odour impacts can be sufficiently mitigated against and that odour would not have a detrimental impact on residential amenity, which would also be contrary to Waste Local Plan policy WLP21 and East Lindsey Local Plan policy A4. Policy WLP11 is relevant to all types of AD plant and correctly takes a precautionary approach. However, the OMP concludes that there would be no off-site odour impacts of the development and therefore, providing that the development is carried out in accordance with the submitted details, residential amenity is unlikely to be harmed and the development would accord with Waste Local Plan policy WLP21 and East Lindsey Local Plan policy A4 in this regard. As such, the conflict with criterion (v) of policy WLP11 can be justified. The Environmental Health Officer has also confirmed that the OMP is satisfactory and raised no objections to the development in relation to odour. It is recommended that if planning permission is granted it is subject to a condition requiring that the odour mitigation measures are implemented and that odour is monitored in accordance with the OMP.

Noise

42. Waste Local Plan Policy WLP21 requires that there be no adverse impact as a result of noise and Policy A4 of the East Lindsey Local Plan seeks to protect the amenities of people living or working near to proposed development.
43. The Design and Access Statement includes a section which considers noise impacts and further to the original comments of the Environmental Health Officer, additional information in relation to noise was submitted on 13 November 2013. It is stated that the day to day operation of the plant creates little noise. The only element of the process which is stated to generate noise is the Combined Heat and Power (CHP) plant that houses the engine which generates the electricity. This engine is proposed to be housed in a sound insulated container. Whilst there would be some noise emitted from the CHP plant, any impacts of this at the nearest residential property (out of the applicant's ownership) are stated to be mitigated by the intervening digestion tank and livestock buildings, which are said to have large stacks of straw around the rear and side, such that there would be no adverse noise impacts.
44. The Environmental Health Officer has confirmed that given there would be no line of sight from the CHP plant to the nearest residential property, noise from the plant should not be significant and no objections are raised in this regard.
45. Local residents have raised concerns regarding the impacts of noise as a result of vehicle movements associated with both the AD plant and the

proposed education centre. As stated above in relation to highways, it is concluded that there would not be a significant number of vehicle movements in addition to those associated with the day to day running of a farm and therefore it is concluded that there are unlikely to be adverse impacts in terms of noise disturbance as a result of the increase in vehicle movements.

46. It can therefore be concluded that, subject to the noise control measures proposed being implemented throughout the lifetime of the development, the proposed AD plant and education centre would not have an adverse impact in relation to noise and would therefore be in accordance with Waste Local Plan policy WLP21 and East Lindsey Local Plan Policy A4.

Impact on Amenities of Nearby Residential Properties

47. Waste Local Plan policy WLP21 and East Lindsey District Council policy A4 seek to protect the amenities of residential properties. Residents from eight local properties have made a total of 14 representations objecting to the proposed development on a number of grounds, including raising concerns regarding the impacts on their amenities.
48. The two main impacts to consider in relation to the amenities of the nearby residential properties relate to odour and noise. As stated above, subject to the measures contained within this application to mitigate odour and noise being implemented, the proposed development would not have an adverse impact on the amenities of nearby residents in relation to these matters.
49. Concerns have been raised regarding potential disturbance from the proposed education centre, however, the opening hours of this centre are proposed to be limited to 09:30 to 15:30 Monday to Friday and it is anticipated that all visitors would be via prior arrangement. This element of the proposed development would therefore not have an adverse impact on the nearby residential properties.
50. Whilst the Landscape and Visual Impact Assessment acknowledges that there may be some views of the proposed AD plant from windows of nearby residential properties, the distances from those properties to the AD plant mean that there would be no loss of amenity. Concerns have also been raised regarding the impact of the proposed development on the value of the nearby residential properties, however, this is not a planning matter and cannot form part of the consideration of this application.
51. It is concluded that, subject to the aforementioned measures being in place regarding odour and noise, the proposed development would have no detrimental impacts on the amenities of the nearby residential properties and therefore would be in accordance with Waste Local Plan policy WLP21 and East Lindsey Local Plan policy A4 in this regard.

Impact on the Wellington Monument Listed Building

52. The NPPF, Waste Local Plan Policy WLP21 and Policy C2 of the East Lindsey Local Plan all seek to protect listed buildings and their settings. The proposed primary digestion tank lies approximately 260 metres to the north of the Grade II listed Wellington Monument. The monument is a granite obelisk, almost 11 metres high, on a rectangular stepped base with a bust of the Duke of Wellington on top. It was erected in 1844 and has an inscribed panel at the base recording that the adjacent Waterloo Wood was planted "*from Acorns Sown Immediately After the Memorable Battle of Waterloo*". The Waterloo Wood, which lies immediately adjacent to the Wellington Monument, to the north and west, is owned and managed by the applicant company.
53. East Lindsey District Council have raised concerns that the application does not adequately address the significance of this listed building. The Design and Access Statement contains a section dealing with this matter and the Landscape and Visual Impact Assessment submitted on 13 November 2013 has been revised to give further consideration of this heritage asset, in light of the District Council's comments. It is therefore concluded that the applicant has appropriately considered the Wellington Monument listed building in the submitted documents.
54. The proposed development would have no impact on the fabric of the listed building, however, consideration must be given to whether there would be any impact on its setting. The listed building is primarily viewed from Monument Road and is set against the background of Waterloo Wood. The proposed development lies to the north of the listed building and it is proposed to increase the existing planting to provide further screening of the proposed AD plant. The AD plant would therefore be largely screened from views by the existing hedgerows and proposed planting and, given this together with the distance of the development from the listed building and the limited opportunity for views of both, it is concluded that the development would not have a detrimental impact on the setting of the Wellington Monument and would therefore not conflict with the NPPF, the Waste Local Plan or the East Lindsey Local Plan in this regard.

Agricultural Land

55. Criterion (i) of Waste Local Plan Policy WLP21 seeks to protect the best and most versatile agricultural land and requires the lowest possible grade of agricultural land within the vicinity to be used. This reflects the approach of the NPPF.
56. The AD plant element of the application site lies on agricultural land which is classified as Grade 3. According to DEFRA's Multi-Agency Geographic Information for the Countryside (MAGIC) agricultural land classification maps most of the land in the vicinity of the application site is Grade 3. In this respect, the proposed development does not conflict with criterion (i) of Waste Local Plan policy WLP21.

57. In relation to the use of agricultural land for the production of crops for use in electricity generation, as is proposed in this case with the use of maize as a feedstock for the AD plant, the Government's approach is set out in the UK Bioenergy Strategy (2012). This document acknowledges the potential impacts of the loss of agricultural land for food production in order to facilitate the production of energy crops, however, it concludes that it is not anticipated that there will be any significant conflicts with food production objectives. It also states that Government policy should aim to maximise opportunities for improving energy crop supplies sustainably and that ways of removing barriers to energy crop production should be explored. In addition to this, the National Anaerobic Digestion Strategy and Action Plan (2011) sets out the Government's commitment to on-farm AD plants, as stated above.
58. It is therefore concluded that the proposed development is acceptable in relation to its impact on agricultural land.

Change of Use of Agricultural Building

59. Policy DC6 of the East Lindsey Local Plan contains a number of criteria to be met in relation to the re-use of buildings in the countryside. The purpose of these criteria is to ensure that any such conversions are acceptable in terms of their impacts on the surrounding area and that the existing building is capable of conversion.
60. In additional information provided, the applicant has stated that the building is structurally capable of conversion, needing just minor repairs. Whilst no structural survey has been submitted with this application, this assessment of the capability of the building for conversion is not disagreed with and it was not evident as a result of the case officer's site visit that any further information in this regard was required.
61. In light of the only proposed alterations to the external appearance of the building relating to the removal of a window and replacement with a door, it is concluded that the proposed conversion would have no detrimental impacts in relation to its design and setting or cause any harm to the character or amenities of the surrounding area. In relation to its proposed use, as described above, this would be limited by the size of the building and the opening hours and as such it is considered that the use as an education centre would not be detrimental to the surrounding area.
62. As such, it is concluded that the proposed change of use of the existing agricultural barn to an education centre is in accordance with policy DC6 of the East Lindsey Local Plan.

Impact on Reeds Beck Watercourse

63. A number of local residents have raised concerns regarding the potential impacts of the development on the Reeds Beck watercourse which lies along the western boundary of the application site. The Witham Third

Internal Drainage Board have confirmed that the maintenance of this watercourse is the responsibility of the landowner and whilst they didn't raise any objections to the development, they raised concerns regarding the future maintenance given the location of the proposed landscaping which would result in the watercourse being planted to both banks, thereby preventing maintenance of this stretch of the beck. In response to this, revised plans were received on 13 November 2013 moving the proposed landscaping such that access to the watercourse is retained.

64. The proposed development would not directly impact on the Reeds Beck and the AD plant part of the proposals would not result in any surface water run off as all rainwater and leachate would be collected and put back into the AD plant in order to comply with the permitting requirements of the Environment Agency. This therefore limits the potential for an increase in surface water run off or pollution from this source.
65. Part of the proposed internal access route would run in close proximity to the Reeds Beck. In further information the applicant has stated that there would be no impacts and to ensure that this was the case, it is recommended that if planning permission is granted it is subject to a condition requiring details of the hardsurfacing of this access route to be submitted and approved, including details regarding how the Reeds Beck will be protected during construction and thereafter.

Overall Conclusion

66. It is concluded that whilst the proposed development conflicts with criterion (v) of Waste Local Plan policy WLP11, this can be justified through the proposed mitigation measures to ensure that there would be no harm as a result of odour and that the development would not be harmful to the surrounding residential properties, the character of the local landscape, the setting of the Wellington Monument listed building or the surrounding highway network. Overall, it is considered that, subject to conditions to ensure appropriate mitigation and control measures are implemented, the proposed development is acceptable.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out strictly in accordance with the submitted details and recommendations, including drawing numbers:

- a) 1080/01/03 "Conversion of Agricultural Building to Education Centre" (received 18 October 2013);
 - b) 1080-01-SP04 Rev A "Site Plan" (received 13 November 2013);
 - c) 1080-01-05 "Plans & Elevations" (received 2 October 2013);
 - d) 1080-01-06 "Plans & Elevations" (received 2 October 2013);
 - e) 1080_01_07 "Clamp Wall Plan & Elevations" (received 2 October 2013); and
 - f) 1080-01-LP08 Rev A "Site Location Plan" (received 14 November 2013).
3. Prior to the commencement of development samples of the materials to be used in the construction of external surfaces shall be submitted to, and approved in writing by, the Waste Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
 4. Prior to the commencement of development a scheme of landscaping and tree planting, including the number, species, heights of planting and positions of all of the trees, shrubs and bushes, shall be submitted to, and approved in writing by, the Waste Planning Authority. The approved scheme shall be implemented in full within the period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be adequately maintained and all losses shall be made good for the lifetime of the development.
 5. Prior to the commencement of development, a scheme for the improvement of the access to the site off Monument Road shall be submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall ensure the improvement accommodates the largest vehicle likely to visit the site and demonstrates that the largest vehicle can enter and leave the site without overrunning, including a swept path analysis of the access. The approved scheme shall thereafter be implemented in full prior to the development hereby permitted becoming operation.
 6. Prior to the commencement of development details of the hardsurfacing of the access route through the site and the proposed car parking spaces shall be submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall ensure that the banks of the Reeds Beck are adequately protected during construction of the access route and thereafter. The approved scheme shall thereafter be implemented in full prior to the development hereby permitted becoming operation.
 7. The feedstock materials for the anaerobic digestion plant hereby permitted shall be restricted to silage, biomass and energy crops grown and sourced from within the farmholding and chicken manure unless otherwise agreed in writing with the Waste Planning Authority.
 8. The odour mitigation and monitoring measures set out in the Odour Management Plan (received 13 November 2013) shall be implemented in full for the lifetime of the development.

9. The noise mitigation measures and noise limits set out in the Design and Access Statement (received 2 October 2013) shall be implemented in full for the lifetime of the development.
10. The opening hours of the education centre hereby permitted shall be between 09:30 and 15:30 Monday to Friday only.
11. There shall be no external lighting of the site.
12. The material stored in the silage clamps shall not exceed 4 metres in height.
13. No material shall be stored outside at any time other than in the silage clamps.
14. The means of connection to the National Grid shall be by underground cable.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
- 3, 4, 11, 12, 13 & 14
In the interests of visual amenity and to protect landscape character.
5. In the interests of highway safety.
6. In the interests of visual amenity and to protect the adjacent watercourse.
7. To correspond with the source of feedstock materials for which planning permission was applied and to limit the nature of feedstock materials in the interests of the amenity of the area.
- 8, 9 & 10
In the interests of the amenity of the area.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

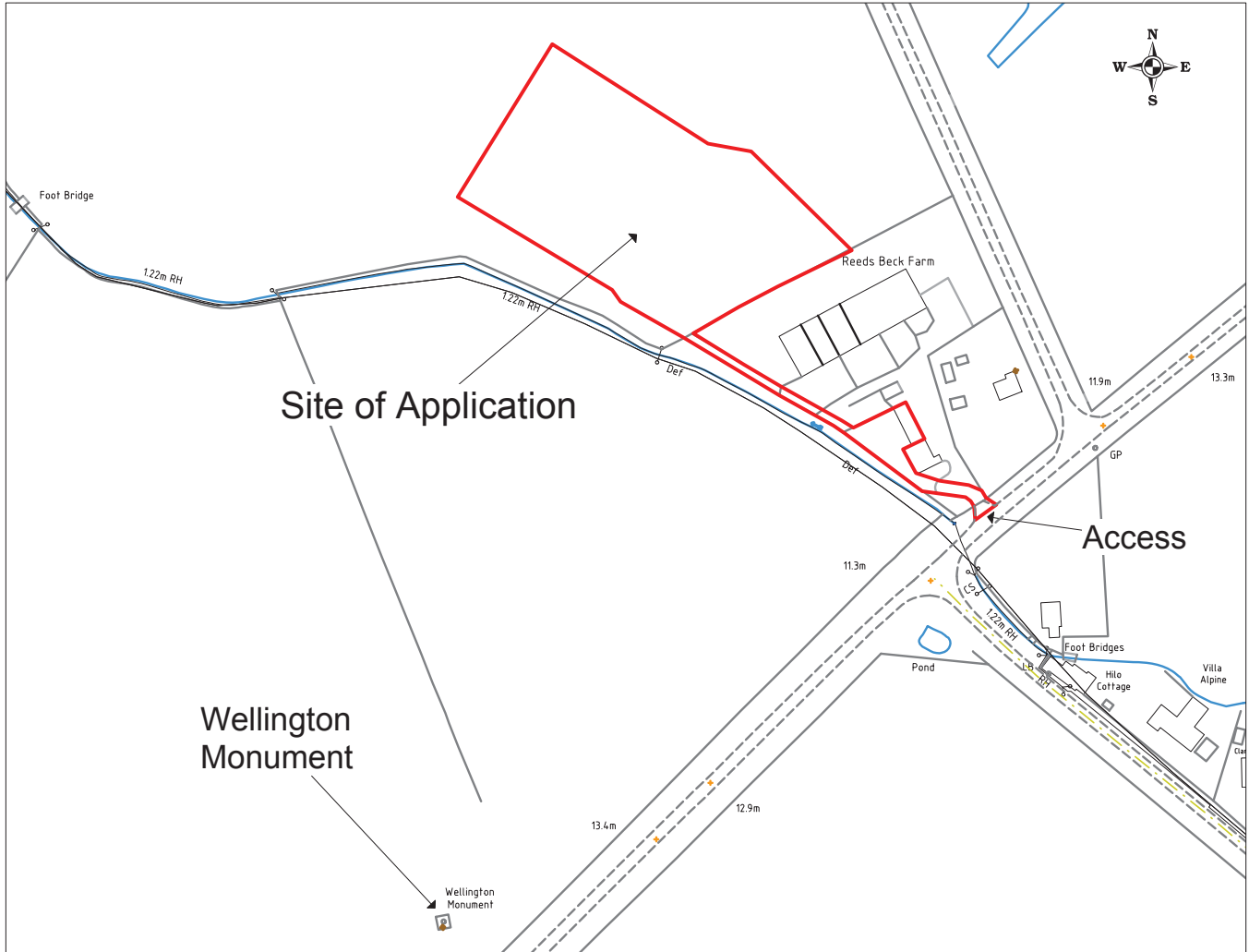
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S170/1988/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework (2012) Planning Policy Statement 10 "Planning for Sustainable Waste Management" (2010) National Anaerobic Digestion Strategy and Action Plan (2011) UK Bioenergy Strategy (2012)	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan (1999)	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Natalie Dear, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A PLANNING



Prevailing Wind Direction from the south-west ↗



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OS LICENCE 100025370

Location:
 Reeds Beck Farm
 Reeds Beck
 Stixwold

Description:
 For a 500kW anaerobic digestion plant and for
 the change of use of a barn to an education
 centre

Application No: (E)S170/1988/13

Scale: 1:2500

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Regulatory and Other Committee

**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	4 December 2013
Subject:	County Matter Application - (E)S96/2043/13

Summary:

Planning permission is sought by Wildmore Renewables Limited for a 499kW anaerobic digestion plant at Laburnum House, Main Road, Langrick.

The main issues to consider in this application are the impacts of the development on its' countryside location, odour and highways impacts.

Overall, it is concluded that subject to the imposition of suitable conditions to ensure mitigation measures are implemented, the proposed development would be acceptable.

Recommendation:

Following consideration of the development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

The Application

1. Planning permission is sought for an anaerobic digestion (AD) plant at Laburnum House, Main Road, Langrick. The proposed plant would use animal manure and crops as its feedstock to produce biogas. The plant would generate 499kW of electricity annually, which the applicant states is sufficient electricity for 1,285 dwellings, based on the average residential dwelling consuming 3.3Wh of electricity per annum.
2. The biogas would be combusted in a combined heat and power engine to produce electricity and heat. The electricity would be exported to the National Grid and the heat would be used on the farm for the farm buildings. As a result of the process liquid and solid digestate would be produced and this would be used as an organic fertiliser.

3. The total feedstock would be 9500 tonnes, a third of which would consist of a mixture of pig, cattle and chicken manure with the remaining two thirds consisting of mixed crops grown on the farm in rotation with the main crops.
4. The AD plant would produce up to 6000 tonnes per annum of solid and liquid digestate that would be spread on the land to be used as a fertiliser.

AD Plant

5. The plant would consist of the following built elements:
 - digester tank, this would be 22m in diameter and 11m high. It would be constructed from concrete and clad in dark green corrugated steel;
 - storage tank (including integrated gas storage dome roof) - this would be the tallest element of the scheme and would be 13m high. The side walls of the tank would be approximately 6m high and the diameter would be 32m. It would be constructed from concrete and clad in dark green corrugated steel;
 - 2x hydrolysis tanks – these would be approximately 8m in diameter and approximately 5.5m high. They would be constructed of concrete and clad in corrugated steel sheeting which would be finished in dark green;
 - feeding system;
 - combined heat and power engine (in an acoustically isolated chamber);
 - pump room which would be approximately 8m wide and 12m long;
 - site office;
 - gas flare, which would be approximately 6m high;
 - Substation;
 - Transformer;
 - Weighbridge, which would be positioned close to the entrance of the site;
 - Silage clamps x3, these would be a maximum of approximately 14m wide and 55m long and approximately 4.5m high.
6. The AD plant would be a 24 hour, seven days a week operation. It would be operated by the farmer at Laburnum House, with full service, inspection and maintenance carried out by Qila Energy. The Combined Heat and Power (CHP) plant would be continuously monitored by the technology provider.
7. Anaerobic digestion is a natural process in which microorganisms break down organic matter in the absence of oxygen to create biogas (a mixture of carbon dioxide and methane) and digestate. The digestion process converts carbon into biogas but retains the nutrient content of the feed stocks. This nutrient content means digestate can be used as an organic fertiliser or soil conditioner. The biogas is combusted in a combined heat and power engine to produce electricity and heat.
8. The first stage of digestion of a two stage AD plant, is in the two hydrolysis tanks where bacteria for hydrolysis and acidification are encouraged at temperatures of 50-55 degree C, the material spends 2-4 days in these tanks.

9. The second stage occurs mostly in the digester tank, where acetification and methanisation occur at temperatures of between 41-44 degree C with a more neutral ph of 7-8. The material spends 10-15 days in this tank.
10. The silage clamps would be used to store the crop residue/silage and manure/chicken litter feedstock prior to use. The feedstock would be loaded into the hopper, serving the hydrolysis tank, which in turn feeds the digester tank, on average once a day. A tractor with a front-loading shovel would transport the feedstock from the silage clamps to the hopper.

Drainage

11. The AD plant and clamping area would be constructed of concrete, with a contained drainage catchment recovery system. All 'dirty' surface water run-off from the AD plant, including the clamps, would be collected via this drainage system to the pump chamber, from where it would be removed by tanker or bowser. This would ensure that all effluents and contaminated run off would not soak into the ground.
12. The remainder of the site would be grassed and surface water disposed of via a soak-away.

Landscaping

13. Soft landscaping is proposed on land to the east and south of the site and would include a mix of native trees and shrubs in keeping with those species identified in the existing woodland belts on the northern and western boundaries.
14. The following documents were submitted in support of the application:
 - Habitat survey
 - Flood risk assessment
 - Noise Assessment
 - Odour Assessment.
15. **Habitat Survey** - an ecological extended Phase 1 habitat survey was undertaken on the site and surrounding area and a Great Crested Newt Survey was also undertaken. The main findings of the survey were:
 - No protected species were identified,
 - The site has little ecological value,
 - Two belts of trees on the northern and western boundary of the site were considered to have breeding birds, but the proposals do not involve the removal of any trees,
 - Great Crested Newts were not recorded on any of the four visits undertaken, and the report concluded that it is unlikely that any are present on site.

16. **Flood Risk Assessment** - the site is within Flood Zone 3 and therefore a Flood Risk Assessment (FRA) was undertaken. The FRA concluded that the risk of coastal flooding is low, the risk of surface water/pluvial flooding is low and the risk of groundwater flooding and canals, reservoirs and artificial waterways is negligible. The main source of flood risk would be from fluvial flooding.
17. The development would increase the overall impermeable area within the site, which would create a risk of surface water run-off onto adjacent land. The FRA states that if this run-off is managed there would be no increase in flood risk and it is proposed that any surface water run-off from the site would be pumped into the final storage tank.
18. The report made three recommendations: the land owner should sign up to the Environment Agency flood warning and evacuation; there is adequate pollution control to reduce the risk of pollution leaving the site; the floor levels of operational buildings should allow for a sufficient freeboard.
19. **Noise Assessment** - the assessment shows that the predicted noise levels from the AD plant would not exceed existing noise levels during the day or evening period at the nearest sensitive receptor and two other nearby receptors. An assessment that calculates impacts on internal noise levels during the night time was undertaken for the same receptors. It concluded that there would not be any perceptible increase in noise levels as a result of the development.
20. **Odour Assessment** – an assessment of odour was undertaken which considered the effects of a number of sources of odour at the site which could impact on sensitive receptors. The report concluded that the storage and utilisation of feedstock would represent the most significant source of odour.
21. Once the clamps are full they would be covered with a protective sheeting to form an airtight layer and the resultant digestate would also be stored and covered with sheeting.
22. The report concluded that the proposed development would be unlikely to cause any significant odour impacts at any of the nearest sensitive locations. It took into account the design and operational aspects of the proposals including frequency of feedstock delivery and covering of feedstocks in the silage clamps.
23. In order to control any potential odour at the site an odour management plan was submitted which includes remedial actions and complaints procedures in the event of any odour issues.
24. The landscape and visual impact was also assessed, the main conclusions were: that the site is not within any statutory landscape designation and it is identified as being within an intact working farm landscape. The development was assessed in context to the other farm buildings adjacent to

the site, including the 10m high grain store, and the existing landscaping around the site.

Vehicle Movements

25. The existing farm building and farmyard area at Laburnum House already receives crops grown on the farm unit and crop and manure storage takes place in the yard area adjacent to the site. It is anticipated that the manure and crop feedstock would be transported on the internal farm access tracks, as is the current situation, without the need to go on the public highway. The landowner currently has a "muck for straw" arrangement with a neighbouring farmer, whereby he supplies straw for feed and his neighbour supplies muck as fertiliser for his crops. This arrangement would continue with muck being used as feedstock for the AD plant.
26. Vehicles would also access the site via the farm off the B1192. The applicant has used a worst case scenario, based on all the feedstock being transported on the public highway, based on a 20 tonne tractor capacity transporting 9500 tonnes of feedstock i.e. 9500 divided by 20, multiplied by 52 this would result in approximately nine journeys/18 vehicular movements per week.
27. The use of the digestate as a bio-fertiliser on the Laburnum House farm unit would not be expected to generate any additional highway traffic compared with current agricultural activities, since fertiliser is currently applied around the farm. It is anticipated that the quality and consistency of the digestate is likely to reduce the need to import artificial fertiliser products.
28. The application states that the overall objectives of the development are:
 - To provide renewable electricity;
 - Generate a high quality 100% organic fertiliser;
 - Reduce dependence on the importation of expensive man made inorganic fertiliser;
 - Odour reduction;
 - To reduce the overall carbon footprint of the farm through directly offsetting energy usage;
 - To support the continued viability of the existing farm business; and
 - To promote the use of renewable energy generation in the area.

Site and Surroundings

29. Langrick is located approximately 7.5km to the north west of Boston town centre. The village is accessed from the B1184, which runs directly off the B1192. It is surrounded by flat, agricultural land interspersed with farm buildings and belts of trees. Laburnum House is approximately 1km to the north west of Langrick village and is accessed directly from Main Road (B1192). The application site is located within the farm unit of Laburnum House, which is a 890 hectare farm unit, principally arable, with some cattle.

30. The site is on the corner of an arable field, adjacent to the existing farmyard buildings. It is approximately 130m long and 75m wide, with a total approximate area of 0.91ha. The site is surrounded by agricultural land, with a mature belt of trees to the north and west, which screen the site along these boundaries. There are open views into the site from the south and east.

Main Planning Considerations

National Guidance

31. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:
- paragraph 28 promotes a positive approach to supporting the rural economy;
 - paragraph 97 states that support should be given to renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
 - paragraph 109 seeks to prevent adverse impacts as a result of noise pollution;
 - paragraph 112 seeks to protect, and recognises the benefits of, the best and most versatile agricultural land, with poorer quality land to be used in preference to that of a higher quality;
 - paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution;
 - paragraph 123 seeks to prevent adverse impacts as a result of noise pollution;
 - paragraph 186 indicates that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development. Paragraph 187 requires planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible;
 - paragraph 215 of the National Planning Policy Framework (NPPF) (March 2012) states that following 12 months since the publication of the Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the

closer the policies in the Framework the greater the weight that can be given). This is of relevance to the Lincolnshire Waste Local Plan (2006) and East Lindsey Local Plan (1999).

Annex E of Planning Policy Statement 10 “Planning for Sustainable Waste Management” (2011) (PPS10) – sets out the locational criteria which must be considered in relation to the suitability of proposed sites. Of particular relevance to this application are the issues relating to visual intrusion and odour issues.

In addition, in the Government's National Anaerobic Digestion Strategy and Action Plan (2011), there is a commitment to increasing energy from waste through anaerobic digestion and confirmation on the contribution on-farm AD plants can make to this.

Local Plan Context

32. The following policies of the Lincolnshire Waste Local Plan (2006) and East Lindsey Local Plan (1999) are relevant to this proposal and in conformity with the NPPF, and should continue to be given due weight in the determination of this application:

Lincolnshire Waste Local Plan (2006):

Policy WLP1 – Objective of the Plan, states that waste management proposals will be considered in relation to their contributions towards the waste management hierarchy which in order of priority is:

- Reduction (minimisation of waste);
- Reuse;
- Recycling and composting;
- Energy recovery from waste;
- Disposal of residual waste.

When applying the hierarchy and assessing the need for waste facilities regard will be paid to:

- Proximity principle;
- Regional self-sufficiency;
- Waste planning policies and proposals of neighbouring areas;
- Best available techniques and the environmental setting of the facility.

Policy WLP11 – Anaerobic Digestion and Mechanical Biological Treatment states that planning permission will be granted for anaerobic digestion and mechanical biological treatment plants provided the following criteria are met:-

- i) any digestate produced as a residue of the process can be satisfactorily managed and disposed of; AND;

- ii) that the site is located so as to minimise the traffic impact on the highway network. Favourable consideration will be given to those developments that propose multi-modal transportation, for example, waste movement by rail; AND;
- iii) such facilities will be permitted on land identified for general industrial use (B2) or form an integral part of:
 - (A) sewage treatment plants;
 - (B) intensive livestock units;
 - (C) other waste management facilities;
 - (D) associated with food processing facilities; AND;
- iv) the proposal meets the criteria set out in Policy WLP21; AND;
- v) that the proposal is located at a distance from an occupied building (hotels, educational establishments, residential properties and institutions; other than properties in the same ownership as the proposed facility), that will allow any odour impacts upon the use of the occupied building(s) to be sufficiently mitigated against. The distance will be no less than 250 metres; AND;
- vi) self-sufficiency for operational energy and exportable energy recovery is maximised where appropriate; AND;
- vii) that with respect to anaerobic digestion plants, methane gas shall be utilised in all but specific circumstances; AND;
- viii) the application is accompanied by a satisfactory Odour Impact Assessment.

Policy WLP21 – Environmental Considerations states that planning permission for waste management facilities will be granted where a number of environmental considerations are met. The sections of particular relevance to this application are:

Agricultural Land

- (i) where previously developed land, or land of a lower agricultural grade is not available to accommodate the proposed development and the proposal is on land of the lowest possible grade in that locality;

Drainage, Flood Protection and Water Resources

- (v) where the development would not adversely affect the efficient workings of local land drainage systems, or where it would not be at unacceptable risk from all sources of flooding, or where it would not create an unacceptable risk of flooding elsewhere, or where it would not involve the culverting of open watercourses for reasons other than access, or where it would not derogate groundwater sources and resources, or where it would not harm water quality;

Dust, Odour etc

- (xi) where the development including its associated traffic movements, visual impact, noise, dust, odour, litter, and emissions, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and/or other local land uses;

Transport System

- (xii) where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated. Improvements or alternative modes of transport can be implemented and/or where there would not be an adverse effect on road safety;

Reducing Transportation

- (xiii) where the development proposed contributes where appropriate to the need to minimise the impact of transport requirements;

Recovery of Materials

- (xvii) where possible and appropriate the development proposal contributes to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The following policies of the East Lindsey Local Plan (1999) are of relevance to this proposal:

Policy A4 – Protection of General Amenities states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5 – Quality and Design of Development states that development which, by its design, improves the quality of the environment will be permitted provided it does not conflict with other policies of the plan.

Otherwise, development will be permitted only where:-

- a) Its design – including its layout, density, scale, appearance or choice of materials – does not detract from the distinctive character of the locality;
- b) it retains or incorporates features or characteristics which are important to the quality of the local environment including important medium and long distance views;
- c) it is integrated within a landscaping scheme appropriate to its setting.

On 1 November 2013 Lincolnshire County Council published the Draft Core Strategy and Development Management Policies: Lincolnshire Minerals and Waste Local Plan for a period of consultation. Whilst this document does not currently form part of the adopted development plan, it is a material consideration in the determination of this application, albeit that it has very limited weight at this stage. The key policies of relevance in this case are:

Policy W3 - Spatial Strategy for New Waste Facilities states that new waste facilities, including extensions to existing waste facilities will be permitted in and around specified urban areas and that they will only be permitted outside these areas where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting;
- the treatment of waste water and sewage;
- landfilling of waste;
- small scale waste facilities.

Policy W5 - Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Windrow Composting states that such facilities will only be permitted outside the urban areas identified in Policy W3 where they would not result in any significant adverse impacts on local communities or the environment; where they would be located a suitable “stand-off” distance from any sensitive receptors; and where they would be located on either:

- land which constitutes previously developed and / or contaminated land, existing or planning industrial / employment land, or redundant agricultural and forestry buildings and their curtilages; or
- land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

Policy DM1 - Presumption in favour of sustainable development sets out that planning applications which are in accordance with the Local Plan and the NPPF will be approved unless material considerations indicate otherwise.

Policy DM2 - Climate Change states that development should choose locations which reduce distances travelled by HGVs in the treatment of waste, unless other environmental / sustainability considerations override this aim.

In relation to waste, proposals should:

- reduce waste disposal to landfill;
- provide renewable energy generation;
- make provision for carbon reduction / capture measures to be implemented where appropriate.

Policy DM3 - Quality of life and amenity states that development will not be permitted where it is likely to generate unacceptable adverse effects arising from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to occupants of nearby dwellings and other sensitive receptors.

Policy DM6 - Impact on Landscape and Townscape states that development will only be permitted where due regard has been given to the likely impact of the proposed development on the distinctive character of the landscape and townscape of Lincolnshire. If considered necessary by the County

Council, additional design, landscaping, planting and screening (including planting in advance of the commencement of the development and a minimum 10 year maintenance period) will be required.

Policy DM11 - Soils seeks to protect and, wherever possible, enhance soils. Proposals that would result in the significant loss of the best and most versatile agricultural land will only be permitted where it can be demonstrated that:

- there is an overriding need for the development;
- there is no suitable alternative site of lower agricultural quality that provides the same benefit in terms of sustainability;
- the land could be restored to its previous agricultural quality or better;
- other beneficial after uses can be secured which outweigh the loss of agricultural land; or
- the development is consistent with other sustainability considerations.

Policy DM12 - Encouraging sustainable transport movements seeks to minimise road based transport and maximise where possible the use of the most sustainable transport option.

Policy DM13 - Transportation by road states that development involving transportation by road will only be permitted where:

- the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and
- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

Results of Consultation and Publicity

33. (a) Langrville Parish Council – overall the application received support from the Parish Council, but they questioned what if anything could be expected in the way of regular reports on the following:
1. The serious impact on local roads with increased vehicle movements in and out of the site. Information from the applicant states 50% of the waste product used to run the site will be imported, this means more traffic movements.
 2. Highways have recently carried out traffic count on the access to this farm after a request to extend the 50mph speed limit currently in the village to encompass the entrance to the site, could this please be looked at again as a safety measure?
 3. The odour from the stored feed stuffs held in the clamps for use in the digester, the longer the waste sits in these clamps the more odour will be produced when it is moved, can council assure that this will be monitored on a very regular basis please?
 4. Noise pollution, the motors will be running 24/7 again can we request continuous monitoring of the noise on site?

5. The size of the site in relation to the size of and impact on the parish; is it possible to restrict the growth of the plant, we are given to understand this plant as is proposed cannot be extended but could there be an order to restrict addition similar plants being built alongside of the proposed plant.

- (b) Environment Agency – object on the grounds of an unsatisfactory flood risk assessment. The FRA has identified that the site is at risk from fluvial flooding and recommends that the finished floor levels of operational buildings have sufficient freeboard. However, the depth of flooding has not been established and a suitable floor level has not been set to mitigate the flood risk and make the development safe. The development has identified that surface water would increase however, no figures have been provided on the volume of storage required.

The operation of this anaerobic digestion (AD) plant would be classed as a waste activity and require an environmental permit. A permit for a regulated facility can authorise a number of activities. AD activity could result in nearby communities being exposed to odour emissions. The severity of these impacts would depend on the size of the facility, the way it is operated and managed, the nature of the waste it takes and the prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate odour impacts, the facility and community can co-exist with some residual impacts. In some cases, these residual impacts may cause local residents concern.

Digestate - where the only waste feedstock to an AD plant is agricultural manure and slurry or where non-waste feedstocks such as crops grown specifically for AD are used with the manure or slurry, the digestate output is not waste if it is spread to land in the same way as undigested manure and slurry would be. This use would not need to be authorised by the Environment Agency. If other wastes such as food wastes are digested on their own or with manure, slurry or crops grown for AD, the storage and spreading of the digestate on land would require authorisation (i.e. a permit or exemption). Spreading and storage of digestate on agricultural land (even where an authorisation is not required) should, of course, be carried out in accordance with existing codes of good agricultural practice and nitrate vulnerable zone (NVZ) requirements, to prevent nutrient overload and pollution.

Pollution prevention – request that informatives are attached to any permission granted to ensure contaminated water is appropriately addressed. Also that facilities for the above ground storage of chemicals etc should be within an bunded area.

Water Framework Directive - the proposed site is in the catchment of a designated watercourse under the Water Framework Directive, the Lower Witham. This is a 'moderate' status watercourse. The proposed

site must be designed in such a way that it will not impact on this sensitive river catchment.

Following receipt of further information from the applicant the Environment Agency is still maintaining its objection as the Flood Risk Assessment (FRA) is based on information contained in the Boston Strategic Flood Risk Assessment to determine the predicted flood level to the site. As the site is situated in East Lindsey this model is not relevant.

The FRA needs to be updated to make an appropriate assessment of flood depth for the site and propose a finished floor level for the flood vulnerable elements of the development.

- (c) Witham 4th Internal Drainage Board - a Board maintained watercourse exists as the northern Boundary of the site and to which the following bylaw applies: No development within 9 metres of the top of the drain; no building or structure to be erected, tree or shrub to be planted within 9 metres of the top of the watercourse.

It is recommended that before any work commences on site, details of surface water and treated water disposal arrangements are submitted and agreed with the Planning Authority in conjunction with the Drainage Board. The FRA contains inaccuracies and omissions that may have been avoided had the consultant contacted the Board. The closest watercourse to the site is the Board maintained Cut Dyke, not the River Witham. The FRA makes no comment on the risk from the Cut Dyke. The FRA references the North Forty Foot Drain, a watercourse that has no impact on the site and is situated in a totally separate catchment. It also states that there are no artificial watercourses in the vicinity of the site. The Cut Dyke is a manmade artificial watercourse, 60m from the site.

If there is any change to the surface water or treated water arrangements, the Board should be contacted.

- (d) Natural England - does not object to the proposed development. Based on the information provided, Natural England advises that the proposal would be unlikely to affect any statutorily protected sites or landscapes.

In relation to protected species, it is noted that a survey for European Protected Species has been undertaken in support of this proposal. On the basis of the information available, the development would be unlikely to affect great crested newts.

Protected species standing advice should be used to assess the impact on other species and the appropriateness of any mitigation measures.

Advice is given that the site may provide opportunities for biodiversity and landscape enhancements.

- (e) Historic Environment Team (Lincolnshire County Council) - no further archaeological input is required.

Local County Council Member, Councillor C Mair, Ministry of Defence, Environmental Health Officer (East Lindsey District Council), Lincolnshire Wildlife Trust and the Highways Officer (Lincolnshire County Council) were all consulted on 21 October 2013 but had not responded at the time this report was prepared.

34. The application was publicised by site notices placed close to the site and on Armtree Road, to the south of the site. A press notice was placed in the Boston Standard on 30 October 2013. Eleven letters of support, which used all the same wording were received, as followings (summarised):

The proposal will be of great benefit to the aspirations of the farm and shows an attempt to clean up the farming operations. The proposal complements the current activities encouraging farming diversification, odour and waste minimisation and promotes the generation of renewable energy in a sensible and considered manner whilst not detrimentally impacting upon the environmental and visual setting of the area.

Two further letters were received. One letter of objection was received in relation to the risk of smells from both the plant and the increase in pig manure movements from adjoining pig farms. Also, there would be an increase in traffic and a precedent set for others in the area, as once one is granted permission more will be built and it would become like wind farms, with one around every corner.

A further letter supported the process, but stated that some binding conditions should be made in relation to (i) odour - there would be smells from the process and there should be strict limits on the degree of smell so that the company ensures that all precautions are taken to avoid the escape of foul odour. (ii) noise - there are residents and companies situated close to this planned process and a limit should be set on the volume of noise and the time when it is allowed. Local residents need to get a good night sleep. (iii) traffic - the company claim that there would be little increase in traffic, and perhaps even a reduction. A limit should be set to ensure that this claim is met in practice. (iv) future expansion - there is a tendency for companies to wish to expand once they are operating successfully. It should be made clear that no further expansion would be allowed at the site.

District Council's Recommendations

35. East Lindsey District Council raise no objection to the application, but requested that an appropriate landscaping condition be imposed on any permission granted.

Conclusions

36. The aim of policies at the national and local level in relation to waste is to allow waste management operations that move waste up the hierarchy, provided there would be no unsatisfactory environmental impacts resulting from the development. In particular, the proposal is in line with the presumption in favour of sustainable development as set out in the NPPF and the Government's strategy on AD plants including agricultural holdings.
37. The proposed development would provide a means for energy recovery from animal waste and crop grown for this purpose. Although small scale, the development would make a contribution towards achieving the objectives of Waste Local Plan Policies WLP1 and WLP21 (xvii) by providing a means to recover and use a waste stream, thereby moving such wastes up the waste hierarchy. The application also needs to satisfy the requirements of Policy WLP11. In terms of Criterion (i) it achieves this by ensuring satisfactory management of any digestate produced.
38. Consequently, the principal of the development based on strong Government policy support for AD plants and also its positive contribution to the waste hierarchy has been established. However, issues in relation to the countryside location, visual impact, flood risk amenity issues and traffic need to be assessed.

Location

39. The site is located within open countryside on an existing farm unit approximately 1km north west of the village of Langrick and approximately 7.5km from Boston town centre. The surrounding countryside is flat and low lying agricultural land, interspersed with belts of trees, residential properties, farmsteads and agricultural buildings.
40. Criterion (iii) of Policy WLP11 states that such facilities will be permitted on land identified for general industrial use (B2) or the other stated criteria. Whilst the application site falls outside any of the stated locational criteria, the Government has recently given clear support for the siting of AD units on farms. The National Anaerobic Digestion Strategy (2011) supports and acknowledges the role of AD units on farms. Consequently, although the site does not meet any of the locational requirements of Policy WLP11 this policy was adopted in 2006, sometime before the publication of the Government's strategy on AD plants which clearly supports the location of ADs on farms. Given that the Government's strategy is more recent than the Waste Local Plan and emerging policy reflects the Government approach it is considered that the location of the proposed AD plant is acceptable.
41. The second criterion of Policy WLP11 is to minimise traffic impact. This would be achieved by the following:

- the journeys are existing, in relation to the muck for straw arrangement the landowner has with a neighbouring farmer, and it is expected that much of the feedstock would be brought to the site using the internal farm tracks rather than the public highway;
 - the material used to feed the digesters is largely produced on the applicant's farm or on the immediate surrounding area; and
 - the solid and liquid products resulting from the anaerobic digestion process can be used on the applicant's farm as fertiliser, reducing the need to transport it off site.
42. It is concluded that the above reasons provide justification for the proposal location, despite it falling outside the stated locational criteria of WLP Policy 11.

Landscape and Visual Impacts

43. The proposed site is within a farm holding on the corner of an arable field and adjacent to farm buildings and is currently used for activities associated with cattle rearing, including the storage of slurry and silage. The main built elements of the proposal would comprise the anaerobic digester tank, a storage tank and the silage clamps. The highest structures would be the storage tank and the digester tanks at 13m and 11m respectively. They would be screened by the belts of trees and landscaping to the north and west and would be viewed in context with the existing grain store building, which is 10m high and the other agricultural buildings and stored hay bales.
44. The AD plant would be screened from the two nearest residential properties, Laburnum House and the property to the north west of the site, by a combination of their positioning, the existing belts of trees and the farm buildings. There are open views into the site from the south and east, however the application proposes landscaping along these boundaries of the site, and it is considered that the distance of the properties from the site along Armtree Road and Gipsy Bridge at approximately 680m and over 1700m respectively, would be of such a scale as to lessen the impact. It is considered that the visual appearance of the proposed development, taken in context with these existing buildings and structures, would not be incongruous in this flat agricultural landscape.
45. On balance, it is concluded that the proposal would not be harmful to the landscape character of the area and would not be an incongruous feature within the landscape. It is therefore concluded that the proposed development would be in keeping with paragraph 97 of the NPPF and not conflict with Policy WLP21 (xi) of the Lincolnshire Waste Local Plan or Policy A5 of the East Lindsey Local Plan in terms of visual impact.

Odour

46. In relation to odour, Waste Local Plan Policy WLP11 sets out two specific requirements; one is that the application should be accompanied by a satisfactory Odour Impact Assessment; the other is that the proposal should

be located at a distance of no less than 250 metres from an occupied building (including residential properties) to ensure any odour impacts upon the use of the occupied buildings are sufficiently mitigated against. Waste Local Plan Policy WLP21 also requires that there be no adverse impact as a result of odour. Policy A4 of the East Lindsey Local Plan seeks to protect the amenities of people living or working near to proposed development.

47. As identified in the Odour Impact Assessment the main potential sources of odour would be from the storage of the slurry/ manure feed stock. At the current time these feedstocks are transported to land adjacent to the site area and the surrounding land. It is considered that the handling and storage of the manure would in essence be no different from the current situation.
48. The nearest residential property, not in the ownership of the applicant, is approximately 160m to the north west of the proposed silage clamps and therefore there is a conflict with criterion (v) of Policy WLP11 of the Waste Local Plan, which requires a distance of at least 250 metres. However, the purpose of this criterion of the policy is to ensure that any odour impacts can be sufficiently mitigated against and that odour would not have a detrimental impact on residential amenity, which would also be contrary to Waste Local Plan Policy WLP21 and East Lindsey Local Plan Policy A4. Policy WLP11 is relevant to all types of AD plant and correctly takes a precautionary approach. However, the Odour Assessment concluded that there would be no off-site odour impacts as a result of the development and neither the District Council or the Environment Agency have raised an issue with odour potential. Consequently providing that the development is carried out in accordance with the submitted details including the Odour Assessment, residential amenity is unlikely to be harmed and the development would not compromise the requirements of Policy WLP21 or East Lindsey Local Plan Policy A4 in this regard. As such, the conflict with criterion (v) of Policy WLP11 can be justified. It is recommended that if planning permission is granted it is subject to a condition requiring that the odour mitigation measures are implemented and that odour is monitored in accordance with the Odour Assessment.

Noise

49. Noise associated with the development would result from the associated traffic movements as well as the AD process itself. Anaerobic digestion is a predominantly biological process, with limited use of machinery. The machinery used would include the mechanical loading of feedstocks into the digester and the removal of dry digestate from the facility. In keeping with the existing environment and activities this machinery would be predominantly agricultural and would include tractors with front loading shovels and trailers, and this would be carried out during normal working hours.
50. As previously discussed, all of the feedstocks would either be transported along the existing farm tracks or along the B1192, Main Road. It is

considered there would be no significant noise impact on local residents, over and above existing vehicular movements, from the feedstock being brought to the site.

51. The engine associated with the AD operations would be situated in a purpose made building that would have attenuation to ensure that sound breakout from the building is minimal. The noise assessment submitted with the application concluded that predicted noise levels for both day and night, would not exceed existing background levels at the nearest sensitive receptors. Therefore the application would not be contrary to the aims requirements of Policy WLP21 (xi) or Policy A4 of the East Lindsey Local Plan.

Flood Risk

52. The site is within Flood Zone 3. In accordance with the Technical Guidance to the NPPF the development would be classified as a less vulnerable use and is considered to be appropriate. The Flood Risk Assessment (FRA) submitted with the application concluded that the main risk of flooding would be from fluvial flooding, with little risk from surface water/pluvial flooding, or from coastal flooding. The Environment Agency has objected to the application on the grounds of lack of information and details in relation to finished floor levels in relation to flooding levels and the volume of storage required for surface water run off. Whilst the additional information provided to the Environment Agency (EA) has still not allowed the EA to remove their objection it is considered that the objection can be resolved once the applicant has provided the correct information. It is considered that once this objection is removed with suitably worded conditions to require the development to be undertaken in accordance with the approved FRA and a condition to confirm details of surface water drainage proposals, the proposal would accord with Policy WLP21 (v).

Other Issues - Loss of Agricultural Land for Food Production

53. The Government's approach in relation to the use of agricultural land for the production of crops for use in electricity generation is set out in the UK Bioenergy Strategy (2012). This document acknowledges the potential impacts of the loss of agricultural land for food production to facilitate the production of energy crops however, it concludes that it is not anticipated that there would be any significant conflicts with food production objectives. It also states that Government policy should aim to maximise opportunities for improving energy crop supplies sustainably and that ways of removing barriers to energy crop production should be explored. In addition to this the National Anaerobic Digestion Strategy and Action Plan (2011) sets out the Government's commitment to on-farm AD plants, as set out above. The applicant has confirmed that the total amount of land given over to the production of crops for a feedstock would be approximately 135ha from a 890ha farm holding.

54. Although only limited weight can be attached to the policies set out in the Draft Core Strategy and Development Management Policies - Lincolnshire Minerals and Waste Local Plan, the application would nevertheless accord with draft Policies W3, W5, DM1 and DM2 of this document.
55. In relation to the concerns raised by the Parish Council regarding vehicle movements, the additional traffic to be created is modest at 18 additional movements per week. No highways objection has been raised to the proposal and access to a class II County Road with good visibility in both directions would ensure the development can proceed without detriment to highway safety. In relation to odour and noise these matters have been addressed above. Any further development linked to this site would be subject to a further application which would be considered on its merits and subject to local consultation. If permission is granted it does not set a precedent for further applications to be approved, each one would be assessed on its merits.

Final Conclusions

56. The application is for a small scale anaerobic digestion plant on a farm. The plant would utilise manure and muck, currently brought to the area adjacent to the site, as well as purpose grown crop to produce a renewable energy source. The digestate would be used as a fertiliser. It is considered that the development would not have a negative impact on the landscape, or in terms of vehicular movements. The risk of nuisance from noise and odours is considered to be low. The risk from any odour is addressed by the odour management plan submitted. For these reasons it is considered that the application accords with the Development Plan.

RECOMMENDATIONS

Subject to the Environment Agency removing their objection the Executive Director for Communities in consultation with the Chairman be delegated to grant planning permission subject to any further conditions requested by the Environment Agency and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the submitted application and details received on 13 September 2013 and 23 September 2013 and the following drawing numbers:
 - 109.P1- Location- received 18 September 2013
 - 109.P2- General View- received 23 September 2013
 - 109.P3- Layout and Elevations- received 23 September 2013.

3. The feedstock materials for the anaerobic digestion plant hereby approved shall be restricted to slurry, animal bedding, maize and any other biomass or energy crops that are grown and sourced from within the farm holding.
4. Prior to development commencing a landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of the number, species, heights on planting and positions of all the trees. The scheme as approved shall be carried out in its entirety within the period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be adequately maintained, including a 0.5m weed free radius around each tree until they are established, for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
5. No development shall take place until details of the noise mitigation measures to be incorporated in the design and construction of the building housing the combined heat and power engine have been submitted to, and approved in writing by, the Waste Planning Authority. Such details shall include an assessment of the noise levels associated with the engine. The approved details shall be implemented in full.
6. Prior to installation, details of all external lighting shall be submitted to, and approved in writing by the Waste Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
7. The means of connection to the National Grid shall be by underground cable.
8. The material stored within the silage clamps shall not exceed four metres in height.
9. The development hereby permitted shall be carried out in accordance with the odour management plan dated 6 September 2013. The plan shall be implemented in full for the duration of the development.
10. No development shall take place until details of the impermeable surface, for all areas where waste is to be stored or treated, incorporating a sealed drainage system has been submitted to and agreed in writing by the Waste Planning Authority. The scheme as approved shall be implemented in full.
11. No material shall be stored outside at any time other than in the silage clamps.

Reasons

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

2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
3. To correspond with the quantities and source of feedstock materials for which planning permission was applied for and to limit the scale of operations in the interests of the amenity of the area.
- 4, 7 & 8
In the interests of the visual amenity of the area.
- 5, 6 & 11
In the interests of the general amenity of the area.
9. In the interests of reducing odour pollution to protect the amenity of the area.
10. To prevent pollution.

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

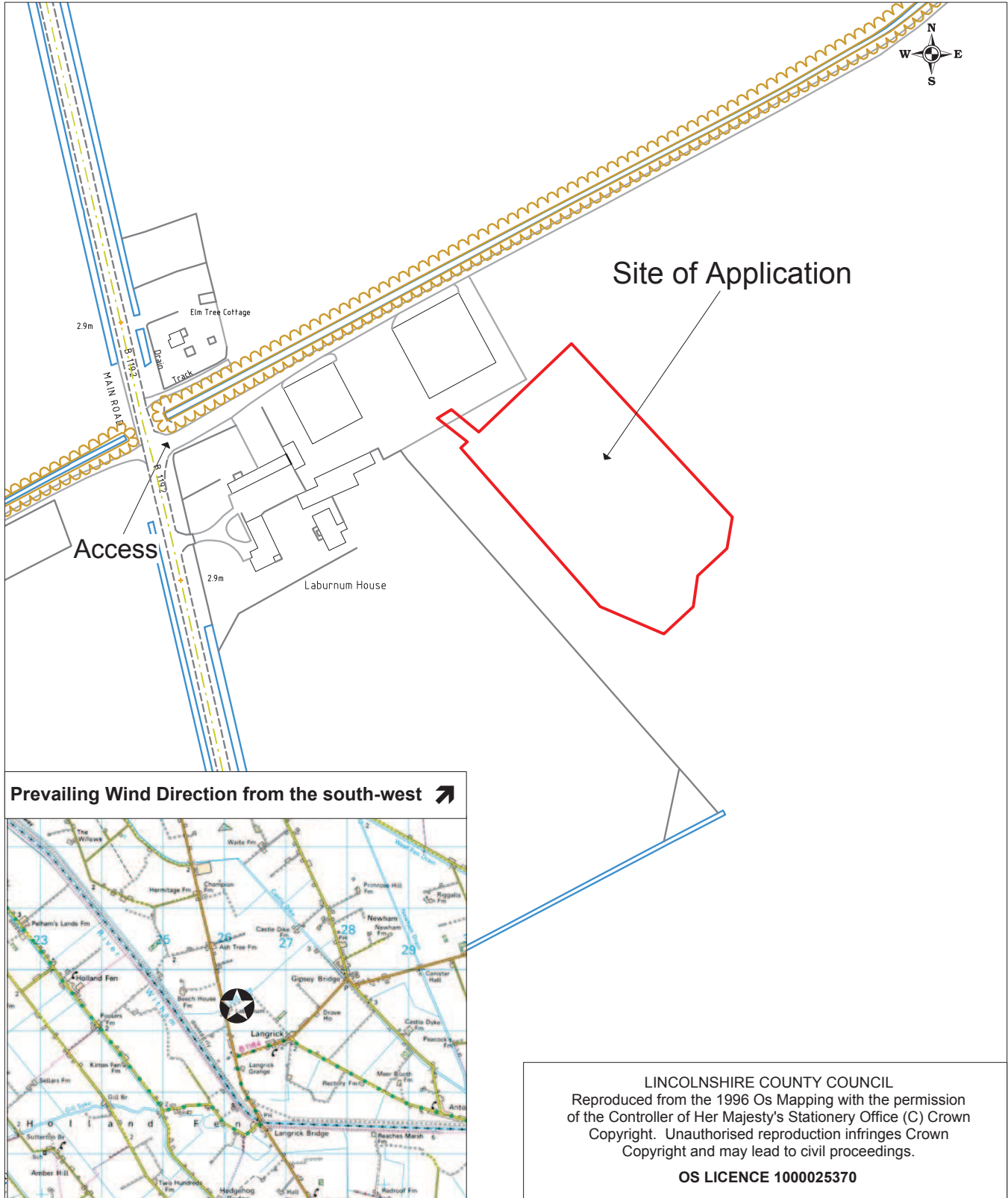
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S96/2043/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework (2012) Planning Policy Statement 10 – Planning for Sustainable Waste Management (2010) National Anaerobic Digestion Strategy and Action Plan (2011) UK Bioenergy Strategy (2012)	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006)	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan (1999)	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A PLANNING



Location:
Laburnum House
Main Road
Langrick

Description:
For a 499kW anaerobic digestion plant

Application No: (E)S96/2043/13
Scale: 1:2500

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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	4 December 2013
Subject:	County Matter Application – S50/0123/11

Summary:

Planning permission is sought by Hanson Quarry Products Europe Ltd (Agent: Hanson Aggregates) to extract 2.25 million tonnes of sand and gravel from land forming an extension to the Baston No 2 Quarry off Langtoft Outgang Road, Langtoft. The site extends over an area of 39.8 ha and would be worked over a period of nine years, with restoration primarily to wetland habitats being completed two years later. The application, which is accompanied by an Environmental Statement, has been assessed against national policies and the Development Plan and it is concluded that:

- it accords with the Council's locational strategy for new mineral working;
- it would help to maintain the landbank of permitted reserves above the 7 year minimum set in out in the National Planning Policy Framework; and
- it would not have unacceptable environmental impacts – subject to appropriate mitigation being secured through a Planning Obligation and appropriate conditions.

Recommendation:

- (1) That the applicant be invited to enter into a s106 Planning Obligation to secure:
 - a contribution of £56,500 towards the improvement of Cross Road (south of Langtoft Outgang Road);
 - the routeing of Heavy Commercial Vehicles via Cross Road to the A1175 (in accordance with the application details);
 - the extension of the aftercare management period to 10 years;
 - the creation of permissive paths for use by the public through the western part of the restored site;
 - the completion of the archaeological works (post fieldwork); and
 - the restoration of the Baston No 2 Quarry plant site area, once reserves at the quarry are depleted.
- (2) On completion of the Planning Obligation, conditional planning permission be granted.

Background

1. The applicant, Hanson Quarry Products Europe Ltd, operate the Baston No 2 Quarry located off Langtoft Outgang Road, Langtoft. The quarry is one of two, operated by the applicant in the Baston/Langtoft area (the other being the Baston No 1 Quarry). The two quarries have been in operation for over 60 years and historically have been operated as separate quarries – with each quarry being subject to a separate review in the 1990s under the provisions of the Environment Act 1995 (the "Initial Reviews"). The Baston No 2 Quarry is currently due for a further review in 2015 (the "First Periodic Review").
2. In more recent years the two quarries have increasingly been operated as a single unit and at present sand and gravel is being extracted at the Baston No 1 Quarry and transported to the plant site at the Baston No 2 Quarry for processing – the washing plant at the Baston No Quarry 1 having been removed several years ago. Some of this material is then transported back to the Baston No 1 Quarry where the coating plant is still located.
3. There are no remaining reserves at the Baston No 2 Quarry (other than under the plant site area), and permitted reserves at the Baston No 1 Quarry are limited to about 3 years' supply. The applicant has therefore made this application to ensure continuity of supply once the reserves at the Baston No 1 Quarry are exhausted.

The Application

4. Planning permission is sought by Hanson Quarry Products Europe Ltd (operating as Hanson UK) to extract 2.25 million tonnes of sand and gravel from land forming a southern extension to the Baston No 2 Quarry, off Langtoft Outgang Road, Langtoft. The site extends over an area of 39.8 ha and would be progressively restored to a variety of habitats to enhance biodiversity, comprising: shallow water bodies, reedbeds, wildflower grassland, areas of scrub woodland together with a small area of agriculture. It is anticipated that with production rates of 250,000 tonnes of sand and gravel per annum, the site would be worked over a period of nine years, with the completion of restoration two years later.
5. The mineral deposit ranges in thickness across the site from 5.0m in the south west to 2.0m in the north east, with an average thickness of 4.0m. It overlies the Jurassic Oxford Clay and is in turn overlain by 0.55m of subsoil/overburden and 0.3m of topsoil. The deposit is comprised of 35% gravel, 55% sand and 10% fines (silt/clay) which compares with the material currently being extracted within the applicant's workings. When processed the mineral would be suitable for use in the majority of ready mix concrete and mortar applications, and applications using coated/bound materials and other building aggregates. It is stated that the quarry is of regional importance, making a vital contribution to the demand for primary aggregates in south Lincolnshire and north Cambridgeshire/Peterborough. The proposal would therefore ensure continuity of supply.

6. The site is divided into two roughly equal parts (a "western half" and an "eastern half") by the Gravel Drain that cuts through the middle of the site. It would be worked in five phases: the first two phases being located to the east of the Gravel Drain and the remainder to the west. Work would commence at the western end of Phase 1, close to the Gravel Drain, with the soil/overburden from this phase being progressively stripped and the underlying mineral deposit worked in an easterly direction. The soils from this phase would be used to create 2m high screening bunds adjacent to the southern and eastern boundaries of this half of the site. Extraction would then progress into Phase 2, with the soils from this phase used directly in the progressive restoration of Phase 1.
7. As extraction nears completion in Phase 2, soil/overburden stripping would commence at the eastern end of Phase 3, located in the northern part of the western half of the site. Extraction would follow soil/overburden stripping in a westerly direction with the soils/overburden used to progressively create screening bunds adjacent to the western and southern boundaries of this half of the site. Extraction would then progress in an anticlockwise direction through Phases 4 and 5, with the remaining soils/overburden being progressively stripped and used directly in restoration works.
8. In practice the five phases would be divided into sub-phases (allowing as much land as possible to remain in agricultural production for longer). Approximately 5 ha would be stripped on each occasion with one or two areas stripped per year. The topsoil, subsoil and overburden would be stripped separately in accordance with DEFRA best practice for soil handling and either stored in screening bunds or used directly in restoration works. These screening bunds would subsequently be removed following the completion of extraction in each half of the site and used in the final restoration works.
9. In each extraction area the sand and gravel would be temporarily dewatered by active groundwater pumping to allow it to be worked in a "dry state". This would involve pumping water from within the mineral extraction area via a local sump to a holding lagoon for settlement. This could then either be used and recycled at the plant site or discharged into the local surface drainage network. To mitigate the impact on the hydrogeological regime, a clay seal would be installed on the phase boundaries where it is important to prevent/control the local ingress of groundwater. Such a seal would be installed:
 - adjacent to the Gravel Drain;
 - adjacent to the eastern drain; and
 - around the perimeter of the western half of the site (other than the northern boundary - see later comments relating to the restoration of this area).
10. Within these phases, the soil would be stripped from a corridor adjacent to the sensitive boundary and a perimeter trench excavated down to the Oxford Clay. The trench would then be backfilled with clay excavated locally

to form a seal (in accordance with established practice at the quarry). Once restoration has significantly progressed, and where not required as permanent features, some of the clay seals would be removed at intervals to allow re-entry of groundwater.

11. On a phase (and a sub phase) basis each area would therefore be worked in accordance with a sequence of:
 - local soil stripping of the perimeter to provide access for seal construction (where required);
 - perimeter trench excavation and clay sealing (where required);
 - dewatering to lower the groundwater levels to the base of the sand and gravel deposit/top of the Jurassic Oxford Clay;
 - wider area soil stripping and storage (if relevant);
 - progressive mineral extraction;
 - infill (with indigenous material) and reshaping to achieve restoration profiles;
 - soil spreading;
 - removal of clay seal (if required); and
 - aftercare and management.
12. The sand and gravel would be excavated from the quarry face by a tracked 360 degree hydraulic excavator(s). The excavator(s) would also load the excavated material either directly or from temporary stockpiles on the quarry floor into dump trucks for transfer via internal haul roads to the existing Baston No 2 plant site for processing. From this point all material would leave the quarry in road vehicles via the existing access on Langtoft Outgang Road.
13. The proposal would maintain existing HGV movements at 88 per day (44 in and 44 out). In addition, it is proposed to transport a small proportion of the material in HGVs to the coating plant at the Baston No 1 Quarry. The applicant states that they have already given the two local communities (Langtoft and Baston) a “unilateral undertaking” to route the HGVs to the A1175 (formerly the A16) via Cross Road, thereby avoiding the two settlements. This has added about 3 miles to northbound traffic, but has substantially reduced HGV traffic passing through Langtoft. The applicant expects that, should planning permission be granted, this matter would be subject to a formal Planning Obligation.
14. The hours of operation would be those that apply to the existing quarry, that is:
 - 07:00 to 17:00 hours Monday to Friday (excluding Bank and Public Holidays)
 - 0700 to 12:00 hours Saturdays; and
 - no operations on Sundays.

15. The existing operations at the quarry require 14 employees comprising: a unit manager, a site foreman, a weighbridge operator and other site operatives. 13 of the 14 employees live within 10 miles of the quarry. The quarry also supports vital jobs for staff based off site at the applicant's regional headquarters in Leicestershire. These employees provide such functions as financial control, ordering and distribution services and the administrative back up necessary for the efficient running of the quarry. Beyond those people employed directly by the applicant, the proposal would also create demand for road hauliers and many skilled local contractors (e.g. electricians, welders, plant hire firms, earthmoving and landscape contractors).
16. The restoration proposal seeks to maximise biodiversity and landscape amenity value for the mutual benefit of wildlife and hence the wider general public. It is proposed to expand the landscape habitat features of wetland and open water that have been created at other sites in the vicinity. This would be achieved using the reclamation materials on site (clays, overburden and soils) without the need to import (waste) materials into the site.
17. The two halves of the site would both be restored to a series of shallow water bodies incorporating reed beds with margins of woodland, scrub and wildflower grassland - but would differ in terms of restoration levels. For the eastern area, the site would be restored to levels relatively close to the original ground level utilising restoration materials from the whole site. Within this area the water level in the water bodies would be in continuity with the groundwater, with a maximum level of 1.6m AOD (typical groundwater level). This level would be maintained by an overflow on the northern boundary into the quarry lagoons and thence to the Gravel Drain.
18. In contrast, the western half of the site would be restored at a lower level to allow it to merge with the land immediately to the north, which is in the advance stage of being restored at a lower level to agriculture with a "pocket park" at the western end (see section on "Site and Surroundings"). A clay seal has already been installed around the perimeter of that area (except along the common boundary with the application site), and this would be extended around the western half of the site to effectively make the two areas into one sealed unit. The water level within this part of the site would then be maintained at -2.0m AOD by pumping into a sump located within the northern area, then from the sump into the Gravel Drain. As part of the process of merging these two areas, a narrow margin of land on the northern boundary of the site would be restored to agriculture (1.4Ha), with some topsoil being used to aid in the agricultural restoration of the land to the north.
19. The proposed reedbeds within the western half of the site, adjoining the low level agricultural restoration, would create a nutrient buffer and filter between the agricultural activities and groundwater recharge (that would take place via the pumping of excess water back into the surrounding drainage system). The extensive reedbeds and other wetland features

would also reduce the amount of water that would need to be pumped from the sealed low level restoration by way of evapo-transpiration throughout the growing season, as well as providing benefits of water storage capacity from the “sponge” effect of the wetland generally.

20. Following restoration, the site would be subject to a 10 year aftercare programme, which the applicant envisages would be negotiated through a Planning Obligation. In addition a new permissive footpath would be created linking the western half of the site to the Pocket Park.
21. The applicant emphasises that the restored site would be connected to habitats already established in the area, with the proposed belt of woodland enclosure forming a continuous corridor for bird and mammal species – i.e. connecting Langtoft Village woodland and the Pocket Park restoration in the north west, with the crossroads wetland in the east and then to the north eastern areas near the Baston No 1 plant site, which are also to be restored to wetland. Consequently, the restoration to a fenland habitat would not only contribute towards Lincolnshire Biodiversity Action Plan targets, but would also have a greater ecological value than it would in isolation.

Environmental Statement and Further Information

22. As the proposal falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, an Environmental Statement was submitted with the application. Following an initial review of the proposal, "Further Information" was requested, namely an Archaeological Scheme of Works and a Flood Risk Assessment – both of which have subsequently been submitted and supplement the information in the Environmental Statement. The principal issues covered by these documents are summarised below:

Landscape and Visual Effects

23. Landscape - It is reported that the published information relating to landscape identifies that the site lies within:
 - Landscape Character Area 2b “The Planned and Drained Fens and Carrlands” as defined by the East Midlands Regional Landscape Character Assessment; and
 - the Fens Landscape Character Area of the South Kesteven Landscape Character Assessment.
24. The site specific assessment indicates that the site lies within an essentially flat landscape that is dominated by arable land in intensive agricultural use. Locally, restored gravel workings, including some low-level restored agriculture, also feature prominently along with wetland habitat creation. The more recent modern restoration areas include significant habitat creation in the form of reedbeds/wetland and low-level agricultural restoration.

25. Settlement is sparse although both Langtoft and Baston, on the fenland margin, are in close proximity. Industrial development is similarly very limited, although recent large scale commercial development has taken place at the North Field Industrial Estate to the south and views of it intrude in the wide panoramas.
26. An assessment of the baseline landscape of the scheme identifies that:
- it has no designation based on landscape quality but is typical of agriculturally improved fenland;
 - the landscape has a high capacity to accommodate the proposal;
 - the study area is assessed as being of low sensitivity to the type of scheme proposed; and
 - most of the landscape of the study area is considered to be of low quality as a result of the degradation of landscape elements such as wetland, hedgerow and woodland exerting a negative effect on landscape quality.
27. The mitigation and enhancement of potential landscape effects of the scheme have been incorporated into the proposals, comprising:
- retention of the hedges and woodland/scrub on the site boundaries (where possible) and appropriate stand-offs to the hedges/boundaries to be retained;
 - soil storage (screening) bunds to be sited in appropriate areas along the site boundaries;
 - phased working and restoration to limit the extent of working at any time;
 - 3D modelling of a permanent restoration landform which qualifies available restoration materials to ensure delivery of the restoration landform;
 - creation of a restoration scheme which replicates characteristic fenland landscape elements such as wetland, reedbeds and open water; and
 - habitat creation to contribute to local biodiversity action plan objectives.
28. With this mitigation in place, the significance of the scheme on landscape character has been assessed by comparison of the sensitivity of the landscape with the magnitude of the landscape effects. Overall it is assessed that the development would have an effect of negligible significance on landscape character during working and slight beneficial significance post restoration.
29. Visual Effects – In total 11 viewpoints were chosen to record typical representative views of the site from the surrounding area. It is reported that views of the site are: largely absent from locations to the north; open from Cross Road to the east, in close proximity; open but more distant from Meadow Road to the south; and limited but present from the more distant locations to the south/east and west.
30. Mitigation of visual impacts would occur through:

- retention of hedges and woodland/scrub on the site boundaries (where appropriate) and appropriate stand-offs to hedges/boundaries around the immediate vicinity of the site;
 - phased working and restoration to limit the extent of working at any one time; and
 - erection of low, grass seeded, screening bunds which would effectively screen views of the quarry void.
31. With this mitigation in place, it is reported that from nine of the viewpoints any adverse impact, if present at all, would be low or very low in magnitude. From these viewpoints the significance of the visual impact from the development is assessed as none/negligible/slight. The impact on the other two (located on Cross Road and at the access of Gibbs farm), however, are assessed as moderate – but only during soil stripping at the beginning of Phases 1 and 3 and again when these soils are removed for restoration purposes (when the workings would be temporarily visible). Such activities would however only last for short periods of time.

Biodiversity

32. An ecological evaluation has been carried out including:
- a desktop data review of existing biological records and search for statutory and non-statutory designated sites of ecological importance;
 - consultation with a range of nature conservation organisations to agree the scope of surveys and key issues relating to the application;
 - a Phase 1 habitat Survey;
 - an Ecological Risk Appraisal to identify any additional survey needs; and
 - specific field surveys for water voles/otters and badgers.
33. It is reported that there are no internationally designated nature conservation sites within the site or within 2km of the site. Only one nationally designated statutory site was identified within this range: the Cross Drain SSSI, 1.4km to the east. This SSSI represents one of the best remaining areas of open water typical of fenland in an area where no fenland remains. In addition, the Lincolnshire Environmental Records centre identifies the presence of one non-statutory nature conservation designation within 1km of the site. This is the Baston Common Sand and Gravel Pits Site of Nature Conservation Importance (SNCI) that is located approximately 1km to the north of the site, and designated for its ornithological interest.
34. The Phase 1 Habitat Survey concludes that the dominant habitat type is intensively managed arable farmland which is of itself relatively low value, although the freshwater drains and dry ditches delineating the fields were comparatively higher value. The only other habitats present within the site or immediately adjacent to it are semi-improved and improved grassland, an area of existing mineral extraction, a small block of mature plantation woodland and scattered trees and shrubs (predominantly planted by the applicant along the northern site boundary).

35. The main findings of the species surveys are reported as:
- one locally and nationally notable plant species was recorded within the eastern drain of the site - a small population of opposite-leaved pondweed (a species listed as Vulnerable in the Great Britain Red data List);
 - there are two barn owl boxes located on the northern site boundary that are monitored annually by the Wildlife Conservation Partnership as part of the local barn owl recovery project. At least one of these boxes is used annually by barn owls for breeding. In some years kestrel also breed in one of the boxes; and
 - it is likely that badgers need to cross the site to access distant foraging habitat.
36. Without mitigation direct impacts would occur primarily to the north western boundary through the disturbance of barn owl boxes, and also working in close proximity to ditches and drains at the site. As well as direct effects, there would also be potential indirect effects on unworked and retained habitats during the progression of the phased development. However, given the baseline ecological context of the site, it is reported that the potential for indirect effects on habitats to occur would be very limited.
37. The proposal would result in the loss of around 39 ha of arable habitat (including shallow ditches) and some associated limited areas of disturbed improved grassland along the field boundaries. In addition, the construction of the two haul roads and the linking of this site to the former workings would result in the loss of:
- dense scrub of planted origin (at the eastern end of the northern boundary) being typified by a high proportion of non-native taxa such as large-sealed hawthorn and a variety of field maple;
 - a scattered, poorly established line of scrub (along the remainder of the northern boundary);
 - species-poor grassy vegetation that has developed in association with the above line of scrub.
38. Some 4-5 years into the scheme, works on Phases 3, 4 and 5 of the development as well as the construction of the associated haul route would directly impact on the two existing barn owl nest boxes. However, the buffering of the relevant drains in close proximity to the boxes means that barn owl foraging habitat should not be adversely affected by the development. Furthermore, the creation of screening bunds and the phased restoration of the site would result in new foraging habitat as the development progresses.
39. It is acknowledged that barn owls are highly faithful to the nest/roost sites that they use and birds that are forced to abandon the sites due to disturbance (even temporary disturbance) are less likely to survive. It is reported, however, that they can tolerate a certain degree of noise provided that they feel secure in their nest/roost site. For the purposes of the

assessment it is assumed that there would be adverse effect on the resident barn owls. As a result, the magnitude of effect on a barn owl pair of District value for ecology and nature conservation is assessed as moderate adverse and the impact is assessed as moderate and therefore significant (probable).

40. It is concluded, however, that should barn owls be disturbed as a result of the development, provided that pre-emptive mitigation measures are implemented, there would be no reason to expect that these birds would be lost as there would be comparable habitat nearby to provide continuity of nesting provision. Such mitigation would be required under the Wildlife and Countryside Act 1981 (as amended).
41. With respect to Badgers, it is assessed that the magnitude of effect on a badger population of Local value for ecology and nature conservation would be moderate adverse and the impact moderate/low but not significant (certain). It is reported that the requirements of the relevant legislation would apply regardless of this conclusion and would require mitigation.
42. The following mitigation measures are proposed:

General Design Measures

- adoption of two haul road to avoid the need to bridge and transport material across the Gravel Drain;
- implementation of habitat buffers adjacent to key drains and the field boundaries (where possible);
- all soil storage buffered from drains;
- a restoration strategy concomitant with a favourable nature conservation end use in accordance with the objectives of the applicant's UK corporate Biodiversity Action Plan; and
- Scrub planting implemented during restoration would be limited, with the emphasis placed on natural regeneration.

Birds (General)

- where practicable, essential scrub clearance works to facilitate construction of the two haul routes would be undertaken outside the main bird breeding season (end of March to September inclusive);
- where scrub clearance is necessary outside the above period then an ecologist would inspect the relevant habitat for bird nests no more than two days before the required works, and any requirements for mitigation would be identified by the ecologist; and
- arable land in phases scheduled for working would be maintained in a manner to discourage nesting birds e.g. kept free of vegetation and subject to regular mechanical disturbance.

Barn Owl

- the applicant would have a legal duty to ensure continuity of nesting provision for barn owls by providing replacement nesting boxes elsewhere at the quarry. A good lead in time would be essential to

ensure that the barn owls have found and occupied the replacement boxes before work commences in Phase 3.

Badgers

- each phase would be re-surveyed for badgers before any works took place in that phase (including construction of the haul routes). These surveys would identify the current status of the badgers and, where appropriate, a mitigation strategy would be devised or revised.

The report concludes that with mitigation in place, no significant residual impacts are predicted.

Soils and Agriculture

43. A Soil and Agricultural Land Classification (SALC) covering the site was undertaken in April 2003. This included a preliminary desk study followed by field investigations using walkover, auger and trench pitting. This was supplemented by further survey work in 2010, adopting a similar approach, to update (where necessary) the 2003 SALC.
44. It is reported that soils across the site are typically well drained calcareous fine loamy soils directly overlying drift deposits of sand and gravel, which in turn overlie a solid geology of Jurassic Oxford Clay. As is typical of these drift deposits, there is significant variation in depth and occurrence, particularly in the subsoil horizons across the site. Topsoils have been found to be generally consistent over the whole site and range from medium to heavy loams, typically in the range of 26 to 32 cm in depth. The subsoils exhibit great variability with sandy clay loam, clay loam and fine sandy clay loams all found with sand and gravel incursions regularly occurring. Depth to the sand and gravel is typically 55cm with a range between 40cm and 80cm.
45. A detailed assessment of the agricultural land occurring within the site gives the following breakdown:
 - Sub-grade 3a - 9.9ha (25.6%)
 - Sub-grade 3b - 28.3ha (73.3%)
 - Non-agricultural - 0.2 ha (0.1%).
46. The site therefore comprises land that is in part categorised as being “Best and Most Versatile” (BMV) due to the presence of Subgrade 3a soils (25.6%).
47. It is stated that within the context of the soil resources and agricultural practice of the Langtoft and Baston area, the removal of a relatively small proportion of BMV soils would not compromise the agricultural capability of the area. The presumption against development on land classified as BMV has diminished since the 1980s as the pressures for food production have decreased. As a result, Government Guidance states that agricultural land

quality is only one consideration that should be taken into account when determining applications.

48. The mitigation proposals include best practice soil management and handling techniques such as:
- soil stripping when the soils are in a good friable condition and not waterlogged;
 - stripping of topsoil and subsoil sequentially and storing separately in appropriately sized bunds (2.0m high);
 - reusing all excavated soils on site for restoration purposes in accordance with a phasing plan;
 - restoration to follow the guidance in “Good Practice for Handling Soils” published by DEFRA and MAFF where appropriate; and
 - the rapid re-establishment of vegetation cover to preserve soils in-situ.
49. With the implementation of these mitigation measures, the overall impact of the proposal on soils and agriculture is assessed as minor.

Cultural Heritage

50. The impact on archaeological remains and other features of cultural heritage interest have been assessed from information obtained from a desk based study, a geophysical survey and by trial trenching.
51. The desk based study states that there are no Scheduled Monuments, Historic Parks or Gardens within 2km of the site. The nearest Scheduled Monument lies 2.25km to the south-east, this being the site of an Iron Age settlement with associated saltern. There are, however, a number of listed buildings within 2km of the site including: 16 in Langtoft, 11 in Market Deeping and 3 along Bourne Road. The closest of these is located 800m to the north west of the site, comprising a limestone-built threshing barn on the north side of East End. This Grade II structure is presently on English Heritage’s at Risk Register and has no views to the site. The only Grade I building within 2km of the site is the Church of St Michael at Langtoft. However, only the upper tower and spire have obscured views towards the site.
52. There are no Conservation Areas in the immediate vicinity of the site. The nearest Conservation Areas are at Langtoft approximately 600m to the north west of the site and at Market Deeping approximately 2.1km to the south of the site.
53. It is stated that the development would have no impact on the setting of any of the visible cultural assets referred to above. The predicted impact on these assets is therefore of negligible significance.
54. Within the site itself, it is reported that that there are no recorded archaeological sites. However, aerial photographs show cropmarks of probable archaeological origin within the confines of the site that are likely to

relate to Bronze Age, Iron Age or Roman occupation. It is stated, however that the site borders an area of prehistoric archaeology that has been recorded in the quarry to the immediate north. Here, ditches and clusters of Bronze Age pits have recently been recorded, one containing a crouched inhumation. Excavations also uncovered part of an extensive Bronze Age field arrangement with associated settlement.

55. To gain an enhanced understanding of the site above and beyond the initial desk top study, the site was subject to a geophysical survey. This recorded the presence of ditched enclosures and a cropmark in Field 5 (to the east of the Gravel Drain). No other similar clearly defined archaeological sites were detected; however various other possible ditch-like linear features and pits were recorded, but their significance could not be confirmed.
56. The site was therefore subject to a targeted trench evaluation comprising the excavation and investigation of 33 trenches. These revealed no prehistoric activity at the site. However, Roman activity was well represented, especially in Field 5 where a small rural settlement is believed to have existed. The northern extent of Field 4 to the west of the Gravel Drain also produced a number of Roman features suggesting a second zone of settlement activity (which was recorded on the existing Quarry to the north). The two sites may have been linked by a trackway, observed only as a cropmark. Other archaeology comprised a series of Medieval/post-Medieval ditches, whose alignment broadly reflects the current field layout, suggesting that most are probably former subdivisions which have been removed over time to create larger fields.
57. It is reported that the identified archaeological remains are considered to represent “sites with specific importance to local interest groups” and are low sensitivity receptors. However, the development would bring about a high magnitude of change to the Romano-British archaeological settlement evidence that would be of “moderate significance”. In mitigation, it is therefore proposed to preserve the archaeological interest of the site “by record”. A Written Scheme of Investigation has been provided that would involve undertaking a “strip, map and sample” exercise over the area of greatest archaeological interest, with an intermittent watching brief held on a further area where archaeology could be expected.
58. The assessment concludes that, due to the low value of the assets and the possibility of sufficient mitigation, the significance of effect of the development on cultural heritage would therefore be limited to a slight/minor negative.

Transport

59. The main issues considered in this report are traffic numbers, safety and technical suitability of both the existing access and the main transport route to and from the primary highway network.

(a) Road Infrastructure and Route

Processed mineral would be transported from the Baston No 2 Quarry by HGVs utilising the existing built access onto Langtoft Outgang Road. HGVs would travel in an easterly direction (except for local deliveries), thus avoiding Baston and Langtoft, along Langtoft Outgang Road for approximately 200m until the road meets Cross Road. The characteristics of Langtoft Outgang Road in the vicinity of the Quarry are stated to be:

- entirely straight single carriageway road constructed from asphalt;
- wide enough to enable two HGVs to travel down its length simultaneously (approximately 7.5m); and
- at the access providing access onto Cross Road the road widens significantly to a marked dual carriageway.

HGVs would turn right at the junction from Langtoft Outgang Road and travel in a southerly direction along Cross Road for approximately 2 km at which point the road meets the A1175 (formerly the A16). The characteristics of the 2km of Cross Road to be utilised are stated to be:

- entirely straight "dual carriageway" [sic] road constructed from asphalt; and
- at the "T" junction with the A1175 the road splits into two physically defined carriageways providing separate access on/off the A1175.

The A1175 forms part of the primary highway network with a dedicated right hand turn lane providing access to Cross Road. The A1175 provides excellent access to Market Deeping and Peterborough to the south and Bourne to the north.

(b) Traffic Volumes

It is anticipated that there would be no change to mineral sales from the existing quarry plant site. Output is expected to remain at approximately 250,000 tonnes per annum. This equates to an average of 44 HGVs per day [i.e. 88 two way HGV movements]. However it is acknowledged that this would be extended over a longer period whilst the site is being worked, and may fluctuate to meet market requirements.

(c) Mitigation

The current working area at Baston No 1 is subject to a Section 106 planning Obligation requiring all HGV travelling to and from that Quarry to be routed directly to from the A16 via Cross Road (thereby avoiding the settlements of Baston and Langtoft) except:

- where an emergency necessitates that all vehicles use Main Street in Baston and/or Langtoft Outgang Road in Langtoft;
- where road works prevent the use of Cross Road;
- where a delivery is made to the settlements of Langtoft or Baston; and

- in such circumstances as may previously have been agreed in writing with the Mineral Planning Authority.

The Baston No 2 Quarry is already subject to an informal agreement that HGVs will not travel through Langtoft or Baston Villages. If planning permission is granted, the applicant is therefore proposing to formalise this through a S106 Planning Obligation.

To ensure that debris is not tracked onto the public highway, the following mitigation measures are presently employed at the Quarry:

- a wheel cleaning facility is provided for vehicles exiting the site;
- the access road is sealed for a distance of at least 200m after the wheelwash to ensure dust and debris are not generated close to the public highway and/or tracked onto the highway;
- regular sweeping and maintenance is utilised to prevent carriageway breakup; and
- a speed limit is in place to reduce the potential for spillage and erosion.

(d) Conclusion

With the proposed mitigation in place, it is reported that the overall proposal would have a negligible impact on the highway network and amenity.

Hydrogeology and Hydrology (including Flood Risk)

60. The hydrogeological and hydrological report that is contained within the Environmental Statement has been supplemented/amended by the subsequent submission of a Flood Risk Assessment.

(a) Hydrogeology

It is reported that there are no site specific groundwater monitoring points within the site or in close proximity; however the local hydrogeological regime is apparent from the local information, previous local assessment and the working of the quarry. The mineral deposit which is up to 5m thick is underlain by Jurassic Oxford Clay (>10m thick) which forms an impermeable barrier above the underlying limestone. The groundwater within the sand and gravel is therefore considered to be a shallow perched aquifer that is relatively free draining. The level of the groundwater within the site fluctuates seasonally but lies about 1-3m below ground level- with the flow of groundwater generally towards the River Welland, south of Market Deeping.

(b) Hydrology

It is reported that the Gravel Drain and another drain adjacent to the eastern boundary of the site (the "North Eastern Drain") comprise part of a wide scale land drainage function. Water levels in the drains are artificially managed by the Welland and Deepings Internal Drainage Board. There are

a number of smaller field margin drains located within the site (some dry) that would be extracted and not replaced. Other water features in the area are:

- the Cross Drain SSSI, located 1.5km to the east of the site and designated because it represents one of the best remaining areas of open water typical of fenland in an area where there is little remaining natural fenland;
- the Langtoft Gravel Pits SSSI, located 2.3km to the south west, that comprise flooded former sand and gravel pits supporting plant communities' characteristic of calcareous, eutrophic water;
- the River Glen, located 4km to the north and upgradient of the site, which is stated to be unconnected to the drainage of the site; and
- the River Welland, located 3km to the south and downgradient of the site, which is where the report states it is understood the Gravel Drain discharges.

(c) Abstractions and Discharges

The closest licenced groundwater abstraction borehole is located at Gibbs Farm, 218m from the centre of the site. The licence is for "General Farming and Domestic Use" and allows the abstraction of water from a 60m deep borehole (i.e. the water is taken from the underlying Oolitic Limestone). The Environment Agency has provided information relating to one active discharge consent located within 1km of the site: the applicant's discharge consent for the existing quarry.

(d) Flood Risk Assessment

The site is located in Flood Zone 1 (which is land assessed as having a low probability of flooding) and the fluvial flood risk to the site is stated to be low. Tidal flooding is not considered due to the inland location of the site. Current available information suggests the risk of localised surface water flooding is medium and groundwater flooding is low. Due to the greenfield nature of the site, flooding from sewers is not considered.

(e) Mitigation

The following mitigation measures would be implemented:

- Hydrology/Hydrogeology - during working, the groundwater would be dewatered on a phase by phase basis, using site won clay to form a perimeter seal around the sensitive phase boundaries. The groundwater would be abstracted from each phase via a local sump and discharged into the hydrological regime via a settlement sump in the quarry under the terms of an existing licence into Gravel Drain. This would allow the workings to be worked "dry". The process would minimise the hydrogeological disturbance over the wider environment and prevent any impact on the flow rates within the closest hydrological resources (Gravel Drain and the North Eastern Drain). As the scheme proposes final

restoration to lower ground level and managed groundwater levels, the clay sidewalls should remain in place after restoration to continue these protection measures over the long term.

- Pollution - the potential for impacts to occur as a result of contamination of water by oil or other liquids would be minimised by undertaking site procedures as prescribed by the Environment Agency Pollution Prevention Guidance.
- Flood Risk – In addition to the measures set out above, it is reported that the eastern area would be partially backfilled and restored to a reed bed with a managed water level of 1.6m AOD, the naturally occurring groundwater level in this area. During periods of prolonged wet weather, water from within the reed bed system would drain, on an intermittent basis, via a piped overflow to the land drainage ditch adjacent to the north and north-eastern site boundary. In contrast, it is reported that the western area would be restored to a low level with the groundwater managed at -2m AOD via intermittent pumping from the settlement sump in the quarry under the existing licence terms. An assessment of pumping rates predicts that to accommodate a worst case winter rainfall scenario, an increase in the discharge rate from 70 l/s to 87 l/s would be necessary to maintain this water level.

(f) Significance

With the above mitigation in place, it is reported that the impact of the scheme on hydrology/hydrogeology/flood risk would be no greater than of low significance.

Noise

61. It is reported that a noise assessment has been carried out in accordance with the (former) Minerals Policy Statement 2 (MPS2). This predicts the maximum noise levels that could arise from the development at the closest residential property, Gibbs Farm, approximately 100m from the proposed limit of extraction. This indicates that the maximum noise levels arising from soil stripping/storage would be 38 dB LAeq,1hr - well below the maximum level of 70dB LAeq,1hr prescribed by MPS2. During extraction, the noise level is predicted to be 40dB LAeq,1hr. This is 8 dB LAeq,1hr below the preferred limit based on the background noise measurements, and 15 dB LAeq,1hr below the maximum noise limit for normal operations of 55 dB LAeq, 1hr as specified in MPS 2.
62. The applicant states that they would follow best practice to reduce the noise impact upon the local community, including the following mitigation measures:
 - installation of soil storage mounds on the boundaries adjacent to Gibbs Farm to provide screening;
 - no radios or music would be played on site;

- all plant and equipment to comply with EU noise emission limits;
- machines in intermittent use would be shut down in the intervening periods between work, or throttled down to minimum;
- proper use of plant with respect to minimising noise emissions and regular maintenance;
- all vehicles to be fitted with effective silencers;
- selection of inherently quiet plant where appropriate;
- materials to be handled with care and placed, not dropped.

Based on the above, it is reported that the noise impact of the proposal on sensitive receptors would be low.

Air Quality (Dust)

63. A qualitative assessment has been undertaken of the potential for significant effects to occur as a consequence of uncontrolled emissions of coarse dust and PM10 (fine particulate matter less than 10 microns in diameter) from all parts of the site, and from the access road into the site. It is reported that large and intermediate size particles with a diameter greater than 10 microns make up the greatest proportion of the airborne dust generated by activities such as soil and overburden stripping, handling and storage of materials, and the movement of equipment on unsurfaced areas. Dust particles of this size are not considered to constitute a significant health risk outside the occupational health risk zone (workers close to source) because, due to their relative size, they settle out of the air relatively quickly and do not tend to penetrate deep into the lungs.
64. PM10 are the size fraction of greatest concern to impacts on human health as they can more readily enter the lungs. The principal sources of PM10 are exhaust emissions from combustion processes and the formation of secondary aerosols. Airborne dust generated by mineral activities is composed of a mixture of particles, the majority of which are greater than 10 microns in diameter. Therefore increased levels of visible dust in the air do not necessarily equate to an increase in levels of PM10 or an increased health risk.
65. The assessment methodology indicates that any potentially significant effects from a proposal of this size would be expected within 100m of the site boundary. It then takes the baseline conditions (i.e. without the proposed scheme, but with the existing quarry in operation) and assesses the potential impact of the proposal over and above the baseline conditions on 7 sensitive receptors (residential properties) located within the vicinity of the site. It states that operations at the site would remain essentially the same as those carried out under the current permission (i.e. baseline conditions), that is: the rate of extraction and hours of operation would be consistent with that recently seen at the existing quarry; there would be no increase in the magnitude of on-site or off-site vehicle movements; and site management procedures for the control of dust emissions would remain as before.

66. The extent of the proposed extension to the operational area of the quarry would mean that receptors west and northwest would be further away from potentially dust generating activities from the scheme, whilst receptors to the south and south west would be closer. Nevertheless, all the receptors would be beyond the 100m threshold although the closest, Gibbs Farm, is only just beyond this distance. This receptor would, however, receive some protection from the proposed screening bund and from the substantial/mature boundary tree planting that surrounds it.
67. The proposed mitigation measures would include the proposed screening bund and the continuation of the best practice dust management measures already in place at the quarry, these are:
- dust suppression by means of wetting of haul roads by use of tractor hauled water bowser;
 - all vehicles used for the movement of materials to have exhausts pointing away from the ground;
 - the fitting of all relevant heavy plant with radiator deflector plates;
 - the use of a wheelwash by all lorries exiting the site;
 - all road lorries to have their loads securely sheeted;
 - all vehicles would adhere to the quarry's speed limit;
 - all soil storage bunds to be seeded to grass at the first available opportunity; and
 - in the event of adverse weather conditions, all activities that could give rise to fugitive dust emissions to be suspended until climatic conditions improve and/or dust emissions measures are implemented.
68. In terms of significance, it is reported that any emissions from the site would result in impacts that are minor, infrequent and of short duration. The deposited material would be composed of sand and gravel particles and would not pose a threat to human health. Deposits of this kind can be washed off the surface so any impacts would be reversible. It is therefore reported that the impact of the proposal from dust would be minor.

Site and Surroundings

69. The Baston No 2 Quarry forms part of a large area of existing and former sand and gravel workings (subsequently referred to in this report as "the Baston/Langtoft Mineral Working Area") extending over an area of about 5km² and located 2km to the north of Market Deeping (at its closest point) and close to the eastern curtilages of the settlements of Baston and Langtoft. The Baston/Langtoft Mineral Working Area lies within a wider area of fenland characterised by a landscape of large, flat arable fields bounded by drainage ditches. There are three Sites of Special Scientific Interest within this wider area, but none are in close proximity to the Baston No 2 Quarry. These are:
- the Cross Drain, 1.3km to the east of the Baston No 2 Quarry Plant Site;

- Baston and Thurlby Fen, 3.0km to the north of the Plant Site - which is comprised of part of the River Glen, the adjacent Counter Drain and the intervening land (the Counter Drain also being an internationally designated Special Area of Conservation (SAC)); and
- the Langtoft Gravel Pits, 3.5km to the south west – which forms part of a separate area of active/former sand and gravel workings concentrated around Tallington/West Deeping.

70. The Baston/Langtoft Mineral Working Area contains three quarries:

- the Manor Pit in the north west (owned by a separate operator, Cemex UK Materials Ltd);
- the Baston No 1 Quarry in the north east; and
- the Baston No 2 Quarry in the south.

The area has been worked for sand and gravel since the 1940s and large parts of it have been restored, or are in the process of being restored, to a mixture of low level agricultural land, amenity lakes and wetland (for nature conservation). It is crossed by:

- Baston Outgang Road that runs from Baston easterly through the northern part of the area;
- Langtoft Outgang Road that runs from Langtoft easterly through the southern part of the site; and
- Cross Road that runs north south through the middle of the area and connects the above roads to the A1175 (formerly the A16) to the South.

71. The Baston No 2 Quarry plant site is located to the south of Langtoft Outgang Road and is accessed from the eastern end of that road, close to the junction with Cross Road. This access also forms part of a "crossing point" allowing dump trucks to access a haul road on the opposite side of Langtoft Outgang Road that passes through an area of former workings before reaching a further crossing point on Cross Road that leads to the Baston No 1 Quarry coating plant.

72. The site (i.e. the proposed quarry extension) lies adjacent to the southern boundary of the Baston No 2 Quarry, at the edge of the Baston/Langtoft Mineral Working Area and 450m to the east of Langtoft. It extends over an area of 39.8ha and is primarily comprised of arable fields bounded by drainage ditches. A more substantial drain, the "Gravel Drain", bisects the site, dividing it into two roughly equal halves.

73. Within the eastern half of the site, the northern boundary is marked by a mature hedge, beyond which lies the Baston No 2 Quarry plant site. This differs in the western half of the site where the northern boundary extends beyond the existing field hedge (that would be removed) and a small copse adjacent to the Gravel Drain (that would be retained) to include a margin of land within the existing quarry. This has been included to facilitate the proposed low level restoration, which would allow the integration of this restoration with that being carried out to the north. That area is being

restored partially to agriculture and, further to the west, a "Pocket Park" (i.e a local public amenity park that will be offered to the Langtoft Parish Council on completion).

74. For the remaining boundaries, the site is bounded:
- to the east, by Cross Road beyond which lies a mixture of arable land and wetland;
 - to the west, by a track ("Meadow Lane") and beyond this arable land; and
 - to the south, mainly by arable fields (that extend up to Meadow Road) but with a small copse adjacent to the Gravel Drain.
75. Other than the vegetation referred to above, there are very few trees/shrubs within the site and the boundaries (except the northern one) are generally open. As a result the site is clearly visible from parts of Cross Road and from Meadow Lane/Meadow Road - and from more distant views. The closest residential property is Glebe Farm over 120m to the south on Meadow Road. This property is, however screened from the site by the farm buildings, a mature coniferous hedge around its boundaries and, in part, by the intervening copse next to the Gravel Drain (referred to above). Other residential properties are located on New Road and on the outskirts of Langtoft more than 390m to the west, and on Langtoft Outgang Road, more than 460m to the north. Some of the properties on Langtoft Outgang Road are however closer to the plant site that would be utilised, the closest being about 350m from the stocking area.

Main Planning Considerations

National Guidance

76. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and, at its heart, gives a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

The main policies and principles set out in the NPPF which are of relevance to this proposal are as follows (summarised):

- Paragraph 32 (Transport) – states that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether, amongst other things, safe and suitable access to the site can be achieved for all people.
- Paragraph 75 (Public Rights of Way) – states that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- Paragraph 103 (Flood Risk) – states that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere.
- Paragraph 109 (Natural Environment) – states that the planning system should contribute to and enhance the natural and local environment by:
 - protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of the ecosystem;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Paragraph 112 (Agricultural Land) states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- Paragraph 118 (Biodiversity) - states, amongst other things, that when determining applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. In particular, opportunities to incorporate biodiversity in and around developments should be encouraged.
- Paragraph 120 (Pollution and Land Instability) – states that to prevent unacceptable risks from pollution and land instability, decisions should ensure that new development is appropriate for its location. The effects

(including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area of proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

- Paragraph 123 (Noise) – states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Decisions should also aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- Paragraph 124 (Air Quality) – states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.
- Paragraph 125 (Light Pollution) – states that, by encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscape and nature conservation.
- Paragraph 143 (Mineral Policy) – states that when preparing local plans, local planning authorities should put in place policies that, amongst other things, safeguard the long term potential of the best and most versatile agricultural land and conserve soil resources.
- Paragraph 144 (Mineral Applications) – states that when determining planning applications, local planning authorities should, amongst other things:
 - give great weight to the benefits of mineral extraction, including to the economy;
 - as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside specified designated areas;
 - ensure, in granting planning permission, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - ensure that any unavoidable noise, dust and particle emission and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and
 - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional cases.

- Paragraph 145 (Aggregate) – states that mineral planning authorities should plan for a steady and adequate supply of aggregates by, amongst other things:
 - preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
 - making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregates Working Parties and the National Aggregate Co-ordinating Group as appropriate;
 - taking account of published National and Sub National Guidelines on future provision;
 - making provision for the maintenance of landbanks of at least 7 years for sand and gravel, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites; and
 - ensuring that large landbanks bound up in very few sites do not stifle competition.

The NPPF is accompanied by Technical Guidance that includes a section on minerals policy. This section provides guidance on a number of issues including dust and noise. In terms of the health effects of dust, it states that additional measures to control PM10 (particles no greater than 10 microns in diameter) might be necessary if, within a site, the actual source of emissions (e.g. the haul road, crushers, stockpiles etc) is within 1000m of any residential property or other sensitive use, depending upon local circumstances. Where sensitive sites lie within this threshold, the guidance indicates that, provided the PM10 does not exceed the Air Quality Objective (AQO) for the area, good practice dust mitigation measures should be sufficient. If the AQO is exceeded [but not to the extent that would justify refusal] monitoring and further control of PM10 may be required.

On noise, the NPPF Technical Guidance advises that, subject to a maximum of 55dB(A)LAeq,1h (freefield), mineral planning authorities should aim to establish noise limits at noise sensitive properties that do not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the operator. In such cases, the limit set should be as near that level as practicable during normal working hours (07:00 - 19:00) and should not exceed 55dB(A). The NPPF then goes on to advise that certain short term activities (such as soil stripping, baffle mound construction/removal) may be particularly noisy but may bring longer term environmental benefits. For these activities, increased temporary daytime noise limits of up to 70dB(A)

LAeq 1h freefield for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered.

Paragraph 186 requires local authorities to approach decision taking in a positive way to foster the delivery of sustainable development. Whilst paragraph 187 requires planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

Guidance on the Managed Aggregate Supply System (2010) provides further Government advice on aggregates. Amongst other things, this states:

- The Managed Aggregate Supply System (MASS) has been used for over 35 years to address the geographical imbalances in the supply and demand of aggregate. The underpinning concept behind MASS is that Mineral Planning Authorities which have adequate resources of aggregates make an appropriate contribution to national as well as local supply, while making due allowance for the need to reduce environmental damage to an acceptable level.
- Aggregate landbanks are principally a monitoring tool to provide Minerals Planning Authorities with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area. They should be used principally as a trigger for a Mineral Planning Authority to review the current provision of aggregates in its area.
- The landbank is the sum in tonnes of all permitted reserves for which valid planning permissions exist (with a number of specified exemptions). The length of the landbank should be calculated using the expected provision (supply in response to demand) included in the local minerals plan, expressed on an annual basis.
- Mineral Planning Authorities should seek to maintain a landbank of at least 7 years for land won sand and gravel, based on the past 10 years average sales. Longer landbank periods are often appropriate to address specific operational issues.
- Landbanks are also capable of being used as a development management tool and as an indicator required to assess when new permissions should be considered within each Mineral Planning Authority Area. However, should Mineral Planning Authorities wish to use landbanks in this way, then each application for mineral extraction must be considered on its own merits, regardless of the length of the landbank. Mineral Planning Authorities should not be automatically granting planning permission because the landbank level is under 7 years. Equally an adequate or excess landbank is not a reason for withholding planning permission unless there are other planning objections which are not outweighed by planning benefits. There may be

valid planning reasons why an application of minerals development is brought forward in an area here there exists an adequate landbank, including:

- significant future increases in demand that can be forecast with reasonable certainty;
- the location of the consented reserve is inappropriately located relative to the main market areas;
- the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and
- known constraints that might limit output over the plan period.

The latest National and Regional Guidelines for Aggregate Provision in England were published by the Government in June 2009 for the period 2005 to 2020. These set out guidelines for land won aggregates (with assumptions for supplies of marine, alternative aggregates and those supplies from outside England) and required the East Midlands region to provide 174 mt of sand and gravel during the 16 year period. From this, a revised sub regional apportionment (SRA) for the East Midlands was agreed by the East Midlands Aggregates Working Party (EMAWP) on 8 January 2010. This required Lincolnshire to provide 52.48 mt of sand and gravel during the forecast period which amounts to 3.28 mt per annum.

At its meeting on 5 March 2010, the former East Midlands Regional Assembly's Housing, Planning & Transport Joint Board agreed that the revised SRA figures be included in the draft replacement Regional Plan Policies for submission to the Secretary of State. Although this was done, the matter was not progressed due to the subsequent revocation of the Regional Spatial Strategies.

Local Plan Context

77. The documents of the Statutory Development Plan that are of relevance to this proposal are the Lincolnshire Minerals Local Plan (1991) and the South Kesteven Core Strategy (2010). As these were adopted prior to the NPPF, due weight should be given to the relevant policies according to their degree of consistency with the NPPF (i.e. the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

The following policies of the Lincolnshire Minerals Local Plan (1991) are considered to be generally consistent with the NPPF and of relevance to the proposal:

Policy M3 (Aggregate Minerals – Extensions to Existing Workings) gives a general presumption in favour of extensions to existing workings with any new quarry normally only permitted where this replaces an existing quarry which has become worked out.

The supporting paragraphs to the policy states that there are strong environmental reasons in maintaining aggregate mineral production in the

County by permitting extensions to existing workings, particularly in those parts of the County where there are concentrations of workings. The reasons given for this are:

- it avoids a proliferation of sites and ensure that future extraction is confined to areas where disturbance to the environment has already taken place;
- by relating the working of the reserves to existing plant and equipment, it permits the County Council to exercise greater control over the release of substantial reserves – a new quarry will invariably require the release of substantial reserves to guarantee continuity of production necessary to justify expenditure in new plant and equipment; and
- extensions to existing workings can provide the opportunity for higher overall standards of restoration.

The explanatory paragraphs relating to this policy state that the County Council expects the shortfall in the landbank of sand and gravel for the most part to be met within the three main sand and gravel resource areas. For this purpose, the County Council has identified within these areas, "Areas of Search" where the Industry should direct its attention when seeking new reserves. The site is located within the South Lincolnshire Area of Search.

Policy M8 (Surface Mineral Working in Areas of Archaeological, Historic, Scientific or Natural History Interest) states that the County Council will not permit surface mineral working where this would have an adverse effect on areas which are of archaeological, historic, scientific or natural history interest. Generally in considering proposals for mineral working the County Council will have regard to the impact on nature conservation and wildlife.

Policy M9 (Planning Applications for Surface Mineral Working) states that an application for surface mineral working should be accompanied by a full supporting statement and sets out the criteria that would normally need to be covered.

Policy M10 (Surface Mineral Working and Working Requirements) states that the County Council will permit applications for surface mineral working only where it is satisfied that the operations can be carried out in such a manner as will minimise disturbance during working and that satisfactory restoration to an appropriate after-use can be achieved. The County Council will normally impose conditions requiring measure to be taken to minimise the effects of the development and to provide for the after-treatment of the mineral site. In particular conditions may provide for:

- restrictions on the hours and days of working which may exclude weekend, public holidays and night time;

- a sequence of mineral extraction and of restoration to minimise the impact on the environment and the amount of land out of agricultural production at any time;
- the separate stripping and storage of all topsoil and subsoil/overburden material for retention for use in the restoration of the worked out site. Stripping operations may be restricted to certain times of the year and weather conditions;
- the landscaping, tree planting or other treatment of the site both to lessen the impact of the development during working, and for the long term improvement of the local landscape having regard to the proposed after-use;
- the position on site, screening and colour cladding of buildings, structures, plant and machinery to minimise their impact on the locality;
- the measures to be taken to minimise dust and noise emissions including housing of plant and machinery, the lining of hoppers and other plant, the use of silencers for mobile plant and machinery, the provision of surfaced on-site haul roads and wheel cleaning facilities, and the sheeting of laden vehicles;
- the provision of safety fencing during the period of mineral extraction and subsequent restoration of the site;
- the removal of buildings, fixed machinery and plant upon completion of quarrying operations and prior to final restoration of the site; and
- acceptable standards of archaeological recording of threatened sites and timetable of access for archaeological work.

Policy M12 (Surface Mineral Working and Requirement for Adequate Local Highway Network to Accommodate the Traffic Generated) states that the County Council will only grant applications for surface mineral working where they are satisfied that the local highway network is adequate to accommodate the traffic that the proposed development is likely to generate.

Policy M13 (Surface Mineral Working and Landscaping and Tree planting Requirements) states that, where planning permission is granted for surface mineral working subject to the carrying out of a landscaping and tree planting scheme, the County Council will impose a maintenance obligation requiring the proper care of the scheme normally for a period of ten years following the initial completion of the scheme.

Policy M14 (Surface Mineral Working and Land Restoration Scheme Requirements) states that the County Council will require proposals for surface mineral working to be accompanied by a detailed scheme of restoration of the worked out site to agriculture, forestry, or recreation/amenity use. The County Council will normally require restoration

to agriculture only where grade 1 and grade 2 agricultural land is concerned **[NB This aspect of the policy could be considered to be inconsistent with the NPPF because grade 3a is also recognised in the NPPF as being "best and most versatile land"]**. Where a recreation/amenity use is proposed it is expected that the scheme will reflect the particular suitability or sensitivity of the worked out site to formal or informal recreation, or nature conservation.

Policy M15 (Surface Mineral Working and Aftercare Conditions) states that, where appropriate, the County Council when granting planning permission for surface mineral working subject to restoration conditions will also impose after-care conditions.

The following policies of the South Kesteven Core Strategy (2010) are considered to be of particular relevance:

Policy EN1 (Protection and Enhancement of the Character of the District) states that development must be appropriate to the character and significant natural, historic, cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. In this case the site lies within the Fens. The policy goes on to state that all development proposals will be assessed in relation to:

1. statutory, national and local designations of landscape features, including natural and historic assets
2. local distinctiveness and sense of place
3. historic character, patterns and attributes of the landscape
4. the layout and scale of buildings and designed spaces
5. the quality and character of the built fabric and their settings
6. the condition of the landscape
7. biodiversity and ecological networks within the landscape
8. public access to and community value of the landscape
9. remoteness and tranquillity
10. visual intrusion
11. noise and light pollution
12. Conservation Area Appraisals and Village Design Statements, where these have been adopted by the Council
13. impact on controlled waters
14. protection of existing open space (including allotments and public open space, and open spaces important to the character, setting and separation of built-up areas).

Policy EN2 (Reducing the Risk of Flooding) states, amongst other things, that all planning applications should be accompanied by a statement of how surface water is to be managed and in particular where it is to be discharged. On-site attenuation and infiltration will be required as part of any new development wherever possible.

Emerging Policies

78. The County Council is currently reviewing its minerals and waste policies through the preparation of a Lincolnshire Minerals and Waste Local Plan. This will, in due course, replace both the Lincolnshire Minerals Local Plan (1991) and the Lincolnshire Waste Local Plan (2006) and will consist of two documents. The first of these documents, the draft "Core Strategy and Development Management Policies", is currently subject to a non-statutory consultation period (1 November 2013 to 13 December 2013). The second document that will deal with specific "Site Locations" will follow later. The following policies of the draft Core Strategy and Development Management Policies, are relevant, but given that they could be subject to significant change following the consultation period, should only be given very limited weight (NB only the relevant parts of the policies have been cited, and summarised where appropriate):

Draft Policy M2 (Supply of Sand and Gravel Aggregate) states:

The County Council will ensure a steady and adequate supply of sand and gravel for aggregate purposes by:

- Making provision over the plan period (2011 to 2031) for the extraction of 68.88 million tonnes of sand and gravel;
- Maintaining a landbank of at least 7 years based on the past 10 years average sales;
- Giving priority to the extension of existing sites, provided that the extension does not cause unacceptable impacts on local communities and the environment; and
- Making provision for the release of sand and gravel reserves in the Site Locations Document.

Draft Policy M3 (Supply of Sand and Gravel Aggregate from Production Areas) divides the provision made in Draft Policy M2 between three Production Areas. For the South Lincolnshire Production Area, where the site is located, the level of provision is 21 million tonnes. The policy goes on to state that the County Council will seek to maintain a landbank of at least 7 years within each of the Production Areas based on their past 10 years average sales.

Draft Policy M4 (Spatial Strategy for Sand and Gravel Extraction) identifies three "Areas of Search" (i.e. one in each production area) and states that planning permission for sand and gravel extraction for aggregate purposes will be granted within these areas provided that that the proposal does not cause unacceptable impacts on local communities or the environment.

Draft Policy DM1 (Presumption in favour of Sustainable Development) – in brief commits the County Council to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with

the policies in the Local Plan should be approved without delay, unless material considerations indicate otherwise.

Draft Policy DM2 (Climate Change) – in brief requires proposals for minerals and waste management developments to:

- Choose locations which reduce distances travelled by HGVs in the supply of minerals unless other environmental/sustainability/geological considerations override this aim;
- Implement energy reduction processes and ways of working which reduce the overall carbon footprint of a mineral site;
- Include new/enhanced biodiversity levels/habitats as part of restoration proposals to provide carbon sinks;
- Make the most efficient use of primary minerals.

Draft Policy DM3 (Quality of Life) - states that proposals for minerals development and waste development will not be permitted where they are likely to generate unacceptable adverse affects arising from noise, dust, vibration, odour emissions, illumination, visual intrusion or traffic to occupants of nearby dwellings and other sensitive receptors.

Draft Policy DM4 (Historic Environment) – states that proposals for minerals and waste development that would adversely affect a designated heritage asset of the highest significance will not be permitted. Proposals that:

- fail to preserve or enhance the character or appearance of Conservation Areas;
- are detrimental to the character or setting of a listed building; or
- damage, obscure or remove any other heritage assets

will not be permitted unless it is demonstrated that the need for and benefits of the development outweigh these interests.

Draft Policy DM6 (Impact on Landscape and Townscape) - states that proposals for minerals and waste development will only be permitted where due regard has been given to the likely impact of the proposed development on the distinctive character of the landscape and townscape of Lincolnshire. If considered necessary by the County Council, additional design, landscaping, planting and screening (including planting in advance of the commencement of the development and a minimum 10 year maintenance period will be required.

Draft Policy DM7 (International Sites of Biodiversity Conservation Value) – states that proposals for minerals and waste development that are likely to have sufficient information for an appropriate assessment of the implications of the proposal, alone or in combination with other plans and projects, for any Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site. The conclusions of the assessment must show that a proposal can be delivered without adverse effects on the integrity of any SAC, SPA or Ramsar site.

Draft Policy DM8 (National Sites of Biodiversity Conservation Value) – states that Sites of Special Scientific Interest (SSSI), National Nature Reserves and Ancient Woodland will be safeguarded from inappropriate minerals development. Proposals for minerals and waste development within or outside these areas will only be permitted where it can be demonstrated that:

- The development would not conflict with the conservation, management and enhancement of the site unless the harmful aspects can be satisfactorily mitigated; or
- The benefits of the development clearly outweighs the impacts that the proposal would have on the key features of the site; and
- In the case of a SSSI, there would be no broader impact on the national network of SSSIs.

Draft Policy DM9 (Local Sites of Biodiversity Conservation Value) – states that proposals for minerals and waste development that are likely to impact adversely upon locally designated sites and priority habitats or species identified in the Lincolnshire Biodiversity Action Plan, and which cannot reasonably be located on any alternative site to avoid harm, will only be permitted if the merits of the development outweigh the likely impact.

Draft Policy DM11 (Soils) – states that proposals for minerals and waste development should protect and, wherever possible, enhance soils. Proposals that would result in the significant loss of the best and most versatile agricultural land will only be permitted where it can be demonstrated that:

- There is an overriding need for the development;
- There is no suitable alternative site of lower agricultural quality that provides the same benefits in terms of sustainability;
- The land could be restored to its previous agricultural quality or better;
- Other beneficial after uses can be secured which outweigh the loss of the agricultural land; or
- The development is consistent with other sustainability considerations.

Draft Policy DM12 (Encouraging Sustainable Transport Movements) – states that proposals for minerals and waste development should seek to minimise road based transport and seek to maximise where possible the use of the most sustainable transport option.

Draft Policy DM13 (Transportation by Road) - states that proposals for minerals and waste development involving transportation by road will only be permitted where:

- the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and

- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

Draft Policy DM14 (Flooding and Flood Risk) – states that proposals for minerals and waste developments will need to demonstrate that they are located upon land with the lowest probability of flooding, considering both the Environment Agency Flood Zone Map and the Strategic Flood Risk Assessment maps where available. Proposals will also need to demonstrate that sites can be developed without increasing the risk of flooding both to the sites and to third parties, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

Draft Policy DM15 (Water Resources) – states that proposals for minerals and waste developments will only be permitted if they are unlikely to have an unacceptable impact on surface or ground waters and due regard is given to water conservation and efficiency.

Draft Policy DM16 (Cumulative Impacts) – states that proposals for minerals and waste development will not be permitted where the cumulative impact would result in adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effect of a number of developments occurring either concurrently or successively.

Draft Policy R1 (Restoration and Aftercare) – states that the County Council will seek to ensure that the restoration of mineral workings and landfill operations is of a high quality, and that it is carried out at the earliest opportunity. Proposals for mineral extraction or landfill should be accompanied by detailed proposals for restoration, including an appropriate after-use of the site. All proposals should demonstrate that:

- restoration will be undertaken using best practice to secure a high standard of restoration and aftercare
- restoration will be completed within a reasonable timescale and is progressive
- the restoration is appropriate for the landscape and wildlife interest of the area and measures to create, protect, restore and enhance biodiversity conservation features are practical, of high quality appropriate to the area and secure their long term safeguarding and maintenance
- there is an aftercare management programme of at least 5 years or longer where required to ensure that the restoration of the site is established successfully

Draft Policy R2 (After-Use) – states that the proposed after-use should be designed in a way that conserves and where possible enhances the

landscape character and historic environment of the area in which the site is located. After-uses that enhance or add to biodiversity and geological conservation interests, conserve soil resources, and decrease the risk of adverse climate change effects will be encouraged. These could include: agriculture, nature conservation, leisure and recreation, and woodland. Restoration proposals should be designed to ensure that they do not give rise to new or increased hazards to aviation.

Draft Policy R3 (Restoration of Sand and Gravel Operations within Areas of Search) – states amongst other things that restoration proposals for sand and gravel operations within the proposed South Lincolnshire Area of Search (other than those involving the restoration of best and most versatile land agricultural land) should be designed to prioritise the creation of wet fenland habitat or enhancement of existing wetland habitats.

Results of Consultation and Publicity

79. The application has been subject to two periods of consultation: the initial consultation taking place on 19 January 2011 and a subsequent consultation (following the submission of the Further Information) on 11-12 January 2012.
- (a) Local County Council Member, Councillor P Robinson – considers that the proposal strengthens the case for a HGV ban on East End, Langtoft. At present HGVs from the existing works are supposed to be routed along Cross Road, so as to avoid Langtoft village centre en route to the A15, but quite a few drivers choose to ignore this (unless there is a traffic survey in progress).
- (b) County Council Member, Councillor M Trollope Bellew (Member for the adjacent Division of Stamford Rural) – who is a member of the Planning and Regulation Committee, reserves his comments for the meeting.
- (c) Langtoft Parish Council - has raised the following points:
- HGV routeing – it is a major concern to the residents in Langtoft that HGVs from the existing operations of this site regularly use inappropriate roads through the village when there are more direct routes to the main roads. Recent planning permissions at the Baston No 1 Quarry have been subject to s106 Planning Obligations to route HGVs away from the settlement. Although the applicant has informally agreed to extend the routeing restrictions on the Baston No 2 Quarry, this does not prevent HGVs that are not directly under the control of the applicant leaving Baston No 2 in a westerly direction and passing through the heart of the settlement. The HGVs then have to access the A15 at the crossroads where visibility is not good, with congestion being worsened at peak times. The alternative route via Cross Road (as in the routeing agreement) should not take any longer and is probably quicker for most

journeys. The Parish Council welcome the proposal for a formal routeing requirement on the Baston No 2 Quarry but would wish to see it apply to all HGVs leaving this quarry. To this end there should be a requirement on Hanson to find a way of having effective control over the routes used by all HGVs. The Parish Council has already applied, without success so far, for HGV weight restrictions to be implemented on the east-west routes through the village. Such restrictions would assist Hanson in meeting a routing restriction and significantly improve the environment within the village.

- Water Table - the Parish Council still have an issue over the effect of the lowering water table on an ancient pond in East End Park. It is not clear why the water level has dropped significantly over the years but areas of the Baston site are at low level and water is pumped from them to allow farming and site workings. They understand that Hanson already have measures to isolate the site from the surrounding water table, but would welcome further reassurances on this matter.
- Return of Land for Public Enjoyment - there at least three areas of the site that are due to be made accessible to the general public in the near future, particularly the area known as the Pocket Park and an area to the north near Baston village. They appreciate that this may also involve some commitments by Lincolnshire County Council, but would like to see the early release of what could be significant enhancements to the local amenities, e.g. nature study areas for the local primary school.
- Noise - this is not currently a material issue as the Parish Council understands that it is regularly monitored by Hanson. They would, however, like to ensure that this monitoring is a strong condition of the submission and that there is commitment to action should the noise levels change adversely.

(d) Baston Parish Council – does not propose to enter any representation other than to:

- express concern that the site allocation map is out of date by approximately 6 years; and
- state that they would expect a condition be attached that no vehicles whether belonging to the applicant or sub-contractors should be allowed to access the site via Main Street, Baston.

(e) Environmental Protection Officer (South Kesteven District Council) – has looked at the application with particular reference to the noise assessment, and has no objection.

(f) Environment Agency – initially objected to the application on the ground that the flood risk information did not comply with Government

guidance. That objection was however withdrawn following the submission of the Further Information (which included a Flood Risk Assessment).

In addition, the Environment Agency has provided informative comments for the applicant with respect to surface water drainage, waste and pollution prevention.

- (g) Welland Internal Drainage Board – advise that the Board's Gravel Drain bisects the site and carries water into the Counter Drain (at Baston Fen). The Counter Drain at Baston Fen is a designated Special Area of Conservation (SAC) and as such care should be taken that any discharges from the proposed works do not impact on it. The Board has also advised that both this drain and its Baston/Langtoft No 16 drain that runs along the western boundary of the site are subject the Board's Byelaws. These prevent any works being carried out within 9 metres of either drain without the Boards approval. Informative notes are provided for the applicant on this matter.

In response to the Further Information, the Board has advised that it accepts the findings of the Flood Risk Assessment.

- (h) Highways (Lincolnshire County Council) – the application has been subject to detailed discussions with the Principal Highways Officer and Area Highways Manager. The main points arising from these discussions are:

- Cross Road – concerns have been raised over the condition of Cross Road and the impact that additional quarry traffic would have on this road. The metalled carriageway width varies between 5.8m and 6.4m over its length with clear signs of overrun at the edges. The County Council has undertaken a survey of this road that shows that it has a negative cross-fall or camber along some of its length which may be indicative of the impact of wheel tracking by HGVs. To ensure that the road is capable of carrying the additional HGVs that would be generated by this proposal, the applicant should make a contribution to fund the haunch/widening of the southern section of Cross Road (south of Langtoft Outgang Road) to a standard 6.3m with an overlay to designed levels in accordance with the County Council's Design Maintenance Manual. The level of the contribution has been calculated as £56,500 based on the proportion of the total number of HGV traffic movements on Cross Road that would be attributable to this proposal, and the quantity of material to be transported.
- Access – have expressed concern that the wheel cleaning facilities and/or use of sweepers appears to be inadequate and that this is exacerbated by the longitudinal fall of the haul road towards the highway and lack of surface water run-off collection or maintenance.

A condition should be imposed to make up the access and road to lift the levels.

- HGV Routeing – a Section 106 Agreement should be entered into formalising the routeing arrangement as indicated in the Traffic and Highway Impact Assessment.
- (i) Historic Environment Manager (Lincolnshire County Council) – has advised that the Specification for Archaeological Works prepared by the applicant's archaeological consultant provides an acceptable generic specification for the works, but that a more specific specification will need to be submitted and agreed once an archaeological contractor has been commissioned. This can be secured through an appropriate condition.
- (j) Natural England – has no objection, but has made following comments:

Protected Species

- Badgers - there is potential for badgers to be adversely affected during the lifetime of the development. Natural England has therefore requested that a condition be imposed requiring the submission and agreement of a mitigation strategy. This should be implemented as part of the development and should include a provision for each phase to be re-surveyed before the commencement of any quarrying activity.
- Barn Owls – the proposal indicates that barn owl breeding boxes would be removed from the northern boundary of the site. As barn owls are extremely faithful to their breeding and roosting sites, there is potential for barn owls to be displaced from the site as a result of quarrying activities. Natural England is supportive of the applicant's proposal to negotiate a barn owl mitigation plan. This should be secured through a planning condition, including a requirement for a suitable lead in time for the barn owl to inhabit and use the new barn owl mitigation.
- The boundary and scrub vegetation to be removed from the site would provide suitable habitat for farmland birds that have been recorded in the locality. Natural England therefore request that a condition be imposed prohibiting site clearance operations that involve the destruction and removal of vegetation on site during the months of March to August inclusive, except when approved by the local planning authority, to ensure that breeding birds are not adversely affected.
- Natural England has also provided a number of informative comments for the applicant relating to the law on protected species.

Baston and Thurlby Fen SSSI and Baston Fen SAC

- Initially Natural England did not make any comments with respect to the Baston and Thurlby Fen Site of Special Scientific Interest or Baston Fen (Cross Drain) Special Area of Conservation. However, in response to the subsequent issues raised by the Welland Internal Drainage Board and Lincolnshire Wildlife Trust, they have advised that at present they are satisfied that the Environment Agency's permitting (discharge) regime and the S106 Planning Obligation (relating to the existing mineral operations) would ensure that there would be no adverse impact on these sites.

Restoration to Biodiversity

- Natural England welcomes the reedbed and open water restoration that has been proposed. This is in keeping with the wider vision for the area of the Fens and they particularly welcome the links to Langtoft Village and the already restored Baston No 2 Quarry (including the Pocket Park area). If necessary this should be subject to a planning condition. This could include an overall Ecological Management Plan detailing: the timings of each phase; explicit details such as species planting and composition within each phase; and the identity and mechanism through which this restoration would be secured and managed in the long term. Natural England would be happy to offer comment on the restoration proposals throughout the life of the quarry and aftercare period.

Landscape

- Owing to the ongoing quarrying in the locality, planned restorations to biodiversity within these quarries, and the suitable scheme of landscape buffers and bunds, Natural England is satisfied that there would be no adverse impact on the landscape character and visual amenity.

Agriculture and Soils

- It is understood that the restoration proposals for the site include a small area of agricultural land but mostly woodland and reedbeds. Whilst it is stated that all soil resources would be used in the restoration, it is also stated that the loss of the Best and Most Versatile (BMV) soils are not considered to compromise the agricultural capability of the area and that the need for BMV restoration has diminished since the 1980s as the pressure for food production have decreased. However, the importance of food security has been raised in recent years and the widest number of options for the future use of the land should be maintained, wherever possible, when restoring mineral sites. Irrespective of the overall loss of the BMV land and the assertion that all soil would be

used in the restoration for habitat creation, there is concern that there will be surplus resources, which they would not wish to see deployed as over deepened topsoils in the agricultural areas, or buried as a way of achieving nutrient depletion.

- Natural England has also provided informative notes on the handling and storage of soil.

- (k) Lincolnshire Wildlife Trust – consider that most of the relevant ecological issues appear to have been taken into account and welcome the recommendations made by the consultants to mitigate against adverse effects on habitats and species. However the Trust point out that Gravel Drain that crosses the site is an important environmental asset feeding into the Counter Drain Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), supporting spined loach and other important plants and invertebrates. The Trust support the 10 metre stand-off proposed to Gravel Drain to reduce the chance of pollutants entering the drain and adverse impacts on the habitats and species of the drain. However, potential impacts on the SSSI and SAC from the development do not appear to have been specifically assessed in the Environmental Statement. As recommended by the Welland and Deepings Internal Drainage Board in their response to the application, care should be taken that any discharges from the proposed works do not impact on the Counter Drain SSSI and SAC. As the statutory conservation agency, Natural England must be satisfied that the development would not adversely affect the features of interest of the SSSI and SAC.

The Trust advise that the site lies within the South Lincolnshire Fenlands project area. This partnership project is seeking ways to redress the dramatic loss of Lincolnshire's historical wet-fenlands and their associated plants, animals and human heritage by restoring fenland and wetland habitats. They therefore support the restoration proposals to complex reedbeds and shallow water habitats, and welcome the opportunities to work toward the wetland and fenland habitat and species targets detailed within the Lincolnshire Biodiversity Action Plan.

- (l) South Lincolnshire Fenlands – has made the following comments:
1. The application lies within the South Lincolnshire Fenland project area. The partnership project is seeking ways to re-address the dramatic loss of Lincolnshire's historical wet-fenlands and their associated plants, animals and human heritage by restoring fenland and wetland habitats.
 2. They welcome the restoration and after-use proposals which seek to maximise biodiversity opportunities for National and Local Biodiversity Action Plan Habitats and Species – through restoration

to a complex interface of terrestrial margins, reedbed and shallow open water habitats.

3. A water management plan, with regard to the long-term management of water levels would be welcomed. It is unclear as to how surplus surface water run-off feeds into Gravel Drain and at what level Gravel Drain is maintained.
 4. Consideration should be made to the potential carbon dioxide sequestration gains made through the creation and management of wetland habitats.
 5. The Baston and Langtoft Minerals working areas do not have a relevant up to date landscape Mineral Strategy or Plan in which to define or determine the weight or value of each subsequent and individual mineral planning application. The failure or lack of previous plans and policies has been to develop mineral working areas without a strategic assessment of mineral utilisation or post work restoration plans, which has resulted in poor environmental, economic, social and community gains from such works in this area. A new, relevant and sustainable plan for the area should be a priority for the Mineral Planning Authority.
- (m) Tree Officer (Lincolnshire County Council) – has no objection to the proposals on the grounds of impacts on trees or landscape.
- (n) EON - consulted separately on 9 February 2011 but has not responded.
- (o) Health and Safety Executive – consulted separately on 10 May 2013 but has not responded.

The following bodies/organisations were consulted but have not responded:

Lincolnshire Biodiversity Partnership
Anglian Water Services
Countryside Officer (Lincolnshire County Council).

80. The application has been subject to two periods of publicity. Initially it was publicised by way of two notices posted near the site, a notice in the local press (Peterborough Evening Telegraph on 2 February 2011) and by the notification of 44 nearby neighbours. A second period of publicity was then carried out following the receipt of the Further Information comprising: a site notice; a notice in the local press (Bourne Local on 20 January 2012), and the re-notification of all residents that had responded to the initial notification. Three representations have been received from local residents raising the following issues:

- Traffic – no increase in the number of HGVs on Langtoft Outgang Road (west of the quarry access) should be allowed. The traffic is a danger to children, cyclists and animals, and vibrations could damage buildings.
- Roads – the road is very badly potholed at present from all the big lorries. The development would result in more wear and tear, mud in the winter and dust in the summer.
- Pollution – concerns raised over the potential noise and dust levels from the extraction, and noise/vibration levels from the associated traffic.
- Visibility – the land in question is totally flat and devoid of hedges or trees.
- Agricultural Land – further loss of this valuable asset to the country in light of world food shortages. Once the land has been ransacked it is destroyed for ever more.
- Water Table – question if the extraction of gravel over such a large area would have a major effect on the surrounding land i.e. house foundations, tree roots and natural drainage.
- Devaluation of Property – one elderly resident in particular points out that he/she is living in a relatively remote location and needs to move soon because his/her health is declining. Should planning permission be granted it could make it more difficult for him/her to sell the property.

In addition, representations have been received from the Baston Environment Group. Although they have stated that the application "meets with the BEG approval at this time" they have expressed concerns over the visual impact of mineral working on the area. In particular, they point out that the applicant's site location plan is out of date, inadequate and arguably false. The OS base plan may say 2010, but the date of it has to be 2006 or earlier. The BEG has provided aerial photographs updated to show the heavy level of extraction that has blighted the area since 2007. It would cost the applicant less than £100 to hire a small aircraft and produce an accurate visual map of the area. According to BEG:

.....in the quest for understandably commercial gain, Hanson is changing 'a surface visible and colourful landscape' into one of possibly 'scrubby, water edge trees', above and hiding a lower level of 'invisible' water landscapes. The inhabitants are losing their visibility of open and clear farmed productive landscapes.....

The BEG question whether the public would have access to enjoy the renovated biodiverse lakes and habitats, but doubt that this would be the case due to health and safety demands. The BEG add:

The point is strongly and ably made by Hanson in the four photos at the start of the 3 documents supplied – here we see 2 visual farmed landscapes,

highly credible and worthwhile visually and commercially; the next is a reed-bed (which in itself hides a mound of sand and gravel and is seen like this once a year as the reed bed matures each season, before exposing a bare landscape for 9 months; then we see a water-filled pit – a moonscape of what might be called derelict land, with scrubby trees and bushes – not an encouraging result!

District Council's Recommendations

81. The South Kesteven District Council have no objections subject to due consideration of relevant Mineral Policy Statements, highway impacts and environmental considerations.

Conclusions

82. This application seeks planning permission for an extension to the Baston No 2 Quarry that would allow the applicant to continue supplying sand and gravel to the local/regional market for a period of nine years and would result, on restoration, in the creation of an area primarily of wetland habitat.
83. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Development Plan documents for this application comprise:
- the Lincolnshire Minerals Local Plan, 1991 (LMLP); and
 - the South Kesteven Core Strategy, 2010 (SKCS).
84. In terms of the "other material considerations" referred to above, of primary importance is the National Planning Policy Framework (NPPF) (March 2012) that postdates the documents of the Development Plan. Notwithstanding this, it is considered that the policies cited from those documents in this report are generally consistent with the NPPF and should therefore be given substantial weight, except where indicated otherwise.
85. In addition, the Draft Lincolnshire Core Strategy and Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (Draft LMWLP) is a material consideration, but at this stage should only be given very limited weight.
86. Having regard to the policies in the above documents, it is considered that four broad issues need to be considered in the determination of this application, these are:
1. whether the proposal complies with the Council's locational strategy;
 2. whether there is a need for the development in terms of maintaining a landbank of permitted reserves sufficient for at least 7 years' supply;
 3. whether the restoration proposals meet policy objectives; and
 4. whether the environmental impacts would be acceptable.

These four issues are considered in turn below.

Locational Strategy

87. Policy M3 of the LMLP gives a presumption in favour of extensions to existing quarries. In this case the proposal is for an extension, and therefore meets that criterion. It also lies within an "Area of Search", as identified in that plan, where the minerals industry is encouraged to direct its attention. As this spatial approach is echoed in the Draft LMWLP (Draft Policies M2 and M4), it is considered that, in this respect, it complies with both documents.

Landbank

88. The NPPF states that mineral planning authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of a landbank of permitted reserves of at least 7 years for sand and gravel. Further Government advice set out in the "Guidance on the Managed Aggregate Supply System" indicates that whilst landbanks are capable of being used as a development management tool (i.e. as an indicator as to when new permissions should be considered), this should be done with caution. MPAs should not automatically grant planning permission if the landbank is less than 7 years, and equally an adequate or excess landbank is not a reason for withholding planning permission unless there are other planning objections that are not outweighed by the benefits.
89. The advice states that the landbank should be calculated using the expected provision included in an up-to-date mineral local plan. Unfortunately, the LMLP is not up-to-date, whilst at this stage the approach to calculating the landbank in the Draft LMWLP should be given very limited weight. As a precautionary approach, it is therefore considered that the landbank should be calculated using two methods:
- firstly, basing it on the average of the last 10 years sales data (an approach advocated in the Draft LMWLP) - which would reflect the recent sales trend; and
 - secondly basing it on the higher anticipated sales arising from the 2005-2020 apportionment (as modified for the South Lincolnshire Production Area by the Draft LMWLP) – which may be more appropriate if there is a sustained recovery in the market.
90. Using the latest published information from the East Midlands Aggregates Working Party that relates to the year 2011, and adjusting the data to take into account both additional reserves that have been granted and anticipated sales since the end of 2011, it is calculated that the landbank at the end of 2013 will be:

	<u>Based on Average Sales</u>	<u>Based on Apportionment</u>
Lincolnshire	8.2 years	6.6 years
South Lincolnshire	6.3 years	6.4 years

91. Based on the apportionment, the landbank is therefore below the recommended level of 7 years both in the County as a whole and in the South Lincolnshire Production Area. It is also below 7 years in the South Lincolnshire Production Area based on average sales. If approved the proposal would make up this shortfall, increasing the overall landbank for the County by 0.69 years (based on the apportionment) and by 2.2 years in the South Lincolnshire Production Zone (based on average sales and the apportionment).

Restoration Proposals

92. Policy M14 of the LMLP only requires restoration to agriculture where grade 1 and grade 2 agricultural land is concerned. In this case, as only grade 3a and 3b agricultural land is involved, the restoration of the site to nature conservation is not at odds with that policy. Although this policy could be considered to be inconsistent with the NPPF for not treating grade 3a land as the best and most versatile, it should be noted that the NPPF does not require the restoration of any high grade land (grades 1, 2 or 3a land) back to agriculture.
93. In contrast, the restoration of the site to nature conservation would contribute to biodiversity action targets and would be in keeping with the wider vision for the Fens. As such it is supported by Natural England, the Lincolnshire Wildlife Trust and the South Lincolnshire Fenland partnership. It is also considered to accord with Draft Policies DM11 and R3 of the Draft LMWLP. The only concern is that the applicant is proposing to allow the restored site to "naturally regenerate". Whilst this may have an advantage from a nature conservation viewpoint, it needs to be balanced against the need to assimilate the restored site into the landscape with the minimum of delay. On this basis it is considered that, should planning permission be granted, a condition be imposed to require the landscaping (planting) of the site on a phased basis.
94. The applicant has stated that the site would be subject to a 10 year management programme and that public access would be allowed over part of the site. Both these matters could be secured through a Planning Obligation.
95. The application has not specifically covered the restoration of the plant site area because this is already covered by the Initial Review Conditions for the existing Baston No 2 Quarry. However, this quarry is due for a further review in 2014 and, given that reserves are very limited (and restricted to the plant site area) it is possible that the permissions will be allowed to lapse. On this basis it is considered that it would be appropriate to secure the restoration of this area through a Planning Obligation.

Environmental Impacts

(a) Landscape and Visual Impacts

96. The site is open to views from Cross Road and Meadow Road/Lane so during working it would have the potential to become an intrusive feature in the landscape. Although the applicant is proposing to construct perimeter bunds to screen the site, the working of the site in "sub-phases" could delay the completion of these important screens. It is therefore considered that, if planning permission is granted, the period for the completion of the bunds should be brought forward by an appropriate condition.
97. The Baston Environment Group has raised concerns over the restoration proposals pointing out that:
- the application site location plan is out-of-date and misleading in that it does not show all the water bodies that have been created in the area;
 - the applicant is changing the landscape from an area of intensive agriculture to scrubby wetland; and
 - that open landscapes are being lost.
98. In response to the first point, whilst the location plan does not show all the mineral workings in the area, it does show that the area has been subject to extensive working and that large areas of water have been formed. It is not therefore considered to give a misleading impression. Indeed, some of the "additional" water bodies identified by the Baston Environment Group have been, or are scheduled to be, restored to agriculture.
99. On the other points, although the proposal would lead to a change in the landscape from open arable fields to wetland, that change would accord with the wider landscape vision for the Fens (as previously noted) and is considered to be a positive impact. Furthermore, it should be noted that the Baston Environment Group are inconsistent in their comments: on a concurrent application in the area they have objected to a site being restored to agriculture, favouring nature conservation instead (Application reference number S7/2618/13).

(b) Biodiversity

100. The Environmental Statement has identified potential impacts on badgers, owls and birds in general. However, these impacts can be adequately mitigated and subject to the imposition of appropriate conditions (on the lines recommended by Natural England), it is considered that they would be limited and acceptable. Furthermore, any short term impact on nature conservation in general from the working of the site, would be more than offset by the benefits brought about on restoration by the creation of habitats that would contribute to the County's biodiversity action targets.

(c) Soils and Agriculture

101. The proposal would result in the loss of 39.8 ha of agricultural land, 25.6% of which is classified as "best and most versatile" (i.e. Grade 3a). Although Natural England has raised the point that the soils should be utilised in a sustainable way, in practice the options are limited. On balance, therefore, it is considered that the applicant's proposal to use some of the soil to aid in the restoration of an adjacent area of land to agriculture is acceptable and that any negative impacts would be limited and outweighed by the benefits to nature conservation.

(d) Cultural Heritage

102. The archaeological potential of the site has been fully evaluated through a combination of a desk based study, a geophysical survey and trial trenching. On the advice of the County Council's Historic Environment Manager, it is considered that the archaeological remains are of limited value, but should be preserved by record through further investigations. Although most of this work can be secured through an appropriate condition, it is considered that it would be prudent to include the latter stages (i.e. following the completion of the fieldwork) in a Planning Obligation.

(e) Transport

103. Three principal issues have been identified through the consultation process, these being: the adequacy of Cross Road; the condition of Langtoft Outgang Road in the vicinity of the quarry access; and the need to route HGVs away from the settlements of Langtoft and Baston.
104. On the first issue, the Environmental Statement has not identified any problems with the condition of the public highway between the site access and the A1175 (the proposed route for the HGVs), describing Cross Road as a "dual carriageway". This road, however, is single carriageway, and the Highway Division has raised concern over its condition and the impact that additional HGVs would have on the road. As a result, following negotiations, the applicant has agreed in principle to contribute towards the cost of upgrading this road. This contribution (£56,500) is based on the proportion of the total HGVs movements on Cross Road that would be attributable to this proposal and could be secured through a Planning Obligation.
105. On the second issue, it is considered that improvements to Langtoft Outgang Road can be secured through an appropriate condition.
106. The final issue relates to concerns raised by the Parish Councils of Langtoft and Baston that no HGVs from the proposal should be allowed to pass through those settlements (including those not directly under the control of the applicant). In this respect, the applicant has already given the local communities an informal undertaking that it will route all HGVs via Cross Road to the A1175 (thereby avoiding the settlements) and has agreed that, if planning permission is granted, this would be formalised through a

Planning Obligation. It is therefore considered that whilst a Planning Obligation would not provide a cast iron guarantee that all HGVs would observe the agreed route, in the past they have generally been successful and are considered to be the most appropriate way of securing this objective.

107. On the basis of the above, it is considered that the proposal, which would only sustain HGV movements at current levels, would not have a significant impact on the environment.

(a) Hydrogeology and Hydrogeology (including Flood Risk)

108. The Environmental Statement has not identified any significant impact on the hydrology or the hydrogeology of the area, or to flood risk. This is generally because it would be an extension of an existing quarry, with the existing practice of water management (involving clay seals and pumping) being extended to the new site. Notwithstanding this, both the Lincolnshire Wildlife Trust and the Welland Internal Drainage Board initially raised concerns that the de-watering of the site to the Gravel Drain could subsequently impact on the Counter Drain (a designated Special Area of Conservation - SAC). This was not identified as an issue in the Environmental Statement, but on advice from Natural England, it is considered that this is unlikely because:

- the site is further away from the SAC than the existing operations;
- the proposal would only lead to a relatively small increase in the amount of water to be discharged to the Gravel Drain; and
- the discharge is controlled through a consent issued by the Environment Agency.

In addition, the incorporation of reed beds into the restoration design should also help to reduce the volume and improve the quality of the water discharged to the Gravel Drain.

If planning permission is granted, the clay seals can be secured with an appropriate condition, whilst their subsequent maintenance and the long term water management can be included in a Planning Obligation. It is therefore considered that the proposal is unlikely to have a significant impact on hydrology/hydrogeology or flood risk.

(b) Noise

109. There is only one residential property in relatively close proximity to the site, and this would be well screened from the site. Furthermore, the Environmental Statement indicates that the anticipated noise levels would be well within the range recommended in the NPPF Technical Guidance. The Environmental Statement has not specifically covered the noise from the processing plant because this is already covered by the Initial Review Conditions for the existing Baston No 2 Quarry. However, as noted above, these conditions may not be updated under the review procedures. It is

therefore considered that, if planning permission is granted, a condition be imposed to control the noise levels from both the site and the remaining operational area of the quarry, and secure arrangements for monitoring. Subject to this provision, it is considered that the proposal is unlikely to have a significant impact on the area from noise.

(c) Air Quality (Dust)

110. The Environmental Statement has not identified any significant impacts from dust subject to the continuation of the existing dust management measures which can be secured by condition both for the site and the remainder of the quarry. However, it is considered on the advice of the Highways Division that the existing wheel wash at the quarry needs to be upgraded to prevent material being carried onto Langtoft Outgang Road. This is a matter that can also be secured by an appropriate condition.

On the basis of the above, it is considered that the proposal would not have an unacceptable impact on the environment or on the local amenity and would accord with the NPPF and the relevant policies of the LMLP, the SKCS and the Draft LMWLP.

Final Conclusion

111. This proposal meets the criteria for granting planning permission for mineral working and, subject to the imposition of appropriate conditions and the conclusion of a Planning Obligation, is considered to be acceptable.

RECOMMENDATIONS

That:

- (A) The applicant be invited to enter into a s106 Planning Obligation to secure:
- a contribution of £56,500 towards the improvement of Cross Road (south of Langtoft Outgang Road);
 - the routing of Heavy Commercial Vehicles via Cross Road to the A1175 (in accordance with the application details);
 - the extension of the aftercare management period to 10 years;
 - the creation of permissive paths for use by the public through the western part of the restored site;
 - the completion of the archaeological works (post fieldwork); and
 - the restoration of the Baston No 2 Quarry plant site area, once reserves at the quarry are depleted.
- (B) Subject to the completion of the Planning Obligation referred to above, the Executive Director be authorised to grant planning permission subject to the conditions set out below.

- (C) That this report forms the Council's Statement under paragraph 21 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (which require the Council to make available for public inspection at the District Council offices specified information regarding decisions) which contains:
- the content of the decision and any conditions attached to it;
 - the main reasons and considerations on which the decision is based including information about participation of the public;
 - a description of the main measures to avoid reduce and if possible offset the major adverse effects of the development; and
 - information recording the right to challenge the validity of the decision and procedures for doing so.

Conditions

Commencement

1. The development hereby permitted shall be begun within three years from the date of this permission.
2. The date of commencement of the development shall be notified in writing to the Mineral Planning Authority (MPA) within seven days of commencement.
3. No sand and gravel shall be removed from the site until mineral extraction has been completed within the following areas:
 - the area initially granted planning permission under (LCC) reference S7/122/92 and subject to an Initial Review under (LCC) reference S7.50/1124/98; and
 - the area granted planning permission under (LCC) reference number S7/0659/08.

Approved Details/Plans

4. The development shall only be carried out in accordance with the details and plans contained in the following documents unless otherwise agreed in writing with the MPA, or where amendments are made pursuant to the other conditions of this planning permission:
 - the application and supporting statement dated 19 November 2010 (received on 25 November 2010) including drawing number SS.013, SS.014 and SS.015;
 - the Environmental Statement dated November 2010 (received on 25 November 2010);
 - the additional information and amendments contained in the letter from URS Scott Wilson Ltd dated 21 November 2011 (received on 22 November 2011) including drawing numbers: SS.004 Rev A, SS.007 Rev A, SS.008 Rev A, SS.009 Rev A, SS.010 Rev A, SS.011 and ES.012 Rev A;

- the Flood Risk Assessment dated November 2011 (received on 22 November 2011); and
 - the Specification for Archaeological Works dated 2 November 2011(received on 22 November 2011).
5. From the commencement of the development to its completion, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site office for inspection by the MPA during normal working hours.

Duration of Planning Permission

6. All mineral extraction shall cease within nine years from the date of commencement of the development, with all restoration works completed within two years from the cessation of mineral extraction.

Access

7. No development authorised by this planning permission shall be commenced until the Baston No 2 access and that part of the adjoining carriageway of Langtoft Outgang Road shown on the plan attached to this decision notice (but excluding the access on the opposite side of Langtoft Outgang Road), has been improved in accordance with details to be submitted to and approved in writing by the MPA.

Haul Routes

8. No development authorised by this planning permission shall be commenced until full details of the haul route between the eastern part of the site (east of the Gravel Drain) and the Baston No 2 Plant Site have been submitted to and approved in writing by the MPA, including details of any vegetation to be removed and the timing of that removal. Thereafter the details shall be implemented as approved, and all sand and gravel extracted from Phases 1 and 2 shall only be removed from the site via this haul route.
9. Prior to the commencement of operations in Phase 3, full details of the haul route between the western part of the site and the Baston No 2 Plant Site shall be submitted to and approved in writing by the MPA, including details of any vegetation to be removed and the timing of that removal. Thereafter the details shall be implemented as approved, and all sand and gravel extracted from Phases 3, 4 and 5 shall only be removed from the site via this haul route.
10. All sand and gravel extracted from the site shall only be exported from the Baston Number 2 Quarry in commercial road vehicles, and these shall only enter and leave the quarry from Langtoft Outgang Road at the access identified on drawing SS.004 Rev A (received on 22 November 2011). No dump trucks shall be used for transporting sand and gravel from the Baston No 2 Quarry to the Baston No 1 Quarry.

HGV Routeing

11. No development authorised by this planning permission shall be commenced until details of a sign (or signs) to be erected near the Baston No 2 Quarry access advising drivers of the approved route to the A1175 have been submitted to and approved in writing by the MPA. The sign(s) shall be erected in accordance with the approved details before any mineral is removed from the site and shall thereafter be maintained until mineral extraction permanently ceases.

Scheme of Working

12. The site shall be worked strictly in accordance with:
 - the application and supporting statement dated 19 November 2010 (received on 25 November 2010); and
 - the additional information and amendments contained in the letter from URS Scott Wilson Ltd dated 21 November 2011 (received on 22 November 2011), including drawing numbers: SS.004 Rev A, SS.007 Rev A, SS.008 Rev A, SS.009 Rev A, SS.010 Rev A, SS.011, and ES.012 Rev A,

except where modified by other conditions of this planning permission.

Hours of Working

13. Except as may otherwise be agreed in writing by the MPA, no plant or machinery shall be operated either within the site or within the overall Baston No 2 Quarry (other than water pumps necessary for the disposal of water, or equipment in connection with essential maintenance within the plant site area) and no heavy goods vehicles shall enter or leave the Baston No 2 Quarry except between the following times:
 - 07:00 – 17:00 hours Monday to Friday
 - 07:00 – 12:00 hours Saturdays

and no such activities shall take place on Sundays, Public Holidays or Bank Holidays.

14. Except as may otherwise be agreed in writing by the MPA, essential maintenance work shall only take place within the Baston No 2 Quarry plant site area during the normal hours of working for the quarry (set out in the above condition), and between the hours of 12:00 - 17:00 hours Saturdays.

Clay Seals

15. No development authorised by this planning permission shall be commenced until full details of the clay seals identified on drawing number SS.013 (received on 25 November 2010) have been submitted to and approved in writing by the MPA. Such details shall include a specification(s)

to demonstrate that the seals will be fit for purpose, a programme for their installation, and clarification on which bunds within Phases 1 and 2 will be removed on restoration. Thereafter the clay seals shall be constructed in accordance with the approved details.

Soil and Overburden

16. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or is used for the storage of subsoil or overburden or for the construction of a haul road, all available soil shall first be stripped from that part.
17. Soil mounds/bunds shall be constructed with only the minimum of compaction necessary to ensure their stability, and shall not be traversed by heavy vehicles or machinery except during their construction and removal.
18. No movement of topsoil shall take place except when the full depth of topsoil to be stripped, replaced or otherwise transported is in a suitably dry soil moisture condition, i.e. the soil is in a non plastic state such that damage to its structure shall be avoided. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty. Soil handling and movement shall not be carried out between the months of October to March inclusive, unless otherwise agreed in writing with the MPA.
19. All soil and overburden shall be retained and used in the reclamation of the site, except where specific provision is made in the approved scheme of restoration for its use elsewhere within the Baston No 2 Quarry.

Screening Bunds

20. No development authorised by this planning permission shall be commenced until full details of the soil bunds shown on drawing number SS.004 Rev A (received on 22 November 2011) have been submitted to and approved in writing by the MPA. These shall include:
 - a description of the means of construction (demonstrating that the conditions relating to "Soil and Overburden" set out in this decision notice can be met);
 - appropriate cross sections of the bunds;
 - the distance between the bunds and the boundary drains; and
 - the grass seeding mix and sowing rate that would be applied.

The soil bund to the east of the Gravel Drain shall be constructed in its entirety in accordance with the approved details prior to any sand and gravel being extracted from Phase 1. Following construction the bund shall be seeded in accordance with the approved details in the first available sowing season and shall thereafter be maintained until the soil is required for use in the approved restoration programme.

The soil bund to the west of the Gravel Drain shall be constructed in its entirety in accordance with the approved details prior to any sand and gravel being extracted from Phase 3. Following construction the bund shall be seeded in accordance with the approved details in the first available sowing season and shall thereafter be maintained until the soil is required for use in the approved restoration programme.

Storage Heights

21. No development authorised by this planning permission shall be commenced until details of the temporary mineral stockpiles to be created within the site have been agreed in writing with the MPA. Thereafter any mineral stockpile created shall accord with the approved details.

Surveys

22. A topographical survey of the site shall be submitted to the MPA by 31 December each year following the commencement of mineral extraction. The survey shall identify areas of the site which are unworked, those restored, those undergoing mineral extraction and those to be restored.

Dust and Mud

23. No development authorised by this planning permission shall be commenced until details for the upgrading of the wheel cleaning facility (including the provision of an associated drainage system) within the Baston No 2 Quarry plant site area have been submitted to and approved in writing by the MPA. The facility shall be installed in accordance with the approved details prior to any sand and gravel being removed from the site and shall thereafter be used by all commercial vehicles leaving the site.
24. No commercial vehicles from the Baston Number 2 Quarry shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the public highway.
25. The access road between the Baston No 2 Quarry plant site and the quarry access onto Langtoft Outgang Road shall be swept on a regular basis and no mud or dust shall be allowed to accumulate.
26. No loaded lorries carrying sand or gravel shall leave the Baston No 2 Quarry unsheeted.
27. No development authorised by this planning permission shall be commenced until a Dust Management Scheme has been submitted to and approved in writing by the MPA, covering both the site and the other operational areas of the Baston No 2 Quarry. Such scheme shall include a provision for the monitoring and reporting of dust emissions and a complaints procedure. Thereafter the approved Dust Management Scheme shall be implemented in full until the site has been fully restored.

Noise

28. No development authorised by this planning permission shall be commenced until a Noise Emissions Assessment has been submitted to and approved in writing by the MPA. This should incorporate the information from Appendix G of the Environmental Statement, but extend this to include details of the noise emissions from the Baston No 2 Quarry plant site area on noise sensitive properties on Langtoft Outgang Road. The assessment should accord with the Technical Guidance to the National Planning Policy Framework and should set the maximum noise levels at nearby noise sensitive properties both during normal operations and during short-term operations (as defined in the Technical Guidance). Thereafter the noise levels at the noise sensitive properties arising from the site or from the overall Baston No 2 Quarry shall not exceed the approved limits.
29. No development authorised by this planning permission shall be commenced until a scheme of noise monitoring has been submitted to and approved in writing by the MPA. The scheme shall include:
- noise monitoring locations;
 - frequency of measurements;
 - modelling procedures;
 - procedures to be adopted if noise levels go above the limits approved under the above condition; and
 - the presentation of results to the MPA.
- Thereafter the scheme shall be implemented as approved.
30. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.

Waste

31. No waste material shall be imported for restoration or any other purpose.

Pollution Prevention

32. Any facilities for the storage of oils, fuels or chemicals either within the site or within the overall Baston No 2 Quarry shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

33. The site shall only be de-watered in accordance with the details set out in the application and supporting statement dated 19 November 2010 (received on 25 November 2010) and, where specified in those details, the water shall be settled before being discharged into the surface drainage network.

Retention of Existing Vegetation

34. The existing trees and shrubs on the north western boundary of the site, to the east of the Gravel Drain, shall be retained and shall not be felled, lopped, topped or removed except where authorised under other conditions of this planning permission. Any such vegetation removed without consent, dying, being severely damaged or becoming severely diseased as a result of operations permitted by this permission shall be replaced with trees or shrubs of such size and species as may be specified by the MPA, in the planting season immediately following such occurrence.

Ecology

35. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA.
36. No development authorised by this planning permission shall be commenced until a scheme for the mitigation of any undue adverse effects to barn owl has been submitted to and approved in writing by the MPA. Such scheme shall include a working design, methods statement and timetable of works. Thereafter the approved scheme shall be implemented in full.
37. No development authorised by this planning permission shall be commenced until a scheme for the mitigation of any undue adverse effects to badger has been submitted to and approved in writing by the MPA. Such scheme shall include a working design, methods statement and timetable of works. Thereafter the approved scheme shall be implemented in full.

Archaeology

38. Prior to each stage of soil stripping, the written approval of the Mineral Planning Authority shall be secured for a Project Design (as referred to in the Specification for Archaeological Works dated 2 November 2011) for the area to be stripped. Thereafter, the archaeological works shall be carried out in accordance with the Specification for Archaeological Works dated 2 November 2011 (received on 22 November 2011) and the Project Design approved for the area concerned.

Restoration

39. No development authorised by this planning permission shall be commenced until full details of the restoration shown on the Restoration

Masterplan (Drawing No SS.015) and the associated Drawing No SS.014 (both received on 25 November 2010) have been submitted to and approved in writing by the MPA. These shall include:

- details of the planting to be undertaken to achieve the habitats shown on the Restoration Masterplan (Drawing No SS.015) (i.e. the species, numbers, heights on planting, planting methods and means of protection);
- details of the final land levels, the drainage and the surface water levels; and
- for the land to the west of the gravel drain, details of how the drainage would be tied in with the drainage of the restored land to the north.

Thereafter the site shall be restored in accordance with the approved details and in accordance with the phased programme shown on drawing numbers SS.007 Rev A; SS.008 Rev A; SS.009 Rev A; SS.010 Rev A; SS.011 Rev A; and ES.012 Rev A (all received on 22 November 2011).

Aftercare

40. No development authorised by this planning permission shall be commenced until a scheme of aftercare has been submitted to and approved in writing by the MPA. Such scheme shall set out the steps to be taken to bring the restored land to a condition suitable for an amenity use (nature conservation). Thereafter the scheme shall be implemented as approved and shall last for a period of five years within each of the two parts of the site, as divided by the Gravel Drain, commencing: in the eastern part, from the completion of the restoration of Phase 2; and in the western part, from the completion of the restoration of Phase 5.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 & 22
For the avoidance of doubt and to enable the MPA to monitor compliance with the conditions of this planning permission.
3. To ensure that the commencement of this development does not delay the completion of working and subsequent restoration of the Baston No 1 Quarry.
4. For the avoidance of doubt.
5. To ensure the information is available for site operatives.
6. To secure proper restoration of the site within a reasonable timescale.

7, 11 & 26

In the interests of highway safety and safeguarding the local environment.

8 & 9

In the interests of wildlife conservation

10. To ensure the development is carried out in accordance with the approved details and to reduce the potential for the deposition of extraneous material on the public highway.

12, 13, 14 & 21

To enable the MPA to adequately control the development and to minimise its impacts on the amenities of the area.

15. To ensure that the seals are fit for purpose for preventing the ingress of groundwater.

16, 17, 18 & 19

To ensure the protection of soils for restoration purposes.

20. To ensure the Screening Bunds are in place at the right time to minimise any impacts of the development on local amenities and that they are constructed in a manner that: minimises damage to the soils; allows the bunds to assimilate into the landscape; safeguards perimeter hedges; and does not conflict with the requirements of the Welland Internal Drainage Board.

23, 24 & 25

In the interests of highway safety and to prevent mud and dust getting on the public highway.

27. To protect the amenities of the locality from the effects of dust arising from the development.

28, 29 & 30

To protect the amenities of local residents.

31. For the avoidance of doubt over the scope of this permission.

32 & 33

To prevent pollution of the water environment.

34. In the interests of amenity and wildlife conservation.

35. To ensure that breeding birds are not adversely affected by the development.

36. To minimise the impact of the development on barn owls.

37. To minimise the impact of the development on badgers.

38. In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on site.
39. To enable the MPA to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use.
40. To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990, to ensure that the reclaimed land is correctly husbanded, and to bring the land to the standard required for amenity use.

Informatives

Attention is drawn to the following:

- (i) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings should be brought within six weeks of the date of the planning permission. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civic Procedure Rules Part 54 and the Practice Directives for those rules.
- (ii) The attached correspondence from:
 - the Welland Internal Drainage Board dated 3 February 2011 and 26 January 2012;
 - the Environment Agency dated 8 February 2011 and 31 January 2012; and
 - Natural England dated 14 February 2011 and 18 January 2012.
- (iii) The works required under condition 7 may need to be subject to an agreement under section 278 of the Highways Act 1980 between the developer/landowner and the Lincolnshire County Council as Highway Authority prior to any development being carried out.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	Plan referred to in Condition no. 7 of Planning Permission (LCC) Reference no. S50/0123/11

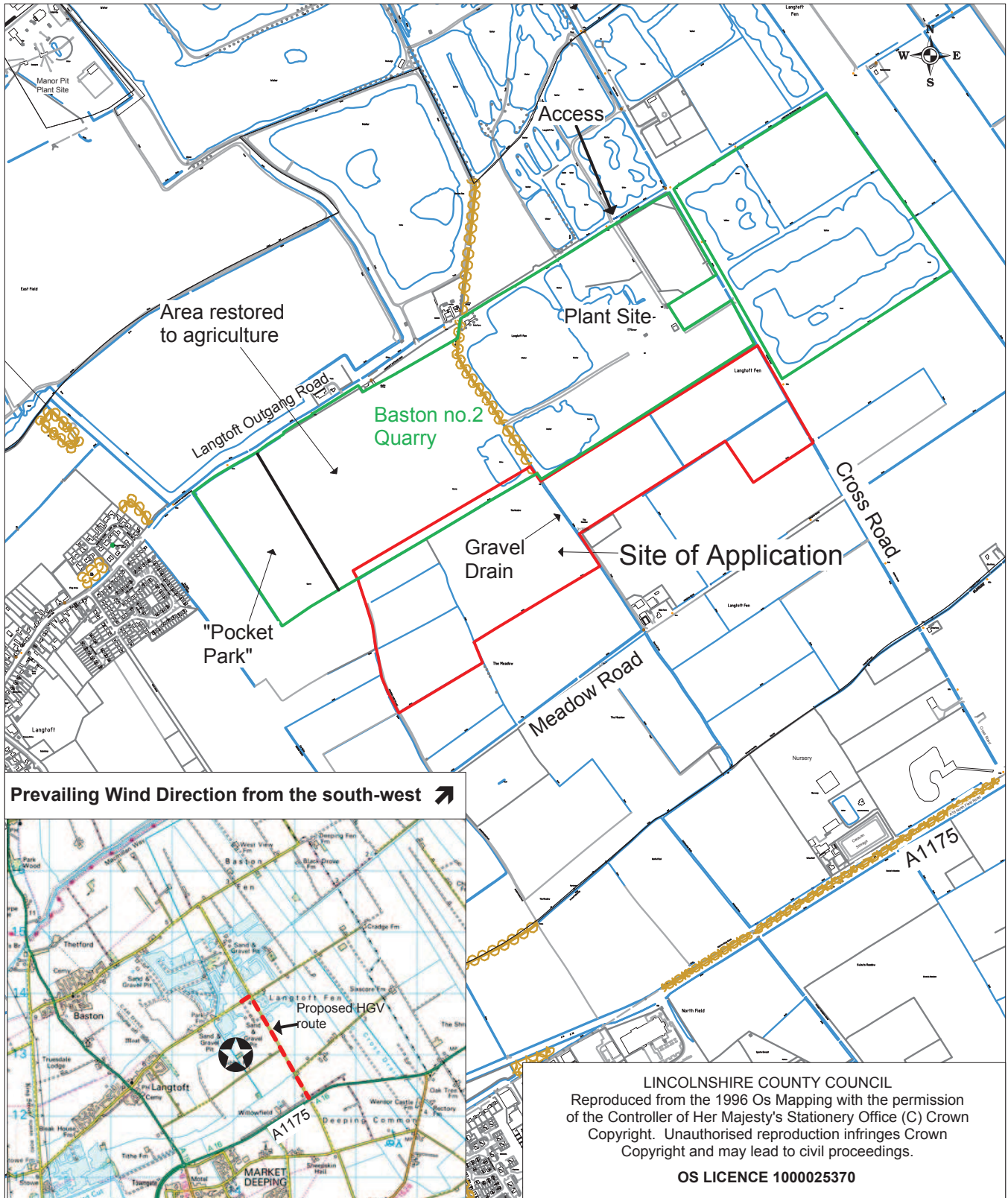
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S50/0123/11 S50/1125/98 S7/2618/13	Lincolnshire County Council, Spatial Planning, Witham Park House, Waterside South, Lincoln
National Guidance – National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
Lincolnshire Minerals Local Plan (1991) Draft Core Strategy and Development Management policies: Lincolnshire Minerals and Waste Local Plan (2013)	Lincolnshire County Council website www.lincolnshire.gov.uk
South Kesteven Core Strategy (2010)	South Kesteven District Council website www.southkesteven.gov.uk

This report was written by Adrian Winkley, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A PLANNING



Location:
Baston No. 2 Quarry
Langtoft Outgang Road
Langtoft

Application No: S50/0123/11
Scale: 1:15000

Description:
To extract sand and gravel from land forming an extension to Baston No. 2 Quarry with restoration to biodiversity

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**Open Report on behalf of Richard Wills
Executive Director for Communities**

Report to:	Planning and Regulation Committee
Date:	4 December 2013
Subject:	County Council Application – (E)N31/1987/13

Summary:

Planning permission is sought for a North Sea Observatory and Cafe at Chapel Point, Chapel St Leonards.

The development is part of a coastal regeneration project known as “Structures on the Edge” which promotes structures on the Lincolnshire Coast and is backed by Lincolnshire County Council and the Arts Council England.

There are a number of key considerations to be taken into account in the determination of this application including the impacts on flood risk, the highway network, the surrounding area, the adjacent Chapel Point to Wolla Bank Site of Special Scientific Interest and the historic environment.

Overall, it is concluded that whilst the development would have a significant visual impact on the surrounding area, subject to conditions to secure appropriate mitigation and compensatory measures, the development would not cause demonstrable harm.

Recommendation:

It is recommended that planning permission be granted.

Background

1. The proposed development is part of a coastal regeneration project known as “Structures on the Edge” which promotes structures on the Lincolnshire Coast and is backed by Lincolnshire County Council and the Arts Council England. The “Structures on the Edge” project aims to realise permanent installations and interventions to enable visitors to enjoy, understand and interact with the natural environment of the UK coastline. A 10 mile stretch of coast between Chapel St Leonards and Mablethorpe has been identified for this project.

2. A Sound Tower at Chapel Six Marshes, approximately 1km north of the current application site, was granted planning permission on 10 June 2013 following consideration at the meeting of the Committee on the same date. This is a public viewing platform / art installation also forming part of the “Structures on the Edge” project. The “Cloud Bar” and “Round and Round House”, both located at Anderby Creek, are also part of this project and have both been installed.
3. The North Sea Observatory is proposed to be the centrepiece of the “Structure on the Edge” project, which has a main function to:
 - facilitate observations, understanding and appreciation of the North Sea and the marine environment;
 - create an iconic focal point and visitor hub to engage visitors and local residents in socio-economic activities;
 - make available an ‘off season’ attraction extending the short summer tourist season into the spring, autumn and early winter; and
 - provide access and educational opportunities for all.

The Application

4. Planning permission is now sought for a North Sea Observatory and Cafe at Chapel Point, Chapel St Leonards.
5. The footprint of the building is proposed to be approximately 44 metres long at its longest, by 12.5 metres wide. It is proposed to have a gentle curved shape, reflecting the curve of the sea wall. The windows facing out towards the sea are proposed to be set at an angle towards the sea, such that the top of this element of the building would protrude approximately a further 3.3 metres from the base of the building.
6. The roof of the building is proposed to be constructed of a series of triangular shaped pitches and the Design and Access Statement states that in this regard the building is reflecting the row of beach huts which lie to the south of the application site. The proposed roof would stand to a maximum of 5.4 metres above the upper ground floor level of the building. A total of seven skylight windows are proposed.
7. The building is proposed to encompass a cafe seating area and associated kitchen, a gallery, an observatory area and a dedicated area for the National Coastwatch Institute (a voluntary organisation who keep a visual watch along the coastline). At a lower ground floor level toilet facilities and storage rooms are proposed. To the south, east and west elevations of the building an external terrace area is proposed, with ramped access from the car park.
8. The seaward facing elevation of the building is proposed to be heavily glazed to allow wide sea views. It is proposed to clad the walls of the building in zinc with timber and glazed inserts and the roof is proposed to be clad with zinc, which the Design and Access Statement describes as the most sustainable of all building materials.

9. The existing car park is proposed to be used in association with the development and an additional eight car parking spaces are proposed to the south of this. This would result in a total of 78 car parking spaces.
10. The Design and Access Statement states that sustainability measures would be incorporated into the development from the following range: biomass; solar-thermal; solar photovoltaic; and air source heat pump. However, no specific details or commitment to any one of these measures is provided in the application.
11. The following documents have been submitted in support of this proposal, some of which have been subject to revisions during the processing of the application:
 - Design and Access Statement (received 7 November 2013);
 - Flood Risk Assessment (received 7 November 2013);
 - Transport Statement (received 10 October 2013);
 - Heritage Impact Assessment (received 25 September 2013); and
 - Sand Dune Assessment Survey (received 8 November 2013).

Site and Surroundings

12. The application site is divided into two areas, one of which lies on a raised area of ground at the sea front at Chapel Point, Chapel St Leonards and the other lying 50 metres to the south west of this beyond the existing car park. The smaller site area beyond the existing car park currently forms part of an area used as open green space associated with the existing cafe at this site. To the south of this lie residential properties, one of which adjoins the overall open space, although not directly the application site.
13. The existing car park provides 70 car parking spaces and has an existing cafe and toilet facilities associated with it. Adjacent to the car park is a coast guard station.
14. To the west of the car park is St Leonards Drive to the south and Anderby Road to the north. Both of these roads are lined with residential properties, many of which are single storey bungalows, particularly those closest to the application site.
15. To the north, south and east of the application site is the beach at Chapel Point. On the northern side there are sand dunes behind the beach, leading down to Anderby Road. Immediately to the north of the site of the proposed North Sea Observatory is a World War II gun emplacement. To the south are a row of beach huts and the beach leading towards Chapel St Leonards. It is believed that beneath the site of the proposed Observatory is a World War I pillbox. At present a wooden shelter stands on the site of the proposed Observatory.
16. The application sites lies immediately adjacent to the Chapel Point to Wolla Bank Site of Special Scientific Interest, notified for its geological interest.

The site also lies within Flood Zone 3a. The proposed Observatory part of the application site lies on top of the existing sea defences at Chapel Point.

17. The site lies at the south eastern tip of the Lincolnshire Coastal Country Park which covers the area between Sandilands and Chapel St Leonards and contains five established nature reserves managed by the Lincolnshire Wildlife Trust.
18. To the south east of the application site is an off-shore wind farm.

Main Planning Considerations

National Guidance

19. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:
 - paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - paragraphs 29 to 41 promote sustainable modes of transport;
 - paragraphs 56 to 68 require good design in new development. In particular, paragraph 61 states that the connections between people and places and integration of new development into the natural, built and historic environment should be addressed; and paragraph 63 requires that great weight should be given to outstanding or innovative design which help raise the standard of design more generally in the area;
 - paragraphs 99 to 103 seek to ensure that flood risk is not increased as a result of development, either on the development site itself, or off-site and directs development to those areas with the lowest flood risk wherever possible. They also set out the requirement for development to comply with the Sequential Test and Exception Test, where appropriate;
 - paragraph 106 seeks to protect coastal areas from inappropriate development and to reduce the risk of coastal change;
 - paragraphs 109, 117 and 118 seek to protect and enhance the natural environment, with specific protection afforded to Sites of Special Scientific Interest to prevent direct or indirect adverse impacts;
 - paragraphs 120 to 125 protect the general amenities of surrounding land users, including from light and noise pollution;

- paragraphs 128 to 141 seek to ensure that any heritage assets associated with development sites are appropriately addressed and sets out the need to protect these assets wherever possible;
- Paragraph 186 states that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development. This relationship between decision taking and plan making should be seamless;
- Paragraph 187 encourages planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible; and
- paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. This is of relevance with regard to the East Lindsey Local Plan.

The Technical Guidance to the National Planning Policy Framework (2012) sets out in more detail the requirements to be met in relation to flood risk. It establishes the requirements for the sequential and exception tests in relation to development in areas at higher risk of flooding and also provides a classification of flood risk vulnerability.

Local Plan Context

20. The development plan in relation to this application is the East Lindsey Local Plan (1999). The following policies are of relevance in this case:

Policy A4 “Protection of General Amenities” states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5 “Quality and Design of Development” seeks to improve the quality of the environment and ensure that development does not detract from the distinctive character of the locality, retains and incorporates features which are important to the local environment and is integrated within a landscaping scheme appropriate to its setting.

Policy ENV3 “Foul and Surface Water Disposal” seeks to ensure that appropriate measures are put in place in relation to the disposal of foul and surface water.

Policy ENV20 “Protection of Habitats” seeks to prevent damage to, or the loss of, important habitats such as dunes.

Policy T1 “Tourism Strategy” states that development proposals for leisure and tourism uses will normally be permitted subject to a number of criteria,

including where they reinforce existing visitor facilities, at an appropriate scale, in Chapel St Leonards.

Policy TR4 “Protection of Existing Car Parking Spaces” seeks to ensure that new development does not result in the loss of any visitor car parking spaces in coastal resorts.

Policy TR8 “Tourist Parking Facilities” states that the development of land for tourist car parking facilities on the coast will normally be permitted provided that it would not harm the character of the area, cause adverse impacts on general amenities or natural features and would not cause traffic problems.

Results of Consultation and Publicity

21. (a) Local County Council Member, Councillor C Davie – the application represents a progressive development proposal for the locality and has my full support. It will enhance the local area whilst contributing to the visitor economy, in and out of the traditional holiday season. In providing a base for coast watch it will also provide additional safety cover for visitors to our coastline. I urge the Committee to support this application and grant permission.
- (b) Chapel St Leonards Parish Council – supports this application.
- (c) Environmental Health Officer, East Lindsey District Council – no comments to raise.
- (d) Environment Agency – the development will be acceptable provided the recommended mitigation measures are secured by way of a planning condition. Recommend that if permission is granted it is subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment submitted on 7 November 2013, in particular:
- The existing profile of the dune to be unaltered by the works and any necessary reseeded undertaken to restore vegetation to the dunes on completion of the building works.
 - The building to be erected on piled foundations to reduce any impact on the structure in the event of a failure of the coastal defences.
 - Upper ground floor to have finished floor level set no lower than 7.7m above Ordnance Datum (AOD).
 - Lower ground floor to have finished floor level set no lower than 5.062m AOD; uses to be in accordance with those shown on drawing 2024_GA_110_200 Revision 001 of WCs and store; resilient construction techniques to be employed.

Also include informative advice regarding the requirement for a Flood Warning and Evacuation Plan.

Note that the ground source heat pump which was originally proposed is no longer included in the proposals and request to be reconsulted should this change.

- (e) Natural England – this application is in close proximity to Chapel Point to Wolla Bank Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

Recommend a condition is imposed if planning permission is granted relating to suitable measures to be taken to ensure the protection of Chapel Point to Wolla Bank SSSI during construction of the observatory to ensure that it does not impact on the features of special interest for which the SSSI is notified.

Also expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority habitat appropriate surveys should be undertaken and Natural England Standing Advice for Protected Species should be used.

- (f) Anglian Water Services – consulted on 15 October 2013 but had not responded at the time of writing this report.
- (g) Lindsey Marsh Internal Drainage Board – no objections subject to the requirements below being satisfied. If planning permission is granted it is recommended that the final surface water drainage strategy is approved prior to development commencing as the applicant has highlighted various options. The site is within the Board's district although there are no Board maintained watercourses immediately adjacent to the site. The Board's consent will be required for any alteration of flows to watercourses in this location.
- (h) Historic Environment Officer, Lincolnshire County Council – there are two historic environment issues being affected by this application. One is the impact on specific archaeological sites and the other is the impact on the character of the historic landscape.

As regards the historic landscape the character of the proposed development site currently relates to the seaside community of the early and middle years of the twentieth century when defensive structures relating to the two World Wars were constructed. They are an integral part of the character of the landscape and have been retained in the landscape since then with varying degrees of change. This defensive landscape character is important both to the Lincolnshire coast and the wider area of England it was designed to protect. The two main sites within the area of the proposed development are a gun emplacement erected as part of the World War II defences, which is of local historic importance, and a pill box erected as part of the World War I defences which due to lack of survival is of more significant regional and national importance, as described in the Heritage Impact Assessment.

Given the size and proportion of the new building it is inevitable that this historic landscape will be affected.

The World War II gun emplacement is nearby, slightly to the north of the footprint of the proposed building and inward views of the gun emplacement from the seaward side will be radically affected from both the structure and the proposed landscaping shown in the Design and Access Statement which suggests the landscaping will encompass the existing gun emplacement resulting in a much diminished character of the surviving emplacement, in fact it is possible that the current landscape will not be able to be read in terms of the remains of the war defences it contains.

The World War I pillbox is currently not visible due to build-up of sand resulting from the strengthening of the sea defences after the 1953 gales, but its site is directly beneath the footprint of the proposed building, as shown in the Heritage Impact Assessment. As it is not currently visible any landscape impact would not be as great as it would be on the gun emplacement.

It is not clear from the application what landscaping is proposed. Should planning permission be consented it is recommended that prior to any development details of landscaping should be submitted which enhance rather than detract from the existing war structures.

It is also recommended that to mitigate the impact of the new structure on the landscape that a public information display on the nature of the historic landscape being lost is an integral part of the proposals for the site, the content and design to be submitted and agreed.

The World War II gun emplacement is outside the footprint of the proposed new building and as such will not be physically impacted by the new structure, though it is noted that details of the landscaping have not been submitted (see above).

It will also be necessary to ensure that the structure is not impacted by building operations, therefore arrangements will have to be made to fence this area off and ensure that operating instructions are put in place which ensure the current integrity of the structure is protected. The World War I pillbox has a potential to be directly impacted by both the foundations of the structure proposed above it and the installation of ground source heat pumps, of which no details are included.

Should any consent be forthcoming it is recommended that prior to any development archaeological investigation should be undertaken to define the location and extent of the World War I pillbox in order that any ground works associated with the development can be designed not to impact on the structure. This investigation should not be a full archaeological excavation which might have the potential to destabilise the sea defences and the scheme should be designed with advice from the Environment Agency. This scheme should be secured by a written scheme of investigation which should be submitted and approved on the lines of the standard conditions recommended for protecting archaeological remains.

Once these investigations are complete; prior to commencement of development the designs of all ground works should be submitted in writing and approved in order to ensure the protection of the archaeological remains of the World War I pillbox.

- (i) Marine Management Organisation – consulted on 15 October 2013 but had not responded at the time of writing this report.
- (j) Highways, Lincolnshire County Council – recommend a condition requiring the arrangements for the parking / turning / manoeuvring / loading / unloading of vehicles as shown on the submitted drawings to be available at all times the premises are in use to enable calling vehicles to wait clear of St Leonards Drive and allow vehicles to enter and leave in a forward gear, in the interests of highway safety.
- (k) Accessibility, Lincolnshire County Council – no Travel Plan is needed for this development as the proposed building is below the threshold whereby a travel plan would be required for its use class.
- (l) Lincolnshire Wildlife Trust – application site is located adjacent to the Chapel Point to Wolla Bank Site of Special Scientific Interest (SSSI) and therefore Natural England should be consulted on whether they consider there could be any impacts on the SSSI.

Does not appear that an ecological survey of the site has been carried out. It is unclear whether the site is dune habitat, but it is described as such in the Heritage Impact Assessment and appears to be dune on aerial photography. Coastal sand dunes are a Lincolnshire Biodiversity Action Plan (BAP) priority habitat and have a target of no net loss. Lincolnshire County Council are a signatory of the Lincolnshire BAP 3rd

Edition. In addition, all coastal sand dunes meeting BAP definitions and over 0.5 ha in size automatically qualify as Local Wildlife Sites (LWSs). Whilst recognise that the site taken in isolation is smaller than the 0.5 ha limit, the habitat should be viewed as a whole in combination with adjacent areas of dune habitat.

Strongly recommend that an ecological survey is carried out by suitably qualified ecologists to assess the habitats on site. The report should evaluate whether the habitats meet the BAP definition of coastal sand dune and also consider whether the site would qualify under the LWS criteria. The ecological report should also include an assessment of the potential for the presence of protected or priority species and recommendations for mitigation or compensation which may be necessary and biodiversity enhancements which could be included in the proposals.

Wish to register a holding objection until further details relating to ecology have been submitted and we are satisfied that there will not be any significant negative impacts on BAP priority habitat and / or LWS quality habitat.

Further to the submission of a Sand Dune Assessment Survey on 8 November 2013 responded to state the following:

Note that the habitats on site have been identified as meeting the definition of coastal sand dune Priority Habitat and they are therefore covered by the Natural Environment and Rural Communities (NERC) Act 2006 as appearing on the Section 41 list of Habitats and Species of Principal Importance in England. This means that Lincolnshire County Council has a duty to have specific regard to the conservation (which includes protecting and enhancing) of this habitat whilst exercising their normal functions under the NERC Biodiversity Duty. In Biodiversity 2020: A strategy for England's wildlife and ecosystem services, the government committed to no net loss of priority habitat (outcome 1B) and also stated that '*The planning system will continue to facilitate coherent and resilient ecological networks in association with local partners and reflect the value of natural systems*' (paragraph 2.19). These aims are embedded within the National Planning Policy Framework under paragraph 109 and paragraph 118.

As recognised within the survey report, coastal sand dunes are also a Lincolnshire Biodiversity Action Plan (BAP) priority habitat with a stated target of no net loss at a county level. Lincolnshire County Council are a signatory of the Lincolnshire BAP 3rd Edition. Should this site be developed without compensation provided, this would result in a net loss in total area of coastal sand dune habitats which is contrary to the NPPF, the Biodiversity 2020 strategy, the NERC Act and the Lincolnshire BAP. If an alternative site is not available which would not result in the loss of Priority Habitat then an area of compensatory sand dune habitat should be provided of at least double the area to be lost.

The Lincolnshire Wildlife Trust would consider removing our holding objection conditionally upon the production of a satisfactory method statement detailing the measures to be taken for mitigation of damage to the sand dune habitats and compensation in the form of new areas of habitat. We would strongly recommend that consideration is also given to the area surrounding the red line boundary which may also be affected by construction activities.

Additional information was provided by the applicant on 14 November 2013 relating to mitigation and compensation measures and on the basis of this Lincolnshire Wildlife Trust responded to state that they were satisfied with the principle of the detail of mitigation and compensation to be provided under a planning condition. In relation to mitigation, recommend that further detail be provided under advice from an ecologist to ensure that impacts of construction and operational activities on the sand dune habitats are minimised.

In relation to the provision of compensatory habitat, the measures put forward would provide enhancement of existing habitats only rather than creation of new habitats. The area identified is likely to be existing fixed dune habitat and therefore new sand dune habitat will not be provided by the management of the footpaths in this area. Also have some concerns that this method of closing footpaths may lead to the creation of new desire lines and therefore indirectly impact other areas of dune. Access is an important issue in relation to this development and the area generally and should be considered alongside the ecological issues when drawing up plans for the open space.

Given that the proposed actions would provide enhancement rather than compensation, there would still be a net loss of sand dune priority habitats and therefore strongly recommend that further consideration is given to the provision of alternative compensatory habitat, which does not need to be provided within or adjacent to the development site but should deliver creation of sand dune habitat in an appropriate location that does not already have value for wildlife. Wish to see a carefully thought out scheme of mitigation, compensation and enhancement which provides the best possible outcomes for both people and wildlife.

22. The application has been publicised by two site notices and neighbouring residential properties were individually notified on 16 October 2013. As a result of this four representations objecting to the proposals have been received, with one stating that it is representing a number of local residents and holidaymakers, although it is only signed by the author of the letter. These representations raise the following points:

- Chapel Point is one of the very few unspoilt village locations of natural beauty with easy access to the beach on the Lincolnshire coast and the development would spoil this and dominate the natural landscape;

- would be totally out of scale and character with the surrounding area and look out of place;
- already a perfectly adequate cafe at Chapel Point and an award winning Roadside Toilet, both within easy access of the beach and natural amenities;
- development would ruin Chapel Point;
- request that members of the Committee undertake a site visit;
- no evidence of local need and the money would be better spent on a cycle route in the Country Park;
- it will not enhance the lives of everyone, extend the holiday season or provide job security as has been claimed;
- it is not the gateway to the Country Park;
- there is very little coastal wildlife to observe from the observatory other than the wind turbines;
- the existing, award winning toilet block should not be demolished;
- additional car parking is not required and this area is only used as overflow car parking in the busy August weeks;
- concerns regarding traffic on Anderby Road and the state of the surrounding roads, including queries as to whether these will be regenerated;
- if planning permission is granted a 6 foot wide wooden walkway should be erected to link the end of the existing seafront promenade to the project to allow pedestrian and mobility scooter access;
- concern that LCC may not be able to provide “gallery” activity annually;
- concerned that plans presented at meetings in the village show the demolition of the toilets and creation of car parking to the north of the toilet block and concerned regarding levels of noise and air pollution from this car park, should extend the car park instead to the area behind the cafe;
- concerns regarding devaluing of residential properties;
- concerns regarding impacts of noise from development and during construction;
- concerns regarding security;

- consider that the existing sand at Chapel Point should be cleared to enable access by mobility scooters;
- concerns regarding the impacts of traffic and parking;
- concerns regarding the provision of off street parking for coaches;
- query regarding any renovation of the World War II gun emplacement; and
- concerns regarding unstable ground as the sea already undermines the defences and whether this has been taken into consideration.

District Council's Observations

23. East Lindsey District Council raised no objection, subject to the Environment Agency supporting the proposals, but do recommend that the materials used in the development should be good quality and reflect the modern contemporary design.

Conclusions

24. Planning permission is sought for a North Sea Observatory and cafe and associated car parking at Chapel Point, Chapel St Leonards. The proposed development would be a visitor facility on the coast and is intended to be an iconic focal point. It is inevitable therefore, that such a development would have a significant impact on the landscape and character of this area. In the determination of this application, it is necessary to consider whether the impacts on the surrounding area are acceptable, particularly in light of the sensitive historic and natural environment within which it would sit and also taking into account any impacts on flood risk given that it is proposed to be located on top of the existing sea defences at Chapel Point.
25. Policy T1 "Tourism Strategy" of the East Lindsey Local Plan states that development for leisure and tourism uses will normally be permitted, subject to a number of criteria, the most pertinent of which in this case is that it reinforces existing visitor facilities, at an appropriate scale, in Chapel St Leonards. The proposed development would enhance the existing visitor facilities of a cafe, wooden lookout shelter and toilets at Chapel Point and in this respect is in accordance with Policy T1. The appropriateness of the scale of the proposals is considered below.

Flood Risk

26. Paragraphs 99 to 103 of the NPPF seek to ensure that flood risk is not increased as a result of development and directs development to those areas with the lowest risk of flooding wherever possible. The Technical Guidance to the National Planning Policy Framework provides more detail in relation to flood risk.

27. The application site lies on top of the existing sea defences at Chapel Point and as such is within Flood Zone 3a, which is defined as areas with a high probability of flooding. A Flood Risk Assessment (FRA) has been submitted with this application and has been subject to a number of revisions to take into account the advice of the Environment Agency. The final FRA was submitted on 7 November 2013. The FRA states that the proposed development is classified as “Water Compatible” in reference to the Technical Guidance to the NPPF flood risk vulnerability classification. Further to discussions with the Environment Agency, it is concluded that the proposal contains elements which can be classed as “Water Compatible”, as viewing the sea and learning about the habitat require the proposed coastal location, however elements are also considered to be more appropriately classified as “Less Vulnerable” development, a classification which includes cafes, assembly and leisure. In terms of the Technical Guidance’s approach to this type of development in its “Flood risk vulnerability and flood zone compatibility” table, both “Water Compatible” and “Less Vulnerable” development are stated to be appropriate in Flood Zone 3a. This does not, therefore, alter the findings and conclusions of the FRA.
28. The FRA states that the proposed building would be securely mechanically fixed to protected screw piles into the existing dune system and that this approach removes the vulnerability of a rafted or stripped foundation. It also states that the on-going coastal defence initiatives, such as LincShore, would ensure that the dune is maintained and strengthened where needed and that this would protect the proposed development.
29. In light of the probability of flood risk being high, the FRA states that the following measures would be employed to protect the users of the facility:
- the building would be closed down during adverse weather conditions;
 - the building would be evacuated if a Flood Warning is issued by the Environment Agency; and
 - an Evacuation Plan would be agreed with Lincolnshire County Council.
30. The finished floor levels of the development are proposed to be set at levels to minimise flood risk. It is proposed that the lower ground floor level, where the toilets and store room are proposed, would be set at 5.062 metres Above Ordnance Datum (AOD) and the upper ground floor level, where the main observatory, cafe and Coastwatch area are proposed would be set at 7.7 metres AOD.
31. The EA have confirmed that the proposed development would be acceptable, subject to a condition requiring the mitigation measures set out in the FRA received on 7 November 2013 being implemented, relating to the existing profile of the dune to remain unaltered; the building to be erected on piled foundations and specific requirements in relation to the setting of the upper and lower ground floor finished levels.
32. Overall, it is therefore concluded that subject to conditions being imposed to secure the above measures to minimise flood risk, the proposed

development would be in line with the NPPF and the Technical Guidance to the NPPF and would not result in increased flood risk elsewhere.

Impact on the Historic Environment

33. Paragraphs 128 to 141 of the NPPF seek to protect the historic environment. The application site lies within a historically sensitive area and a Heritage Impact Assessment has been submitted with the application. A World War II gun emplacement is located to the north of the application site and it is believed that a World War I pillbox is located beneath the area where the observatory building is proposed.
34. The Heritage Impact Assessment submitted with this application considers the proposed development in the context of the historic environment. The Heritage Impact Assessment highlights the military importance of this stretch of coast during the first and second world wars and notes that there is little doubt that the existing concrete remains to the north of the application site are the World War II gun emplacement. The Assessment does, however, indicate that the location and survival of the World War I pillbox is much less certain. It is thought that if this has survived that it is likely to be located where a coastguard hut was subsequently constructed and latterly where the existing wooden shelter is located. The coastguard hut was located on a concrete base which is considered to be the same concrete slab on which the existing wooden shelter is sited.
35. The Assessment states that World War I pillboxes are much more scarce and less well documented than World War II ones and in this respect the significance of the pillbox in this location is enhanced. As such it is considered that the presence of this should be considered as archaeologically very significant.
36. It is considered that the proposed development would allow for the in situ preservation of the pillbox and the proposed building would be located on top of the site of it. The construction of the building is proposed to use pile foundations and so aims to avoid direct damage to it. There would, however, be no direct access to the pillbox during the lifetime of the building. The Assessment states that construction activities would need to be carefully controlled and monitored to minimise the risk of accidental damage. Lincolnshire County Council's Historic Environment officer has raised concerns regarding the impacts of the proposed development but has recommended that if planning permission is granted, it should be subject to a condition requiring archaeological investigation prior to the commencement of development to ascertain the location and extent of the pillbox, but notes that this must be carried out in such a way as to not cause any damage or disturbance to the existing sea defences. In order to achieve this, it is recommended that if planning permission is granted it is subject to a condition requiring the submission of a scheme for undertaking these works, to be agreed in consultation with the Environment Agency.

37. The gun emplacement is part of the historic landscape of this area which would be impacted upon by the proposed development due to its scale and proximity. The Heritage Impact Assessment considers that the “legibility” of the gun emplacement as a wartime structure is fairly low and describes it as little more than a raised concrete platform which is the only wartime structure still visible on the Chapel St Leonards coastline. Its potential for promoting a better understanding of the role of Chapel Point in the Second World War, is however, acknowledged. The Heritage Impact Assessment asserts that its survival is in part attributed to its bulk and usefulness as local strengthening of the sea defences. This heritage asset would not be directly affected by the proposed development but the proposed building would have a significant impact on its setting. Lincolnshire County Council’s Historic Environment officer has raised concerns regarding the impact on the setting of the gun emplacement and of any landscaping, together with the need to protect this feature during the construction phases of the development. No landscaping details have been included with this application but this is a matter which can be addressed through a condition if planning permission is granted.
38. Whilst the proposed development would impact in the setting of the Second World War gun emplacement, it is not considered that the degree of harm is sufficient to justify refusal of planning permission on these grounds. Rather, the proposed Observatory presents an opportunity to further the understanding of the historic interest of this part of the Lincolnshire coast.
39. In addition to the requirement for archaeological investigation in relation to the pillbox, it is recommended that in order to protect both the pillbox and the neighbouring gun emplacement, a condition requiring full details of the measures to be employed to protect these features during the construction phase of the development is secured if planning permission is granted. Providing these measures are put in place, the proposed development would not be contrary to the provisions of the NPPF.

Impact on the Natural Environment

40. The NPPF and Policy ENV20 of the East Lindsey Local Plan seek to protect the natural environment, with the NPPF highlighting the need to afford specific protection to Sites of Special Scientific Interest (SSSI). The application site adjoins the Chapel Point to Wolla Bank SSSI which lies to the north and east of the site. This SSSI was notified due to its nationally important geology for its inter-tidal sediments which have importance in the understanding of sea-level change across eastern England.
41. Natural England have confirmed that the proposed development is unlikely to have an adverse impact on the SSSI but have advised that if planning permission is granted appropriate measures should be employed during the construction phase to ensure that the interesting features of the SSSI are not harmed and that this should be secured through the use of a planning condition. Natural England also recommend that advice be sought in relation to potential impacts on local sites, habitats and species.

42. The application site lies on a ridge formed by sand dunes and concrete reinforcements. At the request of Lincolnshire Wildlife Trust, an ecological survey of the site was carried out on 4 November 2013 and a Sand Dune Assessment Survey was submitted on 8 November 2013. The Sand Dune Assessment Survey acknowledges that November is not the optimum time to carry out such a survey but concludes that due to the habitats involved it is unlikely that main plant species would have been missed. No nationally rare or nationally scarce plant species and no UK Biodiversity Action Plan (BAP) Priority Species were recorded from the survey area, although it is noted that sand dune habitats within parts of the site are both UK and local BAP habitats. The Survey does however, state that the application site is small and that the quality of the habitat is low due to extensive trampling by the public and by nutrient enrichment from dog waste. There is also a lack of some key sand dune species which are found in the larger expanse of dunes to the north of the site. The Survey concludes that the site does not qualify as a Local Wildlife Site due to its size, however, it recommends that compensation would be required for the direct loss of sand dune habitats as the Lincolnshire BAP states that there shall be no net loss of sand dune habitats between 2010 and 2020.
43. Following the submission of the Sand Dune Assessment Survey, Lincolnshire Wildlife Trust responded stating that if no alternative site is available for the development which would not result in the loss of priority habitat then an area of compensatory sand dune habitat should be provided of at least double the size of the area to be lost. They also stated that there is a requirement for a satisfactory method statement detailing the measures to be taken for mitigation of damage to the sand dune habitats, including areas affected during the construction activities.
44. On 14 November 2013 the applicant submitted an outline of mitigation and compensation measures proposed to be delivered. Lincolnshire Wildlife Trust did not find these proposals to be wholly acceptable but were sufficiently content with them, and the commitment to deliver mitigation and compensation, that they stated that they are satisfied that the package of measures for mitigation, compensation and enhancement could be secured through a condition if planning permission is granted, in order to meet the Lincolnshire BAP requirement of no net loss of sand dune habitat.
45. The impact of the proposed development in relation to nature conservation needs to be addressed very carefully and measures need to be put in place if planning permission is granted to protect the adjoining Chapel Point to Wolla Bank SSSI and the remaining sand dune priority habitat, and to provide appropriate compensatory measures for the loss of the area of sand dune habitat which would occur through the siting of the observatory in this location. Policy ENV20 of the East Lindsey Local Plan seeks to prevent the loss of important habitats such as sand dunes and states that where development is permitted, the retention and protection of wildlife habitats will be protected through planning conditions, legal agreements or unilateral undertaking. It is therefore recommended if planning permission is granted, that it is subject to a condition requiring the submission of schemes to make

the above provisions which would be required to be approved prior to the commencement of any development and that the compensatory measures are delivered before the development becomes operational. Providing these measures are put in place, the proposed development would be in accordance with the NPPF and Policy ENV20 of the East Lindsey Local Plan.

Highways

46. The NPPF seeks to promote sustainable modes of transport in relation to all new developments. In addition, Policy TR4 “Protection of Existing Car Parking Spaces” and TR8 “Tourist Parking Facilities” of the East Lindsey Local Plan seek to protect car parking spaces associated with tourism and permit new spaces where no undue harm would be caused.
47. This application was accompanied by a Transport Statement which was produced in consultation with Lincolnshire County Council as Highway Authority. The Transport Statement notes that the application site is adjacent to an existing 70 space car park which has a cafe and toilet facilities associated with it. It also states that there are north and southbound bus stops within 400 metres of the application site and that these are served by a variety of buses operating at different frequencies. The site is stated to be well served by a number of public rights of way in the vicinity which provide routes from the nearby holiday and caravan parks through to the local beaches.
48. The Transport Statement states that it is anticipated that the majority of visitors to the proposed observatory would already be visiting the area and therefore the potential increase in vehicular traffic is considered to be relatively low, with what is described as an exceptionally robust trip generation to the observatory equating to 37 arrivals per day. It also states that the existing car park, together with the additional eight spaces proposed, would more than adequately cater for the existing and proposed demand. The Transport Statement concludes that the proposed development would not have a detrimental impact on highway capacity or on the operation of the junction of the car park entrance with St Leonards Drive.
49. In the representations from local residents, concerns are raised regarding the impact of the proposed development on the surrounding highway network. Lincolnshire County Council’s Highways officer has raised no objections to the proposed development but has recommended that if planning permission is granted it is subject to a condition ensuring that the arrangements proposed to enable the parking / turning / manoeuvring / loading / unloading of vehicles are available at all times the development is in use. The County Council’s Accessibility officer has confirmed that a Travel Plan is not required for a development of this scale and nature.
50. One local resident objected to a proposed new area of car parking to the north of the existing toilet block, however, this does not form part of the

current planning application and therefore is not considered as part of these proposals.

51. Overall, it is concluded that the proposed development can be accessed by a range of modes of transport and that it would not have a detrimental impact on highway safety or capacity. As such, it is in accordance with the NPPF and with East Lindsey Local Plan policies TR4 and TR8 in this regard.

Impact on the Surrounding Residential Area

52. Policies A4 “Protection of General Amenities” and A5 “Quality and Design of Development” of the East Lindsey Local Plan seek to protect the amenities of neighbouring land users and protect the character of the locality in relation to proposed new development. These issues are also reflected in the provisions of the NPPF.
53. The proposed observatory building is of such a size and in a prominent location that it will inevitably be viewed from a number of nearby residential properties. However, it would be located over 75 metres from the nearest dwelling and would not have a detrimental impact in terms of loss of amenities at any of the neighbouring properties. The proposed additional eight car parking spaces would be approximately 40 metres away from a residential property on St Leonards Road and although this land is currently used as open space associated with the cafe, it is not considered that the use of this area as a car park will result in any loss of residential amenity to this property. The proposed observatory would result in a significant change to the landscape of Chapel Point, with the introduction of a large structure, but this would not lead to the loss of amenities enjoyed by local residents.
54. As stated in the Transport Statement, it is not anticipated that the proposed development will result in large increases in visitor numbers to the site, rather it is likely to mainly serve existing visitors to the area. As such, there is unlikely to be a loss of residential amenity suffered due to increases in visitors to the area.
55. Overall it is concluded that the proposed development would not have a detrimental impact on the amenities of the nearby residential properties and is therefore in accordance with Policy A4 of the East Lindsey Local Plan and the NPPF in this regard.

Design and Sustainability

56. Sustainable development is the core theme running through the NPPF and paragraph 17 in particular highlights the importance of high quality design in achieving this. Policy A5 “Quality and Design of Development” of the East Lindsey Local Plan also seeks to secure good design and to improve the quality of the environment.
57. The Design and Access Statement states that the building would be highly insulated whilst allowing for it to be naturally ventilated. The roof and

external walls are proposed to be clad in zinc shingle (although the walls are also proposed to have timber and glazed inserts). Zinc is described in the Design and Access Statement as being “the most sustainable of all building materials” as it is resistant to corrosion and has a low energy consumption during its manufacture.

58. The Design and Access Statement also states that the sustainable energy strategy of the building will incorporate a number of the following methods of energy production:
- biomass;
 - solar-thermal;
 - solar photovoltaic; and
 - air source heat pump.
59. However, no details regarding any of these measures, how they would be utilised or where they would be installed, have been included with this application. It is therefore difficult to quantify the contribution of these measures in the determination of this application. It is recommended that if planning permission is granted it is subject to a condition requiring the submission and approval of details of any of these sustainable energy measures prior to their installation to ensure that they are appropriate and do not cause harm to this location.
60. In the representations from local residents, concerns have been raised regarding the impact of the proposed development on the surrounding area and the lack of any evidence of a need for it. The design of the proposed building is undoubtedly contemporary and quite different to any of the other structures in the immediately surrounding area. The Design and Access Statement states that the building design was informed by the existing beach huts to the south of the application site and this can be seen in the design of the roof. As previously stated, the purpose of the North Sea Observatory is to provide an iconic focal point on this stretch of the Lincolnshire coast. As such, the building needs to be clearly set out from its surroundings. The NPPF encourages innovative design and it is considered that the proposed development represents good design whilst meeting its objective of being an iconic focal point. Policy T1 “Tourism Strategy” of the East Lindsey Local Plan requires new tourism development in Chapel St Leonards to be of an appropriate scale. It is considered that the proposed development complies with this element of the policy both in terms of the physical scale of the building and the scale of visitors it is expected to generate.
61. East Lindsey District Council have stated that the choice of materials should be of good quality and reflect the contemporary design and it is recommended that if planning permission is granted it is subject to a condition requiring the approval of the materials.
62. It is considered that the proposed development is acceptable in terms of its design and sustainability, and that whilst the concerns of local residents are

noted, the building would fulfil its aim of being an iconic focal point at Chapel Point. In relation to the concerns raised regarding the potential loss of the existing toilet facilities at the site, the current application does not include any proposals regarding these toilet facilities.

Overall Conclusions

63. The proposed location of the North Sea Observatory building in relation to the existing sea defences and within a sensitive historic and natural environment presents a number of challenges. Following consideration of these issues, it is concluded that the proposed development would have a significant visual impact on the character of the surrounding area, however, in light of the intention for the building to be an iconic focal point, it is considered that it is appropriately designed, it would not be detrimental to the amenities of nearby residential properties and that the impacts on the natural and historic environment can be sufficiently mitigated or compensatory measures provided, such that overall the proposals would be acceptable and in accordance with the NPPF and East Lindsey Local Plan.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within seven days of such commencement.
2. The development hereby permitted shall be carried out in strict accordance with the submitted details and recommendations and the following drawings:
 - a) 2024_SP_101_200 Rev 001 "SITE PLAN / LOCATION PLAN" received 23 October 2013;
 - b) 2024_GA_110_200 Rev 001 "LOWER GROUND FLOOR" received 23 October 2013;
 - c) 2024_GA_111_200 Rev 001 "UPPER GROUND FLOOR" received 23 October 2013;
 - d) 2024_GA_112_200 Rev 001 "ROOF PLAN" received 23 October 2013;
 - e) 2024_ELE_110_200 Rev 001 "NORTH ELEVATION" received 23 October 2013;
 - f) 2024_ELE_111_200 Rev 001 "EASTERN ELEVATION" received 23 October 2013;
 - g) 2024_ELE_112_200 Rev 001 "SOUTHERN ELEVATION" received 23 October 2013;
 - h) 2024_ELE_113_200 Rev 001 "WESTERN ELEVATION" received 23 October 2013; and
 - i) 2024_SCT_130_100 Rev 001 "SECTION A-A" received 23 October 2013.

3. The development hereby permitted shall be carried out in strict accordance with the Flood Risk Assessment received on 7 November 2013, in particular:
 - The existing profile of the dune to be unaltered by the works and any necessary reseeded undertaken to restore vegetation to the dunes on completion of the building works.
 - The building to be erected on piled foundations to reduce any impact on the structure in the event of a failure of the coastal defences.
 - Upper ground floor to have finished floor level set no lower than 7.7m above Ordnance Datum (AOD).
 - Lower ground floor to have finished floor level set no lower than 5.062m AOD; uses to be in accordance with those shown on drawing 2024_GA_110_200 Revision 001 of WCs and store; resilient construction techniques to be employed.
4. Prior to the commencement of development a written scheme of archaeological investigation to establish the location and extent of the World War I pillbox in relation to the foundations of the building hereby permitted, shall be submitted to and approved in writing by, the County Planning Authority in consultation with the Environment Agency, and such approved investigation shall be undertaken.
5. Prior to the commencement of development a construction methodology shall be submitted to, and approved in writing by, the County Planning Authority in consultation with the Environment Agency, Natural England and Lincolnshire Wildlife Trust. This methodology shall include the following:
 - full details of the foundations of the building and the manner in which they will be constructed;
 - full details of how the interest features of the Chapel Point to Wolla Bank Site of Special Scientific Interest will be protected during the construction phase of the development;
 - on the basis of the findings of the archaeological investigation required by condition 4, full details of how the World War One pillbox will be protected during the construction phase of the development;
 - full details of how the World War Two gun emplacement will be protected during the construction phase of the development;
 - full details of the mitigation measures to be put in place to protect the sand dune habitat during the construction phase of the development; and
 - full details of the measures to be taken to protect the integrity of the existing sea defences.

6. Prior to the commencement of development a scheme for the provision of compensatory sand dune habitat shall be submitted to, and approved in writing by, the County Planning Authority in consultation with Lincolnshire Wildlife Trust. The scheme shall include compensation at a ratio of 2:1 of the loss of sand dune habitat incurred. The approved scheme shall thereafter be implemented prior to the development hereby permitted becoming operational.
7. Prior to the commencement of development samples of the materials to be used in the construction of the external surfaces shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
8. Prior to the commencement of development full details of a landscaping scheme shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
9. Prior to the commencement of development a surface water drainage scheme based on sustainable drainage principles shall be submitted to, and approved in writing by, the County Planning Authority. The scheme shall include details of the maintenance and management of the system after completion. The scheme shall be implemented in accordance with the approved details prior to the development becoming operational.
10. The arrangements shown on approved plan 2024_SP_101_200 Rev 001 "SITE PLAN / LOCATION PLAN" (received 23 October 2013) for the parking / turning / manoeuvring / loading / unloading of vehicles shall be available at all times when the premises are in use.
11. Prior to the installation of any biomass, solar-thermal, solar photovoltaics and / or air source heat pump energy measures, full details of the measures together with an assessment of their impacts and any necessary mitigation measures, shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
3. To reduce the risk of flooding to the proposed development and future occupants.
4. To establish the archaeological importance of the site.

5. To ensure that full protection is afforded to the Chapel Point to Wolla Bank Site of Special Scientific Interest, the World War One pillbox, the World War Two gun emplacement, the sand dune habitat and the sea defences during the construction phase of the development.
6. To provide appropriate compensation measures for the loss of UK and Lincolnshire Biodiversity Action Plan priority sand dune habitat.
7. In the interests of the visual amenity of the area.
8. In the interests of the visual amenity of the area and to ensure no adverse impacts on the historic landscape.
9. To prevent increased risk of flooding.
10. To enable calling vehicles to wait clear of the carriageway of St Leonards Drive and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.
11. In the interests of the visual amenity of the area, to assess any impacts in relation to the natural and historic environment and the sea defences and to protect the amenities of local residents.

Informatives

Attention is drawn to the information contained in the following consultation responses attached to the decision notice:

- (i) letter from Environment Agency dated 11 November 2013; and
- (ii) letter from Lindsey Marsh Drainage Board dated 12 November 2013.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

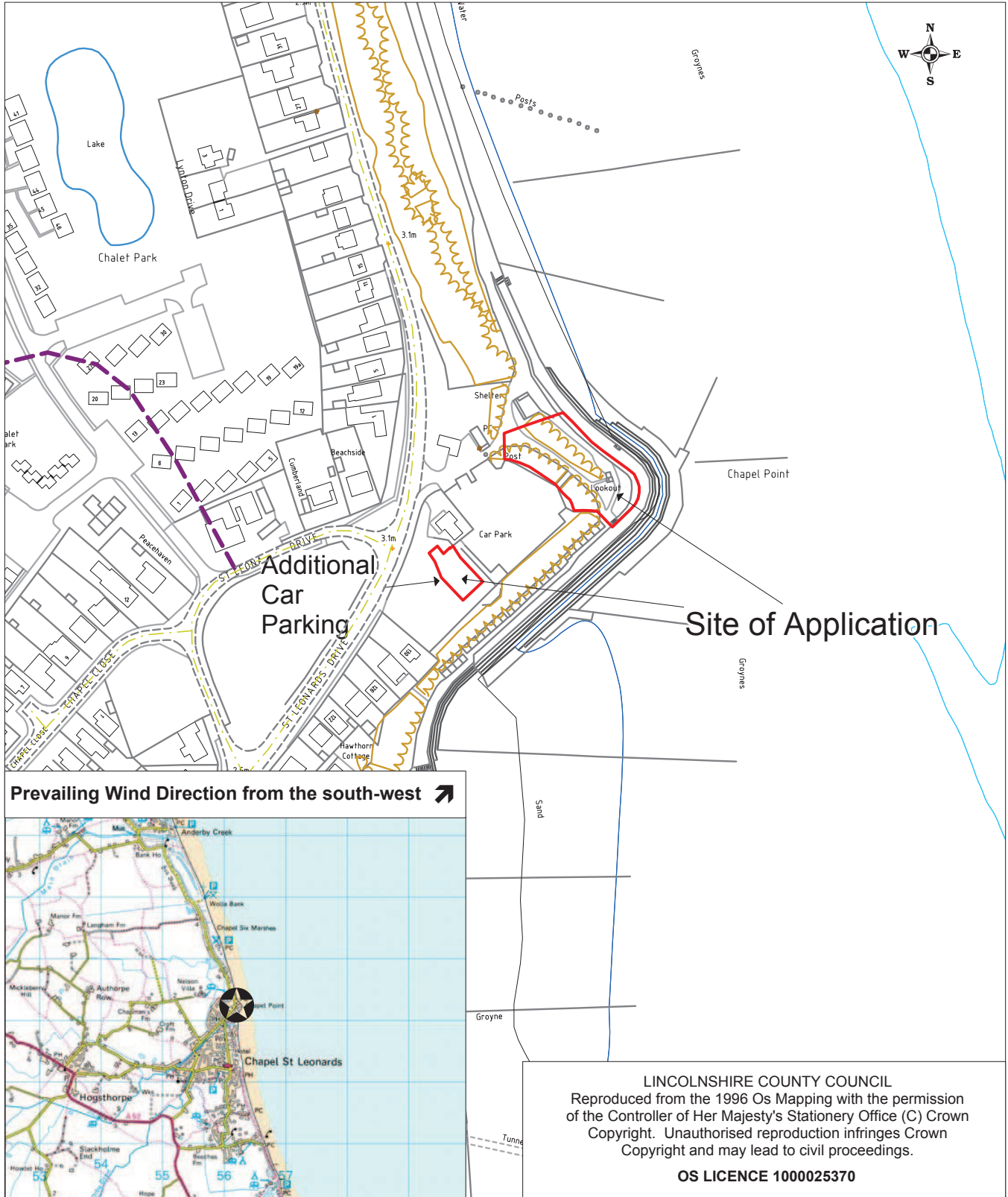
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)N31/1987/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance National Planning Policy Framework (2012)	Communities and Local Government website www.gov.uk
East Lindsey Local Plan (1999)	East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Natalie Dear, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A PLANNING



LINCOLNSHIRE COUNTY COUNCIL
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OS LICENCE 100025370

Location:
 Chapel Point
 Chapel St. Leonard

Description:
 For a North Sea Observatory and Cafe

Application No: (E)N31/1987/13
Scale: 1:2500

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