



County Offices
Newland
Lincoln
LN1 1YL

24 February 2017

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 6 March 2017 at 10.30 am in Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony McArdle', written over a horizontal line.

Tony McArdle
Chief Executive

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

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

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 6 MARCH 2017**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 6 February 2017	5 - 12
4.	Minutes of the site visit in connection with Planning Application No. L/1076/16 (Veolia Site, Long Leys Road, Lincoln) held on 6 February 2017	13 - 14
5.	County Matter Applications	15 - 56
5.1	To continue to extract sand and gravel without complying with conditions 2 (Details and Plans), condition 10 (Plant and Machinery) and condition 11 (site layout) imposed by permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) together with the discharge of condition 2 (Additional embankments) and condition 3 (vehicular access) of S81/1112/07. The proposal is for an amended location and amendments to the layout and design of the approved aggregate processing plant and for ancillary offices and a bagging plant within the site. A new location is also proposed for the silt lagoon and amended freshwater lagoon. Associated minor changes are proposed to the method of working and progressive restoration scheme including the creation of a conservation wetland and amended details relating to the site access - Cemex UK Operations Ltd (Agent: ShrimplinBrown Ltd) - S81/0053/17 - Land east of King Street, West Deeping	57 - 80
5.2	To Retain Biomass Boiler System - Paul Riddel Skip Hire Ltd (Agent: Ryland Design Services Ltd) - (E)S86/0014/17 - Paul Riddel Skip Hire Ltd, Hemingby Lane, Horncastle	81 - 94

Democratic Services Officer Contact Details

Name: **Steve Blagg**
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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.

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**PLANNING AND REGULATION
COMMITTEE
6 FEBRUARY 2017**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), J W Beaver, G J Ellis, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, T M Trollope-Bellew and W S Webb

Councillor R B Parker attended the meeting and would speak as the local Member (minute 74)

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Andy Gutherson (County Commissioner for Economy and Place), Neil McBride (Planning Manager) and Stuart Tym (Solicitor)

70 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors D Brailsford, M S Jones, D C Hoyes MBE, D Hunter-Clarke and C L Strange.

71 DECLARATIONS OF MEMBERS' INTERESTS

Councillor Mrs J M Renshaw requested that a note should be made in the minutes that she had been lobbied by objectors (minute 74).

**72 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 16 JANUARY 2017**

RESOLVED

That the minutes of the previous meeting held on 16 January 2017, be agreed as a correct record and signed by the Chairman.

73 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report in connection with the latest position of all current Traffic Regulation Orders and petitions received since the last meeting of the Committee when these matters were considered.

RESOLVED

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

- 74 TO DEMOLISH AN EXISTING BUILDING, CONSTRUCT A NEW BUILDING AND OPERATE A WASTE TRANSFER STATION, INCLUDING THE PRODUCTION OF REFUSE DERIVED FUEL, WITH ASSOCIATED DEVELOPMENT INCLUDING A NEW WEIGHBRIDGE, RELOCATION OF EXISTING WASH BAY, DIESEL TANK AND RE-ALIGNMENT OF EXISTING FENCE LINE BY VEOLIA ES (UK) LTD AT WASTE MANAGEMENT FACILITY, VEOLIA SITE, LONG LEYS ROAD, LINCOLN - L/1076/16

Since the publication of the report further correspondence had been received from the applicant together with the response of the Planning Manager, Councillor R A Shore, Executive Councillor for Waste and Recycling and local residents and these was detailed in the Update to the Committee which could be viewed on the Council's website. Officers stated that a further four letters had been received from residents objecting to the application since the publication of the Update.

It was noted that the Committee had made a site visit to the application site preceding this meeting.

Ben Hill, an objector, commented as follows:-

- Before making his speech he gave a petition, on behalf of objectors, to the Chairman.
- He stated that proposal was industrial and would operate day and night, was unacceptable to the local residents in the wrong location.
- He was satisfied with recommendation in the report.
- He stated that residents on Long Leys Road were already disturbed by noise from vehicles from the site and the new application, if approved, would only aggravate the problem.
- The parking of vehicles at night would cause noise and pollution for local residents.
- The amenity of local residents would be affected if planning permission was granted.
- There were 13 high specification Eco houses in close proximity to the application site.
- Excellent schools served the area near the application site and the area was environmentally attractive for local residents.
- The applicant had failed to consult local residents about the application and when local residents had arranged a public meeting to discuss the application the applicant had not attended.
- The applicant had failed to answer questions from local residents about the application.
- The applicant needed to examine more appropriate sites which were not close to residential areas and urged refusal of the application.

Ben Hill responded to questions from the Committee as follows:-

- Was noise a problem from the workshop on the applicant's site? Ben Hill stated that residents living close to the site were able to hear noise from the scraping of bins, reversing vehicles and vibration from vehicles.
- The light industrial estate covered a large area and was noise a general problem? Ben Hill stated that noise from vehicles was a general problem and not just from the Veolia site.
- There did not appear to be much activity on the Veolia site, when the Committee had made its site visit, was this a normal average day? Ben Hill stated that residents were disturbed by traffic on site from early morning (5am) and added that if the application was approved then noise would increase.

Chris Okenyi, representing the applicant, commented as follows:-

- Veolia had been a good local neighbour for 40 years and therefore he was surprised by the opposition to the application.
- Veolia employed local people.
- The company had tried to address misinformation about the application given to the community.
- It was not proposed to sort waste at night.
- The application should be considered on its merits.
- It was important that the company was in close proximity to where waste was generated to provide a service for local businesses.
- There were no objections from statutory consultees.
- The Council's officers had not raised any significant problems with the application.
- The company had suggested a solution to the enforcement issues detailed in the Update which would allow waste to be monitored at the weighbridge.
- No complaints about vehicles leaving the site at 7am had been received from residents and the site did not operate before 7am
- The company had worked with officers to reduce the hours of operation through a S106 Agreement.
- The application supported the aims of reducing landfill and meeting recycling targets.

Comments and questions to the applicant from the Committee included:-

- Surprise was expressed about the size of the application in what was supposed to be light industrial estate in a residential area.
- How much consultation had taken place with local residents? Chris Okenyi stated that as the company had been operating for 40 years with very little complaint they had not expected any opposition from local residents and as such had not undertaken any pre-application consultation. The company had addressed issues of odour and noise with consultees and as waste would be removed on a daily basis odour would not be a problem.
- Members had been informed at the site visit that the sorting of waste would take place in an airtight building but because of the potential for fumes it would not be possible for employees to work in these conditions.

**PLANNING AND REGULATION COMMITTEE
6 FEBRUARY 2017**

- Was it the applicant's responsibility to repair the shared road access to his site? Chris Okenyi stated that the road was shared with other businesses on the estate but the applicant had repaired the road in the past.
- When did the complaints about traffic issues start to be received by the company? Chris Okenyi stated that there had been no complaints about traffic issues but there had been complaints about lighting on the site which had been corrected.
- On the site visit it was noted that the applicant's site appeared to be organised with health and safety in place. However, officers were concerned about a compromise being sought between the current working arrangements and the application today. Chris Okenyi outlined the working hours of the current operation and the application today and stated that the applicant sought a compromise to reduce the operational hours on the site to meet the Council's concerns.

Officers drew attention to the comments by the "Highways and Lead Flood Authority" in connection with the need to improve access to the applicant's site and to Long Leys Road. Officers stated that the applicant's suggestion to address the reason for refusal in the Update did not overcome the concerns raised report and that the recommendation to refuse was still valid.

Councillor R B Parker, the local Member, commented as follows:-

- He had represented the area as the local Member for 28 years.
- He stated that no one was against the current site but the application before the meeting was in the wrong location.
- The application had been on-going since April 2016 and the request to defer the application had only recently just been raised by the applicant.
- The applicant's consultation with the City of Lincoln Council and local residents had been inadequate and the applicant had failed to attend a public meeting arranged by local residents in November 2016 to discuss the application.
- The size of the proposed building was intrusive to resident's local amenity and drew attention to a plan submitted by Ben Hill in his submission which made a comparison of the size of the proposed applicant's building compared to the Stonebow in Lincoln and noted that the new building would "dwarf" local residential properties.
- He supported the officer's recommendation but requested that the Committee should, in addition, refuse the application on the grounds of its proposed location which was totally unsuitable for a residential area.
- If a S106 Agreement was entered into by the applicant then the application could subsequently meet planning conditions, would not rid the application of its intrusiveness and that this should be another reason for refusal.
- The application did not meet the criteria of the National Planning Policy Framework because the quality of life of local people would be affected and proposal was visually intrusive and was not in keeping for a residential area.
- He noted that the Executive Councillor for Waste, Councillor R A Shore, did not support the application.

- He stated that 622 people signed the petition against the application, that 300 people had written to the Council to oppose the application, the local City of Lincoln Council Members were against the development and so was the City of Lincoln.

Comments made by the Committee included:-

- Would the local residents be satisfied if the height of the proposed building was reduced? Officers stated that the Committee was only able to consider the application before it today. Officers added that in April 2016 the applicant had proposed a height of 7 metres but then subsequently increased it to 12 metres.
- What was the width of the access to the applicant's site? Officers stated that the Highways and Local Flood Authority had addressed the issue of access to the applicant's site and the comments were detailed in the report.
- The Committee observed the access to the site and noted that the frequency of traffic from other businesses on the industrial site was not known.
- It was noted that the applicant's workshop bays were not open for the Committee to inspect on the site visit. Officers stated that the workshop bays were not relevant to the application.
- The applicant provided a valuable service for the local community and the proposal was important for its future development and success but it was in the wrong location.
- Concern about the increase in traffic from the site on to an already busy road (Long Leys).
- There were additional reasons for refusal in the National Planning Policy Framework which should be used like the intrusive nature of the proposed building on local residential properties, fumes from vehicles and its effect on family life.

Officers stated that these issues had been addressed in the report and measured against policies in the National Planning Policy Framework and Development Plan Policies. The conclusion reached by Officers was that no other reason for refusal could be substantiated other than the reason set out in the report. Officers confirmed with the member making this observation that no amendment was sought to the motion proposing a refusal only in accordance with the officer's report; no amendment was proposed.

On a motion by Councillor I G Fleetwood, seconded by Councillor W S Webb, it was –

RESOLVED (9 votes for and 0 votes against. Councillor J Beaver abstained because he had not attended the site visit)

That the application be refused for the reason detailed in the report.

- 75 ERECTION OF A FREE STANDING KITCHEN POD WHICH WILL ACT AS A "HUB" PROVIDING MEALS FOR THIS AND OTHER LOCAL SCHOOLS. THE PROPOSAL ALSO COMPRISES A COVERED WALKWAY, ALONG WITH RELOCATION OF EXISTING STORAGE UNITS AND BIKE SHELTER AT CONINGSBY ST MICHAEL'S COFE PRIMARY SCHOOL, SCHOOL LANE, CONINGSBY - (E)S35/2348/16

Kate Hodson, representing the applicant, commented as follows:-

- There would only be between 3 and 4 deliveries to the school each day and these would take place outside of the school's working hours.
- 3 new posts would be created if the application was approved.
- A car sharing scheme had been introduced for school staff and this had freed up car park places.
- The school's kitchen would be open from 7.30am to 2pm and would provide meals for other schools in the area.
- The other school suggested by the local Member and the Parish Council in the report as an alternative to the applicant's school only had 115 pupils on roll and was not economically viable compared to the 326 on roll at the applicant's school.

Comments by the Committee and responses of the applicant, included:-

- Parking issues was problem outside many schools in the county.
- How far the school was suggested by the local Member and the Parish Council from the applicant's school? The applicant stated that the other school was approximately a mile away.
- The applicant stated that on School Lane (access to the applicant's site) there was a Care Home which had its own car park and two residential houses with their own parking, opposite the school and therefore local traffic was not an issue.
- The applicant stated that parking by parents dropping and picking their children up from the school was an issue otherwise parking was not an issue on School Lane.
- It was important that vehicles visiting the kitchen should abide to the delivery times and the applicant agreed that this would happen.
- The applicant stated that the proposed colour of the kitchen would be the same as the school's colours.

The officer agreed with the applicant's comments about traffic management on School Lane adding that he had visited this area on an afternoon during a school day and noticed how quiet traffic was in the area and agreed problems occurred when children were being dropped off/picked up which was a county wide issue.

On a motion by Councillor D McNally, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (6 votes for and 2 votes against)

That planning permission be granted subject to the conditions detailed in the report.

The meeting closed at 12.07 pm

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**PLANNING AND REGULATION
COMMITTEE
6 FEBRUARY 2017**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), G J Ellis, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, T M Trollope-Bellew and W S Webb

Officers in attendance:-

Andy Gutherson (County Commissioner), Neil McBride (Planning Manager) and Steve Blagg (Democratic Services Officer)

1 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors J Beaver, D Brailsford, D C Hoyes MBE, D Hunter-Clarke, M S Jones and C L Strange.

2 TO DEMOLISH AN EXISTING BUILDING, CONSTRUCT A NEW BUILDING AND OPERATE A WASTE TRANSFER STATION, INCLUDING THE PRODUCTION OF REFUSE DERIVED FUEL, WITH ASSOCIATED DEVELOPMENT INCLUDING A NEW WEIGHBRIDGE, RELOCATION OF EXISTING WASH BAY, DIESEL TANK AND RE-ALIGNMENT OF EXISTING FENCE LINE BY VEOLIA ES (UK) LTD AT WASTE MANAGEMENT FACILITY, VEOLIA SITE, LONG LEYS ROAD, LINCOLN - L/1076/16

The Committee made a site visit to the Veolia site, Long Leys Road, Lincoln prior to consideration of the planning application at today's meeting of the Planning and Regulation Committee.

Following a health and safety presentation by the Company, Members toured the planning application site with officers and the applicant. Officers explained the purpose of the site visit and gave a brief description of the application site, the access to the site from Long Leys Road, the surrounding features on the site including the location of the Eco Homes, explained the dimensions of the new build which was to replace one of the existing buildings and stated that land to the east of the application site was a former quarry and then subsequently a landfill site.

During the tour comments made by the Committee and responses included the following:-

- An enquiry about the location of the applicant's site boundary with an adjacent

residential property. The applicant explained the extent of his boundary in this area.

- The applicant stated that vehicles left the site early in the morning and that the site mainly comprised a workshop and storage facilities.
- The location of the applicant's site was on a light commercial industrial estate.
- The proposed application would receive waste as detailed in the report which would then be bulked up, segregated and removed from the site over a 24 hour period.
- A member remarked that there was a smell from the site but there was agreement that the smell was associated with a general light industrial estate and not confined to the application site.
- It was noted how quiet the site was and whether this was a normal occurrence? The applicant agreed that it was quieter than usual and that the reason for this was due to a number of vehicles having to have a MOT.
- There would be a total of 50 HGV movements a day (25 in and 25 out) if the application was approved.
- The height of the proposed new building was 12 metres to the ridge and the Energy from Waste plant at North Hykeham was a significantly larger building.
- The type of vehicle to be used in the waste operation was a front loading dust cart and its contents would be tipped and sorted inside the proposed new building which would be 9 feet higher at its apex compared to the existing workshop.
- Officers explained that Highways had requested that the road leading to the applicant's site should be widened at the access point to the highway to allow two HGVs to pass together if the application was approved.
- Officers explained where the objectors to the application were located.

The site visit ended at 10.10am

1.

Agenda Item 5

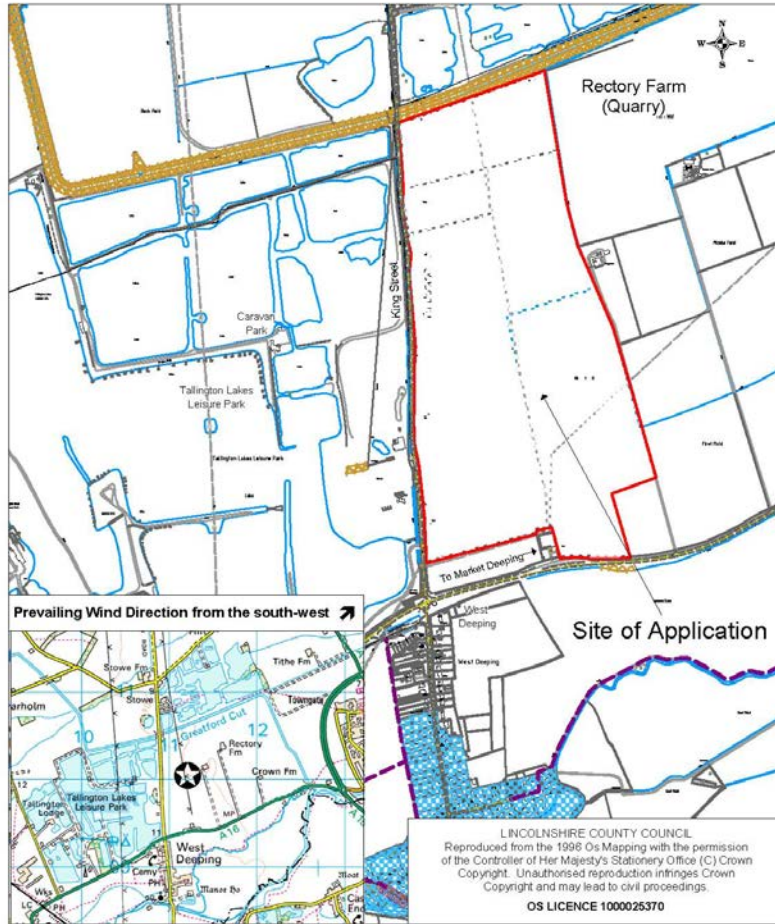
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5.1 West Deeping

LINCOLNSHIRE COUNTY COUNCIL
PLANNING AND REGULATION COMMITTEE 6 MARCH 2017

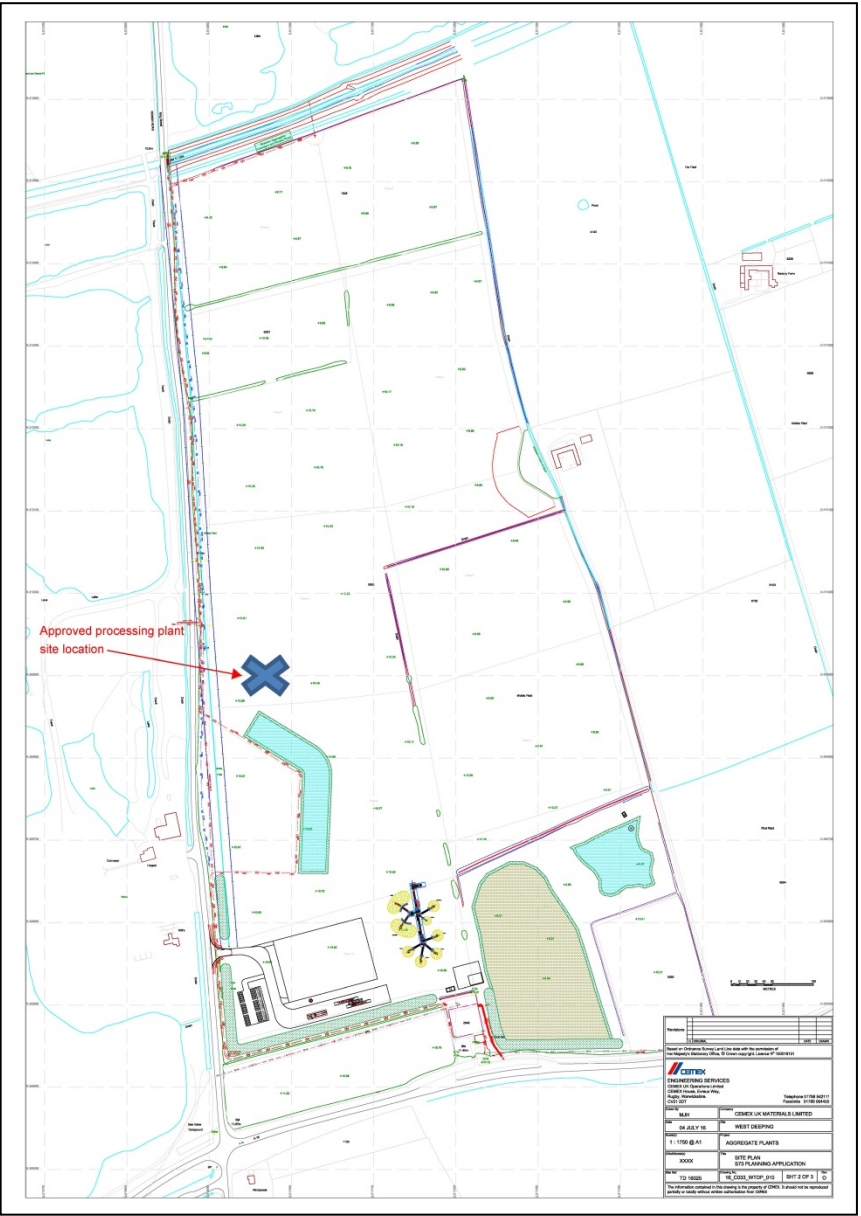


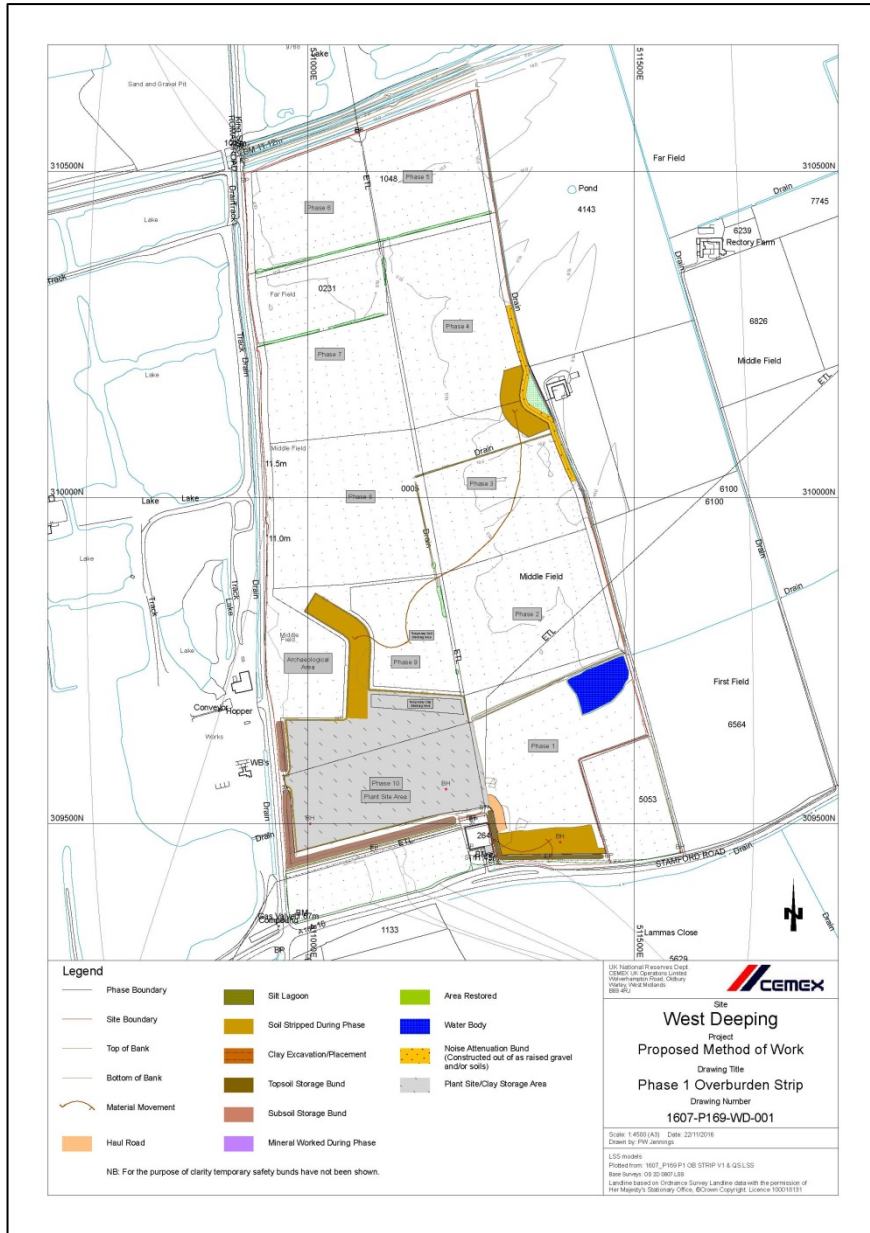
Location:
Land East of King Street
West Deeping
Lincolnshire

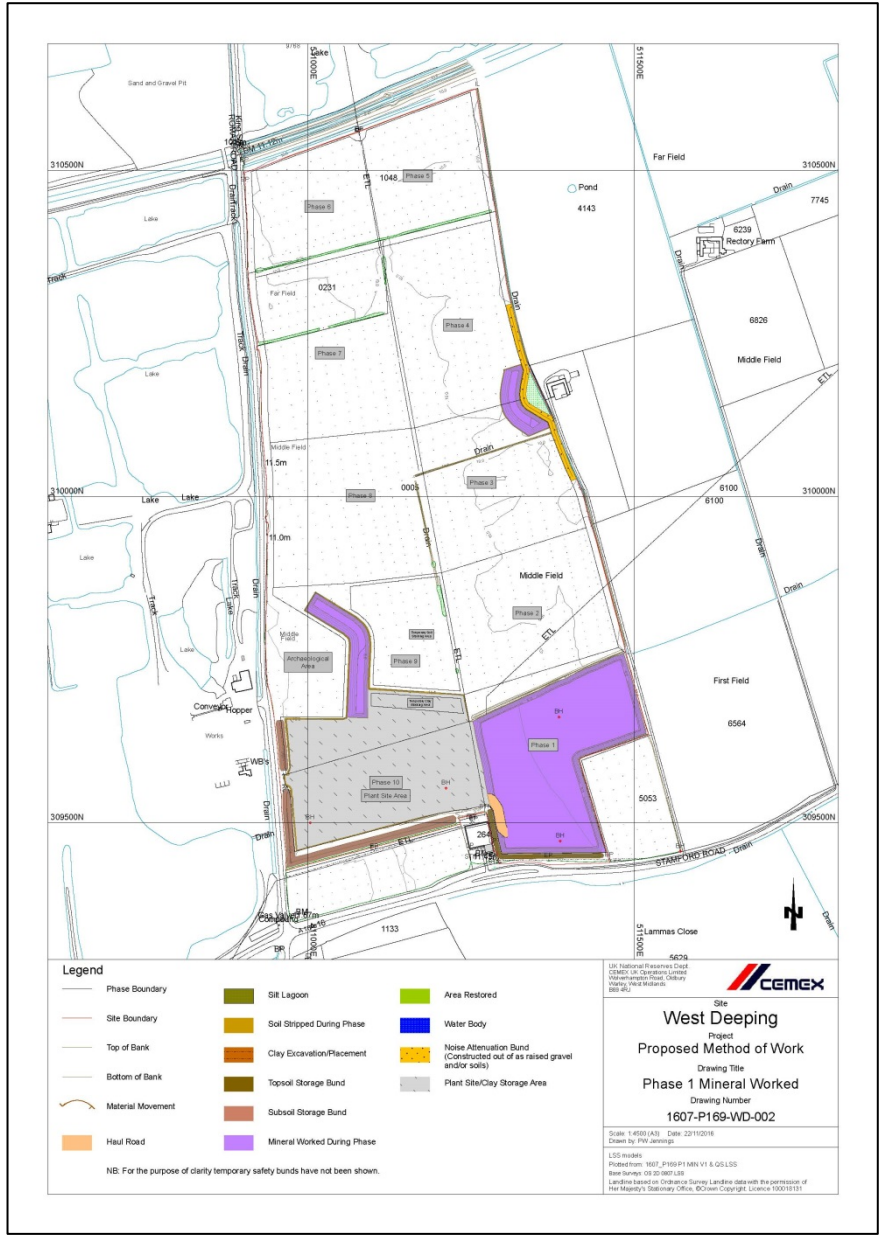
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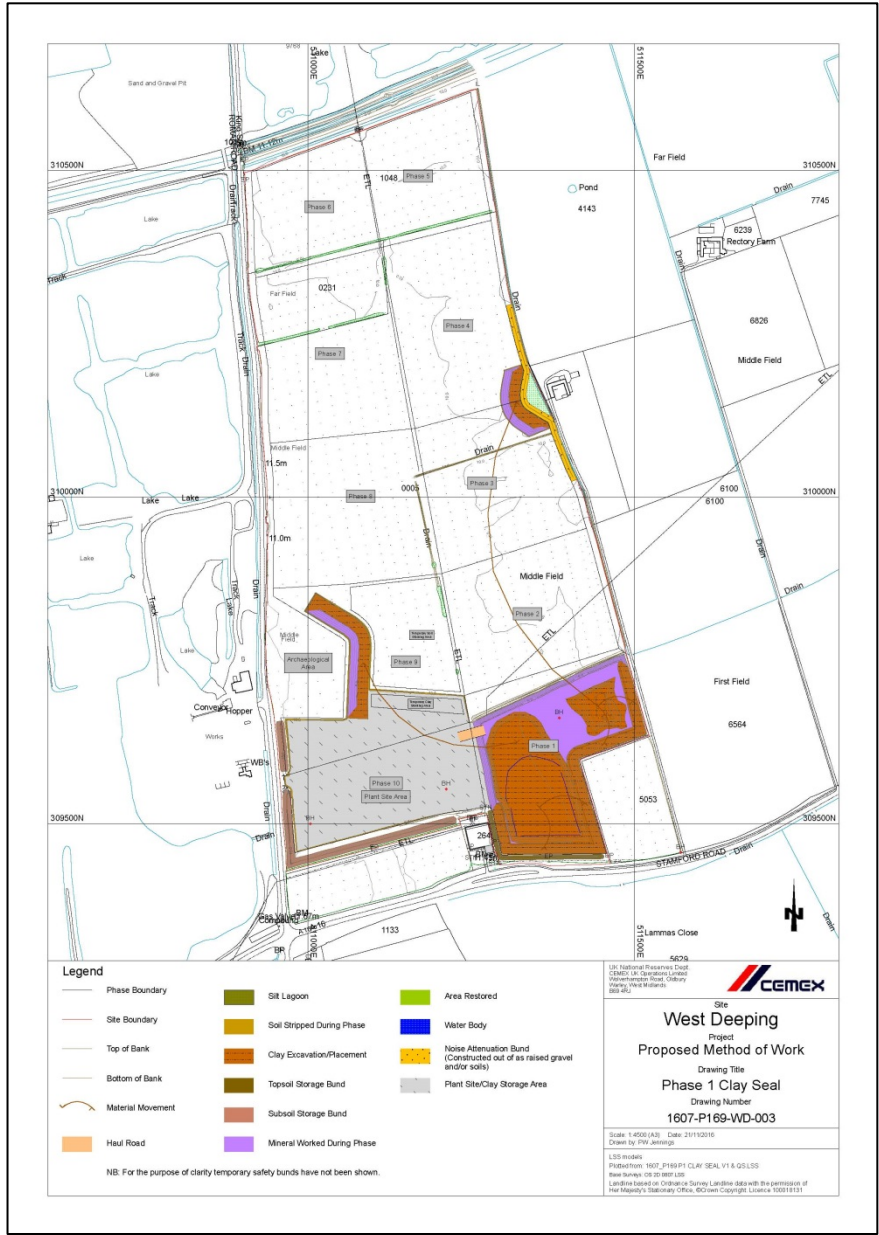
Description:
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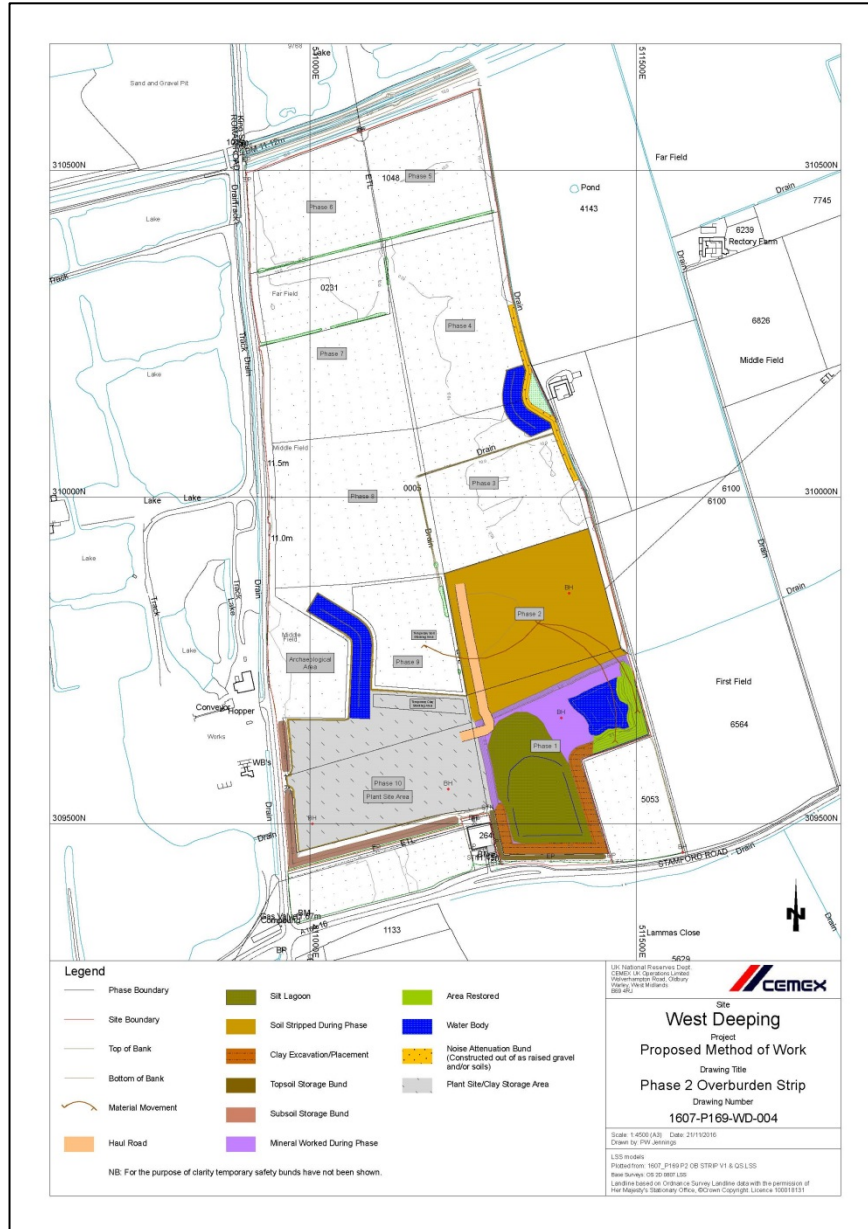
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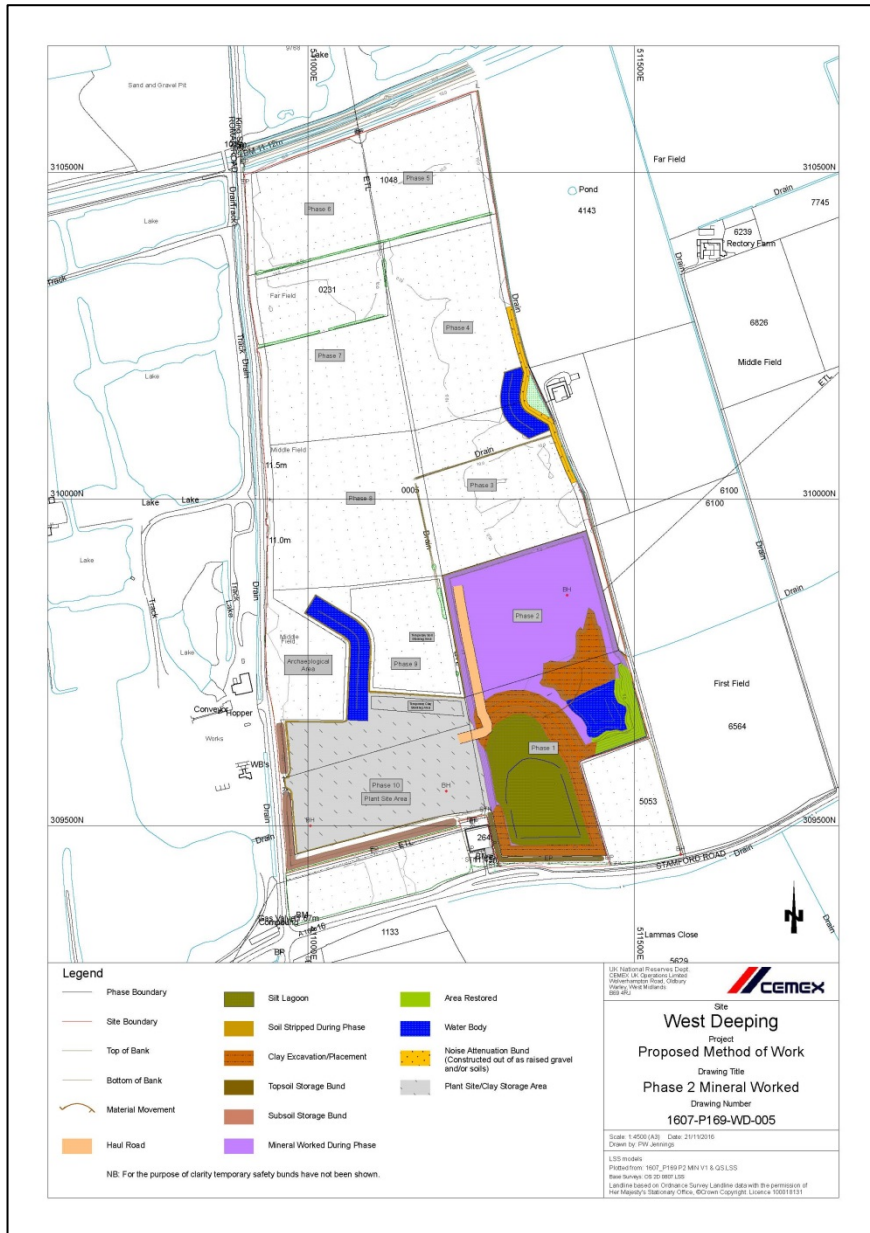


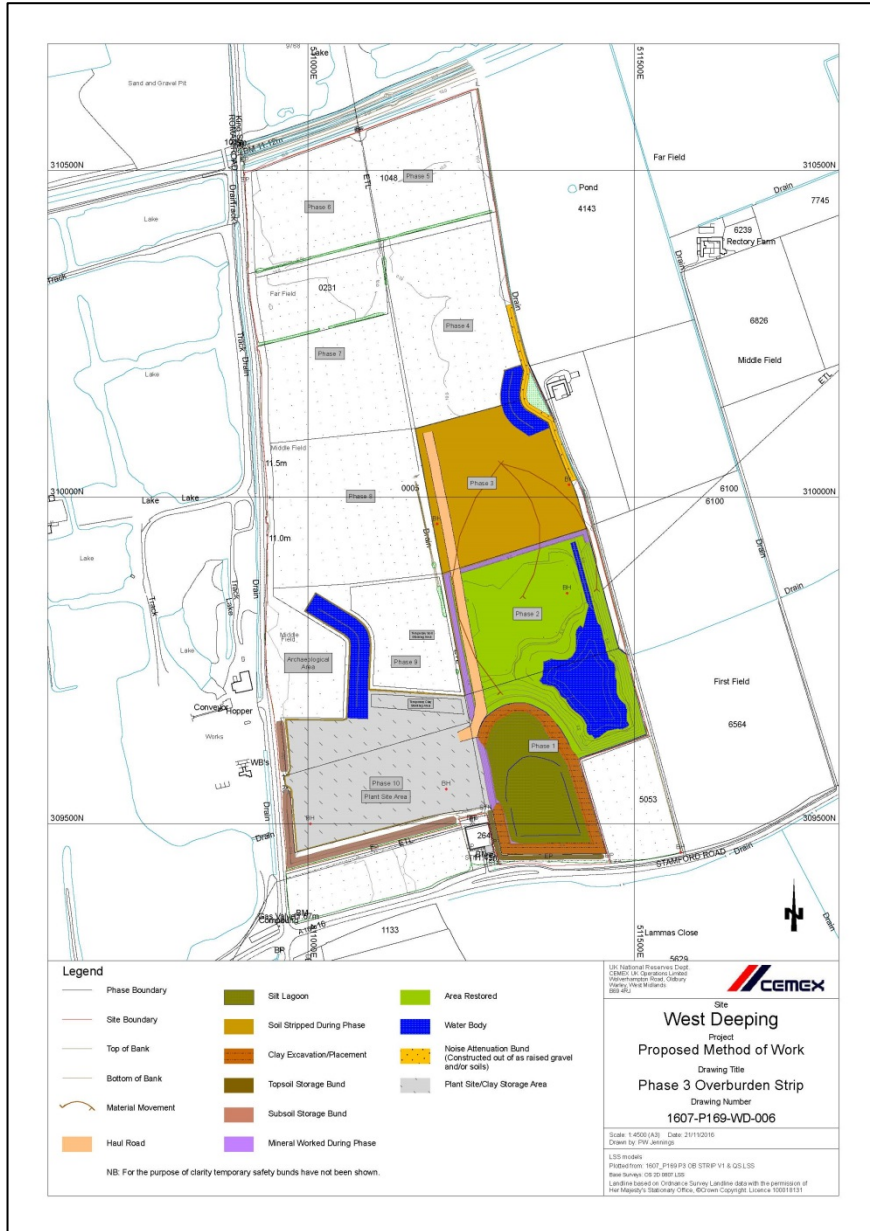


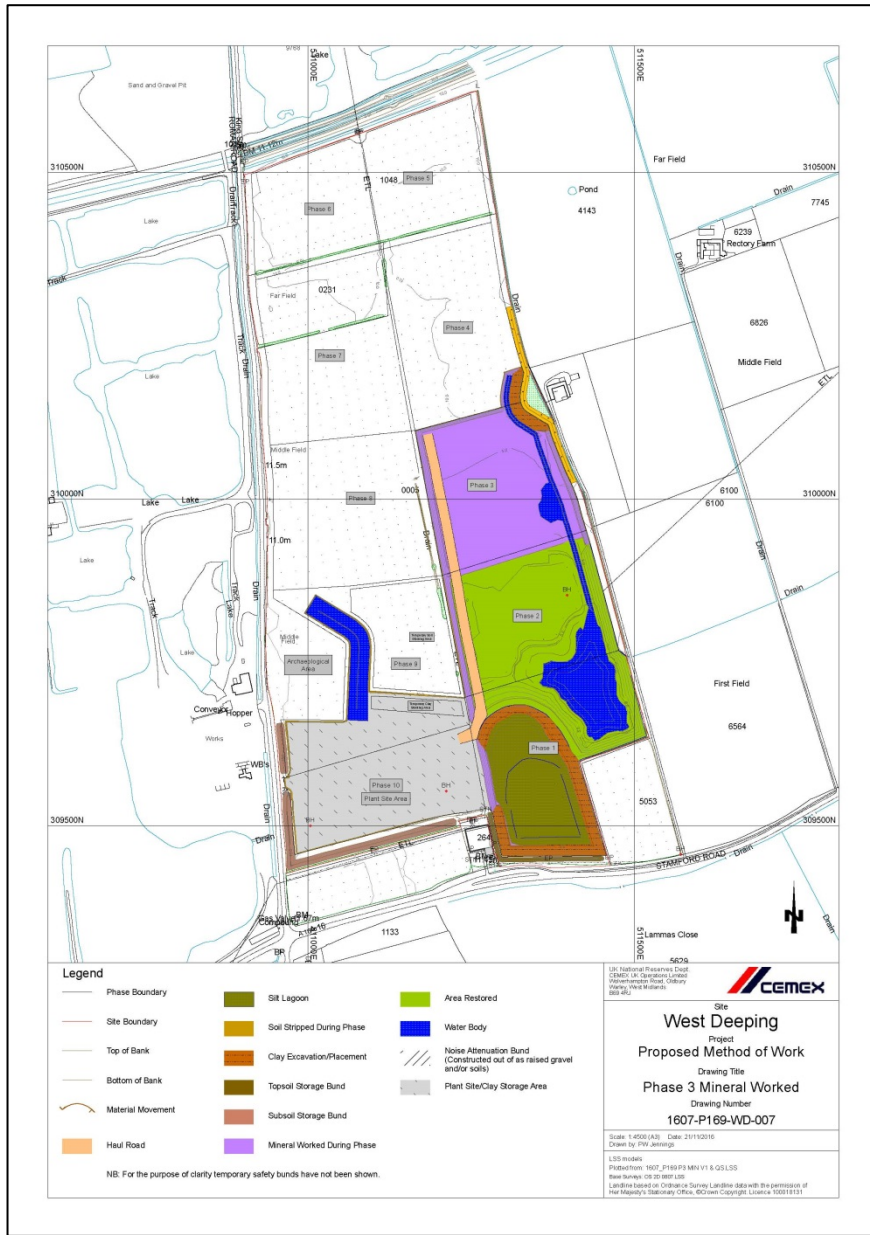


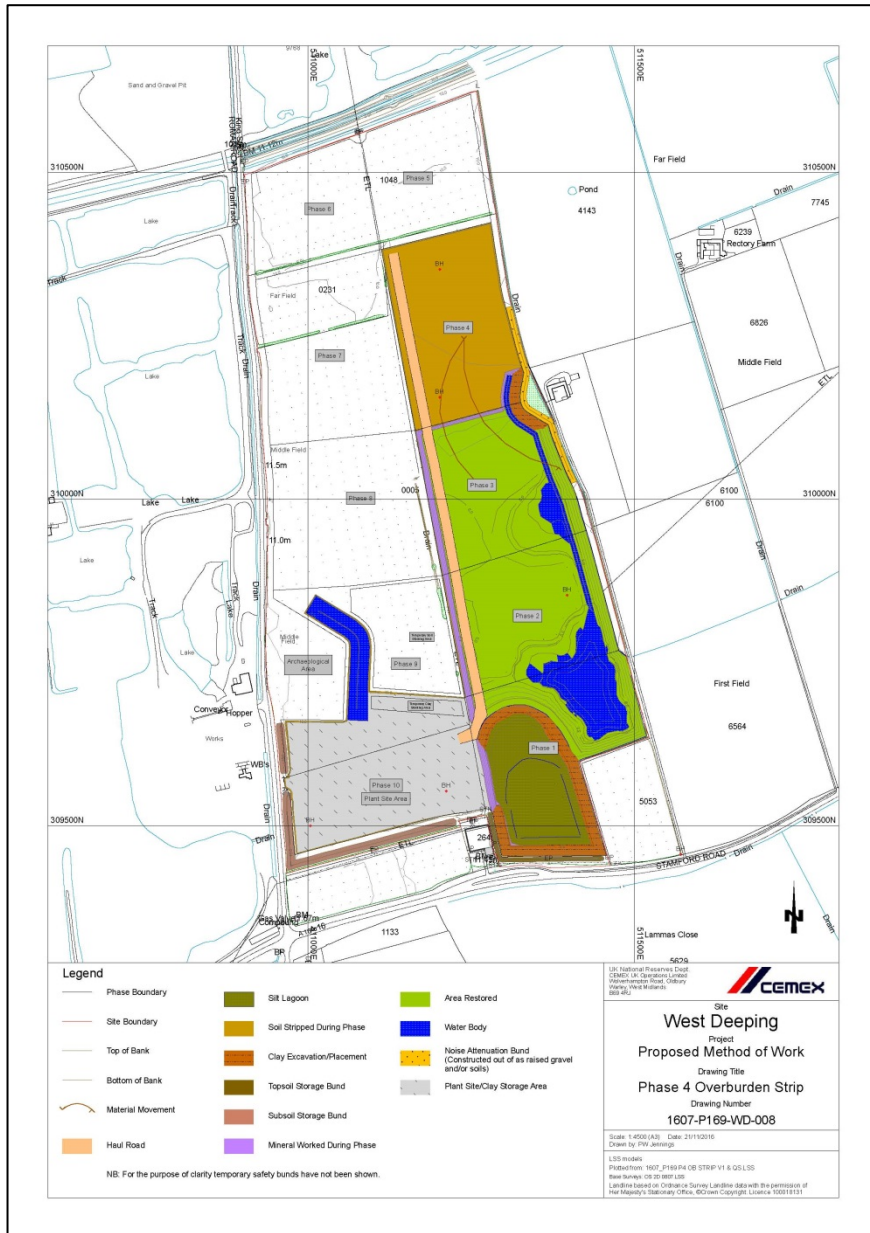


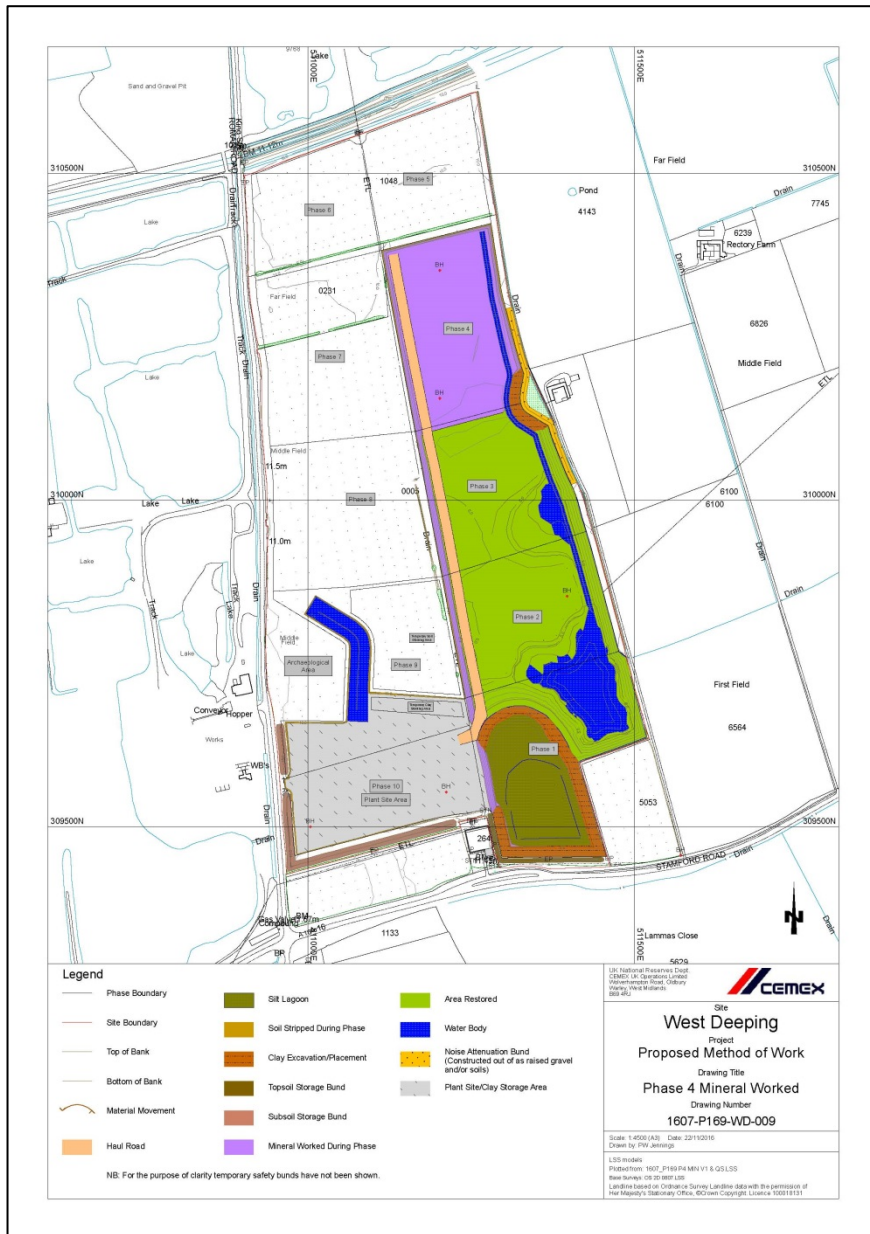


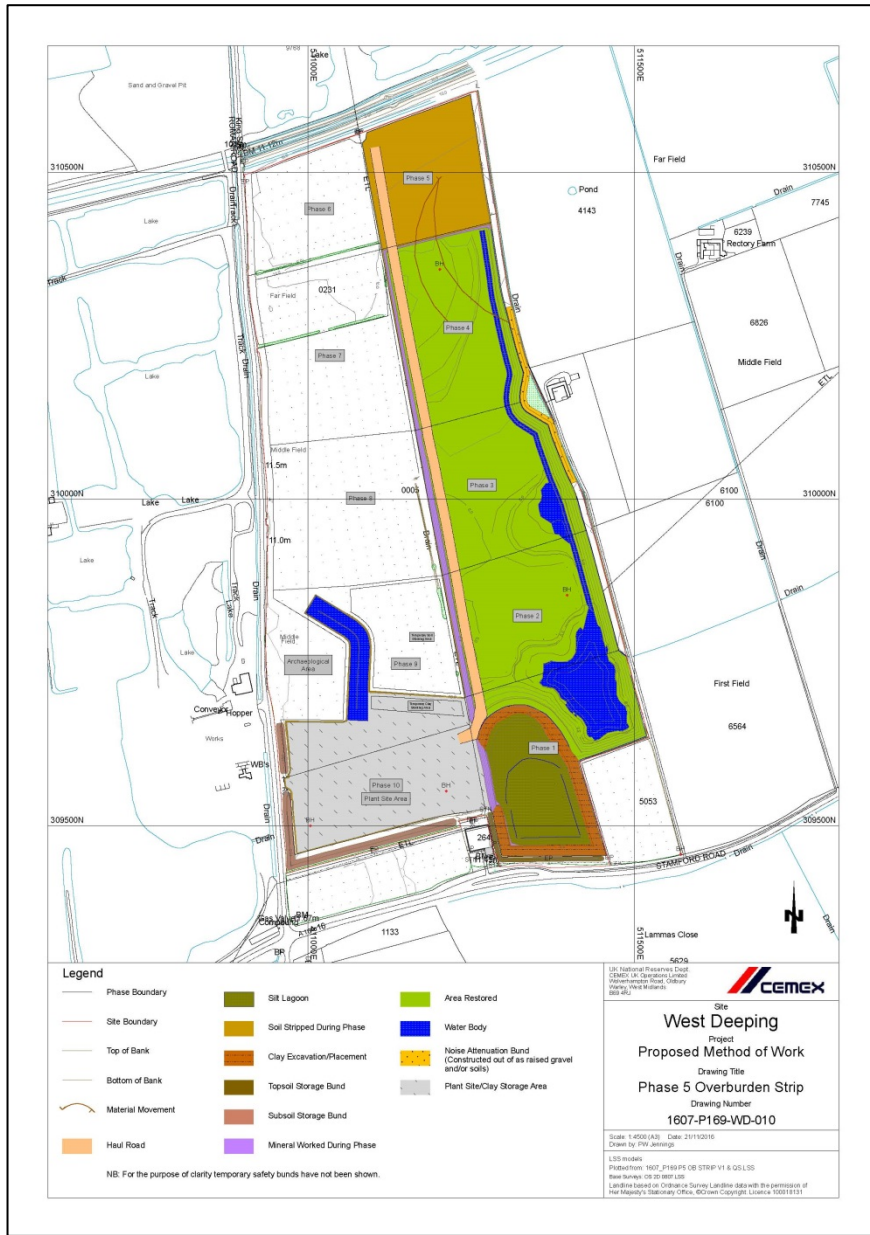


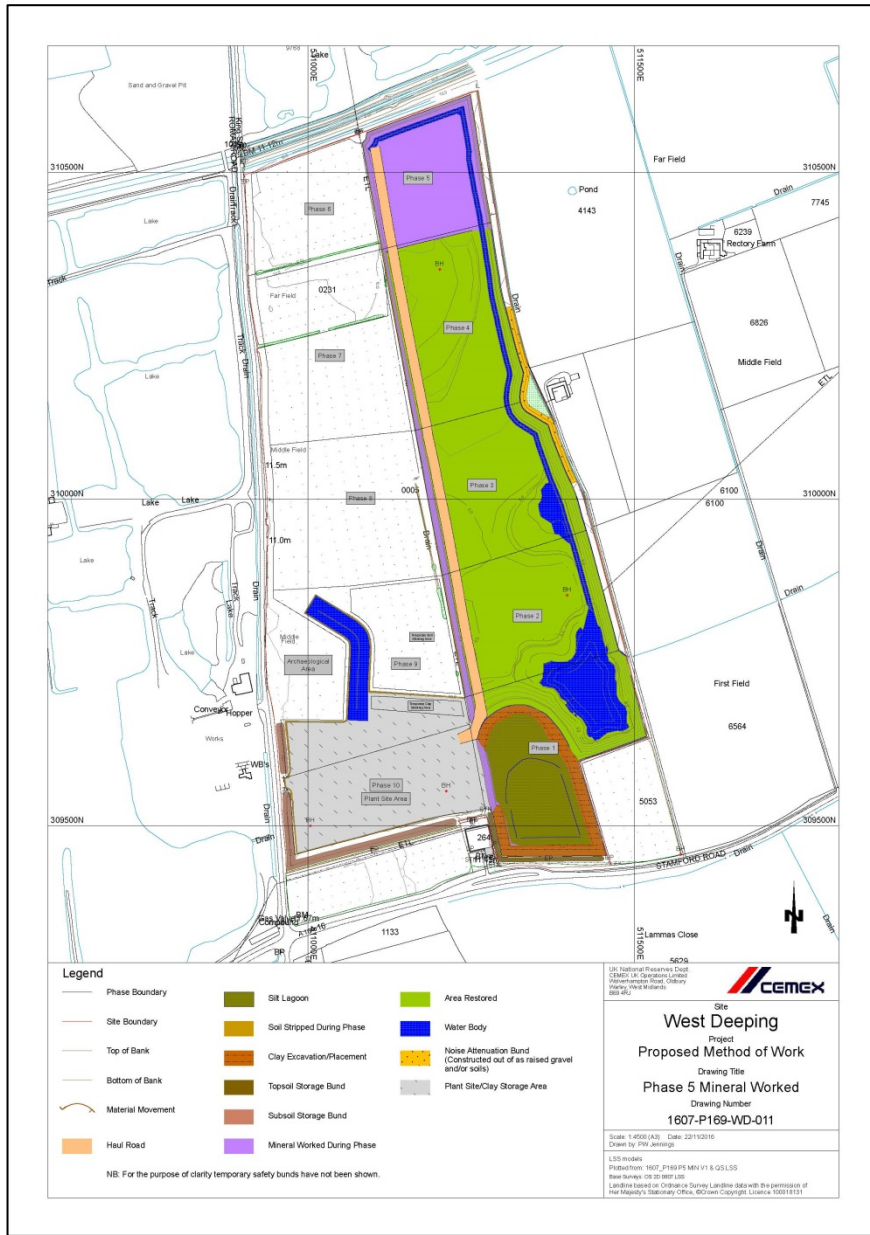


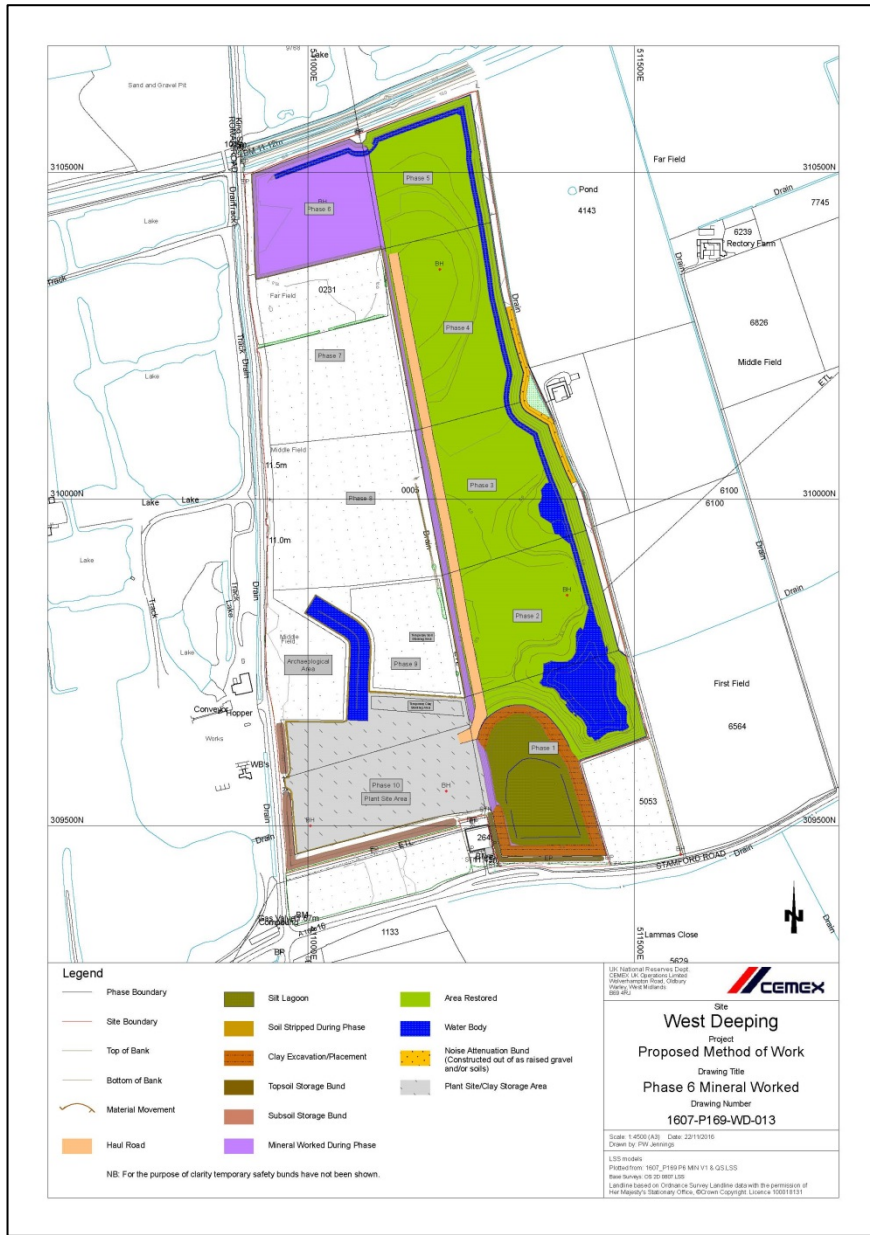


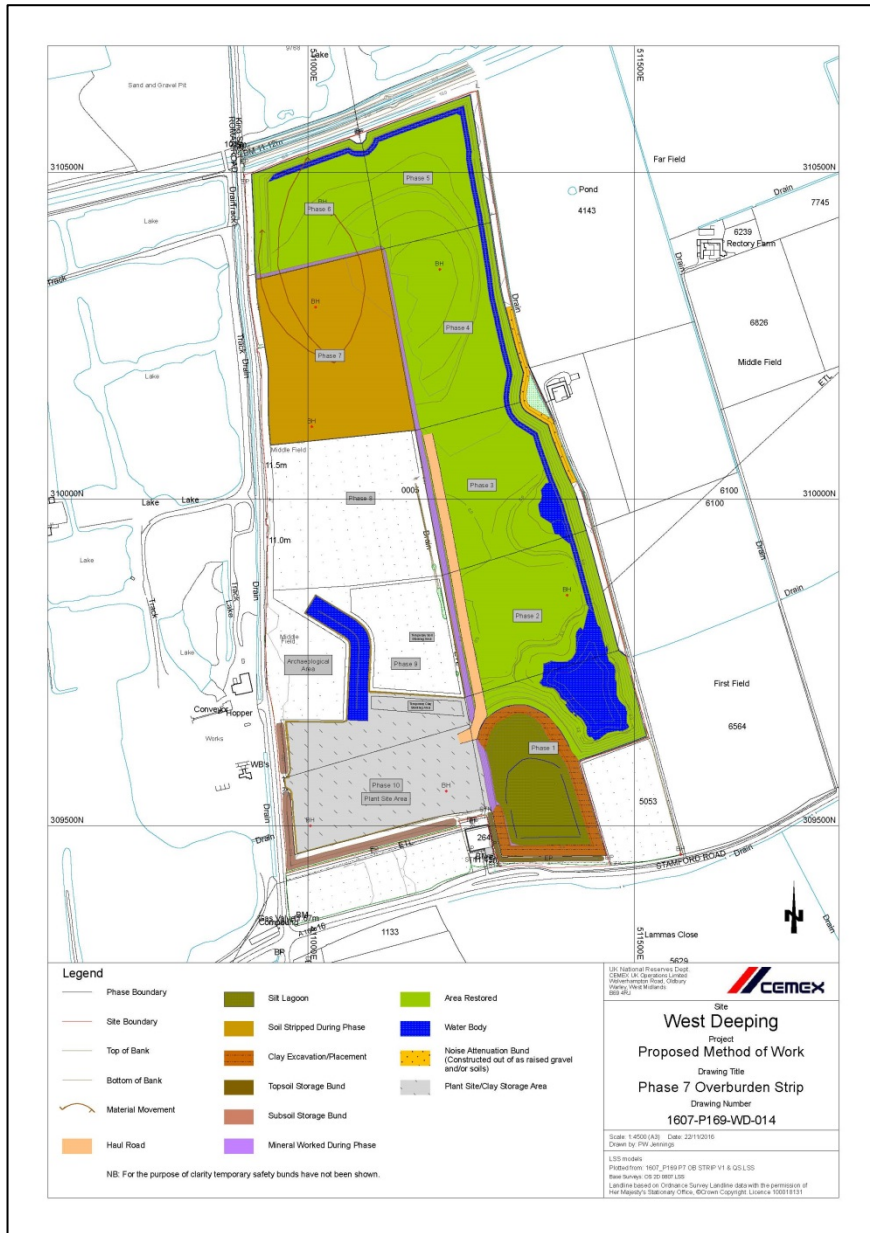


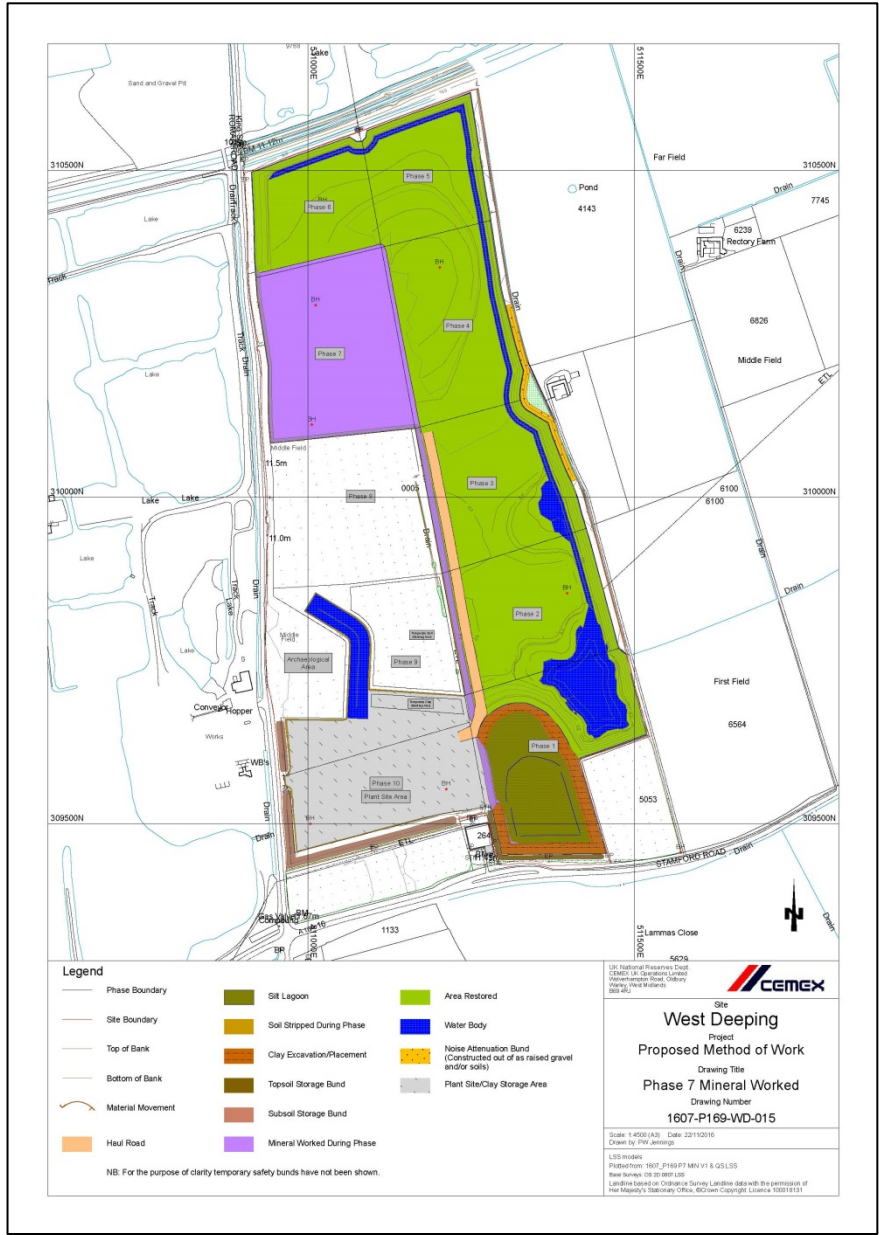


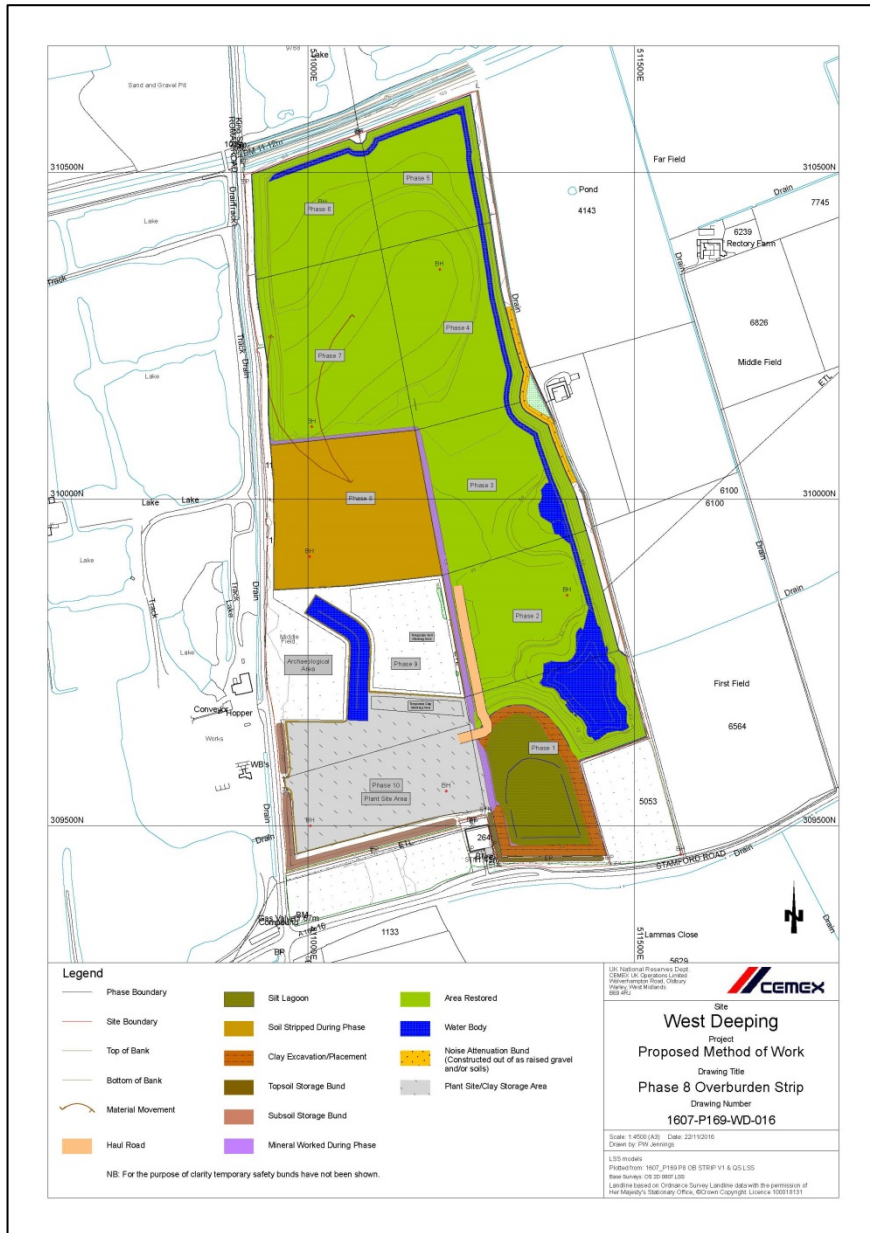


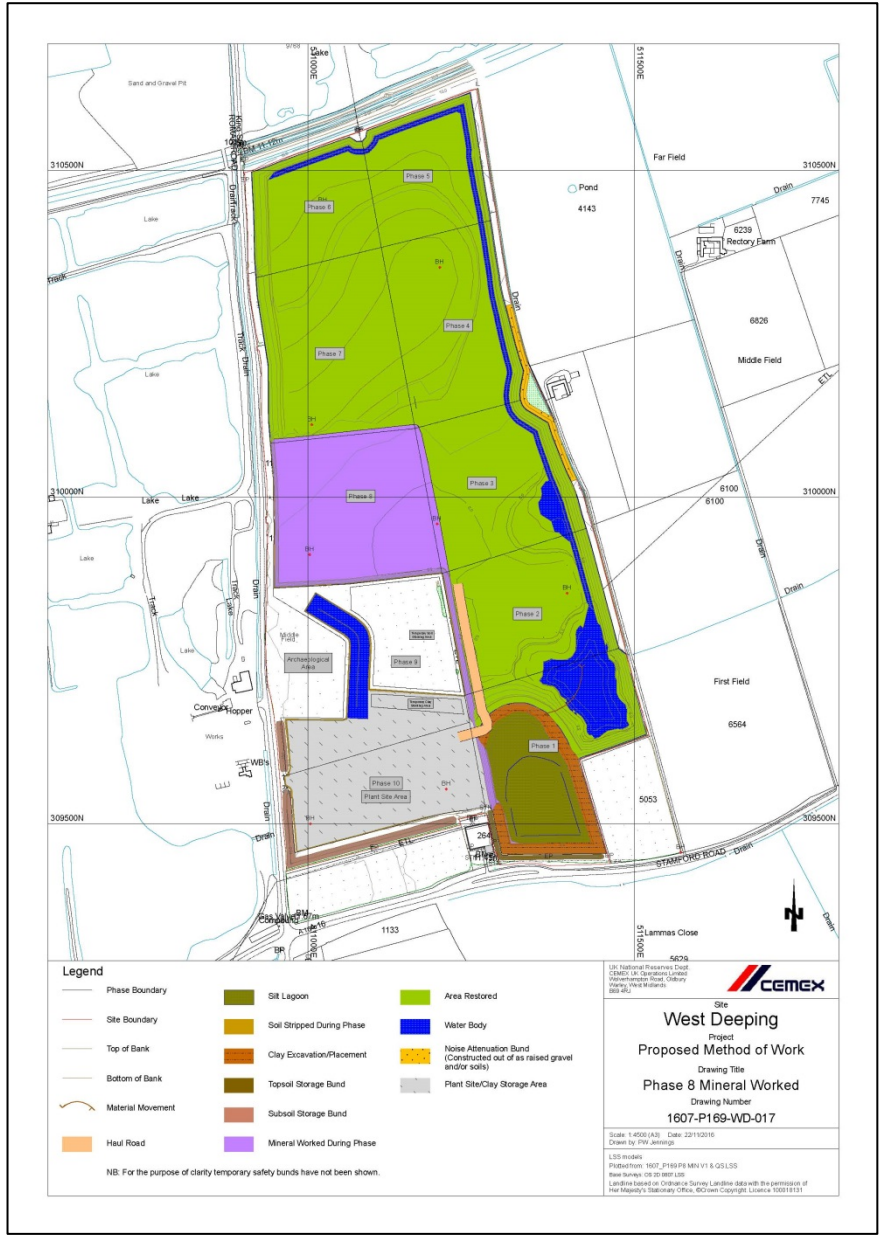


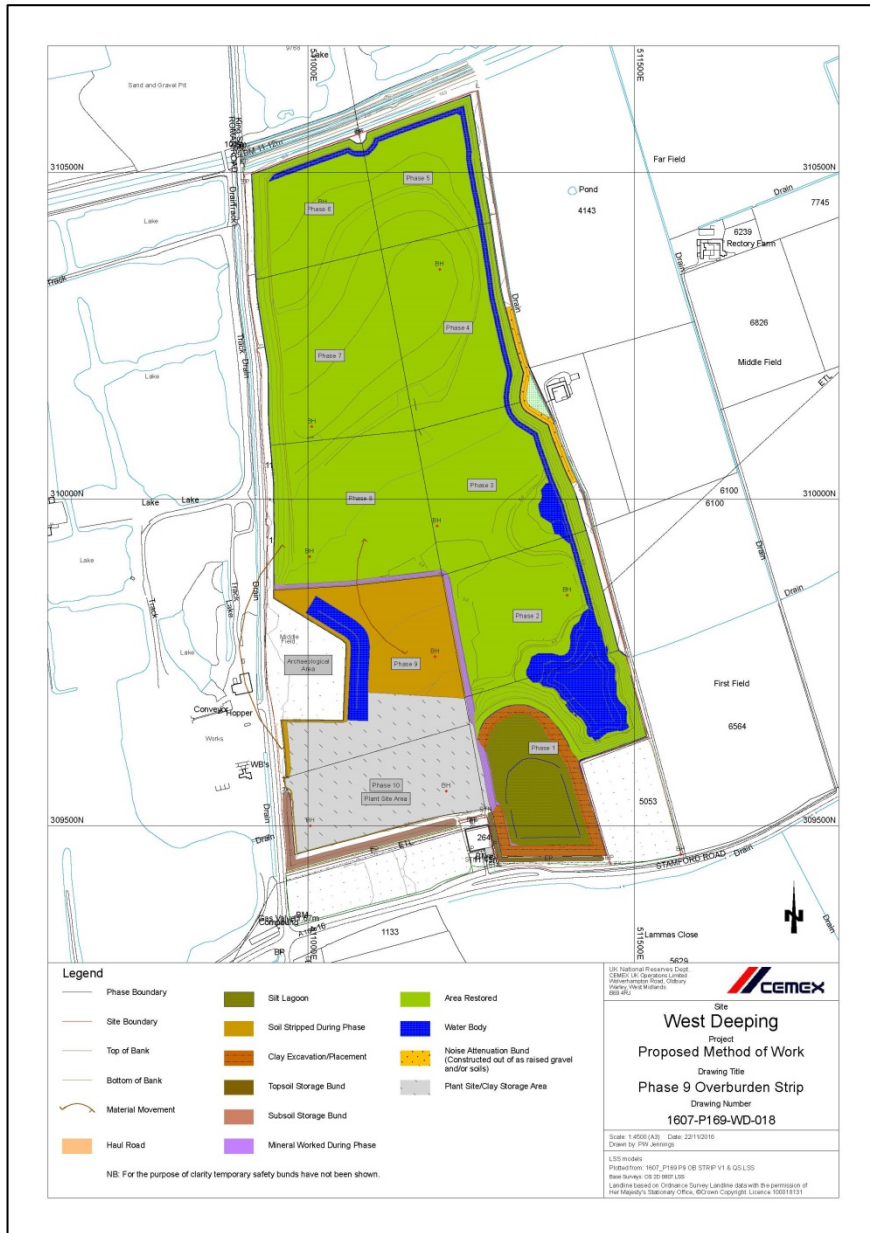


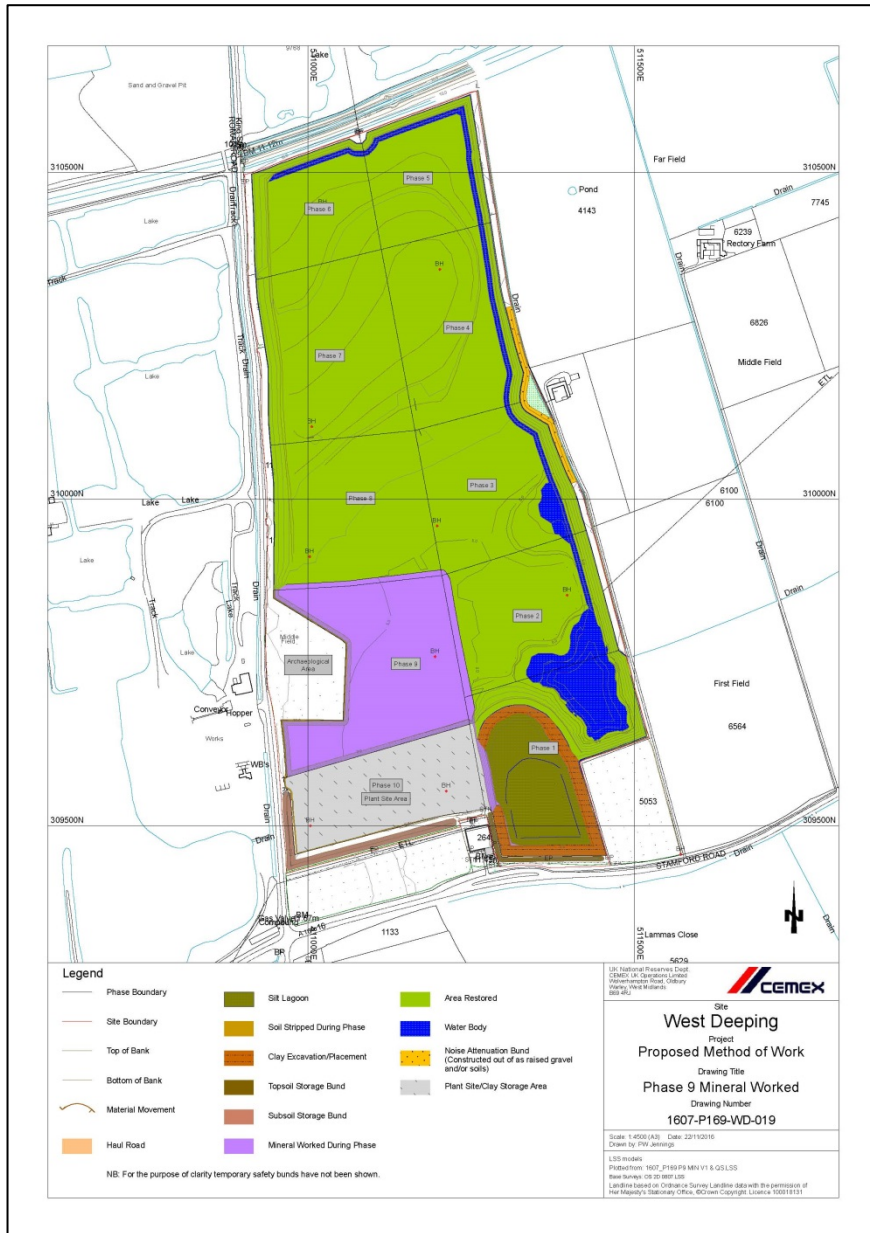












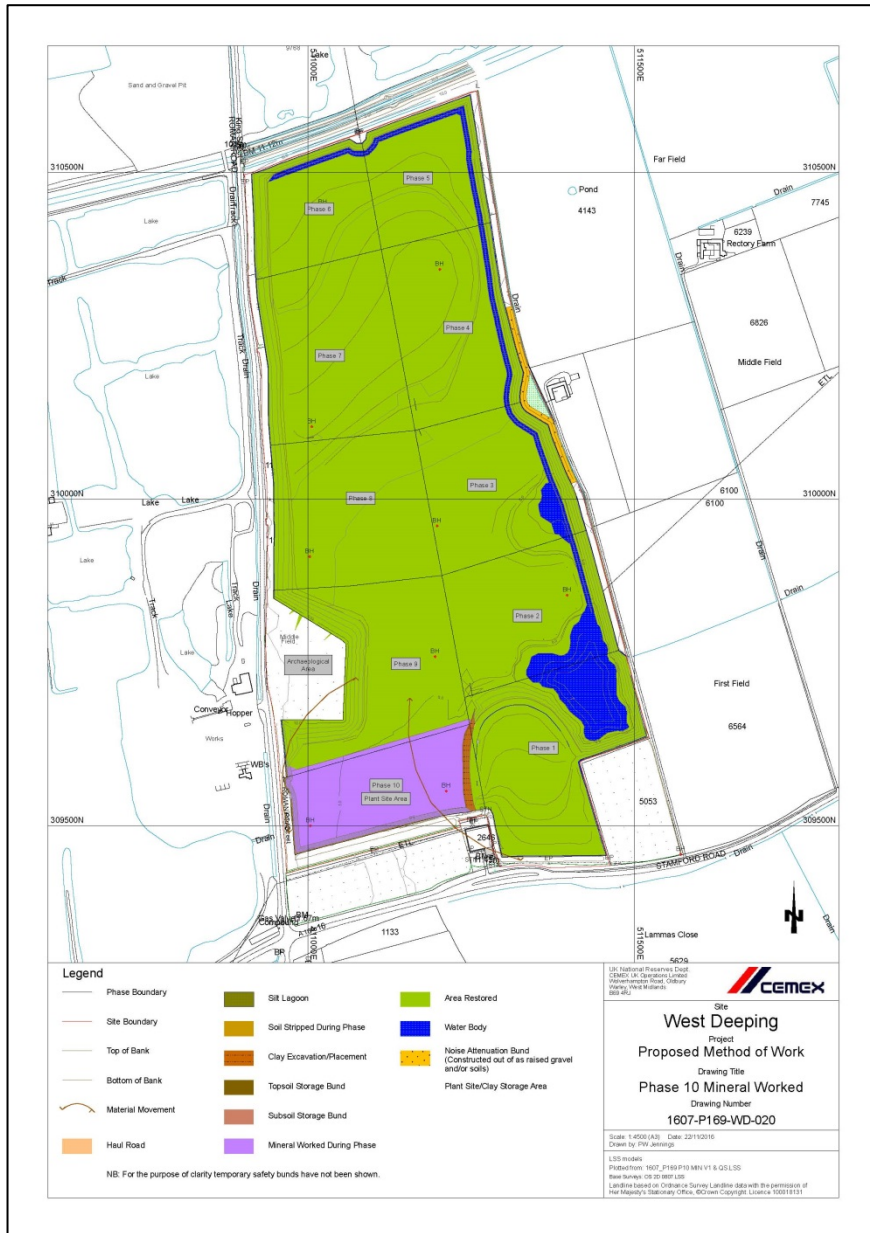
Legend

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|-------------------|-----------------------------|---|
| Phase Boundary | Site Lagoon | Area Restored |
| Site Boundary | Soil Stripped During Phase | Water Body |
| Top of Bank | Clay Excavation/Placement | Noise Attenuation Bund (Constructed out of as raised gravel and/or soils) |
| Bottom of Bank | Topsoil Storage Bund | Plant Site/Clay Storage Area |
| Material Movement | Subsoil Storage Bund | |
| Haul Road | Mineral Worked During Phase | |

NB: For the purpose of clarity temporary safety bunds have not been shown.

Site
West Deeping
 Project
Proposed Method of Work
 Drawing Title
Phase 9 Mineral Worked
 Drawing Number
1607-P169-WD-019

Scale: 1:450 (A3) Date: 22/11/2016
 Drawn by: P.W. Jennings
 L35 (under)
 Project Ref: 1607_P169-P9-MW-V1 & Q3-L35
 Base Review: 08/20/2016 L35
 Landline based on Ordnance Survey Landline data with the permission of Her Majesty's Stationary Office, © Crown Copyright Licence 100018131

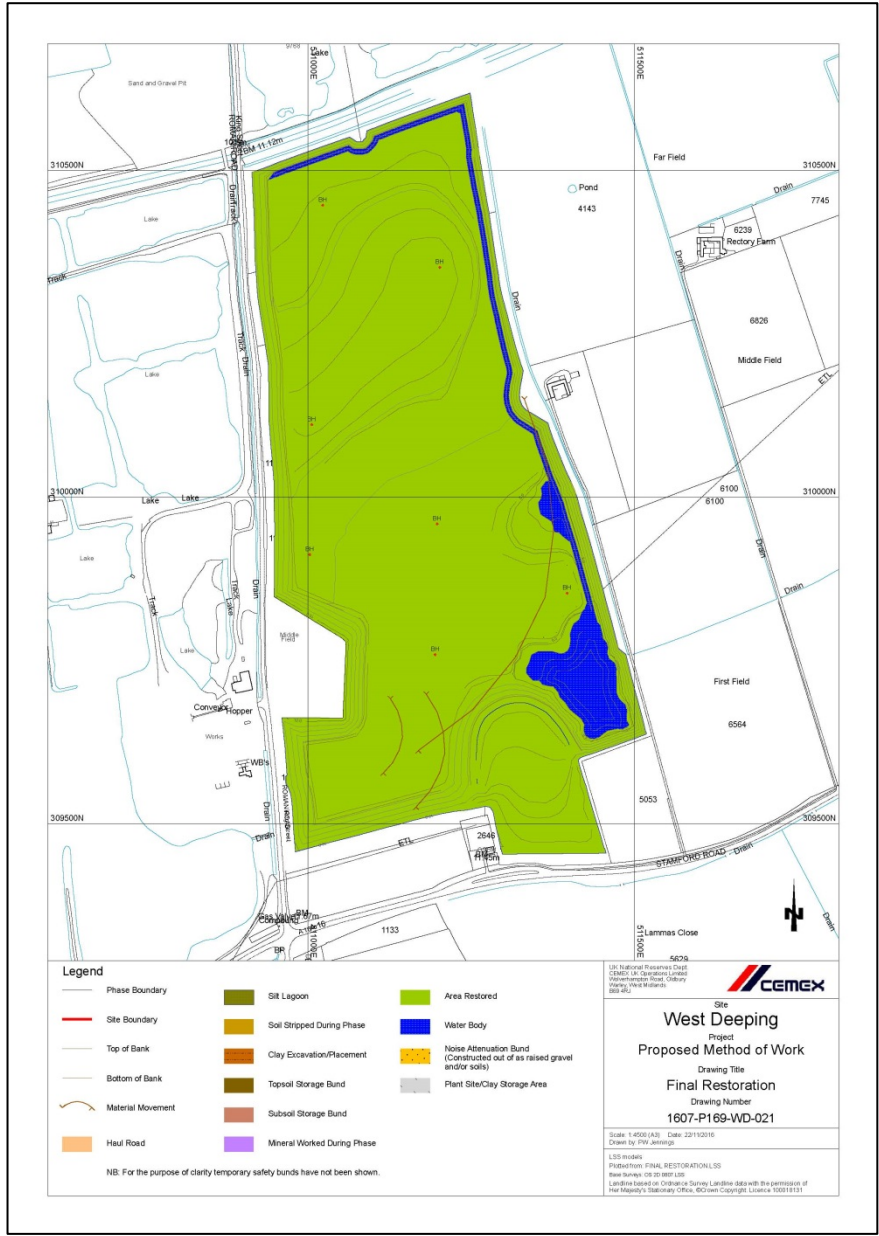


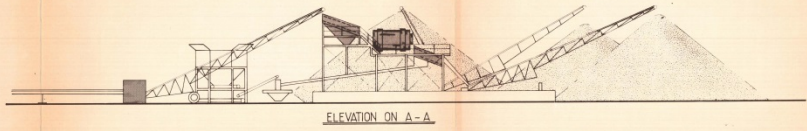
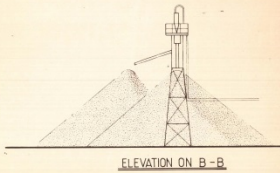
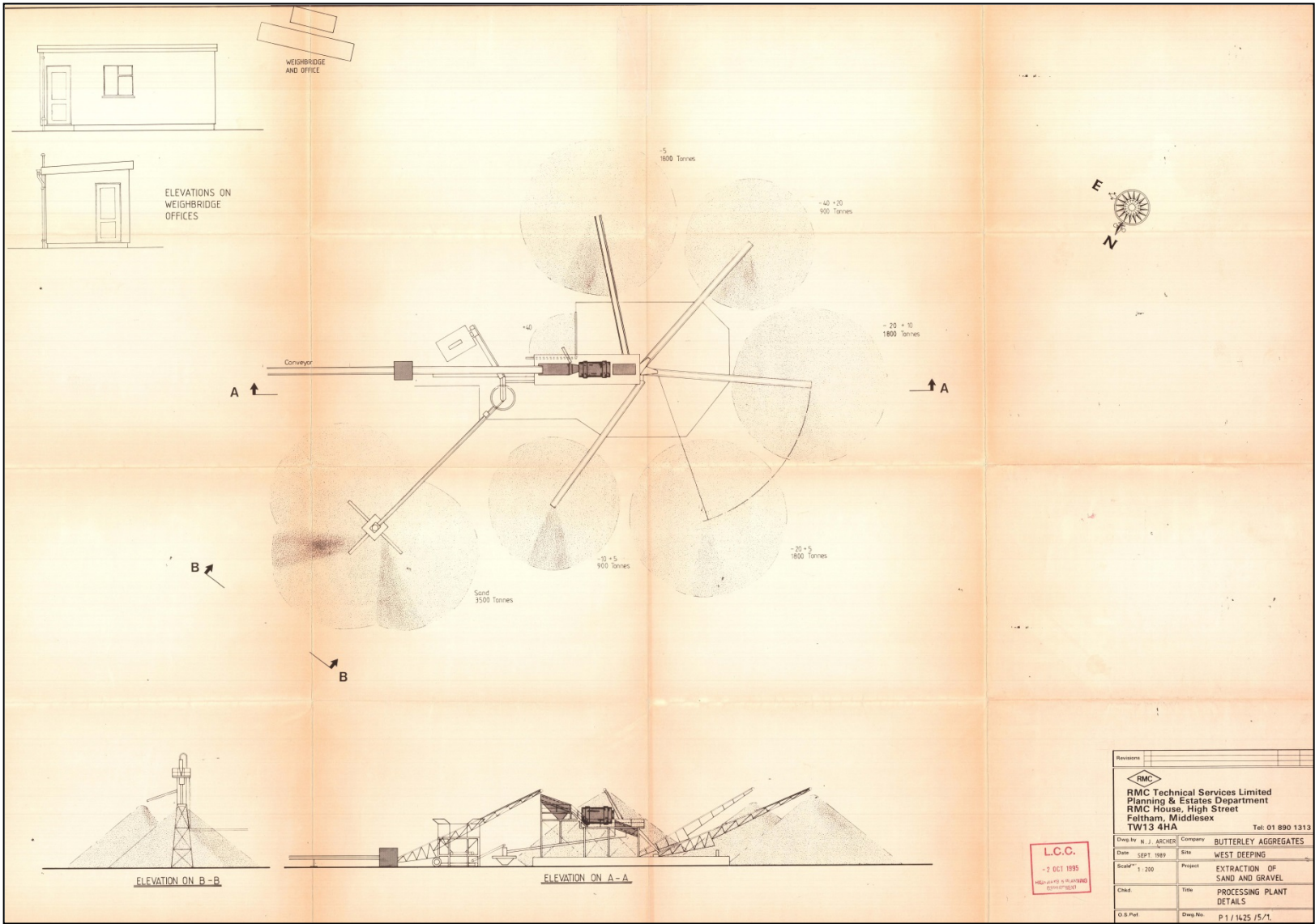
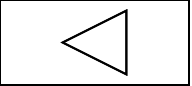
Legend

- | | | |
|-------------------|-----------------------------|---|
| Phase Boundary | Site Lagoon | Area Restored |
| Site Boundary | Soil Stripped During Phase | Water Body |
| Top of Bank | Clay Excavation/Placement | Noise Attenuation Bund
(Constructed out of as raised gravel
and/or soils) |
| Bottom of Bank | Topsoil Storage Bund | Plant Site/Clay Storage Area |
| Material Movement | Subsoil Storage Bund | |
| Haul Road | Mineral Worked During Phase | |


NB: For the purpose of clarity temporary safety bunds have not been shown.

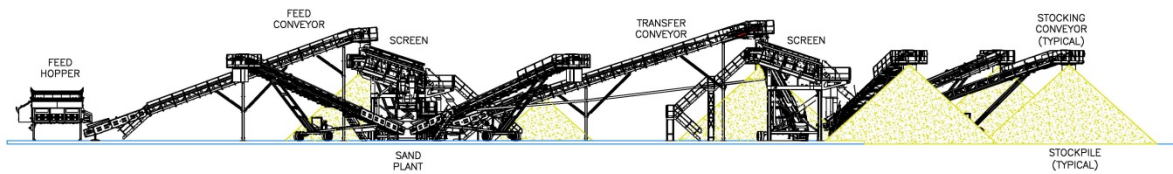
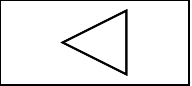
Site
West Deeping
 Project
Proposed Method of Work
 Drawing Title
Phase 10 Mineral Worked
 Drawing Number
1607-P169-WD-020
 Scale: 1:450 (A3) Date: 22/11/2016
 Drawn by: FWJ/annjg
 LISD model:
 Project: 1607_P169-P10-MW-V1 & QSL-SS
 Base Review: 08/20/2016 LISD
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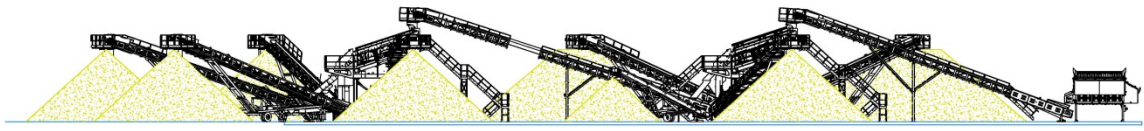


L.C.C.
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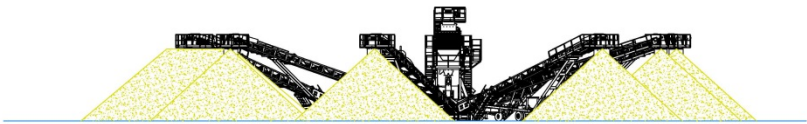
Revisions	
 RMC Technical Services Limited Planning & Estates Department RMC House, High Street Faltham, Middlesex TW13 4HA Tel: 01 890 1313	
Drawn By	N. J. ARCHER
Date	SEPT 1989
Scale	1:200
Chd.	
Q. & Plat.	
Company	BUTTERLEY AGGREGATES
Site	WEST DEEPING
Project	EXTRACTION OF SAND AND GRAVEL
Title	PROCESSING PLANT DETAILS
Drawn No.	P 1 / 1425 / 5/1



SECTION A-A
FINE AND COARSE
OMITTED FOR CLARITY



SECTION B-B

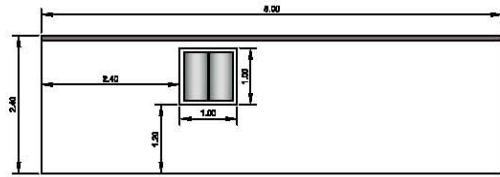


SECTION C-C

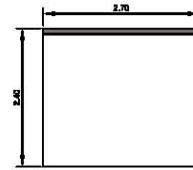


SECTION D-D

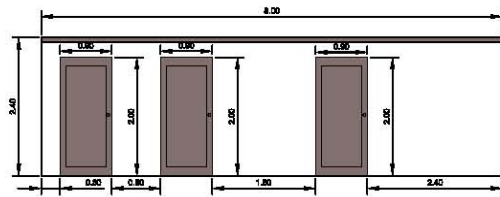
Revisions		DATE	BY	REASON
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 ENGINEERING SERVICES CEMEX UK Operations Limited CEMEX House, Grove Way, Rugby, Warwickshire, CV21 2DT Telephone 01788 542111 Facsimile 01788 554463				
Client	MLH	Company	CEMEX UK MATERIALS LIMITED	
Date	04 JULY 16	Site	WEST DEEPING	
Scale	1:200 @ A1	Project	AGGREGATE PLANTS	
Contributor	XXXX	Plant	ELEVATIONS THROUGH AGGREGATE PLANT	
Scale	TD 16025	Sheet No.	16_C033_WTDP_011	SHT 3 OF 3
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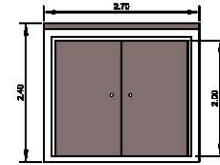
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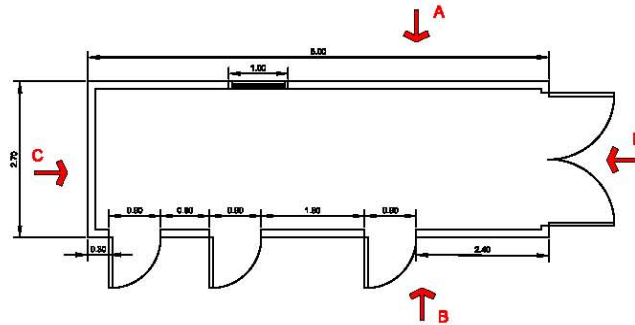
Elevation C



Elevation B



Elevation D

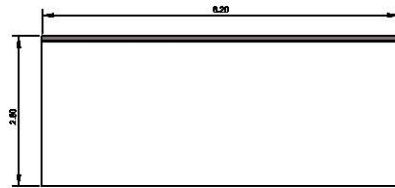


Revisions	By	Date	Description

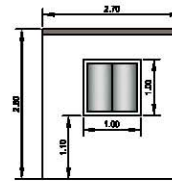
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Department of National Resources & Development
 CEMEX UK Operations Limited
 Wakenham Road, Chisbury,
 Wiltshire, Wiltshire, UK
 Telephone: 0121 680 1666
 Facsimile: 0121 644 1722

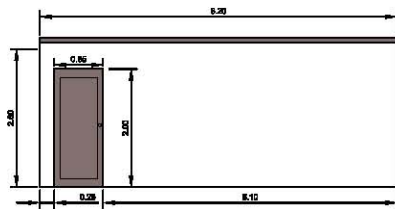
Client	KH-Kowar	Company	CEMEX UK Materials Limited
Date	August 2016	Site	West Deeping Quarry
Scale	1 : 100 @ A4	Project	S73 Planning Application
Drawn/Revised		Site	Carteen 8.0m x 2.7m
Site Reference		Drawing Number	16_C033_WTDP_005



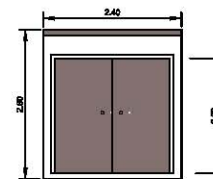
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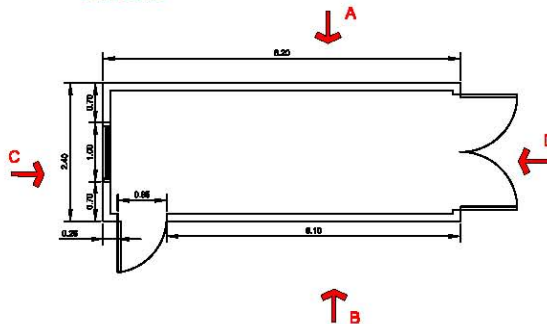
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Elevation B



Elevation D



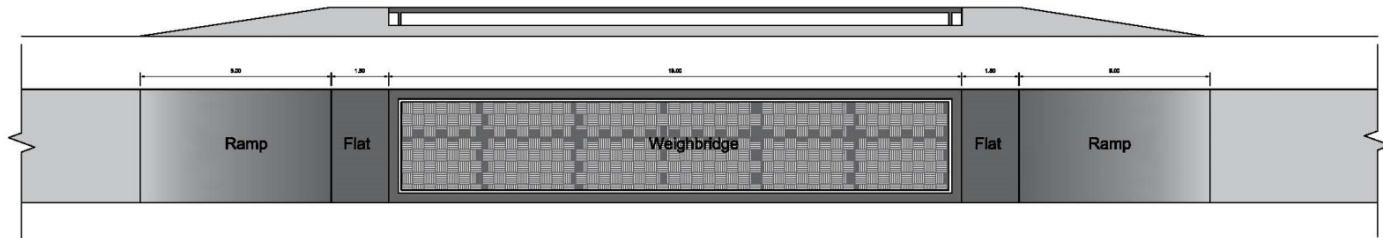
Revisions	1			
	2			
	3			
	4			
	5			
Based on Ordnance Survey Land Line Data with the Permission of Her Majesty's Ordnance Survey, © Crown Copyright/Licence No 100016165				
Department of National Research & Development CEMEX UK Coverters Limited Walsingham Road, Clouby, Warton, West Midlands, B80 4FL				
Drawn By: K-H/aw		Company: CEMEX UK Materials Limited		
Date: August 2016		Site: West Depping Quarry		
Scale: 1 : 100 @ A4		Project: S73 Planning Application		
Client/Ref:		Site: Changing Room 6.2m x 2.4m		
Site Reference:		Drawing Number: 16_C033_WTDP_006		





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Elevation of Weighbridge



Weighbridge Details

16_C033_WTDP_007

Kristan Hannaford-Hill_CAW

August 2018

1 : 100 @ A3

Ordnance Survey Reference -

Survey Reference - None



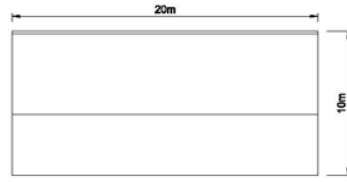
Department of National Resources & Development
CEMEX UK Operations Limited
Wolverhampton Road, Galsburg,
Worley, West Midlands, B69 4PU.



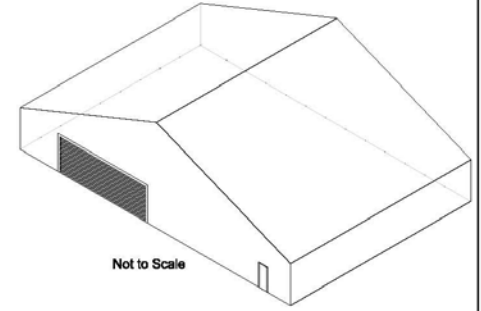
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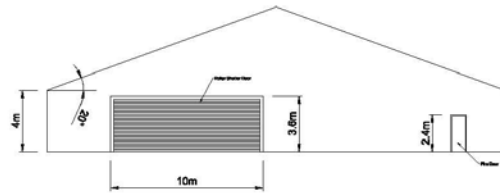
Rear Elevation



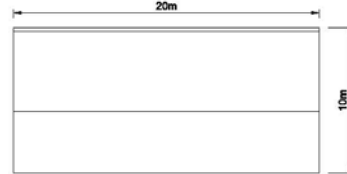
Side Elevation



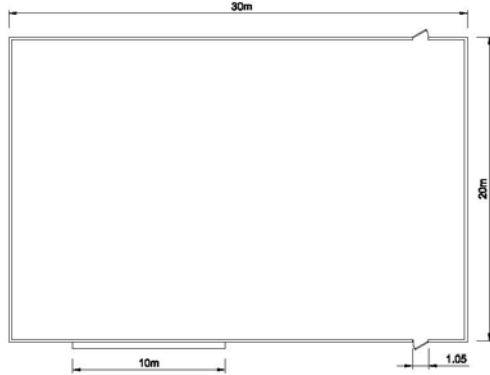
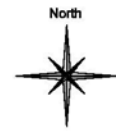
Not to Scale



Front Elevation



Side Elevation



BAGging Building

16_C033_WTDP_008

Kirstan Hannaford-Hill_CAW

August 2016

1:250 @ A3

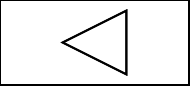
Ordnance Survey Reference -

Survey Reference -



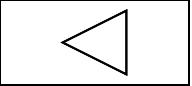
Department of National Resources & Development
CEMEX UK Operations Limited
Wolverhampton Road, Oldbury,
Wolverhampton, West Midlands, B69 4JU.

West Deeping Quarry S73 Planning Application



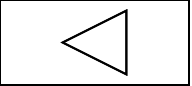
Page 47





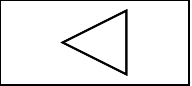
Page 48





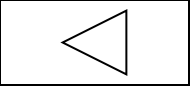
Page 49





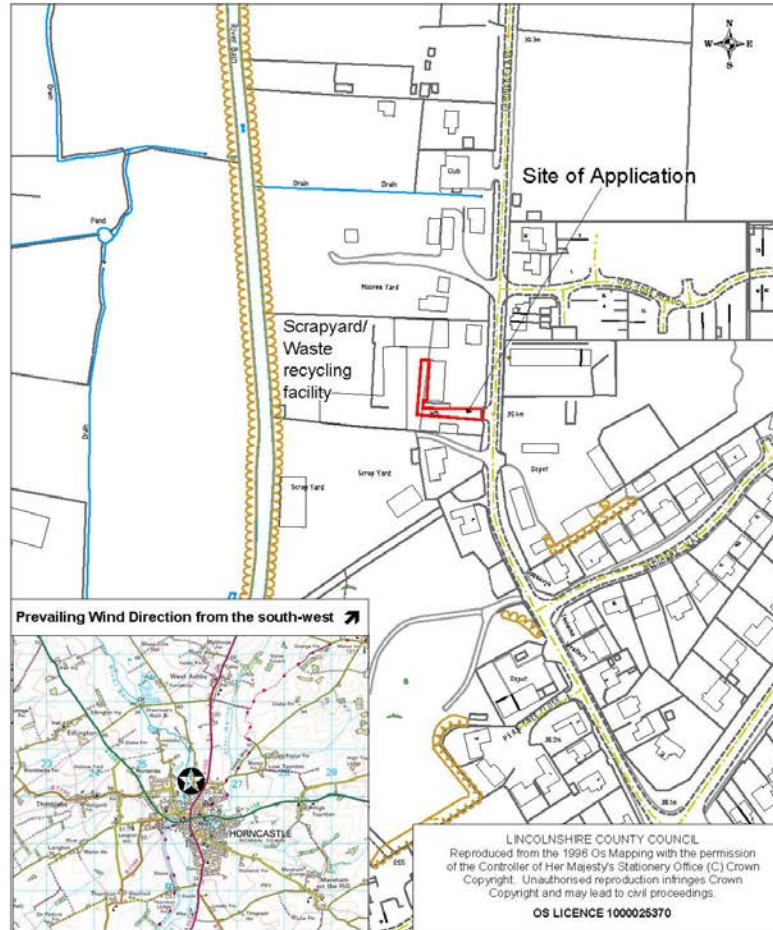
Page 50





5.2 Horncastle

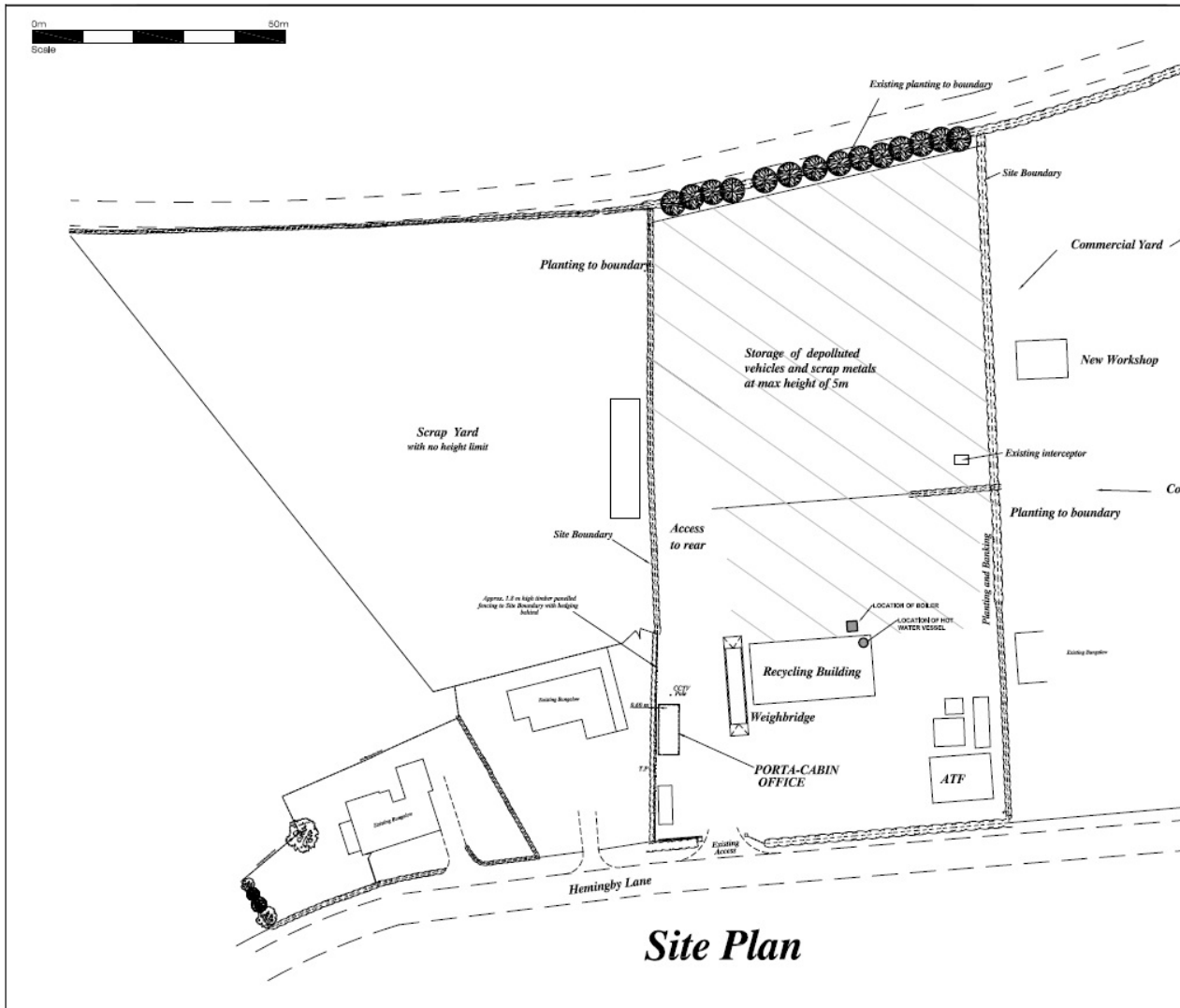
LINCOLNSHIRE COUNTY COUNCIL
PLANNING AND REGULATION COMMITTEE 6 MARCH 2016



Location:
Paul Riddel Skip Hire Ltd
Hemingby Lane
Horncastle

Description:
To retain biomass boiler system

Application No: S/086/14/17
Scale: 1:2500

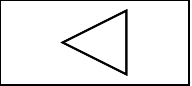


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Client: Paul Riddell Skips Ltd.	
Project: Retention Of Ebo Mass Boiler	
Address: Hemingby Lane, Horncliffe	
Title: Proposal Site Plan Drawing	
Scale: 1:500 @ A2	Date: October 2016
Drawing No: RDS 11263/01	
RYLAND DESIGN SERVICES LTD ARCHITECTURAL DESIGN AND PLANNING	
Woodlands Business Centre Lincoln Road WELBY Lincoln LN2 3PZ Tel: 01673 860388 Fax: 01673 860386	
	







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**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	6 March 2017
Subject:	County Matter Application - S81/0053/17

Summary:

Planning permission is sought by Cemex UK Operations Ltd to continue to extract sand and gravel without complying with conditions 2 (details and plans), condition 10 (plant and machinery) and condition 11 (site layout) imposed by permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) together with the discharge of condition 2 (additional embankments) and condition 3 (vehicular access) of S81/1112/07.

The proposal is for an amended location, layout and design of the approved aggregate processing plant and for ancillary offices and a bagging plant within the site. A new location is also proposed for the silt lagoon and amended freshwater lagoon. Associated minor changes are also proposed to the method of working and progressive restoration scheme including the creation of a conservation wetland in part of the site and amended details relating to the site access at land east of King Street, West Deeping.

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.

Background

1. Planning permission was first granted in October 1997 (reference: S81/1588/89) for the extraction of sand and gravel at land east off King Street, West Deeping. That permission was subject to 12 planning conditions and a S106 Planning Obligation (covering lorry routeing, drainage, archaeology, advance landscaping and after-use) as well as a Section 278 Highways Agreement with respect to the proposed improvements between the site access and the A16.
2. In November 2001 a Section 73 planning permission (reference: S81/0787/01) was granted which varied Condition 1 attached planning

permission S81/1588/89 and allowed an extended period for the commencement of the development. The new time limit imposed was 24 October 2007 and the remaining conditions and obligations secured by the S106 Planning Obligation remained unchanged by this decision.

3. In September 2007 a further Section 73 planning permission (reference: S81/1112/07) was granted which removed Conditions 5 and 7 as imposed on permission S81/1588/89 and replaced these with three additional conditions. At the time this application was considered the applicant indicated that rather than erect a processing plant within the King Street site, minerals extracted from the site would instead be transported for processing at their Manor Pit Quarry near Baston. The application therefore allowed a reduction in the amount of visual screening required around the site (to reflect operational changes) and to enable the existing planning permission to be lawfully commenced within the timescale set by Condition 1 (i.e. 24 October 2007). Following the issuing of this consent, works were undertaken in order to lawfully implement the consent however since then the site has remained inactive as operations have remained focused on the applicant's Manor Pit Quarry.

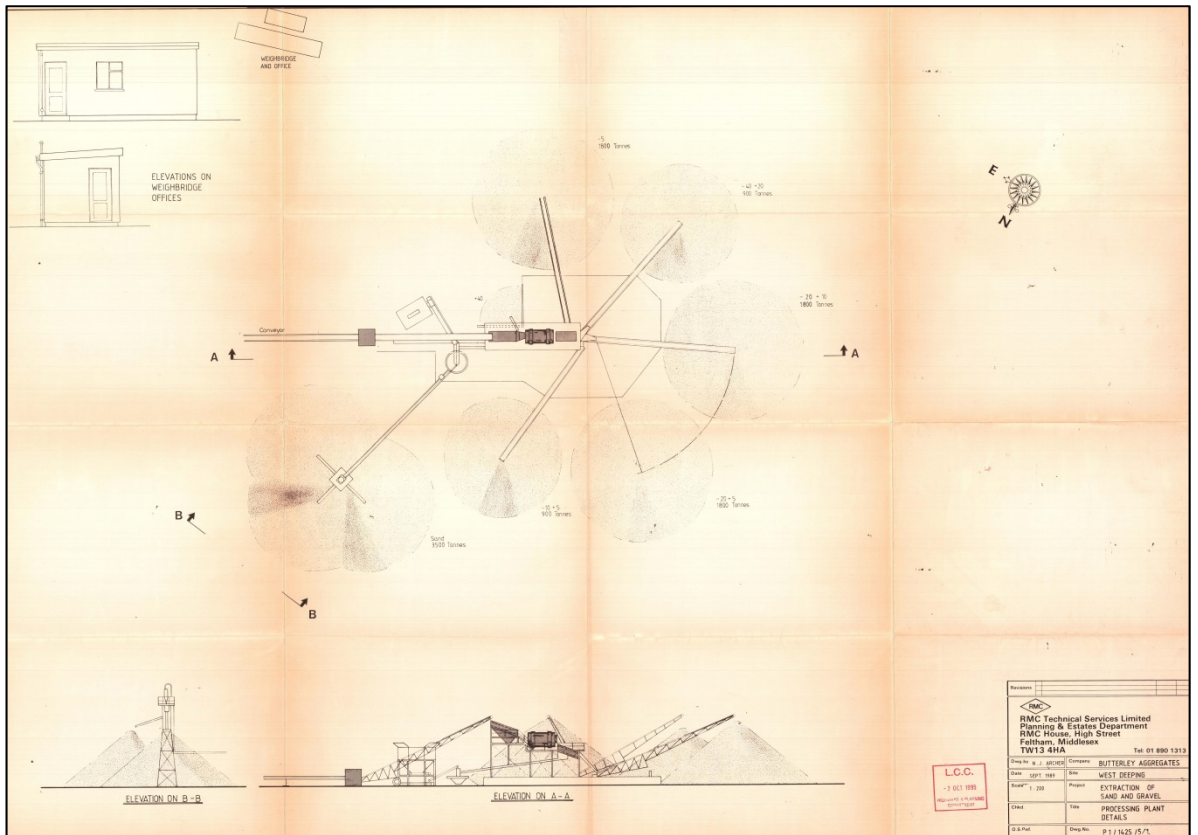
The Application

4. Planning permission is sought by Cemex UK Operations Ltd (Agent: ShrimplinBrown Ltd) to continue to extract sand and gravel without complying with conditions 2, 10 and 11 imposed by permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) together with the discharge of condition 2 and condition 3 as imposed by permission S81/1112/07 which relates to the sand and gravel operation permitted on the land east of King Street, West Deeping.
5. The application comprises of two main elements:

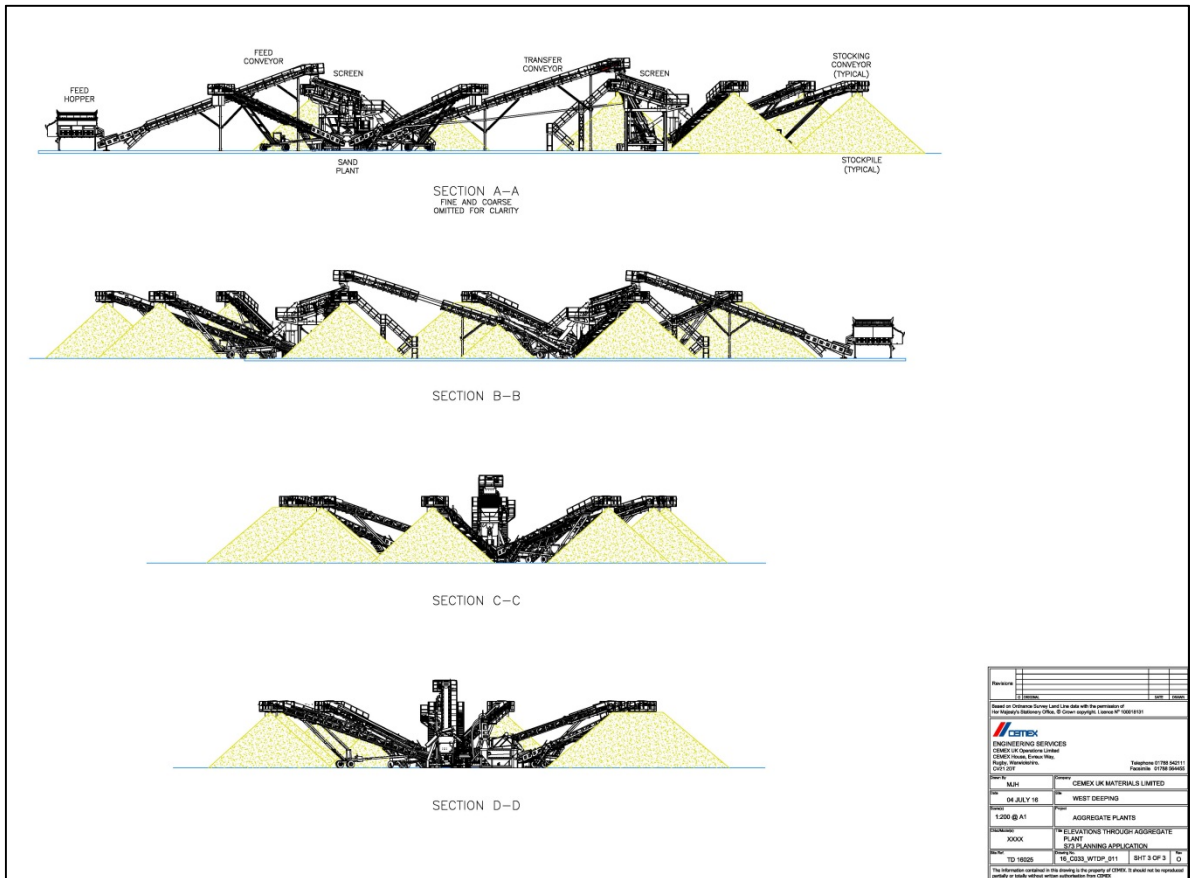
Variation of conditions 2, 10 and 11 of permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) - the proposed amendments would vary document/plans/details referenced or approved by existing conditions so as to allow for the relocation, revised layout and design of an aggregate processing plant, ancillary offices and bagging plant. A new location is also proposed for the silt lagoon along with an amended freshwater lagoon as well as minor changes to the method of working and progressive restoration scheme including the creation of a conservation wetland within part of the site. Further details setting out the reasoning and details relating to each of these elements is given below:

- (i) Aggregate plant/ancillary offices/bagging plant – the processing plant submitted as part of the original application in 1989 is no longer manufactured and therefore the details as previously shown and approved on drawings cited within Condition 2 cannot be complied with. Revised details relating to a more modern aggregate processing plant comprising of a series of hoppers, screeners and conveyors have therefore been submitted. The new facility would be approximately

13m high and cover a footprint of around 84.2m in length by 7m wide and would be set on a concrete pad and be black and grey in colour. It is also proposed to relocate the facility to the south of the site rather than the currently approved location which is along the western boundary of the site (alongside King Street) north of the site entrance. The revised position of the plant means that it could be powered by a mains electricity feed from the substation lying to the south of the site and also would be closer to the freshwater and silt lagoons which are to be constructed along the eastern edge of the site. This revised location would also reduce the haulage distances between the processing plant, bagging plant and site entrance and therefore offers wider operational efficiencies.

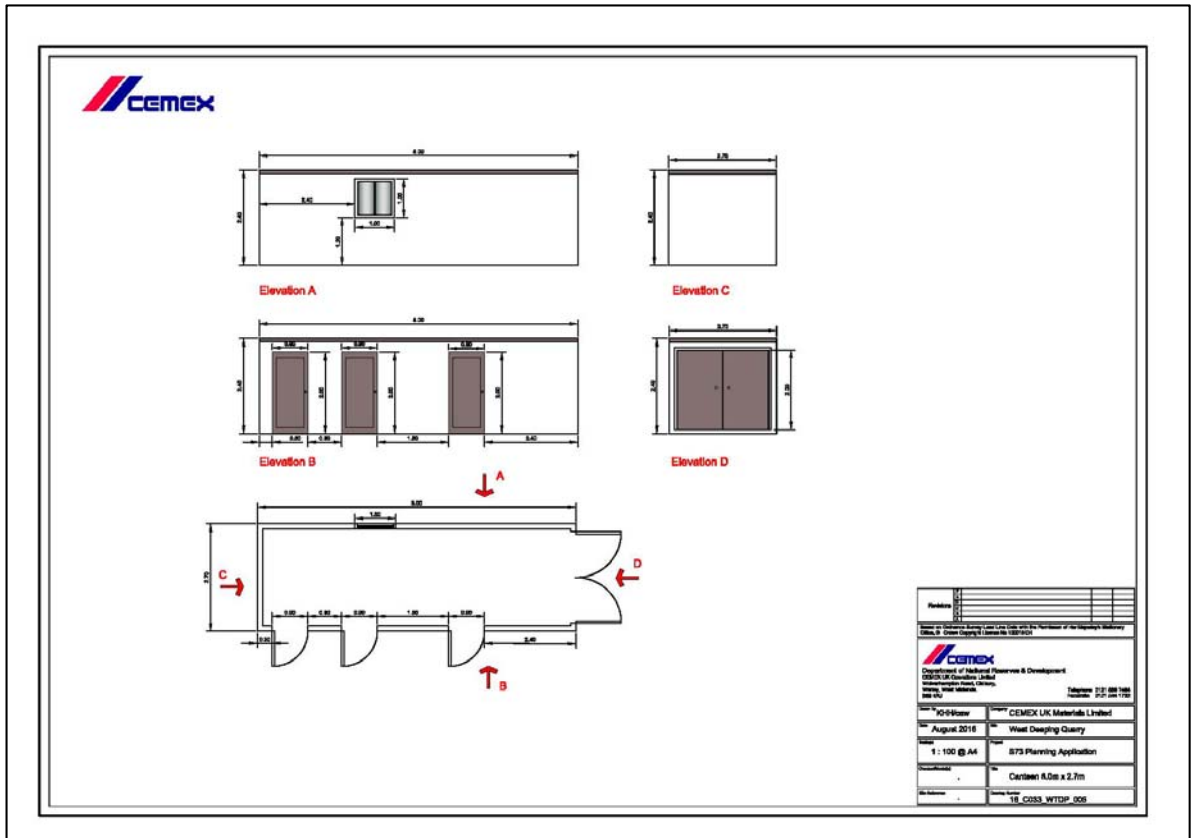


Existing approved aggregate processing plant

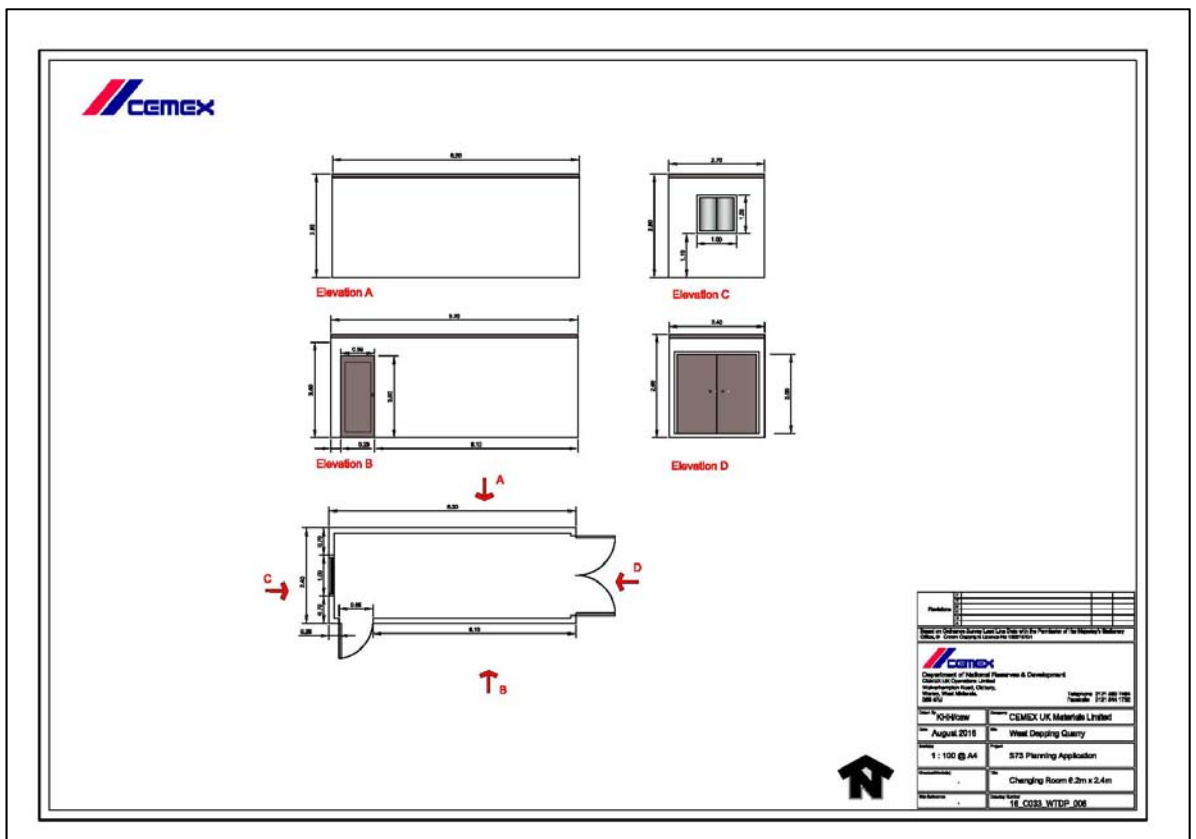


Elevation through proposed modern aggregate plant

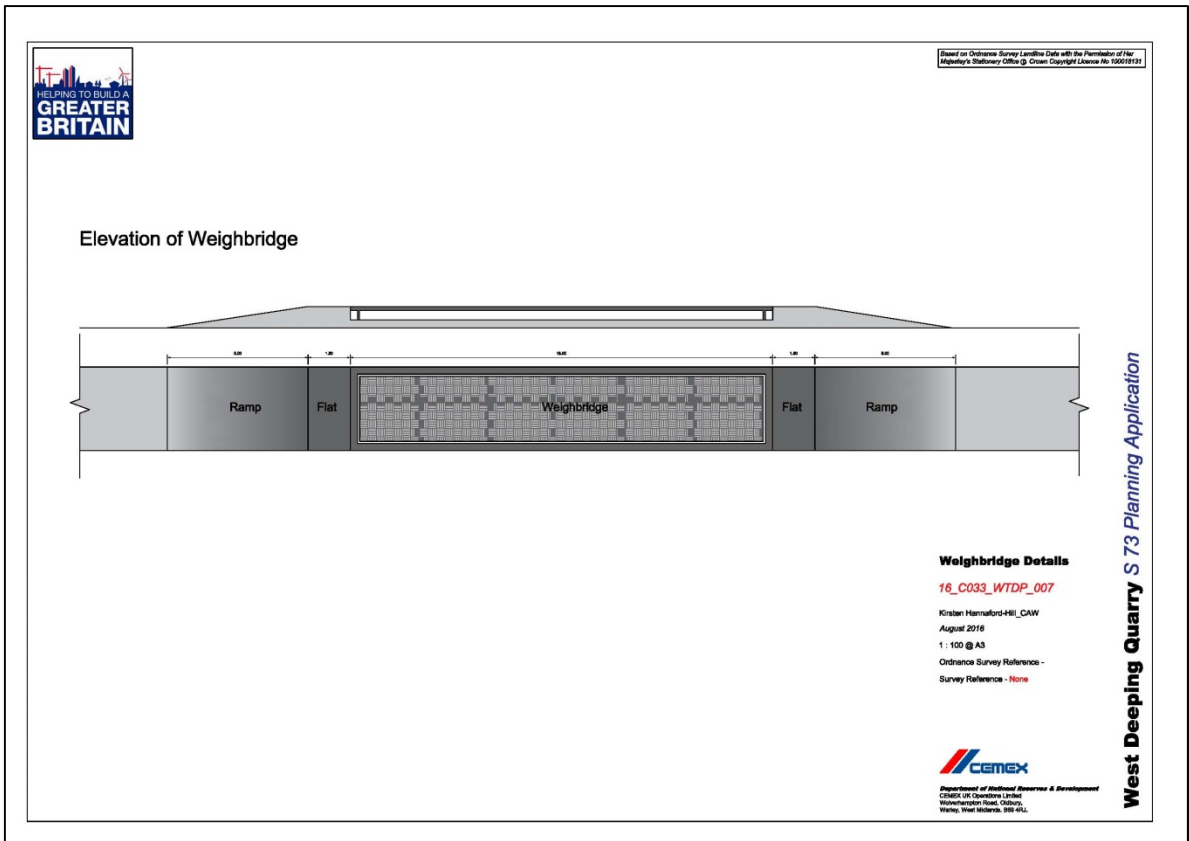
In addition to the above, details of ancillary site accommodation and infrastructure have also been submitted. These include a site office, canteen and staff changing facilities, weighbridge and associated office. A new bagging plant is also proposed to be erected within the site which would act as a replacement for the current facility at Manor Pit. The bagging plant building would be an industrial style building (approx. 30m by 20m by 10m to the roof ridge) which would house the bagging plant/equipment and stocking area for bagged materials. This building, along with the other ancillary buildings and infrastructure, would also be located towards the southern end of the site. Condition 10 imposed on permission S81/1588/89 requires details of any ancillary buildings, plant and equipment to first be submitted and approved by the Mineral Planning Authority. The applicant has therefore submitted this information with the intention that these can now be approved.



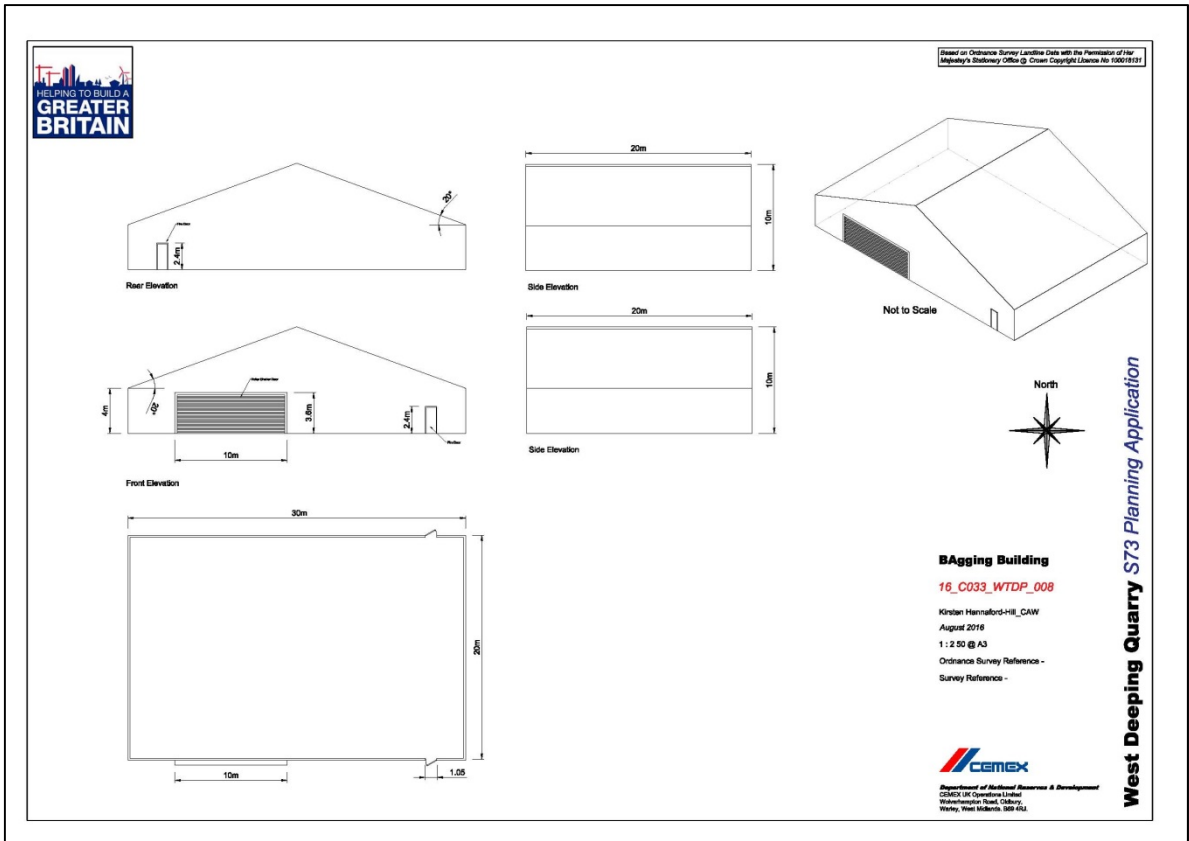
Canteen: Proposed Elevations & Floor Plans



Changing Room: Proposed Elevations & Floor Plans



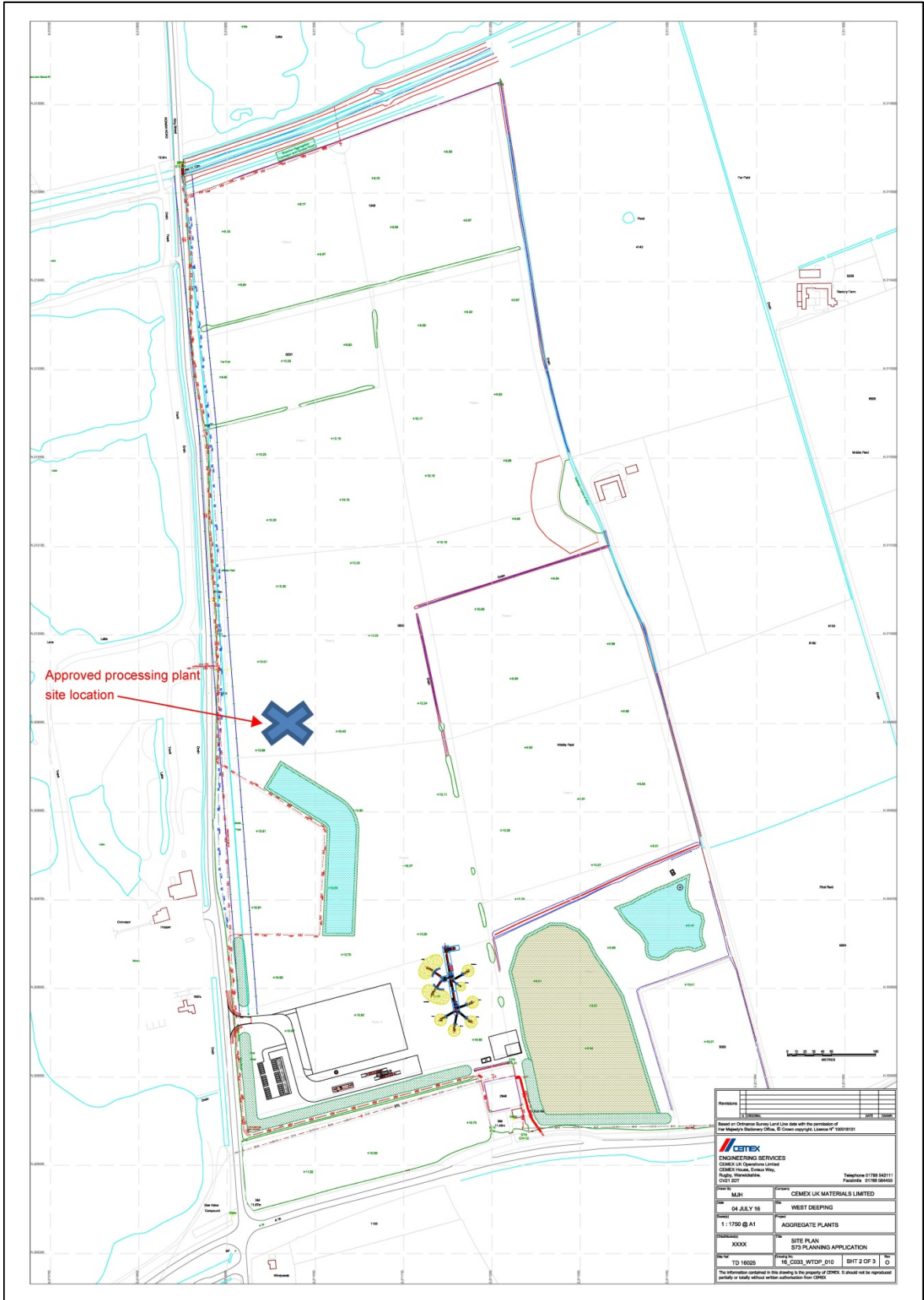
Weighbridge Proposed Plan



Bagging Building: Proposed Elevations & Floor Plans

- (ii) Revised freshwater and silt lagoon – the approved freshwater lagoon would be enlarged in order to meet the water consumption requirements of the now proposed aggregate processing plant. The silt lagoon, which was originally proposed to be sited north of the site entrance, is proposed to be relocated so as to be closer to the new plant site area and this would be utilised for the duration of the extraction operations and eventually be restored to an agricultural use.

- (iii) Revised site layout plans, method of working and restoration – in order to accommodate the revised plant site location and amendments to the freshwater and silt lagoons, amendments are proposed to the site layout, method of working and phasing plans for the site. The method and progressive sequence of working and restoration follows that previously approved with operations advancing from the south-western corner of the site in a south-north direction before returning along the western flank in a north-south direction. Clay seals would be progressively constructed around the site as the operations advance with the exception of seals around the archaeological area of importance and Lodge Farm which would be created as part of the first phase of works. Overall the site would be progressively worked and restored with the whole site being restored back to low level agricultural use with the exception of a small area of wetland which would be created in the south-eastern corner.



Site Plan

Revised drawings and details reflecting all of the above have been submitted as part of the application. In addition to the revised plans and drawings the application is also supported by a noise assessment and dust monitoring scheme. There is currently no noise limit condition attached to the planning permission however given the proposed relocation and revised plant site design, the applicant has deemed it appropriate to undertake a noise assessment in order to understand the potential impact of the revised development on nearby sensitive receptors and, if necessary, to identify the need for any additional mitigation. The submission and proposed implementation of a dust monitoring scheme also reflects modern working practices since the original consent was granted. The applicant proposes that these details, along with the amended and updated drawings, replace, supplement or supersede those previously referenced or approved by conditions attached to the existing planning permission.

Details relating to Conditions 2 and 3 of permission S81/1112/07 - this element of the application seeks to address and satisfy the requirements of these conditions. The conditions required details relating to the site access and soil bund locations/design around the processing plant site area to be submitted for approval. Details have therefore been submitted by the applicant in order that these conditions can either be removed or the details subsequently approved and incorporated into the details to be approved and cited in conditions attached to any re-issued and updated consent.

- (i) Soil bunds – details have been submitted which illustrate the design and location of the soil embankments that have been constructed around the plant site area. The embankments have already been constructed along the southern boundary of the site as well as around the site entrance and proposed relocated plant site area. The bunds have been constructed using topsoils stripped from Phase 1 and are currently a maximum height of 4m. Following discussions between your Officers and the applicant, the applicant has however confirmed that the height of these bunds would be reduced to 3m. This amendment would ensure that the bunds are consistent with that previously consented but more importantly ensure that the structure and integrity of the topsoil is protected whilst they are stored so that they are fit for purpose and sufficient quality when they are to be re-used as part of the restoration proposals.
- (ii) Site access – details have been submitted which illustrate the configuration and design of the access to the site. The site access has been constructed in accordance with a scheme that has already been approved as part of a S278 Highway Agreement. Notwithstanding this, Condition 3 attached to permission S81/1112/07 requires details relating to the access to be submitted for the written approval of the Mineral Planning Authority. The details submitted are therefore seeking formal approval which would allow the requirements of Condition 3 to be formally discharged.

Site and Surroundings

6. West Deeping is approximately 8.9km east of Stamford and 3.2km west of Market Deeping with the built up area of the village lying to the south of the A1175. King Street runs north from West Deeping and forms a crossroads with the A1175. The application site is 51 hectares in area and is generally flat agricultural land lying immediately to the east of King Street. To the north lies the Greatford Cut (a substantial land drain) and to the south a substantial electricity substation. To the west of King Street are the existing operations and plant site associated with West Deeping Quarry (operated by Tarmac). The nearest residential property (Lodge Farm) is located adjacent to the sites eastern boundary with a further property (Rectory Farm) located approximately 300m to the east. The adjoining land to the proposal site is progressively being quarried for sand and gravel by Tarmac. The other nearest residential properties to the proposed revised site plant location are situated to the north of West Deeping Village and are located approximately 300m to the south on the opposite side of the A1175.
7. The site is accessed via a new entrance that has been constructed onto King Street in accordance with an approved S278 Highways Agreement. Operations have commenced within the site insofar as soils have been stripped from part of the site and bunds have been partially constructed along the eastern and southern boundary.

Main Planning Considerations

National Guidance

8. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 17 - seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 109 - seeks to conserve and enhance the natural environment.

Paragraph 120 - seeks to prevent unacceptable risks from pollution and protect general amenity.

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

Paragraph 142 - recognises the importance of minerals reserves and the need to make best use of them.

Paragraph 144 - sets out a series of criteria to be taken into account when determining applications for minerals development, including ensuring that there are no unacceptable adverse impacts on the natural and historic environment and human health and that the cumulative effects from multiple individual sites are taken into account; ensure that any unavoidable noise, dust and particle emissions are controlled and mitigated and establish noise limits for extraction in proximity to noise sensitive properties; and provide for restoration and aftercare at the earliest opportunity to high environmental standards.

Paragraphs 186 and 187 – state that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and 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 applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraphs 215 and 216 - state 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 NPPF, with the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. Weight may also be given to relevant policies contained within emerging plans with greater weight being afforded to taking into account their stage of preparation and/or the extent to which there are unresolved objections to relevant policies.

Local Plan Context

9. **Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016)** – this document was formally adopted on 1 June 2016 and as a recently adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy DM1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc).

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact

would not result in significant 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 effects of a number of developments occurring either concurrently or successively.

Policy R1 (Restoration and Aftercare) states the proposals must demonstrate that the restoration of mineral workings will be of high quality and carried out at the earliest opportunity and accompanied by detailed restoration and aftercare schemes.

Policy R2 (After-use) states that proposed after-uses should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character and the natural and historic environment of the area in which the site is located. After-uses should enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources, safeguard best and most versatile agricultural land and after-uses including agriculture, nature conservation, leisure recreation/sport and woodland. Where appropriate, the proposed restoration should provide improvements for public access to the countryside including access links to the surrounding green infrastructure.

South Kesteven Core Strategy (SKCS) (2010) - forms part of the Development Plan and therefore, as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are considered to be of particular relevance (summarised):

Policy EN1 (Protection and Enhancement of the Character of the District) sets out a number of criteria against which all development proposals are required to be assessed including (amongst others) statutory, national and local designations of landscape features, including natural and historic assets; local distinctiveness and sense of place; the condition of the landscape; biodiversity and ecological networks within the landscape; visual intrusion; noise and light pollution, and; impact on controlled waters.

Emerging Local Plan Context

Site Locations Document (Pre-submission Draft) of the Lincolnshire Minerals and Waste Local Plan (November 2016) – this document sets out the proposed sites and areas that the Mineral Planning Authority proposes be allocated for future minerals and waste development. This document is to be submitted to the Secretary of State for formal Examination in April 2017. One of the site proposed for future sand and gravel extraction within this document comprises of an area of land located to the south of the A1175 and east of West Deeping Village (Site ref: MS29-SL). Although this site is proposed as a possible extension to the King Street development this is not expected to be delivered until around 2027.

Results of Consultation and Publicity

10. (a) Local County Council Member, Councillor T Trollope Bellew – who is also a member of the Planning and Regulation Committee will reserve his position until the application is heard by the Committee.
- (b) West Deeping Parish Council – has made a number of detailed comments including questioning the basis and justification for the proposed amendments and object on the grounds that the proposed relocation of the processing plant would have an adverse impact on the residents at the north end of West Deeping village. A summary of the main points/comments made is set out below:
- (i) Object to the application in its entirety as the applicant has not engaged in any pre-application discussions with the Parish Council.
 - (ii) Object to the proposed location of the plant site area as it would be 150m from the north end of the village and the closest possible position within the quarry site. The Parish Council is of the view that the location chosen would materially impact upon residents significantly and adversely resulting in a marked deterioration in their quality of life of a very long period of time.
 - (iii) The original consent received a number of objections from residents and the Parish Council and the existing approved location of the plant site area was agreed on the basis of these concerns. The applicant should not therefore be permitted to reverse the protection agreed previously by resident via this application.
 - (iv) In 2007 the applicant had previously stated that they were not proposing to erect a processing plant within the site and instead would haul extracted minerals to Manor Pit, Baston. The applicant should not therefore now be allowed to reverse this position and the Parish Council argues that if operations are to continue then minerals should continue to be hauled to Manor Pit, Baston.
 - (v) The Parish Council questions whether a Section 73 application is an appropriate procedure for CEMEX to seek the amendments sought. Although the Planning Officer has advised that this is appropriate, it is requested that the Committee ascertain that this is correct and seek formal external advice if necessary.
 - (vi) Land to the south of the A1175 and east of West Deeping village is currently being promoted through the Site Locations Document as an extension to the King Street site (Site MS29-L). Minerals extracted from this site are likely to be conveyed to the King Street site for processing and therefore the Parish Council argues that

the proposed amendments sought by this application should not be approved as it does not take into account the probable extraction site and their cumulative impacts on the West Deeping residents.

- (vii) There are three separate accesses onto King Street within a distance of 400m from the King Street/A11756 junction. Appropriate risk assessments and controls should be considered for this dangerous area.
- (c) Environment Agency – no objection.
- (d) Highway & Lead Local Flood Authority (Lincolnshire County Council) – no objection.
- (e) Natural England (NE) – has confirmed that the proposals would not have a significant adverse impact on designated sites and therefore has no objection.
- (f) Public Rights of Way (Lincolnshire County Council) – has confirmed that the proposal does not affect any definitive public rights of way.

The following persons/bodies were notified/consulted on the application but no response had been received within the statutory consultation period or by the time this report was prepared.

County Council Member, Councillor P Robinson (adjoining area)
Tallington Parish Council (adjoining Parish)
Barholm & Stowe Parish Council (adjoining Parish)
Langtoft Parish Council (adjoining Parish)
Environmental Health Officer (South Kesteven District Council)
Lincolnshire Wildlife Trust.

- 11. The application has been publicised by notices posted at the site and in the local press (Peterborough Evening Telegraph on 2 February 2017) and letters of notification were sent to the nearest neighbouring residents to the site.
- 12. Two letters have been received. One letter complains about mud on the public highway arising from the existing quarrying operations and another has been received from the nearest resident living to the site (Lodge Farm). This letter states that whilst it is accepted that the permission cannot be revoked, this application gives an opportunity to redress previous failures to impose sufficient and satisfactory operating conditions to reduce the impacts on residents in particular relating to noise limits and prevention of dust. The comments received relate to three main areas/points which are summarised below.

Noise: in order to achieve compliance with the recommended lower noise level limit as promoted in current Planning Practice Guidance (e.g. existing

background + 10dB) rather than the higher acceptable level of 55dB, it would be necessary to construct a 5m high bund over a length of 750m down the eastern side of the site. The applicant has argued that as noise level limits are currently unrestricted then to require the applicant to now comply with the lower figure would place an unreasonable burden on the operator and not be beneficial to the Lodge Farm inhabitants. This view is disputed as such a bund would be welcomed and could be constructed using as-raised mineral which could then be recovered and processed during site restoration. It is therefore argued that a 5m bund should be sought and secured in considering the current revised proposal and this should be a minimum of 500m in length.

Dust: the measures proposed within the submitted dust monitoring scheme are generally acceptable but it requested that a speed limit of 10mph is implemented within the site.

Bagging plant: it is suggested that the bagging plant be required to be removed no later than six months following the final cessation of mineral extraction operations and that only minerals extracted at the site should be used in its operations. Conditions could be imposed to prohibit the importation and processing of mineral derived from other site at the site.

District Council's Recommendations

13. South Kesteven District Council were consulted on 11 January 2017 but no comments/response had been received within the statutory consultation period or by the time this report was prepared.

Conclusion

14. Although the applicant could continue to carry out the development in accordance with the current conditions, instead a number of revisions are sought to the development. Therefore the applicant is seeking to vary the conditions attached to the consent in order that these amendments are reflected in the details referenced or approved by those conditions.
15. West Deeping Parish Council has questioned whether the proposed amendments are capable of being considered by way of a Section 73 application - especially as previous variations to the permission/conditions have been made because, at the time, the applicant had indicated that they were not proposing to erect a processing plant within the site. Whilst the comments made by the Parish Council are noted, Officers are satisfied that the proposed amendments are capable of being handled by way of a Section 73 application and therefore this application is valid. Although in 2007 the applicant had not intended to erect a processing plant within the King Street site, none of the conditions imposed on the amended 2007 consent actually removed the ability or rights for applicant to erect one in the future should this be required. The current application is seeking to allow amendments to be made principally to the design and location of the previously approved processing plant and silt lagoon as well as providing

further details of ancillary buildings and infrastructure within the site. Consequential amendments to the site layout and plans approved by the original consent are therefore required however the changes would not materially change the principle use or operations permitted to take place, the extent or nature of the method of working and restoration proposals or result in changes that would require a separate or wholly new planning permission. Furthermore the application has been considered against the relevant criteria of the EIA Regulations 2011 and a 'screening opinion' undertaken which confirms that the proposed amendments are not such that they are likely to give rise to significant effects and therefore require an EIA to be undertaken. Consequently, your Officers are satisfied that the application is valid and a Section 73 application is an appropriate method by which the proposed amendments can be sought.

16. In terms of the need and basis for the proposed amendments, these have arisen following a review of the details previously approved as part of the development. The amended and additional details submitted as part of this application intend to provide greater clarity over the type of processing plant to be installed at the site as well as further details of the various ancillary buildings and infrastructure which were not previously provided or detailed in the original application. Additionally, the proposed alterations to the site layout, including repositioning of the processing plants location, would enable greater integration between the various activities and deliver operational efficiencies such as reducing the haulage distances between the processing plant site and bagging plant facility and the distance waters would need to be pumped to and from the approved lagoon to the processing plant. Although the Parish Council has suggested that the revisions to the plant site location should be considered in the context of the potential to support future workings on the opposite side of the A1175 and to the east of West Deeping (currently being promoted as part of the emerging Site Locations document) your officers are satisfied that the proposed amendments can, and should rightly be, considered in the context of the existing permitted development at the King Street site which is capable of being carried out independent of any potential future proposals. The proposed future workings currently being promoted through the Site Locations document have yet to be formally accepted and adopted and therefore it is not considered reasonable or necessary to delay the determination of this application especially as the proposed amendments sought are considered to be beneficial and acceptable when considered in the context of the existing approved development. Therefore Officers see no reason why the proposed changes cannot be considered at this time and therefore a reason to delay or withhold the determination of this application.
17. In terms of the proposed revised and repositioned processing plant site area, it is accepted that the relocation of this to the southern end of the site would bring those operations closer to the properties located towards the north of West Deeping village (on the opposite side of the A1175). However, whilst the objections and concerns raised from the Parish Council about potential increased noise impacts on those residents are noted, these concerns are considered to be unfounded and are not supported by the

findings or conclusions of the noise assessment which has been carried out in support of this application.

18. The submitted noise assessment has considered the potential noise levels arising from temporary operations (i.e. soil stripping, bund formation, etc) as well as from normal operations including sand and gravel extraction, operation of the processing plant and new bagging plant activities on these properties. The assessment demonstrates that the resultant noise levels at these properties, and at Lodge Farm (the nearest property to the site), would fall within the maximum acceptable noise level limits of 70 dB LAeq for temporary operations and 55 dB LAeq for normal operations which is in line with those levels prescribed in National Planning Practice Guidance (PPG) and therefore Officers are satisfied that the revised development would not have an unacceptable advise noise impact on those residents. Furthermore, although a local resident has suggested that the lower noise level limit promoted in the PPG should be sought and applied (e.g. background level +10dB), in this case, this is not considered appropriate or reasonable for two main reasons.
19. The first reason is because in order to achieve the lower noise level limit promoted by the PPG a substantial bund would have to be erected along the eastern boundary of the site. To construct a bund of such a height (5m) and length (750m) would not only itself be an incongruous feature within the local landscape but would also likely require substantial changes to be made to the method of working in order to accommodate a bund with such a lateral footprint. A bund of this size so close to the property would also be imposing and have a negative impact on the outlook of the residents of Lodge Farm. Whilst the current occupier of this property has indicated that they would be willing to accept such a bund, ownerships can change and the Mineral Planning Authority have to consider protecting the interests of all residents (including future residents) living close to a development. For these reasons, a bund of this size and scale is not considered appropriate.
20. Secondly, whilst it is proper and right for Mineral Planning Authorities to seek to impose the lower limit promoted in the PPG when considering proposals for new mineral workings, in this case the current planning permission is unrestricted in terms of any noise control or condition. Consequently, the current fall-back position is a mineral development with no noise level control and whilst this is not common or in line with modern practice it is nevertheless lawful in this case. This application therefore presents the Mineral Planning Authority with an opportunity to try and redress this situation and to impose conditions to gain greater control over this aspect of the development. Given that the noise assessment has been able to demonstrate that the resultant noise levels from the site would fall within the higher acceptable limit as promoted by the PPG, then the development would be capable of being carried out in line with the current and latest guidance and therefore it would not be reasonable or justified to refuse the proposed amendments on that basis.

21. Finally, in response to the comments made by the Parish Council regarding the lack of pre-application engagement from the applicant, it should be noted that pre-application engagement is not mandatory and whilst it is encouraged by Officers, it does not prevent an application from being considered. With regard the comments and concerns about the close proximity and number of entrances on King Street, it should be noted that the location of the quarry's site access along with its design and specification has already been approved and agreed as part of a S278 Agreement. No changes are proposed to the general nature of the mineral extraction operations or the throughput of the site (as previously consented) and consequently no objections have been raised from the Highways Officer in this regard. Therefore the proposed revisions sought b this application would not exacerbate or result in any increased impact on highway safety over and above that which has already been deemed acceptable and for which measures have already been put in place to address (e.g. the construction of the site access and road widening).

Final Conclusion

22. In summary, it is considered that the proposed alterations to the site layout, including the relocated plant site, additional ancillary buildings, revisions to the freshwater and silt lagoons would not have a detrimental impact on the surrounding environment. The proposed changes would not result in any increased adverse visual or noise impacts over and above the existing consented development and the changes proposed would not undermine or significantly change the scale or nature of the method of working or restoration proposals for the site. As part of this application, it has also been possible to seek further clarity and control over elements of the development which were are currently secured as part of the consent and therefore would offer greater control over the site operations and ensure that they operate in line with more modern working practices.
23. Having taken into account all of the above, it is therefore concluded that the proposed amendments are acceptable and would not be contrary or conflict with the objectives of Policies DM1, DM3, DM17 and R1 and R2 of the CSDMP and Policy EN1 of the SKCS.
24. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which reflect and consolidates those cited on the various previous permissions and which updates and (where relevant) removes any which are no longer subsisting or capable of taking effect.
25. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these

rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S81/1588/89 (as amended by permissions S/0787/01 and S81/1112/07) has been implemented and therefore commenced.
2. The site shall be worked and restored in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
 - Statement in Amplification dated September 1989 and Report on the Soils and Agricultural Land Classification dated October 1989 as amended by the Revised Working and Restoration Scheme dated November 1995 and letter of clarification dated 24 November 1995 and details contained within the Planning Statement entitled 'S73 Application for Variation of Conditions 2, 10, 11 of S81/1588/89 and Discharge of Conditions 2 and 3 of S81/1112/07' dated December 2016.
 - Drawing No. 16_C033_WTDP – Site Plan (received 7 December 2016)
 - Drawing Nos. 16_P169_WD_001 to WD_0020 – Method of Working (received 7 December 2016)
 - Drawing P1/1425/4/8 - Final Restoration (received 7 December 2016)
 - Drawing No. 16_C033_WTDP-009 Rev.O – Aggregate Plant Layout and Traffic Management Plan (received 7 December 2016)
 - Drawing No. 16_C033_WTDP-010 Rev.O – Site Plan (received 7 December 2016)
 - Drawing No. 16_C033_WTDP-011 Rev.O – Elevation Through Aggregate Plant (received 7 December 2016)
 - Drawing No. 1611_P245_D_PWJ_B – Sections Through Bund (received 9 February 2017)
 - Drawing No. 1611_P246_D_PWJ_D – Section Locations (received 7 December 2016)
 - Drawing No. P1/1425/6 - Base of Mineral Contours (received 2 October 1995)
 - Drawing No. P1/1425/7 - Mineral Isopachyte Contours (received 2 October 1995)
 - Drawing P1/1425/11/3 - Advance Planting (received 7 November 1995)
 - Drawing No. 16_C033_WTDP_004 – Office/Weighbridge (received 7 December 2016)

- Drawing No. 16_C033_WTDP_005 – Canteen (received 7 December 2016)
 - Drawing No. 16_C033_WTDP_006 – Changing Room (received 7 December 2016)
 - Drawing No. 16_C033_WTDP_007 – Weighbridge Details (received 7 December 2016)
 - Drawing No. 16_C033_WTDP_008 – Bagging Building (received 7 December 2016).
3. No operations authorised or required under this permission shall be carried out except between the following times other than with the written consent of the Mineral Planning Authority:-
- 07:00 hours to 17:00 hours Monday to Friday
07:00 hours to 12:00 hours Saturday
- and no such operations shall be carried out on Sundays or Bank Holidays.
4. In addition to the details required and by Condition 13, the advanced planting as shown on Drawing No. P1/1425/11/3 (received 7 November 1995) shall be retained and all future hedgerow, tree planting and soft landscaping to be undertaken as part of the development shall be carried out in accordance with the sequence/phasing as set out in the RMC letter dated 19 November 2007 (as previously approved by the Mineral Planning Authority pursuant to Condition 4 of permission S81/1588/89) and Drawing No. P1/1425/4/8 (received 7 December 2016). All trees, shrubs and bushes shall be adequately maintained 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. All screening bunds shall be 3m in height and constructed in accordance with the details as shown on Drawing Nos. 1067-P169-WD-001 to 1067-P169-WD-020 (received 7 December 2016) and Drawing No. 1611_P245_D_PWJ_B (received 9 February 2017).
6. Unless otherwise agreed in writing by the Mineral Planning Authority all archaeological works undertaken as part of the development shall continue to be undertaken in accordance with the requirements previously approved and secured as part of the existing S106 Planning Obligation dated 24 September 1997.
7. The dust mitigation and monitoring measures as identified in the document entitled “Dust Monitoring Scheme” (received 7 December 2016) shall be fully implemented and all operations shall be carried out in accordance with this scheme throughout the course of the development.
8. No stockpiles of extracted and processed sand and gravel shall exceed 9 metres in height.

9. With the exception of the plant, machinery and buildings already approved as part of the development (as referenced in Condition 2) and notwithstanding the provisions of Schedule 2, Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no plant, machinery, buildings or equipment shall be erected or stationed on the site without the prior approval of the Mineral Planning Authority.
10. The site access, car parking and internal and vehicular turning and circulation areas as shown on Drawing No. 16_C033_WTDP-009 Rev.O (received 7 December 2016) and shall be kept available for use and swept or otherwise cleaned to prevent the accumulation of mud, dirt or debris whilst ever the development hereby permitted subsists.
11. During temporary operations, which includes soil stripping, overburden removal and the construction of overburden mounds/screening bunds, noise levels shall not exceed 70dB LAeq (1 hour, free-field) at any noise sensitive property.
12. Except for temporary operations, noise levels emitted from the site associated with the winning and working of minerals shall not exceed 55dB LAeq (1 hour, free-field) at any noise sensitive property.
13. No extraction operations shall commence within Phase 2 as shown on Drawing Nos. 1607_P169_WD_001 to WD_0020 until details of the additional temporary screen embankments to be erected around the archaeological area and northern boundary of the plant site area, along with details of infill and advanced planting on the western boundary of the site, have first been submitted and approved in by the Mineral Planning Authority. Following the approval of those details the additional screen embankments shall be constructed and the infill and advanced planting shall be undertaken prior to the commencement of extraction operations within Phase 2. All infill and advanced planting shall thereafter be adequately maintained 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.

Reasons

1. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).
- 2 & 9
To ensure the development is carried out in accordance with the details contained and approved within the original application and to ensure that the Mineral Planning Authority can adequately control the development to minimise its impacts on the amenities of the local area.
3. To reflect the permitted hours of operation and protect the amenities of local residents.

4, 5 & 8

In accordance with the details previously approved by the Mineral Planning Authority dated 19 January 1998 pursuant to permission S81/1588/89.

6. To ensure the archaeological interests of the site are adequately recorded in accordance with the requirements and details previously approved by the Mineral Planning Authority and secured as part of the accompanying S106 Planning Obligation.
7. To minimise the disturbance from operations and avoid nuisance to local residents from the effects of dust.
10. To ensure that the means of access to the site and vehicular circulation and parking spaces are provided in the interests of highways safety.
- 11 & 12
To minimise the disturbance from operations and avoid noise nuisance to local residents.
13. To improve the existing level of visual screening around the site so as to minimise the impact of the mineral extraction operations on the surrounding area.

Informatives

Attention is drawn to:

The development authorised by this permission is also subject of a Section 106 Planning Obligation dated 24 September 1997 and therefore should be read in conjunction with that agreement.

Appendix

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

Background Papers

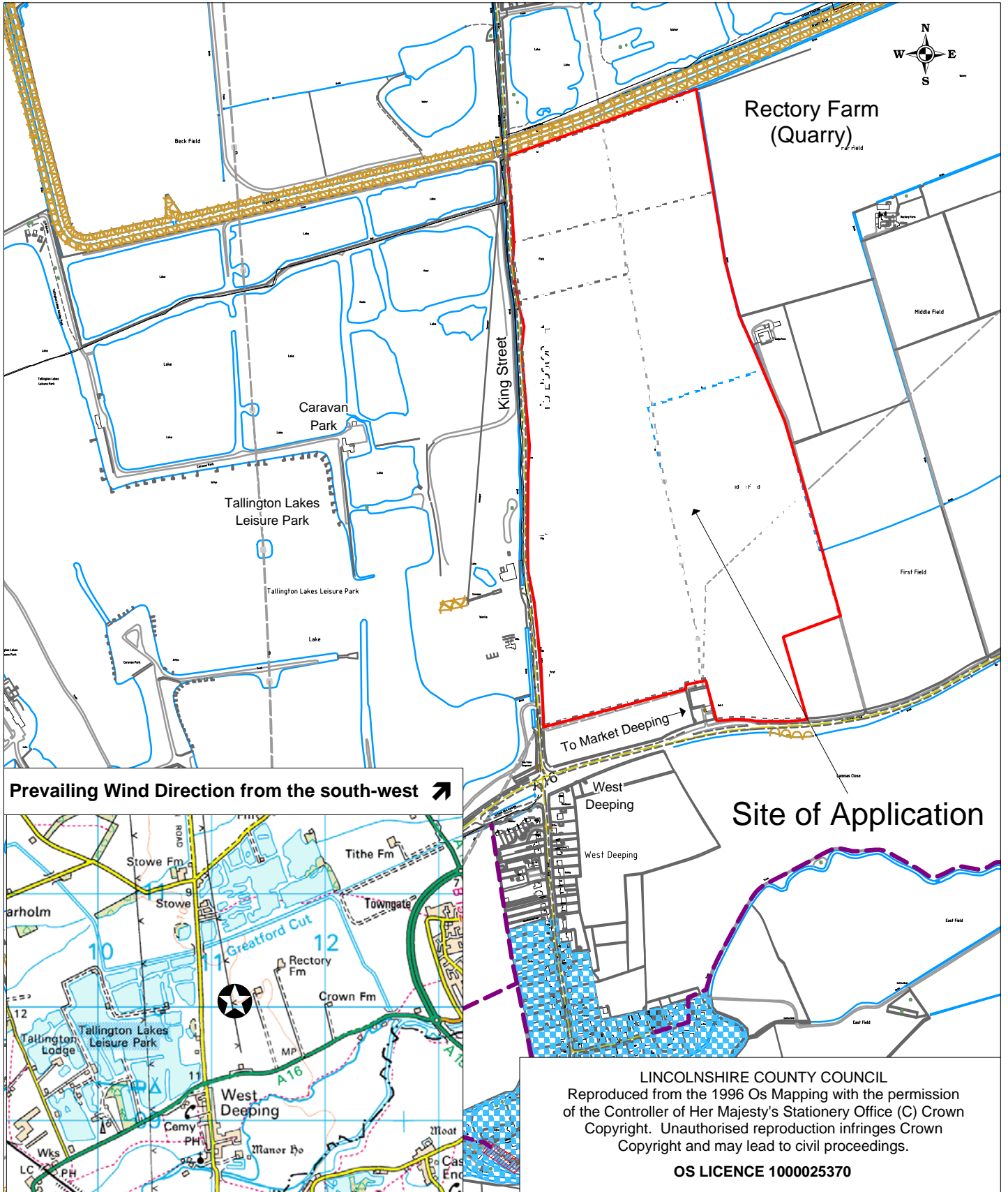
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S81/0053/17	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) Site Locations (Pre-submission Draft) November 2016	Lincolnshire County Council website www.lincolnshire.gov.uk
South Kesteven Core Strategy (SKCS) (2010)	South Kesteven District Council website www.southkesteven.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 6 MARCH 2017



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Location:
 Land East of King Street
 West Deeping
 Lincolnshire

Application No: S81/0053/17
Scale: 1:10,000

Description:
 To continue to extract sand and gravel without complying
 with conditions 2, condition 10 and condition 11 imposed by
 permission S81/1588/89 (as amended by permissions
 S81/0787/01 and S81/1112/07) together with the discharge
 of condition 2 and condition 3 of S81/1112/07.

**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	6 March 2017
Subject:	County Matter Application - (E)S86/0014/17

Summary:

Planning permission is sought by Paul Riddel Skip Hire Ltd (Agent: Ryland Design Services Ltd) to retain Biomass Boiler System at Paul Riddel Skip Hire Ltd, Hemingby Lane, Horncastle, Lincolnshire

Recommendation:

The key issues to be considered in this case are the impacts of the retaining the Biomass Boiler System on the amenity of occupants of the nearby residential properties, in particular the impact of smoke and odour.

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.

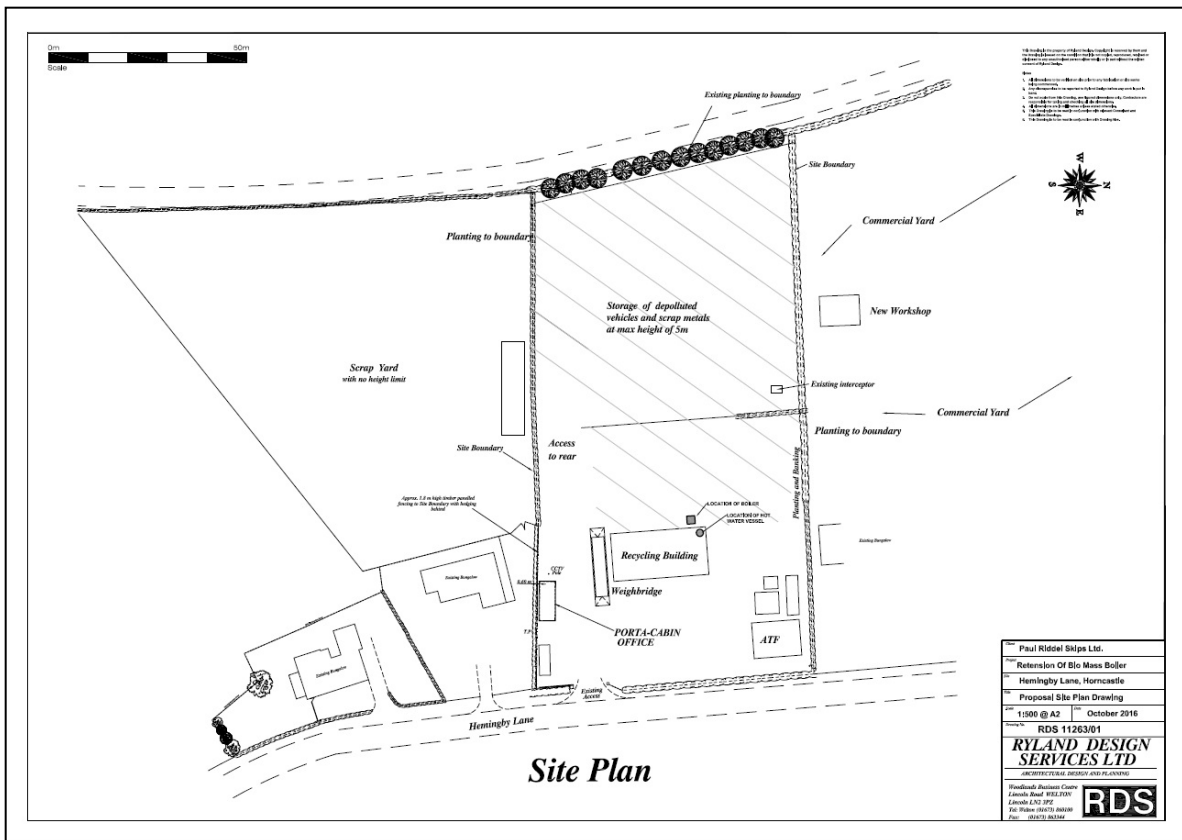
Background

1. Planning permission was granted in 1996 to use land and a building at Hemingby Lane for storage and recycling purposes. Further consents were granted in 1999 which allowed for the importation and storage of scrap metal in a designated area of the site and in 2000 planning permission was granted for an extension to the site area for waste transfer and storage. In 2004 a further consent was granted for an extension to the existing waste recycling centre which allowed for the depollution of end of life vehicles and handling of waste electrical and electronic equipment.

The Application

2. This application is retrospective as the biomass boiler was installed in March 2016 as part of a renewable heating incentive (RHI). It was the applicant's understanding that the installation of the boiler was permitted development and therefore did not require a separate planning permission. However, following discussions with the Local Planning Authority the applicant was informed that planning permission was required because:

- (i) the generating capacity of the unit was over 45kw and therefore exceeded that which was allowed under permitted development;
 - (ii) the flue exceeds the highest part of the roof by over 1m;
 - (iii) the fuel used to feed the unit is sourced from waste streams brought to the waste recycling facility and not specifically a biomass product purchased solely as an alternative fuel. Consequently, the unit is primarily used as a means to recover energy from waste wood streams and therefore a planning application was required.
3. The 100kw biomass boiler system comprises three main elements: the boiler unit and flue (which are located outside and to the rear of the substantial recycling building) and the hot water tank (which is located within the recycling building). The main feedstocks used by the system comprise of unpainted wood sourced from the applicants recycling business. The resulting energy is used to heat the building via warm air blowers whilst the associated tank provides a source of heat for drying clothes.



Plan 1 - Site Plan.

4. Following the installation and operation of the biomass boiler system complaints were made to East Lindsey District Council's Environmental Protection Officers (EPO) about smoke and odours from the site. Following a site inspection by the EPO, modifications were made to the system in order to try and reduce smoke, odour and pollution levels. These measures included increasing the height of the stainless steel flue, above the boiler unit, from 7m to 9m and the replacement of the original cowl with a more

suitable "jet" cowl. The applicant was also advised to not use certain materials/feedstocks as a fuel (e.g. painted timbers) and in order to ensure that suitable materials are used it was recommended that a notice be erected close to system identifying the type of materials to be used. It was also advised that the chamber of the boiler should not be over loaded prior to ignition.

Site and Surroundings

5. The scrapyards/waste recycling facility within which the biomass boiler and associated equipment is stationed is located on the northern edge of Horncastle. The substantial scrapyards/waste transfer station is rectangular in shape and is for the most part enclosed by a 1.8m high close boarded timber fence and conifer hedges, approximately 6m high. To the north, beyond the fencing and hedge is a substantial commercial yard, with the nearest residential property a bungalow, some 28m from the location of the boiler/flue. To the west is the River Bain beyond which are open fields. To the south another substantial scrap yard/waste recycling facility. To the east beyond the large recycling building and yard, fence and hedging is Hemingby Lane beyond is an area of housing "Oak Tree Meadow", the boundary of the nearest property is approximately 47m from the location of the flue. Immediately to the south of this area of housing is the County Council highways depot.



View from Hemingby Lane.



View from access road into Oak Tree Meadow at its junction with Hemingby Lane.



6. Within the site the Biomass boiler and flue is located adjacent to the site's substantial recycling building.



View of Biomass Boiler and flue from within scrapyard/waste recycling facility.

Main Planning Considerations

National Guidance

7. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 98 - supports small-scale renewable and low carbon energy generation projects and states that applicants need not demonstrate the overall need for renewable or low carbon energy and that the contribution that such projects provide to cutting greenhouse gas emissions should be recognised. Applications should therefore be approved if a developments impacts are (or can be made) acceptable.

Paragraph 120 - new development should be appropriate for its location and not have adverse effects on the natural environment or general amenity.

Paragraph 122 - land use planning should focus on whether a development is an acceptable use of land and the impact of the proposed use, rather than the control of processes or emissions themselves where they are subject to approval under pollution control regimes.

Paragraph 123 - development should not give rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts such as noise.

Paragraphs 186 & 187 - Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and 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 in the area.

Paragraph 215 - states that 12 months after the publication of the NPPF (March 2012) 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 plan to the policies in the framework the greater the weight that may be given).

Local Plan Context

8. Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (June 2016). The key policies of relevance in this case are:

Policy W3 (Spatial Strategy for New Waste Facilities) – states that proposals for new waste facilities, including extensions to existing facilities in and around identified main urban areas would be supported. Proposals for new waste facilities outside those urban areas would be supported where they are small scale.

Policy W7 (Small Scale Waste Facilities) – states that development of small scale waste facilities, including small extensions to existing facilities outside the urban areas identified in Policy W3 will be supported provided it meets the following criteria: there is a proven need to locate the facility outside the urban areas; it accords with all relevant Development Management Policies set out in the plan; it would be well located to the sources of the waste being managed; it is located on previously developed/contaminated/existing or planned industrial/employment land.

Policy DM1 (Presumption in Favour of Sustainable Development) states that the County Council will adopt a positive approach that reflects the presumption in favour of sustainable development.

Policy DM2 (Climate Change) states that developments should encourage ways of working which reduce the overall carbon footprint.

Policy DM3 (Quality of Life and Amenity) states that permission will be granted for development provided that it does not generate unacceptable adverse impacts arising from a wide list of matters, including noise, dust, odour, emissions and the migration of contamination to occupants of nearby dwellings and other sensitive receptors.

Policy DM17 (Cumulative Impacts) seeks to ensure that the cumulative impacts of development would not have significant adverse impacts on the environment of an area or on the amenity of a local community.

9. East Lindsey Local Plan 1999 (ELLP) - as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies 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.

10. East Lindsey Core Strategy (Publications Version) - November 2016 (ELCS). This document forms part of the emerging East Lindsey Local Plan, which was until recently was out to consultation. In line with paragraph 216 of the NPPF, given its stage of preparation, increased weight may be given to the policies contained within this document. The following policies are of relevance to this proposal:

Strategic Policy 27 (SP27) - Renewable and Low Carbon Energy - states that support will be given to small scale and micro renewable energy development, where their individual or cumulative impact, when weighed against the benefits, is not considered to have an unacceptable impact on residential amenity.

Results of Consultation and Publicity

11. (a) Local County Council Member, Councillor WJ Arron - notified on the 3 January 2017 but had not replied when this report was prepared.
- (b) Horncastle Town Council - support the proposal subject to the applicant complying with the relevant regulations covering emissions, types of materials used to fuel the system and height of flue.
- (c) Environment Agency (EA) - raised no objection.
- (d) Environmental Protection Officer (East Lindsey District Council) - has confirmed that since the installation and operation of the system substantiated complaints have been received. This has resulted in the applicant being required to make certain changes to the original equipment and advice has been given by the EPO on the types of materials/feedstocks to be used as well as guidance on the process

itself. The EPO has carefully considered the application the objections received during the consideration of this application and has confirmed that whilst the objections/representations of members of the public are noted they raise no objection to the retention of this unit subject to a condition being imposed to limit the fuel types used by the unit.

(e) Highways Officer (Lincolnshire County Council) – raised no objection.

12. The application has been publicised by notices posted at the site and in the local press (Horncastle News on 11 January 2017) and letters of notification were sent to the nearest neighbouring residents. Ten representations have been received as a result of this notification/publicity which raise concerns and objections to the proposals and are summarised below:

- Concerns regarding extent of consultation - comments received that given the previous complaints about the operation of the equipment it was felt wider consultation should have been conducted rather than just notifying directly adjacent properties. It is stated that the impacts of this development effect a greater number of residential properties than those directly consulted.
- Retrospective consent and non-compliance - concerns that the biomass boiler has been installed without the necessary approvals or planning permission first being in place. The applicant has therefore been operating the biomass boiler without consent and consequently how can local residents be assured that the applicant would comply now? Questions have also been raised about how the site would be monitored to ensure compliance.
- Impacts on residents and emissions - the operation of the boiler has resulted in thick, black, acrid smoke and pungent smells drifting over nearby residential properties due to the prevailing wind direction. There have also been occasions when the operations have resulted in it "raining ash". Due to these problems residents have had to close windows and cannot hang washing out. They have also been unable to sit out in their gardens and children cannot play outside. Given the prevailing wind direction nearby residents are subjected to virtually persistent exposure to smoke/odour resulting in a statutory nuisance.
- Impact on Health - concerns raised that the smoke being emitted could be toxic and could be damaging to local residents health, especially to children and older people.
- Impact on the Area of Outstanding Natural Beauty - comments have been received claiming that the site lies within the Lincolnshire Wolds AONB, and therefore this should be given additional protection. It is argued that this proposal would appear to at odds with this designation.

District Council's Recommendation

13. East Lindsey District Council have no objection to the proposal.

Conclusion

14. This application is seeking retrospective planning permission for the installation and operation of a biomass boiler which has been installed at the site. The boiler utilises waste woods derived from the waste transfer station and uses these as an alternative fuel source/feedstock and thus recover heat which is used to heat the building. The biomass boiler is therefore (in part) a small-scale waste facility (as it utilises waste wood) but also a renewable energy project.
15. The application is retrospective as the applicant installed the system believing it could be installed under permitted development rights and therefore did not require planning permission. The applicant was only made aware of the need to submit a planning application following a routine monitoring visit by the County Council's Enforcement Officer and consequently whilst the applicant has been operating the system without the necessary permissions having first been in place it is not illegal. However, as the applicant is now seeking planning permission to regularise the development, consideration can be given to the suitability and acceptability of this development in this location and any impacts arising from it upon the local area.
16. Whilst the proposal is not located within one of the urban areas identified in Policy W3, it would fall within the type of proposal which could be supported outside these urban areas, given the small scale nature of the proposal. Policy W7 sets out the criteria to be applied when considering the suitability of small scale waste facilities, this includes: identifying the need for the facility out with those urban areas identified in Policy W3; its ability to accord with all relevant Development Management Policies set out in the plan; the facility being well located to the sources of the waste being managed; and its location on existing industrial land. The biomass boiler provides heat to an existing, substantial industrial building located within a consented and working scrapyards/waste recycling facility on the edge of the town of Horncastle. Fuel for the boiler is sourced from the waste materials already brought to the recycling facility. It is therefore concluded that the proposal accords with these policies.
17. The provision of small scale renewable and low carbon energy generation projects are supported in the aims and policies of the NPPF, Policy DM2 of the Lincolnshire Minerals and Waste Local Plan Core Strategy, as well as Policy SP27 of the emerging East Lindsey Core Strategy. Paragraph 122 of the NPPF does make the distinction that planning authorities should concern themselves with the use of land and the impacts of a proposed use rather than the control of processes or emissions which are subject to approval under other pollution control regimes. These documents, together with the East Lindsey Local Plan are explicit in expressing the need for careful

consideration to be given to the possible impacts of development on the amenity of local residents. Paragraphs 120 and 123 of NPPF, Policy DM3 of the Lincolnshire Minerals and Waste Local Plan Core Strategy, Policy A4 of the East Lindsey Local Plan and Policy SP27 of the emerging East Lindsey Core Strategy, all indicate that development should not result in an unacceptable level of harm to the amenity of local residents.

18. The objections received during the consultation process have highlighted the impact that the operation of the biomass boiler has previously had and, if not operated correctly, could have on residential amenity as a result of black noxious smoke and odours being blown across the homes and gardens of the nearby residential estate. Prior to this application being made, and in order to resolve and address the issues and previous complaints made, the ELDC EPO visited the site and required certain changes to be made to the equipment which included an increase in the height of the flue and a change in the cowl at the top of the flue. Both of these alterations have been made and reduce the likelihood of smoke being drawn downward toward the properties and allow smoke to dissipate above the flue. In addition to these physical changes the EPO also highlighted the need for materials being feed into the boiler system to be limited to those identified in the Renewable Heat Incentive Emission Certificate (a copy of which was submitted in support of the planning application). The objections and representations received during the consideration of this application have been forwarded onto the EPO for their consideration and they have confirmed that despite the issues raised they no objection to the proposal given the changes that have already been made to the system and subject to the imposition of a planning condition to specify and restrict the types/nature of materials to be used to fuel the system. No objections have similarly been received from the Environment Agency or District Council. No objections have been raised regarding the visual impact of the equipment itself. As noted the boiler unit and flue are located to the rear of a substantial building some distance from the boundaries of this busy scrapyards/waste recycling facility, any visual impact is mitigated by the existing buildings, activities and boundary treatments.
19. Finally, concerns have been raised that consultation on this application was limited to only two properties directly adjacent to the site and that there was a need for a wider consultation given the number of complaints made by local residents prior to the application being submitted. The complaints made regarding the operation of the boiler were however made direct to East Lindsey District Council (acting as their role as Local Environmental Health Authority) and as such the Waste Planning Authority were unaware of these complaints at the time consultation was undertaken. Notwithstanding this, officers have individually notified occupiers of the properties which are adjacent to the applicants scrapyards/waste transfer facility as well as publicising the application in accordance with the statutory requirements by means of a site notice on Hemingby Lane close to the site and the access into the nearby "Oak Tree Meadow" housing estate as well as a notice in the local press (the Horncastle News). As a result, of this publicity and notification representations have been received and therefore it is

considered that appropriate level of consultation and notification has been achieved.

20. Overall, although the objections from local residents are noted, having had regard to the changes already made to the biomass boiler system and subject to the imposition of a condition to restrict the types of materials permitted to be used, it is considered that the operation and emissions from the system would meet the necessary requirements and regulations and not have an unacceptable adverse impact on local residents and therefore accord with the relevant policies of the NPPF and the Development Plan.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted to be retained shall be undertaken out strictly in accordance with the details set out in the application and supporting documents received on the 7 November 2016 and 13 December 2013, and the following plan: Proposal Site Plan Drawing RDS 11263/01, received 7 November 2016.
2. The feedstock/materials permitted to be used as a fuel shall be limited to clean untreated wood including sawdust, wood shavings, logs, pallets and waste wood. No other wastes shall be used as fuel for the biomass boiler system.

Reasons

1. To ensure the development to be retained/carried out is in accordance with the approved details.
2. For the avoidance of doubt and in the interests of local amenity.

Appendix

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

Appendix A	Committee Plan
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Background Papers

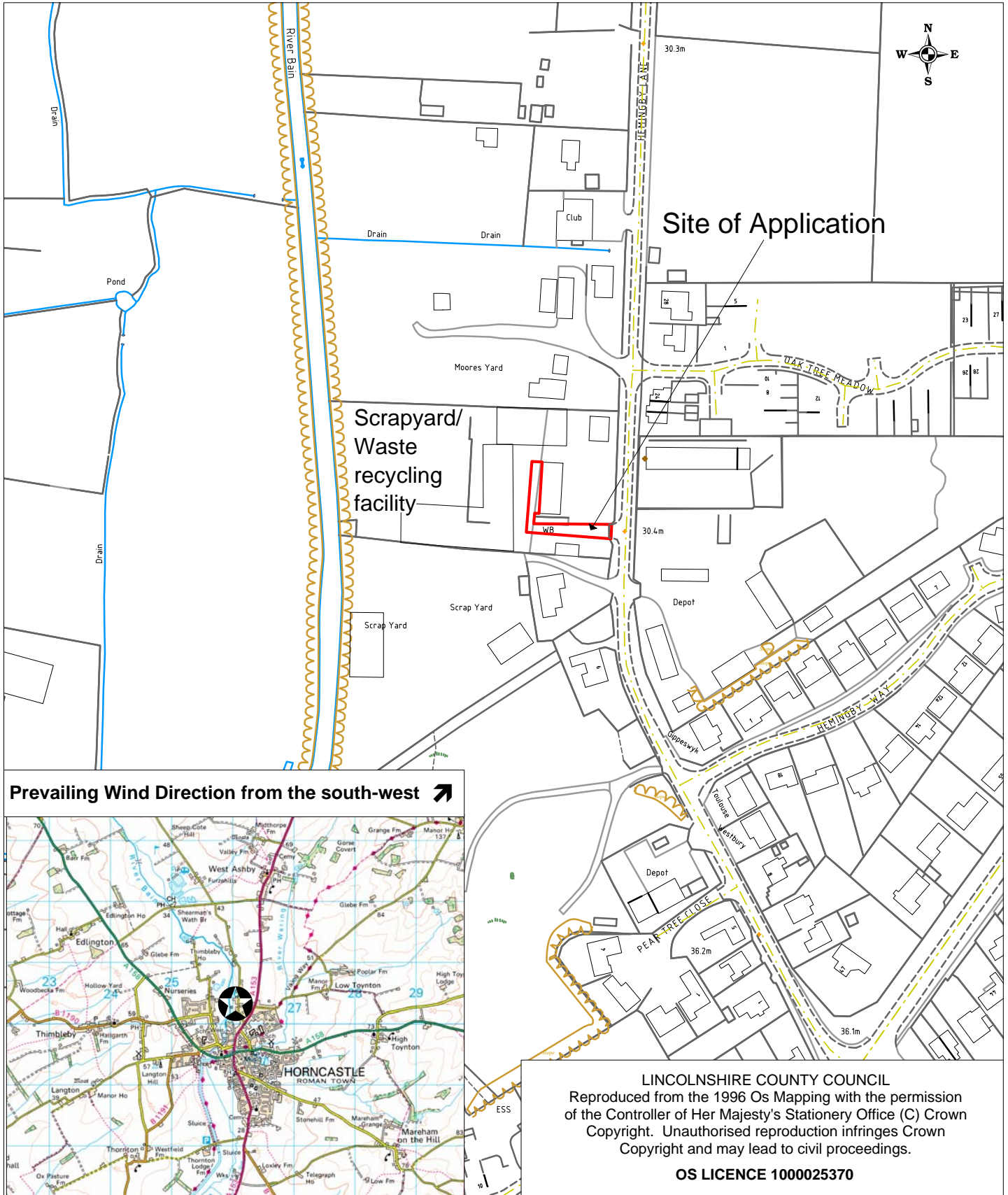
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S86/0014/17	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website www.gov.uk
East Lindsey Local Plan 1999 (ELLP) East Lindsey Core Strategy (Publications Version) - November 2016 (ELCS)	East Lindsey District Council website www.e-lindsey.gov.uk/

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 6 MARCH 2016



Location:
 Paul Riddel Skip Hire Ltd
 Hemingby Lane
 Horncastle

Description:
 To retain biomass boiler system

Application No: S/086/14/17
Scale: 1:2500

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