

**PLANNING AND REGULATION  
 COMMITTEE  
 3 APRIL 2017**

**PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)**

Councillors 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

Councillor A M Austin attended the meeting in connection with minute 88.

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Andy Gutherson (County Commissioner for Economy and Place), Marc Willis (Applications Team Leader) and Mandy Wood (Solicitor)

83 APOLOGIES/REPLACEMENT MEMBERS

None

84 DECLARATIONS OF MEMBERS' INTERESTS

The Committee agreed that the statement made at the Committee on 6 March 2017, in connection with this planning application (minute 77), should also apply to this application as the matter had been deferred pending a site visit (minute 87(a)).

85 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 6 MARCH 2017

RESOLVED

That the minutes of the previous meeting held on 6 March 2017, be agreed as a correct record and signed by the Chairman.

86 MINUTES OF THE SITE VISIT TO CEMEX UK OPERATIONS LTD, WEST DEEPING HELD ON 10 MARCH 2017

RESOLVED

That the minutes of the site visit held on 10 March 2017, to the Cemex UK Operations Ltd, site east of King Street, West Deeping (planning application No. S81/0053/17), be agreed as a correct record.

87 COUNTY MATTER APPLICATIONS

- 87a Supplementary Report - 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) at land east of King Street, West Deeping - S81/0053/17

(Note: Only those members who had attended the site visit on 10 March 2017, were permitted to participate in the discussion and voting on this application, namely: Councillors D Brailsford, I G Fleetwood, D Hunter-Clarke, D McNally, N H Pepper, Mrs J M Renshaw, T M Trollope-Bellew and W S Webb.

James Brown, representing the applicant, commented as follows:-

- Outlined the history of the site.
- The proposal included a more modern and efficient plant.
- The new plant was an environmental improvement compared to the original plant.
- The plant was nearer to a shorter haul road. Therefore, HGVs did not have to travel as far and the amount of dust was reduced.
- The site was further away from residential development.
- The revised site location avoided the need to use a pump.
- The new plant was in a less prominent location.
- Current bunding in the vicinity of the site was already 4m.
- Receptors were in place to prevent unnecessary noise and dust.
- Dust suppression measures were in place.
- Extra vegetation would be planted to screen the site.
- No objections to the application had been received from statutory consultees.

Comments by the Committee and the response of officers, where appropriate, included:-

- It was noted that the current screening bunds were 4m in height and that one of the proposed conditions was to reduce these to 3m. Officers stated that Cemex had no objection to the screening bunds being either 3m or 4m in height.
- Noise was not an issue for local residents and the height of the bunds for screening should remain at 4m.

- It was clear from the site visit that the site was well run.
- It was noted that while West Deeping Parish Council had stated that the proposal would affect the quality of life at the north end of the village a resident in the consultation process supported the application.

Officers stated that while 4m high screening bunds was appropriate in the vicinity of West Deeping the remaining bunds on the applicant's site should remain at 3m as the surrounding area was flat. The conditions would be amended accordingly to reflect the wishes of the Committee and the officer's comments were supported by the Committee.

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

RESOLVED (8 votes for and 0 votes against)

That planning permission be granted subject to the conditions detailed in the report and that the bunds nearest to West Deeping remain at 4m with any necessary amendments made to the conditions.

88 TO VARY CONDITION 3 OF PLANNING PERMISSION B/0435/16 TO EXTEND THE RANGE OF PERMITTED FEEDSTOCK MATERIALS INCLUDING THE USE OF REFUSE DERIVED FUEL (RDF) - BIOMASS UK NO. 3 LTD (AGENT: POWER CONSULTING (MIDLANDS) LTD AT RIVERSIDE INDUSTRIAL ESTATE, MARSH LANE, BOSTON - B/0051/17

Since the publication of the report responses to consultation had been received and were detailed in the update to the Committee which could be viewed on the Council's website as follows:-

- Third Party/Public Representation
- Local County Council Member, Councillor A Austin
- The Planning Manager's Response to the consultations.

John Chester, an objector, commented as follows:-

- Was a member of the local Parish Council.
- Was concerned about any increase in the number of HGVs going to the plant passing through the centre of Boston and creating environmental problems.
- Requested a deferral of the planning application to allow an agreement to be arranged which would ensure that HGVs would use the A15/A16 to gain access to the application site.
- Leachate from the site entering local drains and causing an odour as surrounding land was flat.
- Water from the application site would pass residential housing at Frampton Marsh and Fishtoft and odour would be an issue.
- The source of the RDF to be used by the applicant was unknown.

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(Note: Councillor C L Strange requested that a note should be made in the minutes that because of a comment made by John Chester when he was the Executive Councillor for Waste, stated he would not take part in consideration of the application).

In response to a comment from a member, officers stated odour could not be an issue as piling was the only thing currently taking place on the site.

Richard Frearson, representing the applicant, commented as follows:-

- In the long term it was proposed to broaden the fuel base and there would be a reduction in the use of wood chip.
- The use of different fuels included the use of RDF which was a recognised product.
- The effects of the use of different fuels on public health would be considered and £20m of air quality equipment would be installed.
- Explained the proposed technology to be used and air quality would not be affected.
- HGV deliveries to the plant would not be excessive and the plant was capable of running below its proposed operational tonnage levels.
- The plant met EA standards.

Questions by the Committee and responses of Richard Frearson included:-

- Would a comprehensive list of the content of any RDF used be provided to the Council? Richard Frearson explained that rigorous fuel controls would be in place to deal with emissions and the EA had the power to close the plant down if air quality standards were not met. Both the applicant and the EA had responsibility for monitoring of the plant. The plant would be rigorously maintained including any major outages.

Councillor A Austin, the local Member, commented as follows:-

- Had submitted representations about the application but had not commented until she knew about the precise details application. The application had now appeared on the Boston Borough Council planning list for consideration.
- There had been consultation about the application nine years ago but the application had changed since then. There had been concerns at that time about the proposed fuel stock to be used at the plant and transport arrangements.
- Was satisfied that there was to be no increase in the movement of vehicles using the plant than that proposed nine years ago.
- Drew attention to correspondence received from a member of the public expressing concerns about the use of RDF and this correspondence had been brought to the attention of the County Council.
- Drew attention to other businesses located on the industrial estate where the application was proposed and some of these businesses required a clean environment.

- Noted that Wyberton Parish Council had been consulted but that Boston Town Council also needed to be consulted.
- Stated that if local businesses and residents could be reassured that any waste products used or stored at the plant were not noxious then she had no problem with the application.

Comments by officers included:-

- The issues raised by a member of the public in the update in connection with the use of RDF were addressed in the update and met all the statutory requirements.
- No changes were proposed in HGV movements and Highways were satisfied with the arrangements.
- Odour issues had been addressed and there had been consultations with all relevant agencies, businesses and the public. Boston Town Council did not exist and the area was the responsibility of Boston Borough Council who had been consulted.

Comments by the Committee and the response of officers, where appropriate, included:-

- Concern that some local residents had not been consulted.
- Concern about different emissions from the plant's chimney. Would the Council receive a list of the contents to be burnt at the plant? Officers stated that details of the RDF content were detailed on the update and all materials used in the RDF had to meet stated calorific values. The EA's permit specified emission levels and no issues had been raised in this respect. RDF was a recognised product and emission details were specified in the permit.
- Clarification was required about the content of any sitting water in local water courses. Officers stated that drainage and surface water issues had been addressed and met statutory requirements.
- Could any comparison be made between this application and the Energy from Waste plant at North Hykeham? Officers explained that there were some similarities but that the technology and processes used in both plants was different.
- Would emissions from the plant be noxious? Officers stated that all emissions were controlled by the EA permit.
- With regard to water standing in drains causing odour a member stated that this should not cause a problem as any outfall of water should be lower than the input of water entering the plant. Officers stated that as the plant was not operational yet odour from standing water was not an issue.

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

RESOLVED (14 votes for, 0 votes against and 1abstention)

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

89 OTHER REPORTS90 THE REVOCATION OF THREE HAZARDOUS SUBSTANCE CONSENTS RELATING TO THE THEDDLETHORPE GAS TERMINAL, THEDDLETHORPE ST HELENS, MABLETHORPE

The Committee received a report in connection with a request to the County Council from Conoco (UK) Ltd for the Council to exercise its powers as the Hazardous Substance Authority to revoke three Hazardous Substances Consents (HSCs) which related to the Theddlethorpe Gas Terminal, Theddlethorpe St Helens, Mablethorpe, Lincolnshire. The site had previously been the subject of three HSCs and aligned the site operations with the other major safety consent Control of Major Accident Hazards. Following the grant of that consent, the applicant had requested that the County Council revoked the three older HSCs as they were no longer relevant and their existence posed as a significant planning constraint for future development.

RESOLVED (unanimous)

That, following consideration of the relevant information, the making of the Order to revoke Hazardous Substance Consents Ref No's N180/1734/93; N/180/1013/96 and (E) N/180/665/99, be approved.

The meeting closed at 11.35 am