



County Offices
Newland
Lincoln
LN1 1YL

4 January 2019

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 14 January 2019 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 cursive script that reads 'Debbie Barnes'.

Debbie Barnes OBE
Head of Paid Service

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

Councillors I G Fleetwood (Chairman), T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner, H Spratt, M J Storer and C L Strange

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 14 JANUARY 2019**

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 3 December 2018	5 - 14
4.	County Matter Applications	
4.1	Application to amend conditions 2, 3, 4, 6, 11 & 15 and the removal of condition 10 of Planning Permission S37/0354/16 to allow the importation of new waste feedstocks and the construction of associated infrastructure as replacements for approved plant and equipment at Land East of A1, Gonerby Moor, Grantham - Cornerstone Planning Ltd - S18/2119	15 - 40
4.2	For the processing and storage of construction, demolition and excavation wastes to produce soils and aggregate products at Agricultural Field, Land off Barrier Bank, adjacent to Decoy Farm, Spalding Road, Crowland - Mr Jeremy Stock - H02-1146-18	41 - 62
5.	Other Reports	
5.1	Monitoring of Operations at Biscathorpe Oil Exploration Site	63 - 68

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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

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**PLANNING AND REGULATION
COMMITTEE
3 DECEMBER 2018**

PRESENT: COUNCILLOR T R ASHTON (VICE-CHAIRMAN, IN THE CHAIR),

Councillors B Adams, Mrs A M Austin, D Brailsford, T Bridges, Mrs P Cooper, Mrs J E Killey, D McNally, N H Pepper, S P Roe, P A Skinner, H Spratt and C L Strange

Councillors: R Wootten attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Planning Manager) and Mandy Withington (Solicitor)

56 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors L A Cawrey, I G Fleetwood and Mrs A M Newton.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillors B Adams, Mrs A Austin and A Bridges to the Committee, in place of Councillors L A Cawrey, Mrs A M Newton and I G Fleetwood, respectively, for this meeting only.

57 DECLARATIONS OF MEMBERS' INTERESTS

It was noted that all members of the Committee had been lobbied in connection with minute 63, by residents, including a letter from David M Dennis, Stenigot Estate Company, dated 29 November 2018 and a letter from Mathilda Dennis, by email, dated 3 December 2018. Officers stated that they were aware of the correspondence.

Councillor T R Ashton requested that a note should be made in the minutes that he was the Executive Councillor for Planning at East Lindsey District Council and that he had had no input or involvement in connection with these planning applications in East Lindsey District Council's capacity as a consultee (minutes 63 and 64).

Councillor B Adams requested that a note should be made in the minutes that he was a member of South Kesteven District Council because the application was located in the District Council's area (minute 60).

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Councillor C L Strange requested that a note should be made in the minutes that he was a member of the Lincolnshire Wolds AONB Joint Advisory Committee (minutes 63 and 64).

58 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 5 NOVEMBER 2018

RESOLVED

That the minutes of the previous meeting of the Committee held on 5 November 2018, be agreed as a correct record and signed by the Chairman.

59 TRAFFIC ITEMS

60 MANTHORPE VILLAGE A607 - REQUEST FOR A SPEED LIMIT REDUCTION

The Committee received a report in connection with a request to reduce the existing 40mph speed limit to 30mph in Manthorpe Village, near Grantham, as shown in Appendix B of the report.

The report detailed the background to the request, the existing conditions and the proposals.

Councillor R Wootten, the local Division Member, commented as follows:-

- At the last road census 14,802 vehicles used the A607 at this location.
- Planning approval had been given to the construction of 480 residential homes in the vicinity of Belton Lane, near Manthorpe Village.
- The introduction of a 30mph speed restriction on Low Road, Manthorpe met the Department for Transport's guidance.
- Many parents with young children used Low Road.
- The local Parish Council had monitored the speed of traffic and had found that traffic was travelling in excess of 40mph.
- The proposals in the report were supported by the Executive Councillor for Highways, Transport and IT, Manthorpe Parish Council and the local District Councillor.
- There had been many accidents at the junction of Belton Lane and the A607.

Comments by Members and responses by officers, included:-

- The A607 was a dangerous road.
- A lot of development was planned in the vicinity of Manthorpe Village and a reduction in the speed limit should be examined before the development took place.
- It was noted that planning permission had already been given to the housing development and construction.

On a motion by Councillor B Adams, seconded by Councillor D McNally, it was –

RESOLVED (unanimous)

That a reduction in the speed limit from 40mph to 30mph on the A607 and Low Road, Manthorpe, as detailed in Appendix B of the report, be approved to enable the necessary consultation process to bring this into effect may be pursued.

61 WATERSIDE SOUTH, LINCOLN - PROPOSED RESTRICTED PARKING ZONE AND CHANGES TO PARKING AND LOADING RESTRICTIONS

(NOTE: Councillor H Spratt requested that a note should be made in the minutes that he was a member of the City of Lincoln Council)

The Committee received a report in connection with objections received to an experimental traffic regulation order brought into effect in July 2017 at Waterside South in the area of City Square, Lincoln. The order imposed a restriction on parking throughout the area, except where bays were provided for disabled parking and for loading/unloading by goods vehicles.

The report detailed the background, the proposal, consultations, objections received and the comments of officers on the objections received.

Comments by Members included:-

- It was noted that the new nearby City of Lincoln car park was now open and an enquiry as to the level of take up by blue badge holders within the disabled bay allocation here was made. Officers stated that they did not have this information available but could get it from the City of Lincoln Council.
- There had been extensive building improvements made in this area in recent years by the City of Lincoln Council and the restrictions were welcomed.
- It was noted that limited car park provision was still provided for blue badge holders.

On a motion by Councillor J E Killey, seconded by Councillor D Brailsford, it was –

RESOLVED (unanimous)

That the objections be overruled and the restrictions imposed by the experimental order be made permanent.

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62 COUNTY MATTER APPLICATIONS

63 RETROSPECTIVE APPLICATION FOR THE TEMPORARY
INSTALLATION OF SIX SITE SECURITY AND WELFARE CABINS, FOUR
WATER BOWSERS, GENERATOR AND ASSOCIATED FACILITIES AT
LAND NORTH-WEST OF BISCATHORPE HOUSE, BISCATHORPE,
LOUTH - EGDON RESOURCES UK LIMITED (AGENT: BARTON
WILLMORE LLP) - N/059/02114/18

Since the publication of the report correspondence had been received from Donnington and Bain Parish Council, local residents together with the Planning Manager's response to the correspondence, as detailed in the update, which had been circulated to the Committee and published on the Council's website.

Since the receipt of the update, officers reported the receipt of further correspondence from Mathilda Dennis, received by email, dated 3 December 2018 and from Councillor C E H Marfleet, local Division Member, dated 3 December 2018, both objecting to drilling in an Area of Outstanding Natural Beauty (AONB). Councillor C E H Marfleet's comments were read out to the Committee and included the following:-

- He was against proposals of industrialising the Lincolnshire Wolds with planning permissions that in this case was not sustainable or providing a solution that would have an impact on the UK's future solution for power and energy.
- There was a lot of dismay amongst local people, local communities and further afield.
- No Environmental Impact Assessment was required as championed by Natural England, a national organisation yet recommended by the Lincolnshire Wolds with local knowledge.
- Currently there was an issue of some form of contamination regarding the River Bain within the Horncastle area catchment yet there seemed little response by the Environment Agency to solve the issue.
- There had been a lack of respect to planning conditions by Egdon Resources regarding access and traffic and we were now seeing a lack of proper planning and organisation, hence retrospective planning and this was meant to be a professional drilling company.
- Main concerns currently were about correct and on-going monitoring, starting with an appropriate base line in which to monitor against.
- Leadership and professionalism needed to be seen that gave public confidence, not conditions being broken or breached or not enforced or retrospective planning showing lack of organisation.
- It seemed from a public perceptive that Egdon Resources could set its own agenda re: approach, attitude and monitoring, with national organisations such as the Environment Agency and Natural England which gave the public image of not interested or bothered.
- This was a sensitive area, an AONB with a chalk stream with great communities and tourism links, not an industrial site.

- He urged the Committee to acknowledge the concerns of the communities in relation to monitoring, breaches and lack of organisation when taking into account their decision regarding this application.

Nick Bodian, representing objectors, commented as follows:-

- Spoke on behalf of many local residents who had formally expressed their concerns about the Biscathorpe oil exploration critically situated in the Wolds AONB.
- Highlighted the risks to health and to the local environment, especially to the River Bain, an exceptionally rare chalk stream located adjacent to the oil pad.
- The applicant, despite their boasts of expertise and experience, seemed unable to plan ahead. They had failed to complete a proper risk and security assessment of the site as they had now installed an extra six cabins to accommodate an increase in security personnel without prior consent from this Committee.
- This had involved additional impact in terms of noise, lighting, waste and vehicles.
- The background to this unauthorised action referred to “the potential threat of protestors gaining access to the site”. Typically, 2 or 3 local villagers had protested peacefully and lawfully at the site entrance - expressing their genuine concerns about the drilling in their neighbourhood. The response by Lincolnshire Police (presumably at Egdon’s behest) to these low level protests had been disproportionate - 8 police officers in 4 vehicles to engage with 3 local ladies at the gate.
- The security cabins and ancillary equipment were delivered on a narrow lane next to Biscathorpe park and the chalk-stream and not by the designated access track off the B1225.
- Construction of the drill pad had been undertaken prior to the completion of the designated track, with construction traffic again entering the site by the narrow lane - a clear breach of planning.
- Would the Committee impose sanctions against the applicant in response to these breaches?
- Breaches of working hours and absence of proper warning signage on the dangerous B1225 (important conditions detailed in your planning consents) were reported to the Council in the early days of construction. The Council’s response included a request that local residents log vehicle registration numbers and timings.
- Who was the regulatory body here? Where was the scrutiny and control that the community were promised? Was the onus to rest with local residents to monitor the activities of the applicant who had demonstrated from the start a cavalier disregard for planning conditions.
- Given this situation on what basis do the Committee trust Egdon Resources to safely carry out high risk, deep drilling that posed such a threat to the ecology of the Bain Valley?
- In evaluating Egdon’s competency, the Committee was asked to note that last week North Lincolnshire Council, who with the advantage of having seen Egdon’s exploratory drilling in action, again refused permission for Egdon to

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continue at Wressle, due to ongoing doubts relating to the very serious safety issues raised at the Public Inquiry into their activities there.

- Please acknowledge our concerns and rule in favour of the local interest. Reject this and all further applications and remove the real risks to our health and to the local environment.

Nick Bodian in response to a question from the Committee on whether the cabins were intrusive, stated that the Applicant had breached planning conditions and had shown a lack of professionalism.

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

- This application sought retrospective planning permission for the temporary installation of six site security and welfare cabins, water bowsers, generator and some associated facilities adjacent to the Biscathorpe wellsite.
- Egdon worked closely with the police at both the national and regional level to ensure that its well sites were as secure as possible from illegal trespass by protestors. As plans progressed to build the Biscathorpe site, Lincolnshire Police advised Egdon that its intelligence indicated that the site would be targeted by protestors during the construction stage. The police expected the well site to be 'target hardened' to a high standard during all phases of development when protestor activity could arise. As a responsible operator, Egdon had to identify and implement all security options to ensure that the well site, personnel and assets were given a high degree of protection, on the advice of the police.
- Six security and welfare cabins, together with water bowsers and a generator were brought to site on Monday 1 October. The units enabled up to six personnel to patrol and manage the main access track and the site works, 24 hours a day. The cabins had been located on an existing hardstanding surface, beside a large steel portal building used as part of the Biscathorpe Farm, in order to minimise the impact on the wider landscape. Egdon acted quickly to regularise the installation of the cabins by arranging for placing public notices within the parish of Gayton le Wold and in the local newspaper for the minimum statutory period of 7 days before submitting the application to the County Council on 9 October.
- The need for the site cabins on site had been fully justified. Protestors had been present on a daily basis at the main entrance off the High Street in Biscathorpe and they continued to approach the rear entrance close to Biscathorpe Farm.
- Although the number of protestors was small, there had been, and continued to be, daily attempts to obstruct and prevent HGVs getting to and from the site. There were a number of sub-contractors, suppliers and third parties on site daily.
- Officers from this Council and the Environment Agency had been on site on a weekly basis to inspect and ensure that planning and permitting conditions were met and Egdon had a duty of care to ensure their safety.
- In addition, Egdon had a responsibility to the landowners, his property and his land to ensure that there was no damage, trespass or unlawful incursion that occurred as a result of Egdon's activities.

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- Site construction was now near completion and the security cabins had been removed from the site for which this planning application applied and relocated to the well site for the drilling stage of operations. Planning permission already existed for the site security cabins and ancillary facilities to be onsite during drilling and production testing.
- None of the statutory consultees had raised an objection.
- A number of objectors had tried to tie the application to the existing permission for the wellsite. These were irrelevant and had no bearing on the current application which simply sought a temporary permission for security cabins. The accusation that Egdon should have included these in the approved plans was unfair. We needed to respond to concerns raised by the Police and cater for security facilities when advised to.
- In summary, the justification for installing the security units, based on the advice of the Police, had been proven. There had been no adverse impact upon the AONB as the units were in place for a temporary period of two months. We ask the Committee to follow your officers' advice and approve this temporary application.

Paul Foster responded to questions by Members as follows:-

- He stated that the site cabins had been brought on to the applicant's site by the rear entrance as the access road from the B1225 had not been constructed on 1 October. The cabins had needed to be in place before construction started and following police advice it was necessary to bring the cabins in by the narrow C road.
- He stated that he was not aware of any breach of conditions of either this application or the application in May.
- He stated that the siting of welfare cabins had been approved by the Committee in May and it had been necessary to submit a retrospective application for the siting of security cabins on the advice of the police and the County Council.
- There were no environmental considerations arising from the application and the Environment Agency had raised no concerns.

Comments by Members and responses by officers, included:-

- Officers confirmed that a meeting between the applicant and the officers had taken place at the end of September and the applicant had forewarned the Council that an application would be submitted. While officers had concerns at the time it was noted that the security cabins had been requested by the police.
- It was noted that the applicant had stated that the site had been cleared before "31 January 2019" as detailed in condition 1. Officers stated that they were not sure if the site had been reinstated but were due to visit the site this week.
- If these cabins had been required for farm workers this would not have caused any issues and the security cabins had now been removed.
- Although not illegal retrospective applications were becoming more common and caused more work for the public. Developers needed to be aware of the social and psychological impact of planning applications on the public.
- The setting up of a Community Liaison Group was welcomed.

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- Officers stated that there would be no significant impact of refusing the application as the security cabins had been removed from the site and the applicant was required to reinstate the site in accordance with condition 1.
- The comments by the local Division Member were supported.
- Natural England was a statutory consultee and it was difficult to uphold an objection as they had not objected when the application was submitted in May.
- Lessons needed to be learnt from this case to avoid public hostility in the future and, where appropriate, to liaise with the police.
- Officers were aware of the breaches in conditions arising from today's application but did not take any action as they were aware that the application would be submitted to the Committee. The setting up of a Community Liaison Committee was welcomed.
- Officers would submit an update on the monitoring of the site to the next meeting.

On a motion by Councillor D McNally, seconded by Councillor D Brailsford, it was –

RESOLVED (11 for, 0 against and 1 abstention)

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

64 PRIOR NOTIFICATION TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) ORDER 2016 UNDER SCHEDULE 2, PART 17, CLASS KA FOR THE DRILLING OF GROUNDWATER MONITORING BOREHOLES AT LAND OFF HIGH STREET, BISCATHORPE, LOUTH - EGDON RESOURCES UK LTD (AGENT: BARTON WILLMORE LLP) - PL/0124/18

The Committee received a report in connection with a prior notification received under the provisions of Schedule 2, Part 17, Class KA of the Town and Country Planning (General Permitted Development) (England) Order 2016 (Amendment) Order 2016 from Egdon Resources UK Ltd who had notified the Minerals Waste Authority of its intention to drill preparatory groundwater monitoring boreholes associated with the petroleum exploration operations at land off High Street, Biscathorpe.

Since the publication of the report a total of 34 objections had been received and the Planning Manager's response to the objections was detailed in the update which had been circulated to the Committee and published on the Council's website.

Since the publication of the report officers reported that the Environment Agency (EA) had provided comments about on-site monitoring of water quality confirming that the applicant had decided to go beyond the requirements of the environmental permit with the installation of three shallow groundwater quality monitoring boreholes which the EA fully support. In addition, officers from the EA had commenced background water sampling from the River Bain. The samples taken were analysed in their own fully accredited laboratory.

Members welcomed this information and stated that this should be welcomed by the local community.

On a motion by Councillor P A Skinner, seconded by Councillor T R Ashton, it was –

RESOLVED (unanimous)

(a) That the applicant be informed that the Mineral Planning Authority will not be issuing a direction under Article 5 of the Town & Country Planning (General Permitted Development) (England) Order 2016 (as amended) as the proposed groundwater monitoring boreholes constitute permitted development as granted under the provisions of Schedule 2, Part 17, Class KA.

(b) That the development be carried out in accordance with the details as described and set out in the prior notification received 5 November 2018 and subject to the conditions (as specified by Class KA), detailed in the report.

The meeting closed at 11.55 am

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**Open Report on behalf of Andy Gutherson
Interim Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	14 January 2019
Subject:	County Matter Application – S18/2119

Summary:

Planning permission is sought by Moor Bio-Energy Ltd (Agent: Cornerstone Planning Ltd) to amend conditions 2, 3, 4, 6, 11 & 15 and the removal of condition 10 of planning permission S37/0354/16. The proposed amendments would allow the importation of new waste feedstocks and the construction of associated infrastructure as replacements for approved plant and equipment associated with the anaerobic digestion facility located at land east of A1, Gonerby Moor, Grantham.

The proposed development does not seek to increase the 55,000 tonnes per annum of feedstock being processed through the site but to increase range or permitted waste types and their proportions. The key issues to be considered in relation to this application are the potential for adverse impacts arising from transport, odour and lighting.

The application has been supported with information which demonstrates that, subject to the imposition of appropriately worded conditions, the proposed development would not have any unacceptable or significant adverse impacts on the surrounding environment, highway or any amenity of adjacent land users.

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 granted on 9 June 2016 (Ref: S37/0354/16) for the erection of a 4MW biogas to grid Anaerobic Digestion (AD) plant comprising of two digester tanks, one post digestate tank and associated infrastructure. The feedstock for this application was identified as energy crops and straw

based animal manure. The original permission contained a number of pre-commencement planning conditions which required the applicant to submit for approval further details relating to the development. These included details relating to an archaeological investigation of the site, odour management and to identify locations for bat and bird boxes. The various details were all submitted and approved (October 2018), with an expectation that (where required) works would be carried out before the expiration of three years from the date the planning permission was granted (i.e. by 9 June 2019).

2. The applicant is now seeking to amend a number of the planning conditions attached to the planning permission. The conditions identified are as follows:

Condition 2 – this lists the documents and plans that were originally approved when planning permission was granted. The plans listed included site layout plans which the applicant is proposing to replace with revised drawings to reflect additional infrastructure and equipment which are required in order to manage the new waste types proposed. The revised plans also reflect the removal of infrastructure no longer required due to advances in technology relating to the operations of the AD plant.

Condition 3 – this specified that the feedstock materials shall be restricted to straw and chipped farmyard manures and energy crops. It is proposed to amend this condition so as to include a broader range of specified feedstocks.

Condition 4 – this stated that the annual tonnage of waste being brought to the site shall not exceed 33,000 tonnes per annum. All wastes brought to the site are also required to be weighed at the site's weighbridge and records retained for at least two years and be available for inspection by the Waste Planning Authority upon request.

Condition 6 – this provided for an Odour Management Plan that addressed the measures to be adopted to control odour emissions from the feedstock materials (cited by Condition 3).

Condition 11 – this required that noise levels shall not exceed those identified in the approved Noise Impact Assessment (and addendums) and was based on the plant and equipment that was to be installed as part of the original AD plant.

Condition 15 – this stated that there shall be no external lighting.

3. In addition to amending the above conditions, the applicant is seeking permission to remove Condition 10. Condition 10 requires that a Mississippi Paddle Dryer air purification system (proposed as part of the currently permitted development) be maintained for the duration of the development.

The Application

4. Planning permission is sought by Moor Bio-Energy Ltd (Agent: Cornerstone Planning Ltd) to amend conditions 2, 3, 4, 6, 11 & 15 and the removal of condition 10 of planning permission S37/0354/16. The proposed amendments would allow the importation of new waste feedstocks and the construction of associated infrastructure as replacements for approved plant and equipment associated with the anaerobic digestion facility located at land east of A1, Gonerby Moor, Grantham.
5. The applicant proposes to amend a series of planning conditions attached to the existing planning permission so as to facilitate and allow these amendments to be made. The proposed amendments would result in a change to the appearance and layout of the site (Condition 2); a change to the permitted feedstocks and their proportions (Conditions 3 and 4); and also update references to the odour and noise management reports/plans and restriction on external lighting (Conditions 6, 11 and 15). It is also proposed to remove Condition 10 which referred to the use of a specific piece of equipment which is no longer required for the revised AD plant. This plant and equipment would instead be replaced by a new pasteurisation system and so therefore render the current Condition 10 redundant.
6. The amendments are sought as a number of circumstances have, since the grant of the original planning permission, changed to such an extent that the applicant now proposes to introduce new waste streams and increase the proportion of waste being brought to the site. The applicant states that it is not proposed to increase the overall tonnages of all feedstocks handled through the AD plant (which is limited to 55,000 tonnes per annum) but rather to broaden the range and proportion of wastes in order to improve the efficiency of the plant.
7. The applicant has advised that following the grant of planning permission in June 2016, the Renewable Heat Incentive (RHI) requirement (that would in part fund the construction of the AD plant) has deemed that at least half of the biogas generated must arise from waste feedstock. Unfortunately the applicant has encountered difficulties in securing a consistent and regular source of strawed and chipped farmyard manures of sufficient quality that would guarantee this rate of biogas generation and so it is now proposed to introduce liquid food waste, arising from food manufacturing, as a pre-treated feedstock and chicken litter both capable of generating the percentage of biogas required to receive RHI.
8. The applicant states that the site would continue to receive energy crops, which would be ensiled as previously approved and would retain the provision to receive and hold, within the approved clamps, strawed and chipped farmyard manures. The liquid food waste would be brought to site in sealed 20 tonne HGV tankers and would be transferred to the digester via a small sealed reception tank, surrounded by a 1.0 metre high bund. This tank is modest in size but is an integral part of the direct injection process.

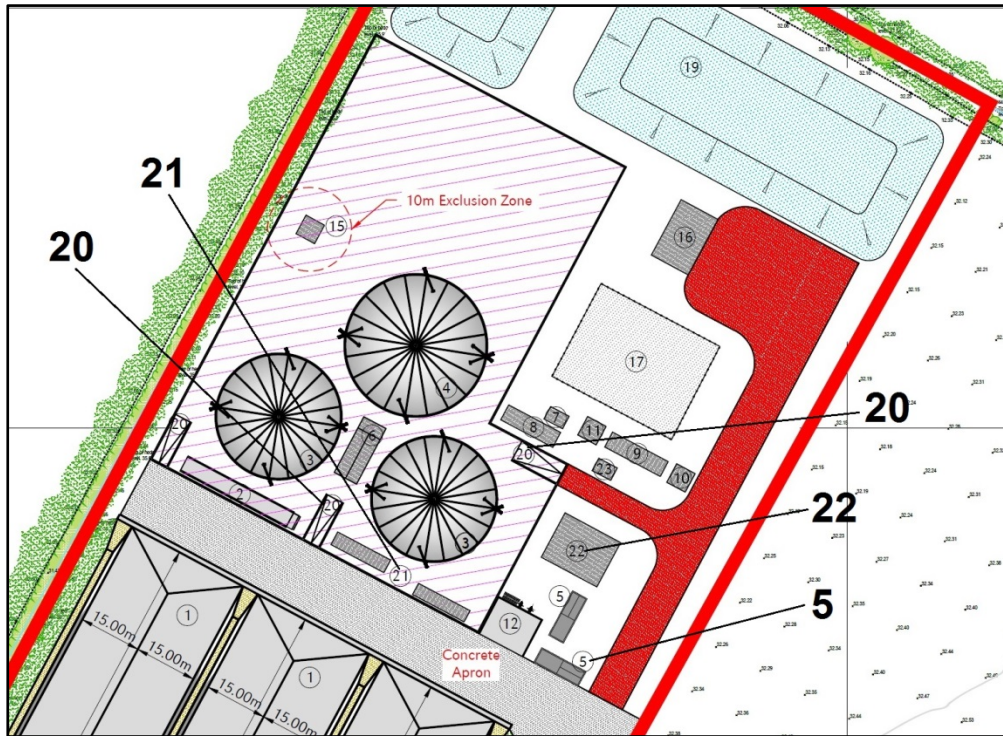
The reception tank is fitted with a bio-filter to mitigate any escaping odour and being direct injection the waste is not exposed to the air at any point of the transfer from the HGV tanker.

9. The chicken litter would be brought to the site in 28 tonne HGV's, the proposal does not seek to provide for long term storage however, a small building would be used to hold chicken litter on delivery and this building would be fitted with an exhaust air scrubber and bio-filter.
10. Finally, the original planning permission proposed the use of a Mississippi Paddle Dryer as part of the post digestion treatment regime of the liquid digestate but this equipment would no longer be required and so would be replaced by a pasteurisation plant. The pasteurisation system would heat treat the digestate to meet the Environment Agency British Standard Institute (BSI) PAS110 (Publicly Available Specification) which allows digestate to be spread to fields without the need for further permits.

Revised Site Layout

11. The existing approved site layout plan is shown on Plan 1 (below) and identifies all the plant and equipment that has been approved as part of the original AD Plant. Under the revised scheme, the site office (item 5), two access ramps (items 20), economizer and input system (item 21), along with the Mississippi paddle dryer (item 22) are no longer required and so would be removed from the approved site layout. The size/dimensions of these approved elements are as follows:

Item Nos	Structure/Equipment	Height above ground level (metres)	Length (metres)	Width (metres)
5	Site Office (x1)	3.2	12.0	4.0
20	Access Ramp (x2)	1.5	11.0	4.5
21	Economizer and Input System	3.85	14.3	3.4
22	Mississippi Paddle Dryer	7.6	15.0	12.0

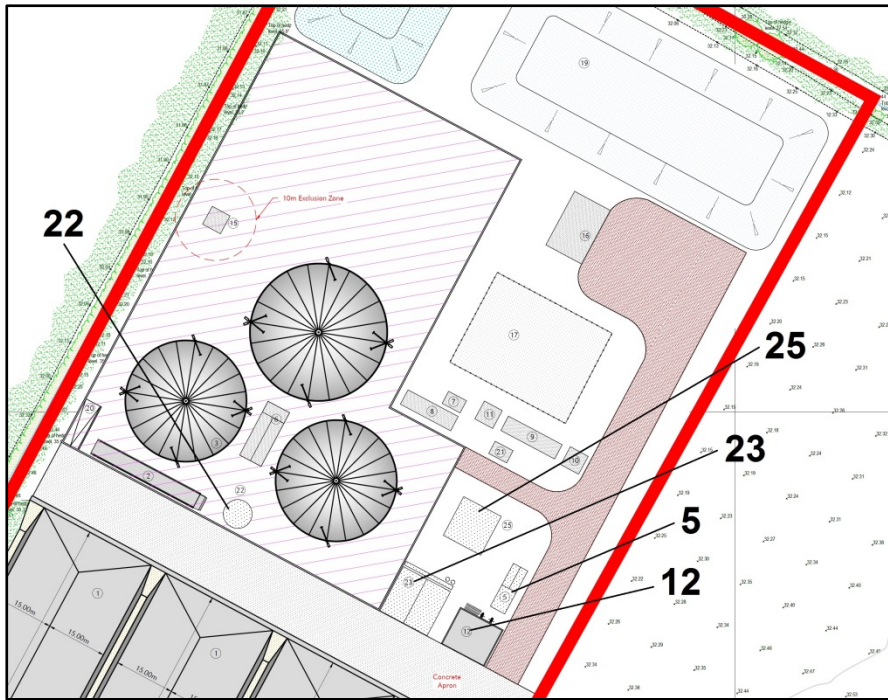


Approved site layout plan

12. A number of approved structures would also need to be relocated and new plant and equipment installed in order to manage the broader range of waste types now proposed. These include the site office (item 5), digestate storage area, which would be fully enclosed and fitted with a bio-filter (item 12), a new reception tank (item 22), chicken litter store and scrubber and bio-filter (item 23) and pasteurisation plant (item 25). The size/dimensions of these proposed elements is as follows:

Item Nos	Structure/equipment	Height above ground level (metres)	Diameter (metres)	Length (metres)	Width (metres)
5	Site Office (x1)	3.2	-	12.0	4.0
12	Digestate Storage Area and bio-filter	3.0	-	12.0	10.0
22	Reception Tank	2.0	7.08	-	-
23	Chicken Muck Store	3.0	-	13.14	12.3
23	Scrubber & bio-filter	2.5	-	9.0	3.0
25	Pasteurisation Plant	2.3	-	10.8	10.5

These are reflected on the proposed revised site layout plan as shown on Plan 2 (below). The applicant is proposing that this revised plan be approved by amending Condition 2.



Proposed revised site layout plan

Traffic

13. The application is supported by a revised Transport Statement which identifies the routes proposed for accessing the site and gives a breakdown of the proposed vehicle movements associated with the AD Plant. This statement indicates that all feedstocks (crop and waste) and final digestate would be delivered and dispatched using HGVs. Under the permitted scheme the number of vehicle movements per day would vary throughout the year given the seasonal variation in feedstock and taking into account the harvest period. The number of currently consented two way movements therefore range between an average of 22 to 60 per day. Under the proposed revised scheme a greater proportion of waste would be brought to the site thereby reducing reliance on harvested crop. This would therefore result in a change to proposed traffic movements. The number of proposed two way movements would range between an average of 29 to 38 per day. This therefore means that the number of traffic movements would be more evenly spread throughout the year and reduce that experienced during peak season/periods.

Odour, Noise and Light

14. As previously identified the buildings and structures holding waste would be fitted with scrubbers and bio-filters. The applicant has also stated that they intend to enclose the solid digestate storage area and fit this with a bio-filter too. A revised odour assessment and management plan has been submitted with the application that amends the documentation currently approved. The assessment identifies potential sources of odour and provides direction to operatives at the site on the appropriate handling and

transfer of ensiled crops, wastes feedstock and digestates. A risk assessment has been included which has been carried out in accordance with the Environment Agency's guidance and identifies a number of sensitive receptors including the nearest residential/leisure located approximately 1.0 kilometre to the east of the site. The revised odour assessment concludes that given the proposed Odour Management Plan it would be unlikely that any sensitive receptor would be impacted by unacceptable odour emissions.

15. An updated and revised noise assessment has also been submitted with the application which amends, where necessary, that approved in relation to Condition 11. The assessment concludes that the new equipment including the replacement of the Mississippi Paddle Dryer would provide a lower level of acoustic power output and therefore the accepted noise levels do not require amendment.
16. Condition 15 precluded the installation of lighting at the site however, the applicant has identified that to ensure the proper and safe operation at the site lighting would be necessary. As a consequence they are seeking to amend this condition so as to permit the submission of a lighting scheme for approval before the site becomes operational.

Flood Risk and Drainage

17. Finally, the applicant has submitted a Ground Investigation Report and a Flood Risk Assessment and Surface Water Drainage Strategy in support of the application which concludes that the approved surface water drainage system would not require any revisions and is sufficiently robust to accommodate the proposed changes to the site layout. As a result there would be no increased risk of pollution or flooding as a result of the proposed changes to the site and the introduction of a reception tank (with bund), chicken litter store building and pasteurisation plant.

Site and Surroundings

18. The application site is currently in use as an agricultural field (Grade 3b) to the east of the A1 (Southbound) slip road giving access to Gonerby Moor Retail. The village of Great Gonerby is approximately 2.5 kilometres to the south east of the site with the town of Grantham beyond. The access road to the site is located off the route of the old A1 (Great North Road) which is no longer maintained at public expense and is separated from the new route of the A1 by a wooden post and rail fence standing approximately 1.5 metres in height.
19. The south eastern boundary of the site is within the agricultural field and is mainly screened from distant views by the Bees' Gorse a coppice of mature native trees approximately 130.0 metres away from the site and the mature planted hedge separating the field from a Motorcross venue. Further to the south east of the site is an agricultural contractor and agricultural related industrial complex of buildings and workshops. The Motorcross venue,

agricultural contractor and industrial complex would share the access to the public highway with the proposed development using the remnant of the redundant A1 (Great North Road) onto the B1174.

20. The north-western and south-western boundaries are continuous planted hedges of native species also interspersed by mature native deciduous trees this hedge continues along the north western boundary of the access road from the field gate. The site and surroundings are flat arable fields and separated by either planted hedges or drainage ditches. To the north approximately 700 metres distant is the route of Green Lane. Approximately 850 metres to the west is the nearest residential property which is located between a 24 hour service station adjacent to the southbound carriageway of the A1 and a large cold store complex and logistics compound on Toll Bar Road, to the south east of this road is an engineering works with external storage and small factory and single wind turbine (Photograph 2). To the east and approximately 1 kilometre from the site is a leisure facility with lodges and fishing lakes. The village of Marston is approximately 5 kilometres to the north and accessed via Toll Bar Road.



View from Green Lane 4.5 kilometres south of Marston village

21. The north-east boundary of the field is defined by the Upper Witham Internal Drainage Board maintained 'Toll Bar Drain' along which is a sparsely planted hedge of native species and interspersed by mature native deciduous trees.

Main Planning Considerations

National Guidance

22. The National Planning Policy Framework (July 2018) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways. These three objectives are: economic, social and; environmental.

Paragraph 38 (Decision making) states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision- makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 39-41 (Pre-application engagement and front-loading) encourages parties to take advantage of the pre-application stage and to engage the local community, and where relevant, statutory and non-statutory consultees before submitting applications.

Paragraph 47 & 48 (Determining applications) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (Use of planning conditions and obligations) states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Paragraph 170 (Conserving and enhancing the natural environment states that planning decision should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 182 (Existing business facilities) states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have significant adverse effect on new development in its vicinity then the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed.

Paragraph 183 (Use of land) directs that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 212 – 214 (NPPF and Local Plans) states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Minerals and Waste Local Plan Core Strategy & Development Management Policies (2016), South Kesteven Core Strategy (2010) and the emerging South Kesteven Proposed Submissions Local Plan (2011-2036).

23. National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to odour, noise, lighting, traffic and access and potential for conflict with other land-use.

Local Plan Context

24. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policies of relevance in this case are as summarised:

Policy W1 (Future requirements for new waste facilities) directs the County Council, through the Sites Allocation document, identify location for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County.

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the following main urban areas (the closest identified to the proposed site) as indicated on the key diagram subject to the criteria of Policy W4:

- Grantham.

Proposals for new waste facilities, outside the above areas will only be permitted where (most relevant listed) they are:

- biological treatment of waste including anaerobic digestion (Policy W5).

Policy W5 (Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Composting) states that planning permission will be granted for anaerobic digestion, open air composting, and other forms of biological treatment of waste outside those areas specified in Policy W3 provided that proposals accord with all relevant Development Management Policies set out in the Plan; where they would be located at a suitable “stand-off” distance from any sensitive receptors; and where they would be located on either:

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

Policy DM2 (Climate Change) directs applicants that proposals for minerals and waste management developments should address the following matters where applicable:

Minerals and Waste

- Identify locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste, unless other environmental/sustainability and, for minerals, geological considerations override this aim.

Waste

- Implement the Waste Hierarchy, and in particular reduce waste to landfill;
- Identify locations suitable for renewable energy generation;
- Encourage carbon reduction/capture measures to be implemented where appropriate.

Policy DM3 (Quality of Life and Amenity) directs planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising to occupants of nearby dwellings and other sensitive receptors.

Policy DM13 (Sustainable Transport Movements) states that proposals should seek to minimise road transport and seek to maximise where possible the use of the most sustainable transport option.

Policy DM14 (Transport by Road) seeks to ensure the highway network is of an adequate standard for use by traffic generated by the development, the

arrangements for site access and traffic generated would not have an unacceptable impact on highway safety and ensure a travel plan is in place.

Policy DM15 (Flooding and Flood Risk) seeks to ensure that development is located on land with the lowest probability of flooding and the development should avoid, and wherever possible, reduce flood risk.

Policy DM16 (Water Resources) sets out the requirement that development should not have an unacceptable impact on surface or ground water.

25. Lincolnshire Mineral and Waste Local Plan Site Locations Document (2017):

The proposal site has not been promoted as a preferred site. Although the site may not be allocated this does not necessarily mean that the proposal is unacceptable as the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained within the CSDMP (2016).

26. South Kesteven Core Strategy (SKCS) (2010) - the key policies of relevance in this case are as summarised:

Policy SP3 (Sustainable Integrated Transport) recognises that development which is necessary in rural areas may only be accessible by motor vehicles and seeks to secure transport statements and travel plans where appropriate and requires the preparation of transport assessments for all developments that are likely to have significant transport implications.

Policy EN2 (Reducing the Risk of Flooding) draws attention to the South Kesteven Strategic Flood Risk Assessment (SFRA) and states that a Flood Risk Assessment (FRA) must be submitted with planning applications as required by the SFRA. On-site attenuation and infiltration will be required as part of any new development wherever possible.

Policy EN3 (Renewable Energy Generation) states that planning permission will be granted for proposals to generate energy from renewable sources, subject to the proposals according with the other Core Strategy policies, national guidance and complying with the following criteria:-

The proposal can be connected efficiently to existing national grid infrastructure and that the proposal should make provision for mitigation of the real emissions/impacts arising from the installation of the renewable energy generation.

Policy EN4 (Sustainable Construction and Design) directs that proposals for new development should consider and demonstrate how the design of buildings and site layouts use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care and take account of the effects of climate change in accordance with other core strategy policies.

27. Emerging South Kesteven Proposed Submissions Local Plan 2011-2036 is now at pre-submission stage and as such any policies in the Plan carry limited weight in the determination of this planning application however, the following emerging Policies (summarised) are of relevance:

Policy E4 (Expansion of Existing Businesses) states that expansion of existing businesses will be supported, provided they meet a range of criteria (including highway network) against which all development proposals as required to be assessed.

Policy E7 (Other Employment Proposals) states that employment proposals in locations not covered by other policies will be supported, provided they meet a range of criteria (including highway network) against which all development proposals are required to be assessed.

Policy EN4 (Pollution Control) states that development on its own or cumulatively, will not be permitted if the potential adverse impacts can be mitigated to an acceptable level.

Results of Consultation and Publicity

28. (a) Local County Council Member, Councillor Maughan – has confirmed that he has no objection to the proposal.
- (b) Marston Parish Council (adjoining Parish) – has objected to the proposed variation to conditions for the following reasons:
- Smell – concern expressed that the high percentage of food waste would result in unpleasant smells despite the process taking place in airtight chambers, that would affect The Olde Barn Hotel and Wagtail Fisheries and Toll Bar Road area of Marston village being downwind of the proposal site;
 - Noise – consideration should be given to regular noise monitoring at Harlaxton Engineering and Wagtail Fisheries; and
 - Increased traffic – there is already a large number of HGVs using the C1 road through Marston village. The Parish Council are concerned how much of the HGV traffic would use the C1 through Marston to access the site from the A17 at Brant Broughton.
- (c) Environment Agency (EA) – has no objection to the proposed development but has requested that details for the re-design of the solid digestate area be secured. In addition they have requested that an Informative be attached to any decision issued relating to the Environmental Permitting regime.
- (d) Highway Authority & Lead Local Flood Authority (Lincolnshire County Council) – concludes that the proposed development is acceptable and accordingly does not wish to object to this planning application.

- (e) Western Power Distribution - provided information of the location of their assets in relation to the proposed development and included an Informative relating to safe-working. This advice could be appropriately dealt with by way of an Informative on any planning permission granted.
- (f) Highways England - has commented that the proposed change to the feedstocks (i.e. Conditions 3 and 4) would not detrimentally affect the operation of the Strategic Road Network and has no objection to these changes. They have also confirmed they have no comments to make in relation to the proposed amendments to Conditions 2, 6, 10 and 11. With regard to the proposed amendment to Condition 15 (external lighting) they have recommended that a condition be imposed which would require full details of any lighting proposed to be submitted for the approval of the Waste Planning Authority (in consultation with Highways England).
- (g) The following bodies/persons were notified/consulted on the application on 8 November 2018. No response/comments had been received within the statutory consultation period or by the time this report was prepared:

County Council Member (adjoining) – Cllr Whittington
 Great Gonerby Parish Council
 Environmental Health Officer (South Kesteven District Council)
 Countryside and Public Rights of Way (Lincolnshire County Council)
 Arboricultural Officer (Lincolnshire County Council)
 Historic Environment Officer (Lincolnshire County Council)

29. The application has been publicised by notice posted at the junction of the former Great North Road onto the Gonerby Moor roundabout and in the local press (Lincolnshire Echo Thursday 22 November 2018) and six letters of notification was sent to the nearest residential and business properties. Eleven responses had been received at the time that this report was written. The comments received are summarised as follows:

- There was no consultation of residents in Marston village;
- Noise disturbance;
- Odour concerns from food waste, chicken and pig manure;
- Vermin concern;
- Landscape changes and impacts on views and impact of light spill;
- Highway safety especially tractor and trailers on the A1;
- The character of this development will be altered unacceptably;
- The project is poorly researched and therefore untrustworthy;
- The odour, noise and lighting impacts will affect the leisure business near to the proposed site; and
- The development is too close to houses in Marston village.

District Council's Recommendations

30. South Kesteven District Council has no objection subject to the noise level of the revised plant has no greater acoustic power than what is currently approved.

Conclusions

31. The principle and the need arguments considered for the construction and use of the land for an AD plant in this location together with the evaluation of landscape and visual impacts, flood risk, nature conservation and the historic environment were considered at the time of the grant of the original planning permission (Ref: S37/0354/16).
32. This application seeks to amend certain aspects of the approved development and the key issues to be considered in relation to this application are the need for increased capacity for imported waste, noise and odour impacts and impacts on the highway network and highway safety.

Waste Need and Location

33. Policy W1 of the CSDMP directs the Waste Planning Authority, to extend waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County. In this instance there is a capacity gap identified for Commercial and Industrial Waste the category within which liquid food wastes sit. The introduction and utilisation of these wastes streams would therefore go some way to helping to reduce this capacity gap.
34. In terms of location, as previously confirmed when planning permission was first granted, the AD plant does meet the locational criteria set out in the Policies W3 and W5. Policy W3 of the CSDMP recognises that it may not be possible to locate anaerobic digestion facilities in and around main urban areas and so consequently advises that such facilities should be considered against the criteria in Policy W5. Policy W5 identifies the locational criteria that would need to be met in assessing new proposals for anaerobic digestion plants and states that facilities should be located:
 - at a suitable stand-off distance from any sensitive receptors; and/or
 - land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.
35. In this case, the proposal site is not located close to any sensitive receptors or residential properties with the nearest being 500 metres to the north and another being 1 kilometre to the east. Whilst a number of objectors have expressed concern regarding the source of the feedstocks, especially with regard to vehicles especially tractors travelling long distances delivering farm waste, it is stated that all of the proposed feedstocks would be delivered via the A1 by HGV transport and that the final digestate would be

removed from site by HGV and delivered within local area, which is largely arable in nature. Given this, in terms of location, in principle, the development would still be considered acceptable and would not conflict with the locational criteria set out in Policy W5. However, notwithstanding the above, in order to be acceptable the development must also demonstrate compliance with all the relevant Development Management Policies contained within the plan.

Sustainable Development

36. Policy DM2 of CSDMP states that proposals for waste management developments should be sited in locations which would reduce distances travelled by HCVs (reinforced in Policy DM13 Sustainable Transport Movements) and also which would contribute towards moving waste up the Waste Hierarchy and which support renewable energy generation. In this instance, the source of the energy crop feedstocks and end-use application of final digestate would take place within a relatively small radius of the site as identified in the original application. Whilst the waste feedstock would come from further afield, it would travel using the A1 trunk route and the AD plant would move food waste that would otherwise be disposed of to landfill, up the waste hierarchy. The biogas produced by the plant would also be directly inputted into the National Grid network where it would be recovered to produce energy for use elsewhere. SKCS Policy EN3 supports renewable energy generation that can be connected efficiently to existing National Grid infrastructure and so the proposed development would be in line with the principles of the NPPF, NPPW and support the aims and objectives of the cited policies of the CSDMP and SKCS.

Odour/Air Quality, Noise and Light

37. Comments have been received from local residents and Marston Parish Council expressing concern regarding the potential for noise, odour and light nuisance arising from the proposed development. The application was supported with revised Odour and Noise Assessments and an Odour Management Plan.
38. The odour assessment submitted with this application expands on that previously approved and a revised odour management plan identifies sensitive receptors including those upwind of the application site and includes a monitoring and recording regime that would be applied for the duration of the development. The revisions reflect the proposed new waste feedstock and conclude that given the appropriate handling and containment methods it would be unlikely that there would be a significant impact arising from the operations being carried out at the AD Plant. In addition the applicant has proposed to fully enclose the solid digestate area and to fit bio-filters. There are no details relating to this within the application and therefore the Environment Agency has requested that details of this be secured. As a consequence the specification for the construction of this area could be secured by attaching an appropriate condition to any decision notice issued. Conditions are also recommended which would require the

operators to adhere to the good practice identified with the Odour Management Plan and the Environment Agency (who have not objected to the proposal) have confirmed that the site would also be subject to an Environment Permit. Such a Permit would also impose its own conditions and controls which include those relating to odour management.

39. In terms of noise, the updated and revised noise assessment submitted with this application identifies that the predicted noise levels would be lower than those originally identified and associated with approved AD plant given the proposed replacement of the Mississippi Paddle Dryer with a Pasteurisation Plant. Therefore the noise arising from this development would be less than that of the approved scheme. Accordingly South Kesteven District Council has not objected to this application but requested that the formerly approved noise levels be retained and therefore a condition imposed to ensure this.
40. With regard to lighting, the applicant identified that for reasons of operational safety it is considered necessary to introduce some illumination to the plant site. At this stage however they have not identified the precise nature and location of any such lighting and so has proposed that a condition be attached to any decision notice requiring the submission of a lighting scheme for approval prior to the site coming into use. This requirement was also requested by Highways England in regard to the A1 and highway safety. As a consequence it is considered appropriate to allow the introduction of lighting to the site but subject to any lighting scheme being submitted to the Waste Planning Authority for approval prior to the site becoming operational.
41. Having considered the revised assessments, recommendations and management plans submitted with this application it is considered that the proposed development would conform to the aims of the NPPF, NPPW and PPG and be in line with the objectives identified in Policies DM3 and DM14 of CSDMP and would neither conflict with nor compromise Policy EN3 of SKCS and Policy EN4 of the emerging South Kesteven Local Plan both of which seeks to mitigate the emissions/impacts arising from the installation of the proposed development.

Transport

42. The proposed development is located on land to the east of the A1 and is proposed to be accessed off a private road (remnant of the old A1 Great North Road) which connects the site at the B1174 junction with the A1 at Gonerby Moor. The private access route is in excess of 1 kilometre in length and the owner of the route has expressed concern regarding its use. The operational traffic movements associated with this proposal would be in respect of the HGV delivery of feedstocks, HGV distribution of digestate and associated site maintenance activities. No export of gas would be by vehicles insofar as the biogas product would be directly injected to the nearby National Grid network via a pipeline to be constructed by the utilities company.

43. The Highways Officer and Highways England have not objected to the application. In terms of the private access road, this is in the ownership of a third party and they have been appropriately notified by the applicant when making the application (e.g. through the issue of a Certificate B) and they have also be consulted directly by the Waste Planning Authority. The third party has made a representation and suggested that the use of their private road as a means of access would not be appropriate. Whilst these comments are noted, the application needs to be considered on its own merits and the grant of planning permission is not dependent on land ownership and the applicant has confirmed that there is a private treaty in place allowing access via this route. This issue therefore lies outside the planning remit and does not prevent the application being determined. As indicated above, no objections have been raised by the Highway Authority or Highways England and so from a highway safety and capacity perspective the use of this road is acceptable subject to an appropriately worded planning condition to secure a lighting scheme. Consequently, from a planning perspective the development is acceptable and meets the aims and objectives of the NPPF, NPPW and CSDMP Policy DM14 and would not conflict with nor compromise Policies SP3, EN3 and EN4 of SKCS and Policy E4 and E7 of the emerging South Kesteven Local Plan.

Flood Risk and Water Resources

44. The applicant has submitted a revised Ground Investigation Report and Flood Risk Assessment and Surface Water Drainage Strategy in support of the application. This document concludes that the approved surface water drainage system would be sufficiently robust as to accommodate the proposed changes to the site layout and the introduction of a reception tank (with bund), chicken litter storage building and pasteurisation plant. The Environment Agency has not objected to the proposed amendments and as a consequence the proposed development is considered to be acceptable and would accord with the aims and objectives of the NPPF, Policies DM15 and DM16 of the CSDMP and Policies EN2 and EN4 of the SKCS and Policy EN4 of the emerging South Kesteven Local Plan.

Human Rights Implications

45. 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.

Final Conclusions

46. The principle an AD plant in this location was originally evaluated and established through the grant of planning permission S37/0354/16, however, the applicant is now seeking to amend the approved layout of the site and introduce alternative sources of waste as feedstock. Overall, it is concluded

that, subject to the imposition of the recommended conditions, the proposed variation to the approved development would not have adverse impacts on the surrounding environment, highway or other land users and would not conflict with the previously cited provisions of the NPPF, the CSDMP, South Kesteven Core Strategy or the emerging South Kesteven Local Plan.

47. 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 consolidates and (where relevant) recites the conditions attached to planning permission S37/0354/16 and/or is updated to take into account any detailed submissions that were approved pursuant to conditions attached to the original consent.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before 9 June 2019. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

Reason: To reflect the original deadline for implementation of the planning permission as imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions. The approved plans and documents are as follows:

Documents

- Design and Access/Planning Statement: Proposed Anaerobic Digestion Plant Land East of A1, Gonerby Moor, Lincolnshire dated December 2015 (date stamped received 29 December 2015) as amended by letter Ref: AP/sp/020-23 (date stamped received 22 October 2018);
- Air Quality Assessment dated December 2015 (Ref: 1121-1r3) date stamped received 29 December 2015;
- Odour Assessment dated October 2018 (Ref: 1121-4r1) (date stamped received 22 October 2018);
- Odour Management Plan dated October 2018 (Ref:1121-r1) (date stamped received 22 October 2018);
- Ecological Appraisal Report: Proposed 'Moor Bio-Energy' Anaerobic Digester Plant dated December 2015 (date stamped received 29 December 2015);

- Noise Impact Assessment dated November 2015 (REC Ref: AC100340-1R0) date stamped received 29 December 2015 as supplemented by the addendum letter from REC dated 23 March 2016 (date stamped received 30 March 2016) as supplemented by Supplementary Statement on Sound Emissions dated October 2018 (Ref:R2-9.10.18) date stamped received 22 October 2018;
- Flood Risk Assessment & Surface Water Drainage Strategy Revision B dated October 2018 (Ref 20181/FRA&SWDS/RevB/SVH) date stamped received 22 October 2018;
- Transport Statement dated October 2018 (Ref: jgv/18038/TS/v1) date stamped received 22 October 2018;
- Proposed Landscaping Scheme (Job No. 20181); and

Drawings

- Drawing No. 20181/151 Rev A: Proposed Redline Boundary (date stamped received 29 December 2015);
- Drawing No. 20181/802 Rev C: Proposed Site Plan Showing Schematic Drainage Layout' (date stamped received 19 April 2016);
- Drawing No. 20181/005 Rev E – 'Proposed Site Layout and Access Route' (date stamped received 19 April 2016);
- Drawing No. 20181/901 Rev A: Proposed Landscape Scheme Appendix A (date stamped received 19 April 2016);
- Drawing No. 20181/010 Rev B: Proposed Site Elevations (date stamped received 18 April 2016);
- Drawing No. 20181/004 Rev L: Proposed Site Layout (date stamped received 22 October 2018);
- Drawing No. 20181/006 Rev C: Elevations and Details Sheet 1 of 2 (date stamped received 22 October 2018); and
- Drawing No. 20181/007 RevD: Elevations and Details Sheet 2 of 2 (date stamped received 22 October 2018).

Reason: To ensure that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

3. The feedstock shall be restricted to energy crops, strawed and chipped farmyard manures, poultry litter and liquid food waste.
4. The total tonnage of feedstock processed at the application site shall not exceed 55,000 tonnes per annum. All feedstock brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.

Reason: To correspond with the source and volume of feedstock materials for which planning permission was applied and to limit the scale of the operations in the interest of the amenity of the area.

5. In relation to archaeology:

Part 1

The scheme of archaeological investigation must only be undertaken in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 5 of planning permission S16/0354 (as set out in the decision notice dated 10 October 2018) and subject to the following:

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition 5(i). The applicant will notify the Waste Planning Authority of the intention to commence at least ten days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Waste Planning Authority; and

Part 3

A report of the archaeologist's findings shall be submitted to the Waste Planning Authority within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Waste Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site.

6. The odour mitigation and management controls as identified in the approved Odour Management Plan (date stamped received 22 October 2018) shall be implemented in full for the duration of the development and the monitoring reports shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.
7. The construction of the solid digestate storage area (as identified on Drawing No. 20181/004 Rev L: Proposed Site Layout date stamped received 22 October 2018) shall not commence until details of the materials, colours and proposed bio-filter system have first been submitted to and approved in writing by the Waste Planning Authority. Thereafter the storage area shall be constructed and retained in accordance with the approved details and maintained for the duration of the development and be subject to the requirements of condition 6.

Reason: In the interests of general amenity.

8. The details identifying the locations and specifications of the bat roost boxes and bird boxes previously approved by the Waste Planning Authority pursuant to condition 7 of planning permission S16/0354 (as set out in the decision notice dated 10 October 2018). The boxes shall thereafter be

erected in accordance with the approved details within a period of 12 months beginning with the date on which development is commenced.

9. No ground clearance works shall be undertaken between March and September, inclusive unless otherwise agreed in writing with the Waste Planning Authority. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: In the interest of the natural environment.

10. In the first available planting season following commencement of the development, the landscaping scheme as detailed within the approved document 'Proposed Landscaping Scheme' and shown on Drawing No. 20181/901 Rev A: Proposed Landscape Scheme Appendix A (cited in Condition 2) shall be carried out and implemented in full. All trees, shrubs and hedges shall thereafter be adequately maintained and all losses shall be made good for the lifetime of the development.
11. The level of noise arising from the operations on the site shall not exceed those identified in the approved Noise Impact Assessment and addendum letter from REC dated 23 March 2016 (date stamped received 30 March 2016).

Reason: In the interests of general and visual amenity.

12. The discharge rate from the Attenuation Pond identified on approved Drawing No. 20181/802 Rev C: Proposed Site Plan Showing Schematic Drainage Layout shall not exceed 16.3 litres/second/hectare.

Reason: To safeguard against surface water flooding.

13. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be undertaken within a reasonable period, the equipment affected should be taken out of service.
14. The material stored in the silage clamps shall not exceed the height of 5 metres.
15. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours, have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Reason: In the interests of general and visual amenity and highway safety.

16. No gas product shall be exported from site except by direct input to the National Grid Network at the site boundary.

Reason: In the interest of the amenity of the area.

17. The access road shall be maintained in a good state of repair and kept clean of mud and other debris.

Reason: In the interest of highways safety.

Informatives

Attention is drawn to:

- (i) Natural England: Standing Advice 'Construction near protected wildlife' - <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>
- (ii) Upper Witham Drainage Board: E-mail ref UD-2560-2016-PLN dated 4 May 2016 relating to Consent Procedure - <http://upperwitham-idb.gov.uk/policyprocedures/consent-procedure/>
- (iii) Environment Agency: See attached letter ref AN/2016/123202/01-L01 dated 12 February 2016 relating to Environmental Permitting Regulations 2010.
- (iv) Environment Agency: See attached letter ref AN/2018/128256/01-L01 dated 27 November 2018 relating to Environmental Permit - Emissions Directive, DSEAR 2002, SSAFO and NVZ Regulations.
- (v) Western Power Distribution: See attached letter ref 14266015 dated 23 November 2018 identifying the route of Electricity/WPD Surf Telecom apparatus and advice relating to Safe Working Procedures.
- (vi) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Appendix

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

Background Papers

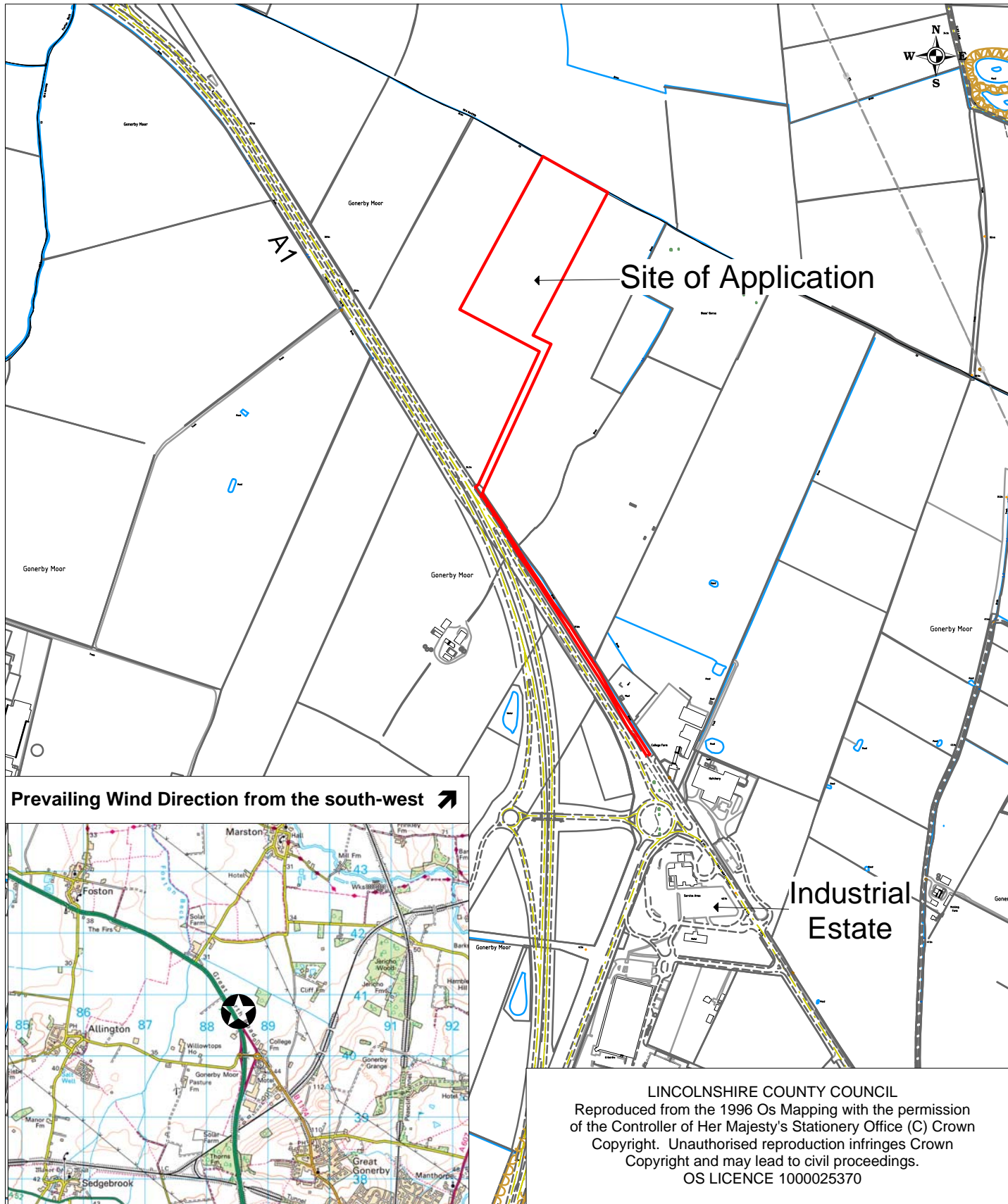
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files S37/0345/16 and PL/0120/18	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2018) National Planning Policy for Waste (2014)	The Government's website www.gov.uk
South Kesteven Adopted Core Strategy South Kesteven Local Plan	South Kesteven District Council's website www.southkesteven.gov.uk
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) Site Locations Document (December 2017)	Lincolnshire County Council's website www.lincolnshire.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 14 JANUARY 2019



Location:
 Land East of A1
 Gonerby Moor
 Grantham

Application No: S18/2119

Scale: 1:10,000

Description:

Application to amend conditions 2, 3, 4, 6, 11 & 15 and the removal of condition 10 of Planning Permission S37/0354/16 to allow the importation of new waste feedstocks and the construction of associated infrastructure as replacements for approved plant and equipment

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**Open Report on behalf of Andy Gutherson
Interim Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	14 January 2019
Subject:	County Matter Application - H02-1146-18

Summary:

Planning permission is sought by Agricultural & Environmental Business Consultants for the processing and storage of construction, demolition and excavation wastes to produce soils and aggregate products at land off Bank, adjacent to Decoy Farm, Spalding Road, Crowland, PE6 0LX.

The proposal site covers an approximate area of 4.5 hectares and comprises of an agricultural field which has been in fallow for the last two years. The application proposes to redevelop and use the land for the recycling of construction, demolition and excavation wastes to produce soil and aggregate for use in the construction and landscaping industries. The supporting information accompanying the application states that the site would process no more than 70-75,000 tonnes of wastes per year.

The main issues to be considered in the determination of this application are whether the proposed development is acceptable in this location and/or whether the development would have any adverse environmental or amenity impacts.

Recommendation:

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

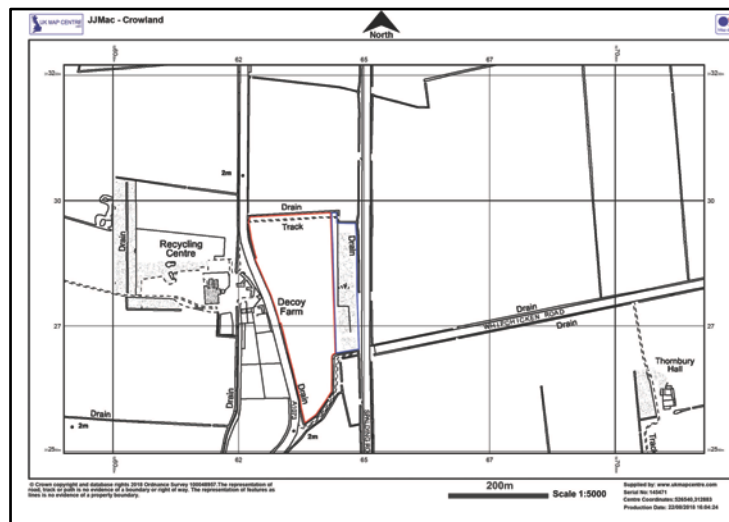
Background

1. In June 2017 the applicant sought pre-application advice from South Holland District Council (SHDC) for the proposed development. This advice stated that *“the proposal would bring economic benefits however it would also have a harmful effect upon the present open character of the countryside. In light of this fact, any proposal would only be favourably considered if it could be satisfactorily demonstrated that the proposed use is essential in this location as opposed to an existing brownfield site in a more sustainable location”*.

2. A planning application was subsequently submitted to SHDC however as the proposed development involved the processing and handling of imported wastes it was later confirmed that this was a "county matter" and therefore should be determined by the County Council (acting as Waste Planning Authority) rather than SHDC. Following confirmation of this, in December 2017, prior to the applicant submitting the application some further advice was given by the County Council which advised the applicant that *"given the size of the proposed development an application would not be supported insofar as it does not meet the criteria set out in Policies W3 and W4 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies"*.
3. Notwithstanding the advice and comments given by both SHDC and the County Council the applicant has submitted a planning application and is seeking permission for the development described above. Details of the proposed development, the applicant's arguments and case as to why this should be supported and an assessment and consideration of the proposal against the policies contained within the Development Plan is set out in this report.

The Application

4. Planning permission is sought by Agricultural & Environmental Business Consultants for the processing and storage of construction, demolition and excavation wastes to produce soils and aggregate products at land off Barrier Bank, adjacent to Decoy Farm, Spalding Road, Crowland, PE6 0LX.

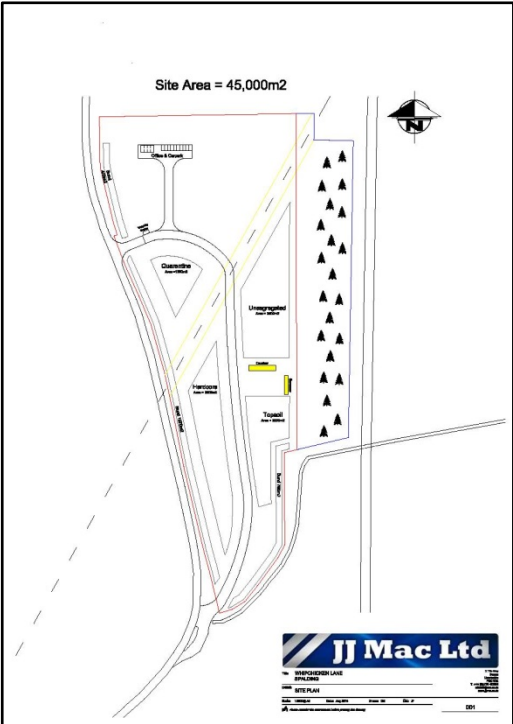


Site Location Plan

5. The application proposes to redevelop and use the land for the recycling of construction, demolition and excavation wastes to produce soil and aggregate for use in the construction and landscaping industries. The supporting information accompanying the application states that the site would process no more than 70-75,000 tonnes of wastes per year with a maximum of 40,000 tonnes being stored on site at any one time. Upon

arrival at the site the wastes would be processed and segregated into different sizes and products using a screener whilst concrete and brick materials would be crushed to produce a recycled aggregate. All wastes and products would be stockpiled in their own dedicated areas whilst wastes that are unsuitable for processing would be stored in a quarantine area awaiting removal off-site. All products would be exported for use elsewhere and so no materials or wastes would be permanently deposited or disposed of within the site.

- 6. The site would be developed and laid out to create separate areas for the stockpiling of imported wastes as well as final products. These areas would be constructed using clean hardcore with a permeable membrane below so as to allow surface waters to infiltrate into the underlying ground. A tarmac access road would be constructed within the site and link two new accesses that are to be created to the north and south. The northern access would be constructed off Barrier Bank (just north and opposite the entrance to the adjacent Decoy Farm Waste Management Complex) with the southern access providing access from the layby (the former Whipchicken Road). These entrances would be constructed with appropriate visibility in both directions, drainage and kerbing along with access gates so as to secure the site when not in use. A 4m high soil screening bund would also be constructed around the southern and western boundaries of the site which would be grass seeded and planted with trees and shrubs.
- 7. A weighbridge would be stationed within the site (near the northern access) and be used to weigh and record wastes and products as they enter and leave. The applicant states that wheelwash facilities would also be available so as to prevent the deposition of mud or other deleterious materials on the highway although no details of this have been provided.



Site Plan

8. A staff carpark and site office/welfare facilities would also be provided at the northern end of the site. The facilities would comprise of four interconnected, prefabricated modular units (each being approximately 6.1m long by 2.44 m wide and 2.57m high) and collectively cover an area of around 65m². The units would house a meeting/training room, two office spaces, toilets and changing/drying room as well as canteen.
9. Finally, the applicant currently employs 45 full time members of staff and it is envisaged that the proposal site will integrate with the existing business offering services to current and new customers. The new site would create an additional 2 full time and up to 2 part time members of staff in its first year and this could increase to 4 full time and 2 part time staff.

Justification and Need for the Proposed Development

10. The Supporting Statement accompanying the application sets out the applicant's case and arguments as to why the proposed development should be supported in this location. A summary of the main arguments and reasons cited are summarised as follows:
 - (i) Development in and around Spalding, whether residential or commercial, results in significant volumes of soil and products which can be recycled into soil and aggregate replacement products. Soils from development sites often end up being stripped and stockpiled on valuable development land until an alternative use can be found or disposed of to landfill. This is contrary to both national and local policy and contradicts the principles of sustainability. The proposed development offers a solution whereby soils can be recovered for re-use as a product, in this instance, construction or landscaping projects.
 - (ii) There is a lack of suitable facilities in the Spalding area to manage soils resulting from development activity. This results in illegal activity and in extreme cases fly tipping which is a significant environmental and financial cost to the taxpayer. This proposal would provide a facility that is able to manage these waste streams and therefore meet a need and address a shortfall in capacity to manage these wastes as acknowledged by Policy W1 of the Lincolnshire Minerals and Waste Local Plan.
 - (iii) The siting of this development in the open countryside is appropriate as the risks associated with noise and dust precludes certain brownfield sites which are either close to residential development (now or in the future) or commercial/industrial development which would give rise to conflict in the pursuit of normal business activity.
 - (iv) Policy SL3 of the Site Locations document (part of the Lincolnshire Minerals & Waste Local Plan) identifies two potential areas in Spalding as suitable for siting new waste developments - these are Wardentree

Lane/Enterprise Park and Clay Lake Industrial Estates. These areas are becoming high profile employment land and well established businesses with interests including retail/wholesale sales, manufacturing and processing would not be supportive of a development incorporating crushing and screening operations being sited in these areas. The applicant has therefore discounted plots of land within these areas due to perceived conflict with neighbouring interests irrespective of whether emissions could be controlled to acceptable levels.

- (v) The development would be carried out in accordance with the terms of Environmental Permit which would impose conditions and controls on matters such as noise, dust and to minimise risks to groundwater/surface water.
- (vi) Discussions with the operator of the adjoining Decoy Farm Waste Management Complex (i.e. Material Change) have taken place with the potential to ameliorate compost with soils to produce a compost for use in landscaping and construction project. The close proximity of the two operations will bring benefits to both companies but also:
 - more widely benefit local developers wishing to export soils from their development sites;
 - free up development land currently used to stockpile soils;
 - produce products capable for use in construction and landscaping projects such as recycled aggregates and soils replacement products. These will reduce the demands for primary aggregate and can be used in less than optimal ground/soil conditions.

Site and Surroundings

11. The application site is located approximately 2km northeast of Crowland, 4km south of Cowbit and 6km southwest of Moulton Chapel. The site covers an approximate area of 4.5 hectares and comprises of an agricultural field (Grade 2) which has been in fallow for the last two years. The site is located between Barrier Bank/Spalding Road (to the west) and the new A16 (to the east). To the south of the field is a layby which prior to the construction of the A16 provided access onto Whipchicken Road. There is a belt of trees/shrubs along the northern boundary of the site and a tree spinney along the eastern boundary which provide a degree of screening. The eastern and southern boundaries are devoid of any soft-landscaping and therefore open views into the site can be gained on approaches to it from both Spalding Road/Barrier Bank and the A16.



View Across Proposal Site

12. The land surrounding the site is predominately in agricultural use however the Decoy Farm Waste Management Complex does lie opposite the site and to the north-west is an aerodrome that houses the Spalding and Peterborough Gliding Club and two businesses. With the exception of two residential properties which are associated and lie within the adjacent Decoy Farm Waste Management Complex, there are few residential properties lying close to the site with the nearest being located approximately 1km to the south and 680m to the east (on the other side of the A16).
13. Access to the site would be gained off Spalding Road/Barrier Bank which is accessed via new major road junctions to the south (off James Road) and which provide access to the A16. As part of this proposal two new entrances would be constructed to serve the site. The northern access would be constructed off Barrier Bank with the other being located to the south and which would provide access from the layby (former Whipchicken Road).



Proposed southern access point



Proposed northern access point

Main Planning Considerations

National Guidance

14. The National Planning Policy Framework (July 2018) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) - states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in view of site from the east, Caythorpe Heath Lane, mutually supportive ways. These three objectives are: economic; social and; environmental.

Paragraph 38 (Decision making) - states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 39 to 41 (Pre-application engagement and front-loading) - encourages parties to take advantage of the pre-application stage and to engage the local community, and where relevant, statutory and non-statutory consultees before submitting applications.

Paragraphs 47 & 48 (Determining applications) - states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (Use of planning conditions and obligations) - states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonable related in scale and kind to the development.

Paragraph 170 (Conserving and enhancing the natural environment) - states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 183 - the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 212 - 214 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016), South Kesteven Core Strategy (2010) and the emerging South Kesteven Proposed Submissions Local Plan (2011-2036).

- 15. National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to noise, traffic and access and potential for conflict with other land-use.
- 16. Planning Practice Guidance [ID28 – updated 15 April 2015] 'Waste' is web-based guidance which provides further information in support of the implementation of waste planning policy.

Local Plan Context

- 17. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policies of relevance in this case are as summarised:

Policy M1 (Recycled and Secondary Aggregates) states that planning permission will be granted for recycling/reprocessing of materials for use as secondary or recycled aggregates in appropriate locations as specified in Policy W4, provided that proposals accord with all relevant Development Plan Policies set out in the Plan.

Policy W1 (Future Requirements for New Waste Facilities) directs the County Council, through the Sites Allocation document, to identify locations for a range of new or extended waste management facilities within

Lincolnshire, where these are necessary to meet the predicted capacity gaps for waste arisings in the County.

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the main urban areas subject to the criteria of Policy W4. In this case the main urban area of relevance is Spalding. It is added that proposals for new waste facilities, outside an urban area will only be permitted where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting (see Policy W5);
- the treatment of waste water and sewage (see Policy W9);
- landfilling of waste (see Policy W6);
- small-scale waste facilities (see Policy W7).

Proposals for large extensions to existing facilities, outside of urban areas will only be permitted where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the waste it would manage and are on or close to an A class road and meet the criteria of Policy W4.

Policy W4 (Locational Criteria for New Waste Facilities) identifies the type of land suitable for the purpose in and around main urban areas. Proposals for new waste facilities, including extensions to existing waste facilities, in and around the main urban areas set out in Policy W3 will be permitted provided that they would be located on:

- previously developed and/or contaminated land; or
- existing or planned industrial/employment land and buildings; or
- land already in waste management use; or
- sites allocated in the Site Locations Document; or
- in the case of biological treatment the land identified in Policy W5.

Proposals for the recycling of construction and demolition waste and/or the production of recycled aggregates in and around the main urban areas set out in Policy W3 will also be permitted at existing Active Mining Sites. In the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in Policy W3, proposals will be permitted where they can demonstrate they have met the above criteria. Small scale facilities that are not in and around the main urban areas will be considered under Policy W7. Proposals must accord with all relevant Development Management Policies set out in the Plan.

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 DM2 (Climate Change) states that proposals for minerals and waste management developments should address the following matters where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HCVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.

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 arising.

Policy DM6 (Impact on Landscape) states that planning permission will be granted for mineral and waste development provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements.

Policy DM14 (Transport by Road) states that planning permission will be granted for minerals and waste development involving transport by road where the highways network is of appropriate standard for use by the traffic generated by the development and arrangements for site access would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

Policy DM16 (Water Resources) states that planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on surface or ground waters and due regard is given to water conservation and efficiency.

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;

18. Lincolnshire Minerals and Waste Local Plan: Site Locations (2017) - sets out the preferred sites and areas for future minerals and waste development.

Policy SL3 (Waste Site and Area Allocations) identifies the sites and areas where applications for waste development will be permitted where they demonstrate they are in line with the Development Plan. The proposal site is

not within one of these areas with the nearest to the site being those located in Spalding – Wardentree Park/Enterprise Park (ref: WA25-SH) and Clay Lake Industrial Estate (ref: WA26-SH).

19. Although the site may not be within one of these areas this does not necessarily mean that the proposal is unacceptable. Instead the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained in the CSDMP.
20. South Holland Local Plan 2006 (SHLP) – this is the currently adopted Local Plan covering the District and the key policies of relevance in this case are as follows (summarised):

Policy SG2 (Distribution of Development) states that all proposals for development must be located having regard to sustainable development principles. This includes: adopting a sequential approach which gives priority to the use of previously developed land and buildings within defined settlement boundaries, then to greenfield land within defined settlements and finally to land adjacent to defined settlement limits; which make efficient use of land; which are served by a choice of transport modes, and; ensure that the development is acceptable in terms of traffic generation.

Policy SG3 (Settlement Hierarchy) lists a hierarchy of settlements. All land outside of the identified settlements falls within the area designated open countryside and are subject to Policy SG4.

Policy SG4 (Development in the Countryside) states planning permission will only be granted for development in the open countryside which is essential in the proposed location and cannot reasonably be accommodated within defined settlement limits. Development proposals that would result in an unacceptable impact on the landscape character of an area, either individually or cumulatively will only be permitted where;

- 1) the need of the development in that location outweighs its impact;
- 2) no other site or solution exists to accommodate the proposed development.

Policy SG13 (Pollution and Contamination) states planning permission will only be permitted for development proposal which:

- 1) do not cause unacceptable levels of pollution of the surrounding area by noise, light, toxic and offensive odour, airborne pollutants or by release of waste products;
- 2) provide, as necessary, appropriate treatment of land to clean up pollution and contamination.

Policy SG14 (Design and Layout of New Development) identifies a series of design and layout considerations that new development proposals should take into account. Examples include: the choice of materials; scale, form and height of proposed development; the effect of the development on amenity of nearby residents in terms of noise, smell, etc. Development that

would have an adverse effect on the character and appearance of the locality, or which, would prejudice the comprehensive development or redevelopment of the area, will not be permitted.

Policy SG17 (Protection of Residential Amenity) supports developments that would not cause material harm to residential amenity. Factors to be considered include potential impacts such as noise, nuisance, vehicular activity, smell, emissions and pollutants.

Policy SG18 (Landscaping and New Development) supports the provision of appropriate landscaping schemes as part of the new development proposals. Such schemes should seek to protect existing trees and hedgerows, provide indigenous species which would improve the setting of the development in the wider landscape and which maintain and establish wildlife corridors and habitats.

Emerging Local Policies

21. South East Lincolnshire Local Plan (2011-2036) (SELP) - this plan will eventually replace the current SHLP and was submitted to the Secretary of State on 23 June 2017 for Examination. A Schedule of Proposed Main Modifications was submitted to the Planning Inspectorate for their consideration in September 2018. Given the advanced stage of preparation of this plan greater weight can be afforded to the policies contained in this Plan. The following emerging policies (as amended by the Proposed Modifications) are of relevance to this proposal (summarised):

Policy 1 (Spatial Strategy) – lists a hierarchy of settlements. All land outside of the identified settlements falls within the Countryside and development will be permitted which is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 2 (Development Management) states that development will be permitted provided that sustainable development considerations are met specifically in relation to a range of different factors. Examples include the size, scale, layout and impact on of the development on amenity, trees, character and appearance of the area, access and vehicle generation levels, sustainable drainage and flood risk, etc.

Policy 3 (Design of New Development) identifies a series of design and layout considerations that new development proposals should take into account. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Policy 4 (Approach to Flood Risk) states that development proposed within an area at risk of flooding (Flood Zones 2 and 3 or at risk during a breach or overtopping scenario as shown in the Strategic Flood Risk Assessment) will be permitted, where:

- 1) It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).
- 2) It can be demonstrated that essential infrastructure in Flood Zone 3a & Flood Zone 3b, highly vulnerable development in Flood Zone 2 and more vulnerable development in Flood Zone 3 provide wider sustainability benefits to the community that outweigh flood risk.
- 3) The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which demonstrates that the proposed use is compatible within the flood zone and/or contains measures to minimise or mitigate flood risk (i.e. protection/resilience measures, evacuation procedures, suitable drainage proposals, etc).

Development in all flood zones, and development over 1 hectare in size in Flood Zone 1, will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

Policy 7 (Improving South East Lincolnshire's Employment Land Portfolio) identifies sites within the District that are reserved and allocated for employment development and where employment uses including those falling within Use Class B1, B2 and B8, together with appropriate employment generating and non-B uses will be supported.

Policy 30 (Pollution) states that proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public; the amenities of the area; or the natural, historic and built environment. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Results of Consultation and Publicity

22. (a) Local County Council Member, Councillor Pepper – is a member of the Planning & Regulation Committee and therefore reserves his position until the application is debated at the meeting.
- (b) Environment Agency – has commented that the application site lies within Flood Zone 3a and whilst a Flood Risk Assessment has been submitted in support of the application this has failed to take account of the current South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The SFRA shows the site lies within a current day and future hazard category classified as 'danger to all' which provides an estimation of flood hazard. As such the site could experience flood depths of 0.5-1.0m arising from a breach in defences during a flood that has a 1.0% chance of occurring in any one year up to 2115.

The Agency has advised that the standing advice contained within the SFRA should be adhered to and therefore recommends that either:

Impose a planning condition requiring the finished floor level of the proposed office building to be sited above the flood level; or
Impose a planning condition requiring the finished floor level of the proposed office building to be sited a minimum 300mm above the existing ground level and require the submission of a flood warning and evacuation plan that demonstrates that the residual risk can be managed during a flood event.

Finally, the Agency also advises that the applicant be informed of the need to apply for an Environmental Permit and contact information regarding this has been provided. If permission is granted, this advice could be appropriately dealt with by way of an Informative.

(c) Natural England – no comments.

(d) Highway and Lead Local Flood Authority - no objection subject to conditions which would require all access/egress to be constructed in accordance with highway standards and the hard-surfacing of a distance of no less than 30 metres from the highway boundary.

23. The following bodies/persons were consulted on 12 November 2018 but no comments or response had been received within the statutory consultation period or by the time this report was prepared:

Crowland Parish Council
Environmental Health (South Holland District Council)
Public Health (Lincolnshire County Council)

24. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 22 November 2018). Letters of notification were sent to the nearest neighbouring businesses/residential properties including the aerodrome located to the north-east of the site.

25. Two representations have been received from local residents living close to the site which object to the proposed development. A summary of the concerns/objections and comments made are summarised below:

- Strong concerns regarding noise levels, vibration, dust, extra traffic movements, lighting and the length of opening hours. All of these will affect amenity and some of these issues are a serious health issue too. Long opening hours could cause noise, vibration and light disturbance during the evenings and early mornings.
- The application is factually inaccurate on several key issues. As a previous owner of the land, it is of good agricultural quality, does not waterlog and generates better than average yields. No crop has been grown on the field (except a large number of weeds) since it was purchased and so the applicants claims are inaccurate.
- The applicant has held discussions with Material Change (operator or the adjacent Decoy Farm Waste Management Complex) however it was concluded that there was no synergy between the two businesses

and so they would not be working together with the applicant. To suggest otherwise is shamefully inaccurate.

- The applicant states that there is demand and no other sites. This is factually wrong. Material Change can do exactly what the proposed user wants to do but doesn't offer this service because there is insufficient demand to transport this type of waste to the area.

A letter of objection has also been received from the owner of the Decoy Farm Waste Management site and summary of their main objections are as follows:

- Whilst a 'screening opinion' has been carried out by the Waste Planning Authority (WPA) there seems to be no obvious reason why this proposal is not EIA development. Although the WPA are entitled to reach its own conclusions on such matters, the owner disagrees with this view and feels the proposal should be considered EIA development.
- There is a distinct lack of information about the proposed development or sufficient assessments undertaken to assess the impacts such as traffic, odour and noise. There are also no details of the proposed bund (other than it would be 4m high) and this would have an adverse impact on the side of Spalding Road for some distance.
- The lack of suitable alternative brownfield sites has not been adequately demonstrated.
- There is no information on where waste material is coming from or where end product is going. It is therefore not possible to assess how sustainable this proposal would be. There is also no relationship between this proposal and Material Change (the operator of the Decoy Farm Waste Management Site).
- The proposal would be contrary to Policy SG4 of the South Holland Local Plan and also contrary to Policies W3 and W4 of the Lincolnshire Minerals & Waste Local Plan. The applicant has also failed to demonstrate compliance with the development management policies including DM1, DM2, DM3, DM4, DM13, DM14, DM15 and DM17.

District Council's Observations / Recommendations

26. South Holland District Council – objects to the application and states that the proposal will create a discordant feature in the open countryside and will have a detrimental impact on the character of the surrounding area as well as highway safety. There are also concerns regarding the storage of loose materials in close proximity to the A16 and the loss of agricultural land.

The proposal is contrary to the criteria within Policy SG4 of the South Holland Local Plan (2006) as the applicant has failed to demonstrate compliance with the criteria. It is added that there are other facilities within the district that already provide this function and a substantive argument as to why the development is essential in this location has not been provided.

Conclusions

27. The main issues to be considered in the determination of this application is whether the proposed development is acceptable in this location and/or whether the development would have any adverse environmental or amenity impacts.

EIA Development

28. A representation has been received which submits that the proposed development should be considered EIA development and therefore supported by an Environmental Statement. Whilst this view is noted the application has been 'screened' in accordance with the requirements of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and despite the proposed annual throughout of the site, in the opinion of your Officers, the development is not considered to be of such a scale or significance that it would be of more than local importance or give rise to unusually complex or potentially hazardous environmental effects. As a result, your Officers disagree with the views expressed in the representation and are satisfied that the proposal is not EIA development and so can be processed and determined based upon the information that supports the application.

Waste Need and Planning Policy Context

29. The proposed facility would process and recover materials from inert CD&E wastes (principally comprising of soils and aggregates) and enable them to be re-used in other developments including construction and landscaping projects. The recovery and re-use of such materials not only reduces the overall quantity of wastes that may otherwise go to landfill but also helps to reduce the demand for the extraction of primary or new virgin minerals. The proposed recycling operations do therefore represent a sustainable waste management practice and would help to move the management of wastes up the waste hierarchy. Consequently, the proposed development is in line with the principles and objectives of the NPPF and Policy W1 of the CSDMP and also meets the criteria set out in the NPPW and CSDMP Policies DM1 and DM2.
30. Policy W1 of the CSDMP supports the development of waste management facilities where these are necessary to meet an identified capacity gap for wastes arising in the County. In the case of aggregate and CD&E recycling facilities, there is currently an adequate number of facilities/capacity available to meet the identified waste needs/demands up to the year 2025, however, beyond this date this capacity is predicted to reduce. Consequently, whilst there will be a need to secure new facilities or increased capacity in order to address a potential capacity gap in the future new sites will only be supported in appropriate locations and where they are capable of being operated without giving rise to any unacceptable adverse environmental or amenity impacts. As a result, all proposals will need to

accord with the spatial and locational criteria set out in Policies W3 and W4 of the CSDMP.

Location

31. The broad thrust and ethos of planning policy is to direct most new development towards urban centres and settlements, sites allocated for such purposes (as identified in the Development Plan) and away from rural areas and the open countryside. This is reflected by SHLP Policies SG2, SG3 and SG4 and emerging SELP Policy 1 which all seek to ensure that development is primarily focused towards settlements and therefore protect the open countryside by restricting development unless it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
32. Policy W3 of the CSDMP reflects this general approach by supporting the establishment of waste management facilities in and around the main urban areas and stating that only certain types of facility will be granted outside of these such as small-scale facilities and composting and anaerobic digestion plants. Although large extensions to existing facilities outside of urban areas can also be supported it must be demonstrated that they meet an identified waste management need, are well located to the arisings of the waste it would manage and are on or close to an A class road and meet the criteria of Policy W4. Policy W4 states that new facilities or extensions should be located on previously developed land, existing or planned industrial land, land already in waste management use, sites allocated in the Site Locations Document or Active Mining sites.
33. The applicant has argued that this facility must be located in the open countryside as alternative brownfield field sites (including those within existing and allocated industrial/employment sites such as those identified by Policy SL3 of the Site Locations Document) are not realistic as the operations would be incompatible with other users/businesses due to impacts such as dust and noise. Whilst these arguments are noted, South Holland District Council (SHDC) does not feel a substantive case has been made to demonstrate why the development is essential in this location and therefore state that this development would be contrary to Policy SG4 of the adopted South Holland Local Plan. They add that the development would create a discordant feature in the open countryside and have a detrimental impact on the character of the surrounding area.
34. In terms of location, the proposal site comprises of an agricultural field which is located outside of the development boundaries of Crowland and Spalding (which is identified as one of the main urban areas within Policy W3 of the CSDMP) and therefore lies within the open countryside. The facility cannot be considered small-scale given the proposed annual throughput of 70-75,000 tonnes per annum and although the site is opposite the existing Decoy Farm Waste Management Complex, it is in separate ownership to that facility, physically separated from it by the intervening Barrier

Bank/Spalding Road and would create an entirely separate and independent facility. As a consequence, it cannot be considered as an extension to an existing waste management facility located outside an urban area and therefore the exception criteria within Policies W3 and Policy W4 are not applicable in this case.

35. Having assessed the application it is clear that the site itself is not identified in an adopted or emerging Local Plan as existing or planned industrial/employment land, is not already in waste management use and is also not a site that is being promoted as a suitable for waste management uses within the Site Locations document of the the adopted Lincolnshire Minerals & Waste Local Plan. The establishment of a new large waste management facility of the size and scale proposed would therefore be contrary to the spatial and locational strategies of Policies W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan and Policies SG2 and SG3 of the South Holland Local Plan and Policy 1 of the emerging South East Lincolnshire Local Plan. Furthermore, the applicant has failed to unequivocally demonstrate why a facility of this size and scale has to be located within the open countryside and therefore compliance with Policy SG4 of the South Holland Local Plan and Policy 1 of the South East Lincolnshire Local Plan.

Environmental and Amenity Considerations

36. Representations and objections have been received from South Holland District Council and two members of the public on the grounds of potential unacceptable adverse impacts on amenity and on the local surrounding area by way of increased noise, dust, traffic, etc. Whilst the comments and concerns regarding potential operational impacts are noted, the recycling operations themselves, the plant and equipment and activities that would be carried out at the site are not unusually complex in nature, are well known practices and common of those which are conducted at similar facilities across the County. Given this, if the development had been considered acceptable in all other respects, it is likely that planning conditions could have reasonably been imposed to adequately control, reduce or minimise any impacts such as noise, dust, traffic, flood risk and visual impact to an acceptable level. This is supported by the lack of objection from other statutory and technical consultees which have specialisms in these fields including the Environment Agency and Highway & Lead Local Flood Authority.
37. Consequently subject to suitable conditions, it is likely that the development could have been carried out to an acceptable degree and without giving rise to unacceptable adverse impacts and therefore would not conflict with the environmental and amenity policies identified and contained within the CSDMP, SHLP and SELP. However, the developments compliance with these more general development management plan policies do not outweigh or override the proposals more fundamental conflict and non-compliance with the strategic and locational policies as stated above.

Final Conclusions

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
39. The proposal site comprises of agricultural land and is a greenfield site lying within the open countryside. The site itself is not identified in an adopted or emerging Local Plan as existing or planned industrial/employment land, is not already in waste management use and is also not a site that is being promoted as a suitable for waste management uses within the Site Locations document of the adopted Lincolnshire Minerals & Waste Local Plan.
40. The establishment of a new large waste management facility of the size and scale proposed would therefore be contrary to the spatial and locational strategies of Policies W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan and Policies SG2 and SG3 of the South Holland Local Plan and Policy 1 of the emerging South East Lincolnshire Local Plan. Furthermore, the applicant has failed to unequivocally demonstrate why a facility of this size and scale has to be located within the open countryside and therefore compliance with Policy SG4 of the South Holland Local Plan and Policy 1 of the South East Lincolnshire Local Plan.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

The proposal site comprises of agricultural land and is a greenfield site lying within the open countryside. The site is not identified in an adopted or emerging Local Plan as existing or planned industrial/employment land, is not already in waste management use and is also not a site that is being promoted as a suitable for waste management uses and the applicant has failed to unequivocally demonstrate why a facility of this size and scale has to be located within the open countryside.

The establishment of a new large waste management facility of the size and scale proposed would therefore be contrary to the spatial and locational strategies of Policies SG2 and SG3 of the South Holland Local Plan and Policy 1 of the emerging South East Lincolnshire Local Plan and also contrary to Policies W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan.

Appendix

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

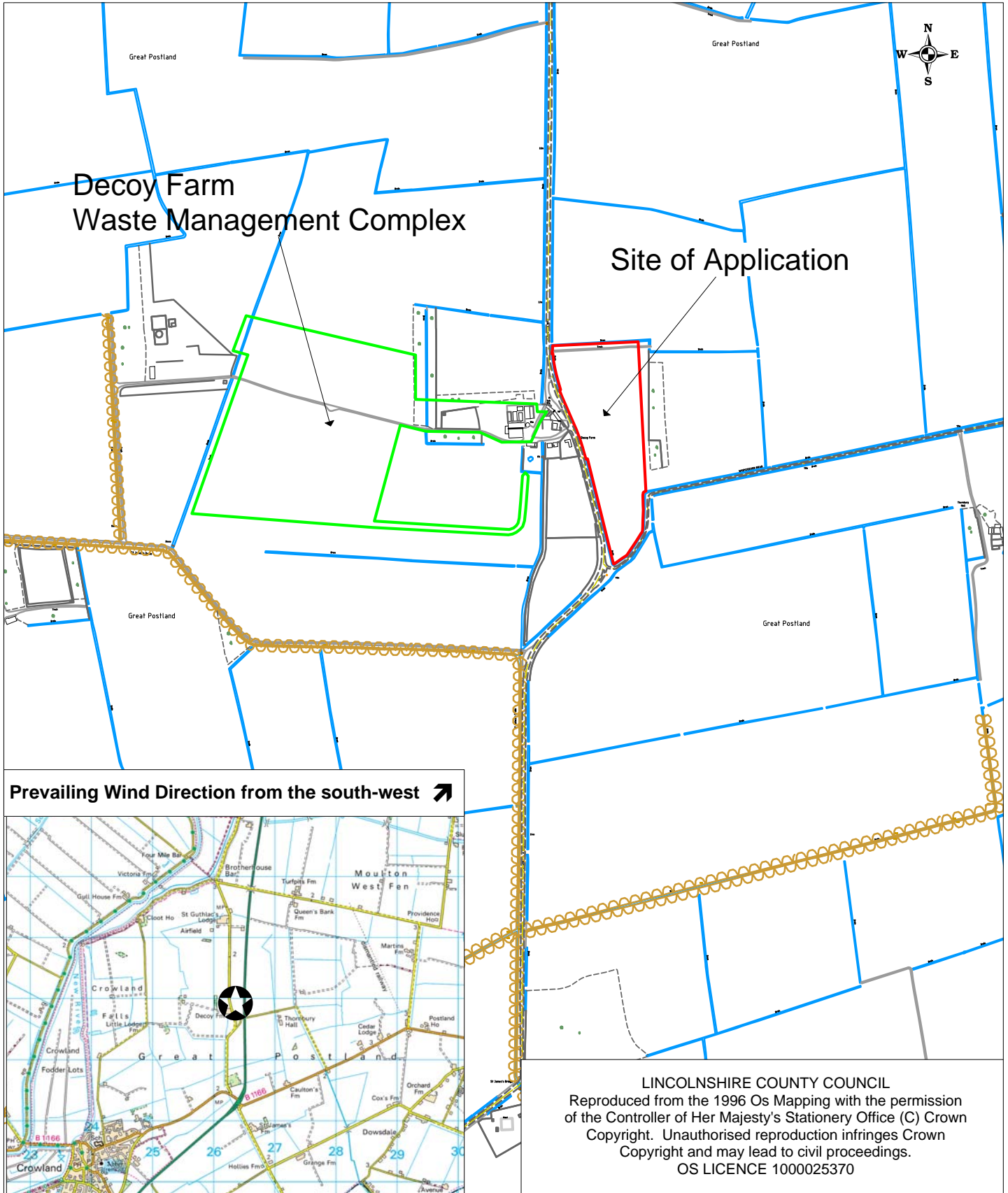
Appendix A	Committee Plan
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Background Papers

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	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) and Site Locations (2017)	Lincolnshire County Council website www.lincolnshire.gov.uk
South Holland Local Plan (2006)	South Holland District Council Website www.sholland.gov.uk
South East Lincolnshire Local Plan (2011 – 2036)	South East Lincolnshire Local Plan website http://www.southeastlincslocalplan.org/
South Kesteven Local Plan (2010) South Kesteven Proposed Submissions Local Plan (2011-2036)	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



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 OS LICENCE 1000025370

Location:

Land off Barrier Bank
 Adjacent to Decoy Farm
 Spalding Road, Crowland

Application No: H02-1146-18

Scale: 1:10,000

Description:

For the processing and storage of construction, demolition and excavation wastes to produce soils and aggregate products

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**Open Report on behalf of Andy Gutherson
Interim Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	14 January 2019
Subject:	Monitoring of Operations at Biscathorpe Oil Exploration Site

Summary:

This report sets out the monitoring of activities at the Biscathorpe Oil Exploration site since construction works commenced at the beginning of October 2018.

The report notes that some breaches of planning control have occurred since the development commenced which have now largely been resolved by the submission of a further planning application or measures taken to address the breaches identified.

The works carried out on the site have incorporated the construction of the access road, site compound and well pad drilling platform. These works have been carried out in accordance with the approved details.

Recommendation:

That the comments of the report are noted and that a further report is brought to a later Committee detailing the progress of the development during the drilling phase.

Background

1. Temporary planning permission ((E)N59/2259/14) was granted on 16 March 2015 for the construction of a new access track, and well site, with associated portable cabins for the storage of equipment and staff office accommodation and for the the drilling of an exploratory borehole, the undertaking of production tests for conventional hydrocarbons and for the retention of the site and well head valve assembly gear for evaluation. Commencement of development was confirmed on the 28 February 2018.
2. Planning permission (reference: N/059/00531/18) was granted May 2018 to allow an extension to the end date for the completion of the development by three years (until 28 February 2021) and to amend approved drawings so as to allow the retention of security and welfare cabins during the production testing phase.

3. A further retrospective planning permission (N/059/02114/18) was granted 3 December 2018 for the temporary installation of six site security and welfare cabins, four water bowsers, generator and associated facilities on land close to the oil exploration site.
4. In accordance with the provisions of Schedule 2, Part 17, Class KA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, Egdon Resources UK Ltd notified the Mineral Planning Authority (acknowledged 5 November 2018) of its intention to drill preparatory groundwater monitoring boreholes associated with the petroleum exploration operations.
5. These water monitoring boreholes have been drilled in accordance with the requirements of the Environment Agency.
6. At the Planning and Regulation Committee on 3 December 2018 following the Committee's resolution to grant retrospective planning permission for the security cabins the Committee requested that a report be brought to the next meeting setting out the outcome of the Council's weekly monitoring of the site.
7. Set out below are the dates of the monitoring visits that have been undertaken and the progress of the works since construction commenced in early October.

9 October 2018

- Identified that a number of security/welfare cabins associated with the development had been located adjacent to the planning permission area. A retrospective planning application to retain the cabins in this location was submitted to the Minerals Planning Authority on 09/10/2018 ;
- Works were being carried out to create the access and kerbing to the entrance.
- Archaeologists were on site carrying out a watching brief during the soil strip of the access track.
- A complaint was received in relation to an alleged delivery taking place after 1pm on Saturday 6 October. This complaint was investigated. The case was closed due to no evidence being found to substantiate this complaint.
- During the site inspection, it was identified that soil had been deposited onto the public highway from the site. Road sweepers were scheduled to clean the road later that day to ensure compliance with part 10.0 (Control of Dust and Dirt on Public Highway) of the Traffic Management Plan.
- During the site inspection, the access road was being constructed. It was identified, that the traffic signage has not been erected as required by condition 16. The Operator was instructed to arrange for the signage to be installed by 19 October 2018.

18 October 2018

- Bund construction had commenced, no issues identified.
- No further complaints received in respect of out of hours working. No noise complaints received.
- The gates had been erected at the access.
- The access had been constructed.
- The vegetation adjacent to the access had recently been cut back by the farmer.
- During the site inspection, it was identified, that the directional signage had not been erected. It was noted that all other signage detailed in the approved plan had been erected. Condition 16 required that all signage was to be erected before the construction of the access road. The Operator was instructed to arrange for the remaining signage to be installed by 25 October 2018.

25 October 2018

- The entrance had been constructed in accordance with approved details. Works were nearing completion to the hard standing of the site compound and had been carried out in accordance with the approved details. A cut and fill operation (removing soils to the required depth which are then to be replaced with stone) was being carried out to the well pad. Works undertaken in accordance with the approved details.
- Archaeological contractors were on site during the site visit. They were there observing the cut and fill operation on the well pad construction.
- No further complaints received in respect of out of hours working. No noise complaints received.
- During the site inspection, the distance between the previously erected gates and the nearside edge of the carriageway was measured. The gates have been set back to the required 15 metres and do not open over the highway.
- Site access is now in use and has been used since the beginning of the week to take delivery of materials to the site.
- The site inspection identified that all signage has been erected in accordance with the approved details. All signs have been retained and the operator carries out weekly checks to ensure that all signs remain situated in the approved location and face the correct way.

2 November 2018

- Works are nearing completion to the hard standing of the site compound and have been carried out in accordance with the approved details. The construction of the well pad is nearing completion.
- Construction of the compound ditches has begun and has been carried out in accordance with approved details.

- No further complaints received in respect of out of hours working. No noise complaints received. A copy of the noise monitoring survey was submitted to the Planning Authority on 30 October 2018. No issues were identified.

9 November 2018

- Works are nearing completion to the hard standing of the site compound and have been carried out in accordance with the approved details.
- The construction of the well pad is nearing completion.
- The well cellar has been installed in accordance with the approved details.
- Archaeological groundworks are complete and monitoring has now ceased on site. The final report is expected to be submitted to the LCC Historic Environment team before the end of 2018.
- No further complaints received in respect of out of hours working. No noise complaints received.

15 November 2018

- During the site inspection, it was identified that a mobile welfare unit has been brought to the site for the use (when required) of the security guards, due to an increased need for security to spend more time at the site entrance.
- During the site monitoring visit, the liner was being installed to the compound area. The liner is created with an impermeable seal which diverts all site run off into the sealed perimeter interceptor ditches and collection pipes prior to being collected by tankers for disposal. The installation of the liner is being monitored by an independent CQA Inspector.
- Construction of the compound ditches has begun and the surface water run off interceptor pipe has been installed in accordance with approved details.
- A letter of complaint was received reporting out of hours working. During the investigation, there was no breach identified or evidence that a breach had taken place.
- No noise complaints received.

6 December 2018

- Since the previous site monitoring visit, the installation of the liner has completed the concrete ramp to allow HCVs to access the well pad from the compound area has been installed, the construction of the well cellar has been completed, and the perimeter ditches have been filled with gravel in accordance with the approved details. During the site monitoring visit, the groundwater monitoring boreholes were being installed. The installation process was being overseen by a geologist who was taking samples at every half meter. The stone was being

spread, levelled and compacted over the compound area in accordance with the approved details.

- Construction of the compound ditches and surface water drainage system has been completed in accordance with approved details.
- The installation of the security fencing is nearing completion. No further complaints received in respect of out of hours working. No noise complaints received.
- The six site security and welfare cabins, four water bowsers, generator and associated facilities previously located on land adjacent to the well site compound have been relocated to the compound area and the site returned to its former condition.

13 December 2018

- Since the previous site monitoring visit, the installation of the groundwater monitoring boreholes has been completed. Samples have been collected from the boreholes to provide a benchmark for when drilling commences and no negative results were found.
- In preparation for the main drilling rig, the surface conductor rig has been installed on the site and drilling has commenced to enable the installation of the well casing. Works are expected to be completed by 17 December 2018.
- The installation of the security fencing has been completed.
- Cabins have been positioned on the site. Some of the cabins are due to be removed and replaced on a like for like basis.
- Lighting has been installed on the site. No complaints have been received.

Community Liaison Group

8. The Community Liaison Group met for the first time on 3 December and was a productive meeting. One of the matters raised related to the availability of the monitoring information. It was agreed that this information can be put in the public domain and a mechanism of the most appropriate method to achieve this is being discussed.
9. The next meeting will take place in mid-January which will incorporate a site visit so the community group can see the site during the drilling operations to get a better understanding of what takes place at a drilling exploration site.

RECOMMENDATIONS

That the contents of the report are noted and that a further report is brought to a later Committee detailing the progress of the development during the drilling phase.

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

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