

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

Report to:	Planning and Regulation Committee
Date:	3 April 2017
Subject:	County Matter Application - B/0051/17

Summary:

Planning permission is sought by Biomass UK No. 3 Ltd (Agent: Power Consulting (Midlands) Ltd) to vary condition 3 of planning permission B/0435/16 to extend the range of permitted feedstock materials including the use of Refuse Derived Fuel (RDF) at Riverside Industrial Estate, Marsh Lane, Boston.

The key considerations in this case are whether the proposed alterations to the operation of the already approved plant changes the position of the operation up or down the waste hierarchy, whether the proposed use of RDF as a fuel would result in any potential increased emissions and/or whether this would increase potential odours.

Having taken into account the nature of the change proposed and the supplementary information and details submitted in support of this application, the revised development would not exacerbate or give rise to any new significant environmental or amenity impacts over and above those which have already been deemed acceptable and which could be mitigated by the imposition of planning conditions. As a result the proposed modification is considered acceptable and can be supported and the revised development would still accord with the objectives and principles of the cited policies of the National Planning Policy Framework, Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies, Boston Borough Local Plan and emerging policies of the South East Lincolnshire Local Plan.

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 for the construction of a gasification power station within the Riverside Industrial Estate, Boston was first granted in September 2010 (ref: B/0477/09). Since then a number of non-material amendments and subsequent Section 73 planning permissions and have been granted

which have varied conditions attached to the consents and allowed for changes to the development including changes to the site's layout, the position and design of some of the buildings and a reduction in the stack height of the chimney from 60m to 44m (refs: B/0387/14, B/0203/16 and B/0435/16).

2. The applicant is now seeking permission to allow the use of Refuse Derived Fuel (RDF) as a potential feedstock fuel by the gasification plant. This amendment would require a variation to an existing planning condition attached to the permission. Concurrent to this application a further application has been made for the installation of ancillary services and structures comprising a fire water tank, a fire water pump house, a diesel tank, an emergency generator, transformer and distribution network operator cabinet (ref: B/0046/17). The details of that proposal are subject of a separate report.

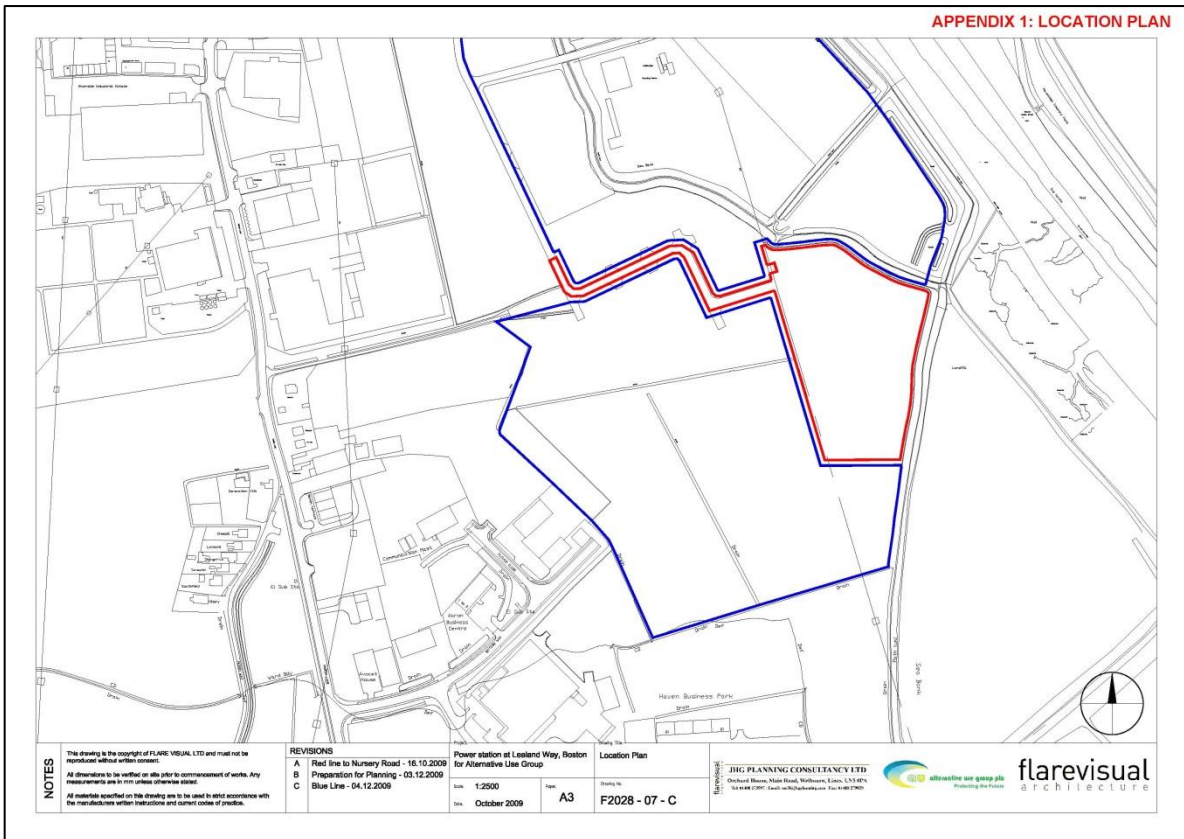
The Application

3. Planning permission is sought to vary condition 3 of planning permission B/0435/16 which relates to the gasification plant currently being constructed on Riverside Industrial Estate, Boston. Condition 3 presently reads as follows:

"The total quantity of feedstock materials permitted to be imported and utilised by the gasification plant shall not exceed 137,000 tonnes per annum. All materials brought to the site shall be weighed at a weighbridge within the site and weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request."

4. The applicant proposes to amend Condition 3 to read as follows:

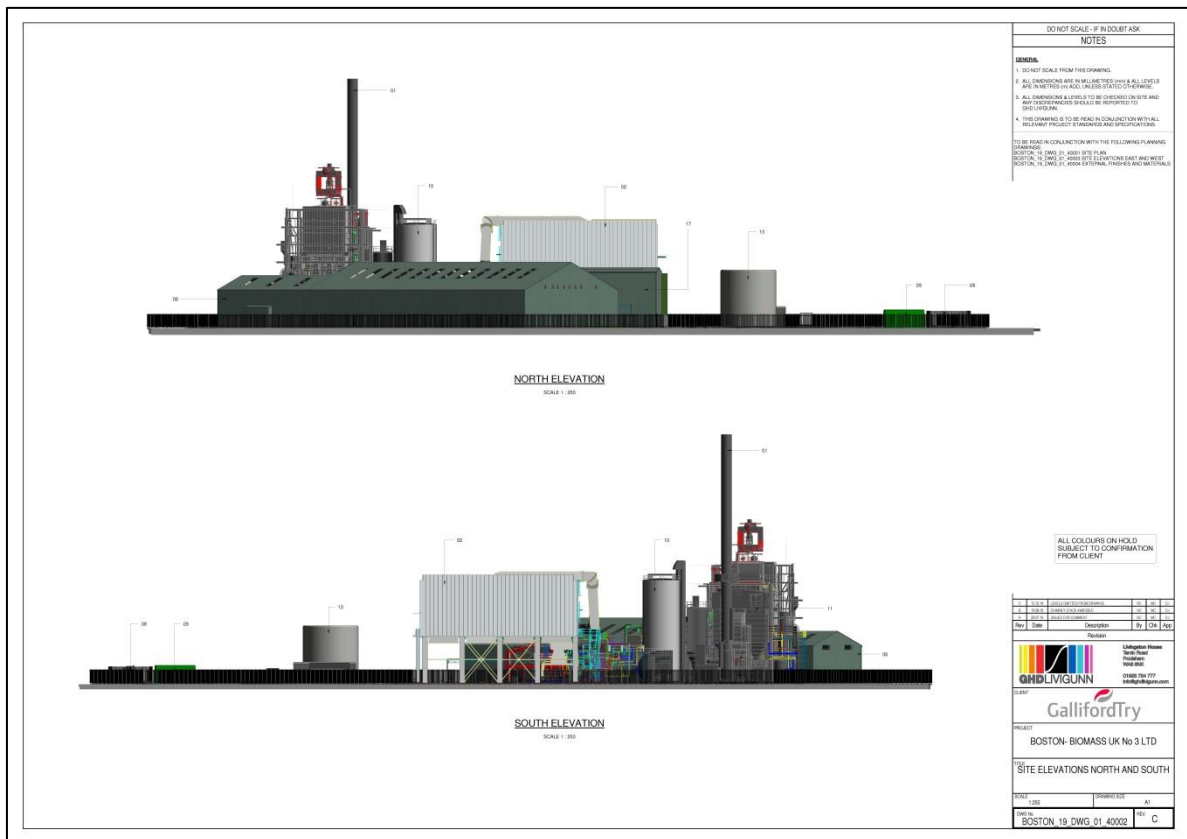
"The total quantity of feedstock materials (waste wood and/or refuse derived fuel) permitted to be imported and utilised by the gasification plant shall not exceed 137,000 tonnes per annum. All materials brought to the site shall be weighed at a weighbridge within the site and weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request."



Location Plan

5. The applicant wishes to amend the wording of the condition in order to allow Refuse Derived Fuel (RDF) to be used as a potential feedstock fuel by the gasification plant. Currently the plant has been assessed on the basis that it would use waste wood only however the applicant is seeking to broaden the range of permitted feedstock types in order to improve long-term security of feedstock supply and ensure continuity of the plant operations across its planned lifetime (up to 25 years). The applicant therefore proposes that RDF be included as a potential feedstock material although it is stated that whilst this amendment would facilitate the use of RDF it would not mean that the plant would automatically switch to using RDF not least because it already has a long-term contract for the supply of waste wood.

6. The application acknowledges that RDF has differing characteristics to waste wood in terms of its calorific value, fuel density and moisture content and so fluctuations can occur from time to time and consequently the tonnages of this particular feedstock may vary along with the frequency of deliveries. However, the applicant does not propose to increase the maximum number feedstock deliveries or annual tonnage cited by Condition 3 and all operations would still abide by the existing hours of operation. The existing emissions abatement system and flue stack height have also already been designed to allow for multiple fuels to be used including RDF. The Air Quality Assessment (already approved as part of the development) confirms that the emissions from the plant would remain within the Industrial Emission Directive (IED) emission limits despite the proposed change to the



Site Elevations North and South

Site and Surroundings

- The gasification plant site occupies an area of approximately 2.06 hectares located on land south of the Riverside Industrial Estate, Boston. The site forms part of a larger area of land that has been allocated for employment (industrial and commercial) development in both the currently adopted Boston Borough Local Plan 1999 and emerging South East Lincolnshire Local Plan (Draft 2016). The gasification plant is currently under construction although the remainder of the wider areas remains in agricultural use (although not cropped).
- The site's northern and eastern boundaries are denoted by existing field drainage dykes/ditches which follow the alignment of the adjacent 'sea defence banks'. The banks are planted with a belt of mature trees/shrubs which help to screen and filter views of the site from the public footpaths which also trace the route along the top of these banks. A 'mud bank' associated with The Haven (a tidal watercourse) and the Havenside Local Nature Reserve are located beyond the easternmost corner of the proposal site.
- Residential development is located beyond The Haven approximately 430m to the north-east of the site. There is also a small group of residential properties fronting onto Marsh Lane which lie approximately 490m to the west of the site. Land to the north and west of the site forms part of the wider Riverside Industrial Estate and is currently being used for a mixture of

industrial and commercial uses. To the south of the site lies Boston Landfill site (accessed via Slippery Gowt Lane) and the land immediately east of the site forms part of the landfill site (now restored).

11. Access to the site is gained via the Riverside Industrial Estate's existing road network and more specifically Nursery Road with a new section of road extending off Nursery Road providing access to the site.

Main Planning Considerations

National Guidance

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

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

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

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

Paragraphs 186 & 187 – decision-taking should be approached in a positive way to foster the delivery of sustainable development and where possible planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area.

Paragraphs 215 & 216 – the status of Local Plans and policies and their consistency with the NPPF.

Adopted Local Plan Context

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

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

Policy 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 DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

14. Boston Borough Local Plan (BBLP) (1999) - in line with paragraph 215 of the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following 'saved' policies are of relevance to this proposal:

Policy G1 (Amenity) is permissive and states that planning permission will only be granted for development which will not substantially harm general amenity considerations.

Policy G8 (Air and Soil Resources) states that planning permission will not be granted for development which will have an adverse effect upon the quality of air or soil such as to lead to harm to local living or working conditions or operation of nearby land-uses; harm natural flora and fauna of interest, and/or; added constraints on future developments in the area.

Emerging Local Plan Context

15. South East Lincolnshire Local Plan (SELLP) (Draft January 2016) - work has begun on the preparation of the South East Lincolnshire Local Plan which will eventually replace the currently adopted Boston Borough Local Plan 1999 and South Holland Local Plan 2006. Public consultation on a draft plan took place between 8 January and 19 February 2016 and consultation on a final version of the plan is expected to be undertaken in April 2017. The policies contained within the draft plan currently carry little weight in the

determination of planning applications given its early stage of preparation however the key policies of relevance in this case are as follows:

Policy 1 (Presumption in Favour of Sustainable Development) supports proposals that are consistent with the principles of sustainable development.

Policy 3 (Development Management) sets out a range of criteria that need to be taken into consideration in the determination of applications.

Policy 28 (Climate Change and Renewable Energy and Low Carbon Energy) states that development of renewable energy equipment, associated infrastructure and the integration of decentralised technologies on existing or proposed structures will be permitted provided, individually, or cumulatively, there would be no demonstrable harm to: visual amenity; residential amenity in respect of: noise, fumes, odour, vibration, shadow flicker, broadcast interference, traffic; highway safety (including public rights of way); nature conservation, agricultural land take, landscape character or quality, or skyline considerations and aviation and radar safety.

Policy 29 (Design of New Development) seeks to ensure that all developments are appropriate in terms of their design and layout and maximise opportunities for improving the character and quality of an area.

16. The Site Locations Document (Pre-submission Draft) of the Lincolnshire Minerals and Waste Local Plan sets out the preferred sites and areas for future minerals and waste development. Public consultation on this draft plan was undertaken between 7 November and 19 December 2016 and the final version of this document is expected to be submitted to Secretary of State in April 2017. The policies contained within the plan currently carry little weight in the determination of planning applications given its early stage of preparation however the key policies of relevance in this case are as follows:

Policy SL3 (Waste Site and Area Allocations) identifies the sites and areas that are proposed to be allocated and safeguarded for waste uses and states that applications for waste development on the sites identified within these areas will be permitted where the applicant can demonstrate that the proposal is in line with the Development Plan. The proposal site lies within the allocated area referred to as WA22-BO which has been assessed as a potential suitable location for broad range of open and enclosed waste facilities reflecting the nature of the established uses of the area and also the large area still available for development.

Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor Austin – was notified of the application on 2 November 2016 but no response or comments had been received within the statutory consultation period or by the time this report was prepared.

- (b) Fishtoft Parish Council – no comments.
- (c) Highway & Lead Local Flood Authority – the proposed development is acceptable and accordingly does not wish to object to this planning application.

18. The following persons/bodies were consulted on 3 February 2017 but no response had been received within the statutory consultation period or by the time this report was prepared:

Wyberton Parish Council
Environmental Health Officer (Boston Borough Council)
Environment Agency

19. The application has been advertised by way of notices posted at the site and in the local press (Boston Standard on 8 February 2017) and letters of notification were sent to neighbouring businesses and persons who have previously commented on previous applications relating to this development.

20. Three representations have been received as a result of this publicity and a summary of the main comments/concerns and objections received are set out below:

- The reduced flue stack height and emissions from the plant would result in a degradation of local air quality and this would be exacerbated through the use of RDF adding to the health and environmental impacts across as a sensitive area and on the local population.
- Various reports confirm that the gasification of wastes can cause excessive emission hazards and produce dioxins and furans which are of particular concern. The site is located in a prime vegetable growing area and Wash fisheries and therefore concerns that these could enter the food chain creating potential health damage to the most vulnerable.
- Fine particle pollution is the most hazardous air pollutant with no safe level of exposure. Biomass content is known to create emissions inversion problems with fine particles mainly submicron allowing easy access to the bloodstream, the use of polluted RDF will automatically add to the hazard.
- Concerns that the use of RDF as a fuel source could discourage and result in a reduction in the rates of recycling. Recycling wastes can provide a 70% greater energy recovery saving than is produced in an EfW plant and is also a more sustainable practice. The impact of the EfW in North Hykeham has been significant on District Council recycling rates with some falling over 100 places nationally.
- Comments received contend that 80% of the waste wood to be used by the facility could be reused in agricultural or eco projects and that the use of wood in the provision of energy degrades air quality with health consequences. This can add billions of pounds to NHS costs and also there are questions over the CO₂ credentials of using wood as an alternative fuel.

- The gasification plant will require significant downtime and so cannot be relied upon for 24/7 power supply or to provide good quality heat and power.
- The applicant appears to be a new company and this raises concerns regarding historical experience and performance in the field of waste processing in the UK. It is argued that the poor record of gasification in the UK points to the need for serious scrutiny of any proposal for waste disposal processes especially regard to need, performance and impact.
- Objections received on the grounds that RDF can spontaneously combust and there have been fires associated with the storage of such wastes at other sites in Lincolnshire.
- RDF should be stored in a building and not outdoors.
- Another EfW/RDF burning plant is not required as there is already one in North Hykeham and this is having a job to get what it needs.
- Concerns about traffic associated with this development and the impacts of traffic on Boston.
- A series of questions/concerns have also been raised about how the site would be operated and managed including:
 - What measures would be in place to detect and control fires?
 - How would run-off be contained in the event of fire?
 - Would staff be appropriately qualified to operate and manage the site?
 - Can it be assured that the RDF would not contain wastes that contain carcinogenic, mutagenic or explosive materials?
 - How would emissions be monitored and odour inspections carried out?
 - Is there a traffic management plan?
 - Has a fire prevention plan been put in place?

District Council's Recommendations

21. Boston Borough Council – no objection.

Conclusion

22. This application is made under Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for applications for planning permission without complying with the conditions to which a previous permission was granted. It creates a new permission, with a varied wording of condition(s), which the applicant can implement or ignore and does not amend any existing planning permission.
23. The key considerations in this case are whether the proposed alterations to the operation of the already approved plant changes the position of the operation up or down the waste hierarchy, whether the proposed use of RDF as a fuel would result in any potential increased emissions and/or whether the this would increase potential odours.

Waste Hierarchy

24. The current permission and development essentially allows the use of waste wood as a fuel and during the gasification process these wastes are converted to produce energy. This process is considered to be 'recovery operation' which means the waste is serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function (e.g. fossil fuel). The gasification plant is currently permitted to use waste wood only and this application proposes to expand the permitted feedstock types so as to include RDF.
25. In essence the proposed change to the feedstock materials does not matter so long as it is demonstrated that the envisaged facility would not undermine the waste planning strategy through prejudicing movement up the waste hierarchy. RDF is comprised typically of materials that cannot be recycled and therefore would otherwise be disposed of via landfill. Therefore the revised operation of this facility would still be recovery and thus there would be no change to the position of the existing site in terms of the waste hierarchy. On this basis the proposed changes are considered acceptable, subject to suitable controls to limit any additional pollution issues that might arise through the proposed feedstock.

Emissions

26. Objections have been received on the grounds that the introduction and use of RDF as a fuel could result in dangerous emissions and pose an increased risk both to the environment as well as local population. These concerns are noted however the potential impacts associated with emissions from the gasification plant have already previously been assessed as part of an Air Quality Assessment which supported both the original application and more recently the application which was granted and approved a reduction in the height of the flue stack. This same assessment has been resubmitted in support of this application and confirms that the emissions from the plant would remain within the Industrial Emission Directive (IED) emission limits despite the proposed change to the feedstocks types. The use of RDF as a potential fuel source would not impact upon the efficiency of the process or lead to issues in terms of the dispersal of emissions or concentration on pollutants/gases produced and therefore would not exacerbate or increase the impacts of the development over and above that already approved.
27. Although the Environment Agency has not provided comments on this particular application/proposal they have commented on previous applications and have consistently confirmed that in addition to any planning permission the development would also be subject of an Environmental Permit. Air emissions would be controlled by the Environmental Permit which would also include a range of other conditions and controls to regulate the day to day site management operations in order to ensure no significant pollution is caused. The NPPF makes clear that planning and pollution control systems are separate and advise that local planning authorities should not duplicate the functions of the statutory pollution control bodies in

regulating emissions. Consequently, whilst the pollution and planning system are complementary in many respects, the planning system should focus on whether the development itself is an acceptable use of the land rather than the control of processes or emissions themselves. Therefore although representations have been received which raise questions and concerns about how the site would be managed and how emission levels from the site would be monitored and controlled, I am satisfied that the site's Environmental Permit would ensure that appropriate mechanisms are in place to address these concerns.

Odour

28. As part of this application the applicant has submitted an Odour Impact Assessment which as it is recognised that RDF can be comprised of residual waste materials and therefore may potentially give rise to odours if not managed correctly. The Odour Impact Assessment confirms that the RDF would comprise of wrapped bales that would be stored within a building and not externally. The building, along with the mitigation measures to be installed as part of the building, would reduce the pathway for potential odours and the distance of the plant to the nearest residential properties and the historical weather data indicates that any odour impacts from the storage of these would be negligible. The methodology used for the assessment is considered correct and again the Environmental Permit issued by the Environment Agency would control odour emissions from the site.

Human Rights Implications

29. Finally, 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

30. Having taken into account the nature of the change proposed and the supplementary information and details submitted in support of this application, the revised development would not exacerbate or give rise to any new significant environmental or amenity impacts over and above those which have already been deemed acceptable and which could be mitigated by the imposition of planning conditions. As a result the proposed modification is considered acceptable and can be supported and the revised development would still accord with the objectives and principles of the cited policies of the National Planning Policy Framework, Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies, Boston Borough Local Plan and emerging policies of the South East Lincolnshire Local Plan.

31. 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 the existing planning permission 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. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission B/0435/16 has been implemented and therefore commenced.
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 details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
 - Planning Application Form, Design and Access Statement (received 4 December 2009) and Environmental Impact Assessment (received 11 December 2009) which comprised of the following documents:
 - Environmental Noise Assessment by Acoustic Associates dated October 2009 (received 4 December 2009) as supplemented by the information contained in the letters from Acoustic Associates dated 18 March 2010 and 6 August 2010
 - Air Quality Assessment by Entran Ltd (received 23 January 2017)
 - Flood Risk Assessment (Version 4) by RM Associates dated December 2009 (received 4 December 2009) and addendum reference 02 (dated stamped received 6 November 2015)
 - Ecological Assessment by Adam Denard Ecology dated July 2009 (received 11 December 2009) as supplemented by the Water Vole Survey Report by Helen Scarborough Ecology dated May 2010 (received 10 June 2010)
 - Archaeological Desk-Based Assessment Report by Allen Archaeology Ltd dated February 2010 (received 19 March 2010) and Archaeological Evaluation Report by Archaeological Project Services dated May 2010 (received 10 June 2010)
 - Transport Statement by LDA (Civils & Transportation) Ltd dated 17 March 2010 (received 19 March 2010)
 - Odour Impact Assessment by Power Consulting Midlands Ltd (received 25 January 2017)
 - Dwg No. F2028-07-C: Location Plan (received 4 December 2009)

- Dwg No. BOSTON_19_DWG_01_40002 Rev.C: North and South Elevation (received 16 December 2016)
 - Dwg No. BOSTON_19_DWG_01_40011 Rev.A: Plan and West Elevation (received 16 December 2016)
3. The total quantity of feedstock materials (waste wood and/or refuse derived fuel) permitted to be imported and utilised by the gasification plant shall not exceed 137,000 tonnes per annum. All materials brought to the site shall be weighed at a weighbridge within the site and weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.
 4. No tipping, storing, handling, sorting or processing of the feedstock waste materials shall take place outside the confines of the buildings approved for this purpose.
 5. Except as may otherwise be agreed in writing with the Waste Planning Authority, no HGVs are permitted to enter or exit the site associated with the delivery of waste feedstock materials and/or the export of the lightweight aggregate produced by the development's Accelerated Carbonation Technology plant except between the hours 07:00 and 19:00 hours Monday to Saturday (inclusive). No such deliveries or export activities shall take place on Sundays, Bank or Public Holidays.

Other than the above restrictions, the development hereby permitted may operate continuously 24 hours a day, 7 days a week with members of staff being present on-site at all times.

6. All buildings (excluding the Security Office and Office Building) shall be sound insulated in accordance with the specification and details that were previously submitted and approved by the Waste Planning Authority as referenced and set out in the decision letter dated 27 February 2012 (originally approved pursuant to Condition 6 of planning permission B/0477/09).
7. The rating level of noise emitted from the site shall not exceed the boundary noise levels/limits cited in Appendix 1 of the Acoustic Associates Ltd's letter dated 6 August 2010 when measured at the identified site boundary locations shown on Figure 1 which also supported the Acoustic Associates Ltd's letter dated 6 August 2010.
8. Within three months of the development becoming operational, a noise survey shall be undertaken to determine the rating level of noise emitted from the operations of the application site, in accordance with BS4142: 1997. This shall be carried out at the same or equivalent monitoring positions as outlined in Figure 1 of the Acoustic Associates Ltd's letter dated 6 August 2010 (defined by Condition 2). The results of the survey shall be forwarded to the Waste Planning Authority within one month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within

the report and implemented within one month following their approval by the Waste Planning Authority, unless minor variations are otherwise agreed in writing by the Waste Planning Authority.

9. The development hereby permitted shall not be brought into use until a 2 metre high acoustic fence has been erected around the site (as shown on Drawing No. BOSTON_19_DWG_01_40011 Rev.A). The acoustic and site security fencing shall thereafter be maintained and retained in a condition fit for purpose whilst ever the development hereby permitted subsists.
10. All vehicles, plant and machinery operated outside of the building 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.
11. All soft landscaping and planting associated with this development shall be implemented and maintained in accordance with the specification and details that were previously submitted and approved by the Waste Planning Authority as referenced and set out in the decision notice dated 2 April 2013 (originally approved pursuant to Condition 11 of planning permission B/0477/09).
12. Surface waters from the site and associated with this development shall be managed in accordance with the details and systems which were previously submitted and approved by the Waste Planning Authority as referenced and out in the decision notice dated 2 April 2013 (originally approved pursuant to Condition 12 of planning permission B/0477/09).
13. The flood protection and mitigation measures along with the Flood Evacuation Plan as identified and contained within the Flood Risk Assessment (defined by Condition 2) shall be fully implemented and carried out as part of the development and shall thereafter continue to be implemented whilst ever the development hereby permitted subsists.
14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

15. The development hereby permitted shall not be brought into use until the means of vehicular and pedestrian access from Nursery Road has been laid out, hard surfaced, sealed and drained to the constructional specification as set out in the Transport Statement by LDA (Civils & Transportation) Ltd dated 17 March 2010 (as defined by Condition 2).
16. The development hereby permitted shall not be brought into use until the car parking areas and internal vehicular turning and circulation areas (as shown on Drawing No. BOSTON_19_DWG_01_40011 Rev.A) have been laid out, hard-surfaced, sealed and drained. The car parking area and internal and vehicular turning and circulation areas shall thereafter be kept available for use and swept or otherwise cleaned to prevent the accumulation of mud, dirt or debris whilst ever the development hereby permitted subsists.
17. Measures to avoid and compensate for the loss and impacts of the development on water vole habitat, including the creation of new and replacement habitat associated with the drainage ditch improvements, shall be fully implemented and carried out in accordance with the scheme and details previously submitted and approved by the Waste Planning Authority as referenced and set out in the decision notice dated 2 April 2013 (originally approved pursuant to Condition 17 of planning permission B/0477/09).
18. Before the development hereby permitted is brought into use bat boxes and bird nesting boxes shall be installed in accordance with the details previously submitted and approved by the Waste Planning Authority as referenced and set out in the decision notice dated 2 April 2013 (originally approved pursuant to Condition 18 of planning permission B/0477/09). The bat boxes and bird nesting boxes shall thereafter be maintained whilst ever the development hereby permitted subsists.
19. The means of connection to the National Grid shall be by underground cable.

Reasons:

1. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).
2. To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.
- 3 & 4 To correspond with the quantities for which planning permission was applied for and to ensure the interests of the amenities of the area.
5. In the interests of general amenity of the area and to reflect the hours of operation applied for within the application.

6 – 10

To minimise the potential nuisances and impacts of noise arising from the development and to protect the amenity of local residents.

11. In the interests of visual amenity and to ensure that the species to be planted as part of the landscaping works reflect those which are characteristic of the local area.

12 – 14

To ensure the proper drainage of the site and treatment of surface waters, to prevent the risk of flooding both within and outside the site and to prevent the pollution of the water environment.

15 & 16

To ensure that the means of access to the site and vehicular circulation and parking spaces are provided in the interests of highways safety.

17 & 18

In the interests of nature conservation and to minimise disturbance and ensure the protection of breeding birds that may be nesting within the site.

19. In the interest of visual amenity of the area.

Appendix

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

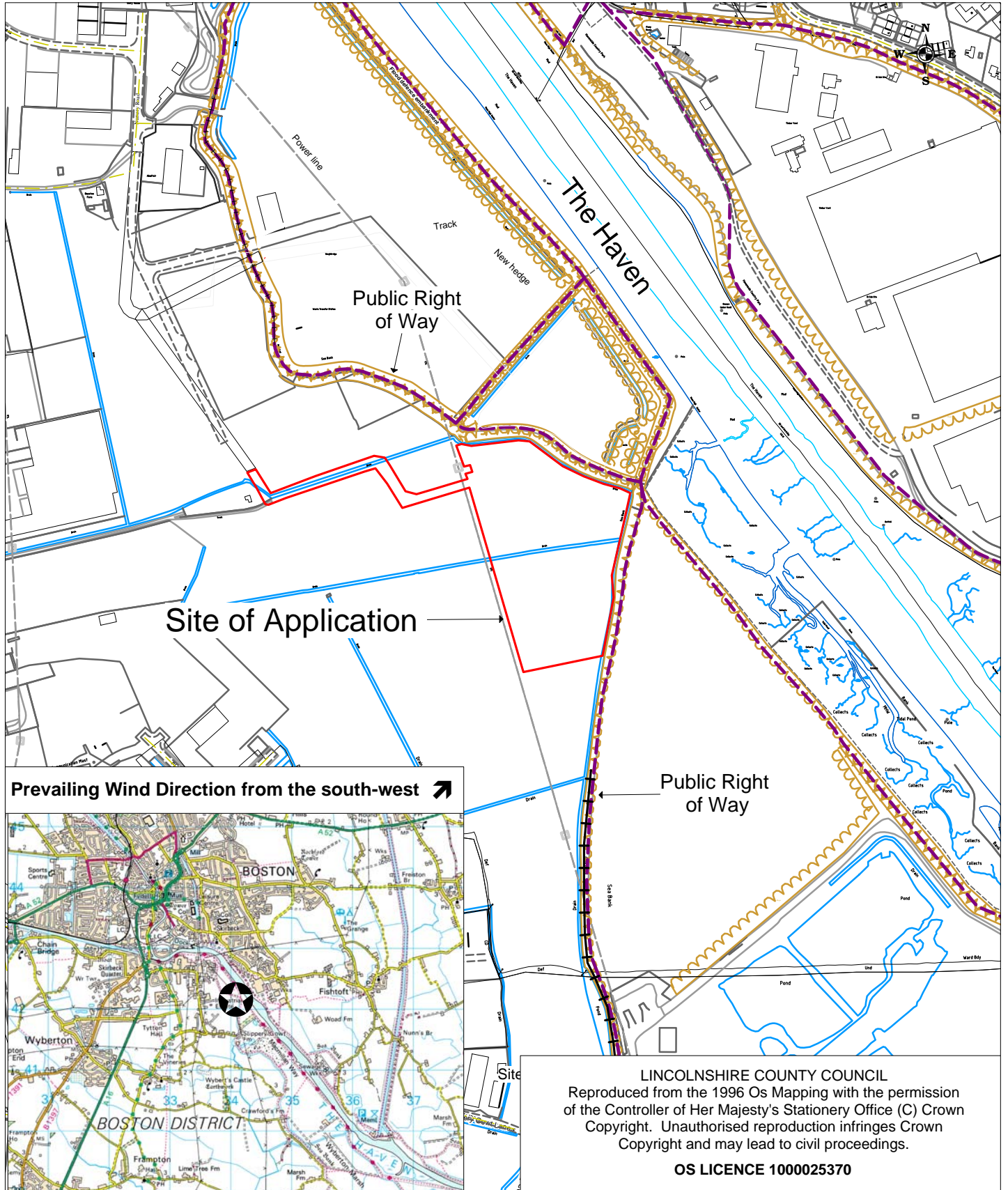
Background Papers

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

Document title	Where the document can be viewed
Planning Application File B/0051/17	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) Site Locations (Presubmission Draft) November 2016	Lincolnshire County Council website www.lincolnshire.gov.uk
Boston Borough Local Plan (BBLP) (1999)	Boston Borough Council website www.boston.gov.uk
South East Lincolnshire Local Plan (SELLP) (Draft January 2016)	South East Lincolnshire Joint Strategic Planning Committee website www.southeastlincslocalplan.org

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LINCOLNSHIRE COUNTY COUNCIL
 PLANNING AND REGULATION COMMITTEE 3 APRIL 2017



Location:

Riverside Industrial Estate
 Marsh Lane
 Boston

Application No: B/0051/17

Scale: 1:5000

Description:

To vary condition 3 of planning permission B/0435/16 to extend the range of permitted feedstock materials including the use of Refuse Derived Fuel (RDF)

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