Lincolnshire COUNTY COUNCIL
Working for a better future

PLANNING AND REGULATION COMMITTEE
6 MARCH 2017

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

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

Councillors: W J Aron and P M Dilks attended the meeting as the local and neighbouring Members, respectively (minutes 81 and 82).

Officers in attendance:-

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

76 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors M S Jones and Mrs H N J Powell.

77 DECLARATIONS OF MEMBERS' INTERESTS

Councillor T M Trollope-Bellew requested that a note should be made in the minutes that he had received an email from West Deeping Parish Council and it was his understanding that this email had gone to all members of the Committee and a separate email from the Parish Clerk, on the same matter (minute 81).

78 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 6 FEBRUARY 2017

RESOLVED

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

79 MINUTES OF THE SITE VISIT IN CONNECTION WITH PLANNING APPLICATION NO. L/1076/16 (VEOLIA SITE, LONG LEYS ROAD, LINCOLN) HELD ON 6 FEBRUARY 2017

RESOLVED

That the minutes of the site visit to Veoli, Long Leys Road, Lincoln, be agreed as a correct record.

80 COUNTY MATTER APPLICATIONS

81 TO CONTINUE TO EXTRACT SAND AND GRAVEL WITHOUT COMPLYING WITH CONDITIONS 2 (DETAILS AND PLANS), CONDITION 10 (PLANT AND MACHINERY) AND CONDITION 11 (SITE LAYOUT) IMPOSED BY PERMISSION S81/1588/89 (AS AMENDED BY PERMISSIONS S81/0787/01 AND S81/1112/07) TOGETHER WITH THE DISCHARGE OF CONDITION 2 (ADDITIONAL EMBANKMENTS) AND CONDITION 3 (VEHICULAR ACCESS) OF S81/1112/07. THE PROPOSAL IS FOR AN AMENDED LOCATION AND AMENDMENTS TO THE LAYOUT AND DESIGN OF THE APPROVED AGGREGATE PROCESSING PLANT AND FOR ANCILLARY OFFICES AND A BAGGING PLANT WITHIN THE SITE. A NEW LOCATION IS ALSO PROPOSED FOR THE SILT LAGOON AND AMENDED FRESHWATER LAGOON. ASSOCIATED MINOR CHANGES ARE PROPOSED TO THE METHOD OF WORKING AND PROGRESSIVE RESTORATION SCHEME INCLUDING THE CREATION OF A CONSERVATION WETLAND AND AMENDED DETAILS RELATING TO THE SITE ACCESS - CEMEX UK OPERATIONS LTD (AGENT: SHRIMPLINBROWN LTD) - S81/0053/17 - LAND EAST OF KING STREET, WEST DEEPING

(Councillor Ms T Keywood-Wainwright arrived in the meeting during consideration of this item).

Since the publication of the report further correspondence had been received from the Welland and Deepings Internal Drainage Board, South Lincolnshire Fenlands Partnership, West Deeping Parish Council together with the response of the Planning Manager. The correspondence and response were detailed in the update to the Committee which was available for viewing on the Council's website.

Iain Stowe, an objector, commented as follows:-

- The Committee had received letters of objection from the West Deeping Parish Council and he did not propose to elaborate on them.
- There was already a sand and gravel processing plant within 200 metres of the proposed Cemex plant belonging to Breedon which extracted from the Rectory Farm site neighbouring the Cemex area along its east boundary. Material was conveyed along the northern boundary of the Cemex area, under King Street and then down to the west side of the plant.

- The original location for the processing plant was well screened with developed vegetation and trees, was a decent distance from the nearest residential housing and there would be no reason for the West Deeping community to object to its continued use.
- The processing plant operated by Breedon on the adjoining quarry would be well placed to process extracted material from the northern end of the Cemex area via its existing conveyor system. It was understood from their management that they intended to apply to extract the MS29 site, once the location was confirmed. They were well placed to do so by extending their existing conveyor system.
- The conclusion was that if common sense could prevail there was simply no need for this second plant. This was not a new suggestion as it was the intention of RMC Aggregates & LaFarge (now Breedon) to do just this in 2001, document A9 refers.
- There were significant traffic safety issues developing at the junction of King Street and the A1175. If this application was permitted there would be three accesses in simultaneous operation, all within 400 metres of the junction.
- The Breedon plant offered sequential processing of material extracted from their existing site, the Cemex site and the MS29 site thus reducing the peak traffic movements by spreading them over a longer period.
- A sensible overall strategy for extraction around West Deeping.
- The Committee's support was sought for a review of the processing and traffic stemming from extraction consents existing and impending around West Deeping was required by all of the parties.
- The Committee's should refuse the application to enable Planning, Cemex and Breedon to jointly consider more appropriate ways forward.

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

- The West Deeping site was originally granted permission in October 1997 and proposals were formally implemented by CEMEX in 2007. The site was a replacement for Manor Pit quarry where reserves would be exhausted by July 2017. The site was a consented and implemented stand-alone site for mineral extraction where it had been accepted that a processing plant could be erected. Previous proposals about 10 years ago to transfer won material for off-site processing at Manor Pit were not economically viable due to the implementation and haulage costs.
- The current application had arisen to ensure that a modern efficient aggregate plant was installed at West Deeping in a more suitable location and with ancillary infrastructure.
- The officer’s report provided a robust assessment of the proposals.
- The processing plant submitted in 1989 was no longer manufactured and so this application was necessary to agree the new details and layout for the processing plant. The new plant proposed was quieter and more technologically advanced.
- The 1989 layout did not show the location of the site office, welfare facilities and staff parking which were now included. A bagging plant was also proposed to mirror facilities at Manor Pit.

- A new plant site location was also proposed which facilitated the following benefits:-
  - It was further away from the nearest residential property (The Lodge).
  - There would be a shorter internal haul road from the entrance to the plant site which would be more efficient and would have a lower environmental impact.
  - Allowed phasing to be kept the same as the original and avoided the need to move the plant around the site for later phases which was impractical.
  - The revised siting of both the plant site and silt lagoon would avoid the need for a large pump to discharge the silt which could be gravity fed.
  - The new plant could now be powered by the mains electricity feed from the substation lying to the south.
  - The new plant would be in a less prominent location and views from public viewpoints would be screened by 3 metre high bunding, some of which already existed.
- The current proposals would retain all of the controls and safeguards as set out within the original consents and in addition CEMEX had also taken the opportunity to provide a number of additional environmental improvements which would improve the relationship with sensitive receptors as follows:-
  - There were currently no restrictions on noise output of machinery or extraction works. CEMEX had commissioned a noise assessment report to support the application and based on the findings of the report they were proposing a noise attenuation bund on land adjoining the Lodge. The mitigation provided by the bund was driven by the already consented extraction works and not the processing plant which was to be moved further away.
  - The new processing plant and bagging plants would be modern plants with built in dust suppression measures. A dust monitoring scheme had also been prepared and would be adhered to, adding an additional layer of protection.
  - Additional screening bunds and planting were to be provided as secured by the proposed new condition 13.
- The current amendments did not themselves necessitate these measures but rather these were offered up voluntarily by CEMEX as proposed improvements to working practices.

Councillor P M Dilks, the neighbouring local Member, commented as follows:-

- He stated that he was the neighbouring local Member to the application site, was standing in for the local Member, who was unable to attend due to illness and had been asked by the Chairman of West Deeping Parish Council to speak.
- It was regrettable that the applicant had not spoken to West Deeping Parish Council about the application.
- Twenty years ago permission had been granted for a processing plant and no objections had been received.
- The proposed location of the processing plant was the main issue.

- There were no photographs available to show views looking back to the village as in his opinion the plant was much closer to West Deeping than the 300m detailed in the report. Why was the applicant proposing to move his plant closer to the village as there was no justification for this as detailed in the report?
- The plant's existing location was within reach of the substation.
- The proximity of the silt lagoons to the processing plant was unusual.
- The height of the plant seemed to be too high at 13 metres and would impact on the northern aspect of West Deeping.
- Referred to the National Planning Policy Framework and the amenity implications if the application was approved.
- Referred to the Lincolnshire Waste and Local Plan recently approved by the Council which suggested that there was another major site in close proximity to the application site and was likely to be affected if this site was developed.
- The entrances to the application site should be left in their current location. If required they could be located nearer the substation was safer.
- Deferral of the application would allow consultations to take place with West Deeping Parish Council and a compromise sought.

Comments made by the Committee and responses by officers included:-

- Pre-application consultation by the applicant with the Parish Council was not mandatory.
- The proposed bunding would have no adverse effect on West Deeping.
- The prevailing winds were in the wrong direction and the surrounding area would not be affected.
- Hedging existed around the proposed site. Officers explained the location of the site, the presence of a field, hedging and behind the hedging the processing plant.
- Traffic lights had been suggested at the crossroads (King Street/A1175).
- The Parish Council's observations were based on emotion instead of fact.
- Officers stated that the Breedon plant was a separate operation and highlighted the advantages of the new location including the noise alleviation measures proposed.
- How far was the application from residential property? Officers highlighted the location of the site in the report and showed the location of the bagging plant.
- The maps presented to the Committee were not clear, knowledge of the geography of the site was unknown and a site visit should be arranged.
- HGVs from Breedon already used the A1175/King Street junction.
- The bunding should be increased in height from 3m to 5m with the use of top soil to reduce noise. Officers stated that it had been agreed to reduce the height of the bunding to 3m, that it was not possible to use top soil above 3m and that 3m was sufficient height to reduce noise.

On a motion moved by Councillor Mrs J M Renshaw, seconded by Councillor G J Ellis, it was –

RESOLVED (7 votes for, 1 vote against, 2 abstentions. Councillors Ms T Keywood-Wainwright did not vote as she arrived in the meeting during discussion of this item)

That consideration of the planning application be deferred pending a site visit.

82 TO RETAIN BIOMASS BOILER SYSTEM - PAUL RIDDEL SKIP HIRE LTD (AGENT: RYLAND DESIGN SERVICES LTD) - (E)S86/0014/17 - PAUL RIDDEL SKIP HIRE LTD, HEMINGBY LANE, HORNCASTLE

(Note: Councillor D Brailsford arrived during consideration of this item)

Andy Watson, an objector, commented as follows:-

- The application site was not complying with current planning conditions and was a nuisance to the neighbourhood.
- Air quality was affected by polluting acrid smoke coming from the biomass boiler system, was burning material which should not be burnt and did not comply with clean air legislation.
- Local people's amenity was being affected as they were unable to enjoy their gardens and leave their windows open.
- The lack of compliance with the National Planning Policy Framework.
- Local residents would issue an abatement notice if the problems persisted.
- Information had been submitted to Horncastle Town Council about problems at the site and complaints about smoke had been made to the Town Council in September 2016.

Councillor W J Aron, the local Member, commented as follows:-

- He knew the applicant and had attended Horncastle Town Council when the application had been considered and only one objection had been received. The Town Council had expressed concern about emissions, the height of the flue and the materials burnt.
- The application should comply with regulations. There was evidence of acrid black smoke. Had the modifications to reduce smoke been successful and when were the modifications carried out? Officers stated that the modifications had been requested by the District Council's Environmental Health Officer and implemented by the applicant with the only caveat that a request was made by the EHO that any planning permission granted should include a condition restricting the types of materials that could be burnt.
- If the Committee was minded to approve the application then the conditions needed to be rigorously enforced so that residents were able to sit in their gardens.

Comments made by the Committee and the response of officers included:-

- What was being burnt to create the smoke? Officers stated that the applicant had on occasions put painted wood in to the boiler.
- Officers stated that they were unaware when the last complaint in connection with the proposed development had been received and that the Environmental Health Officer did not object to the application provided a condition was imposed.
- The responsibility for ensuring compliance with air emissions regulations under the statutory nuisance legislation was the Environment Agency (EA) and the Environmental Health Officer not the Waste Planning Authority. Officers stated that the role of planning was to consider the land use implications of the development and the matter of air emissions was the responsibility of other agencies. It had to be assumed that the other regulators would undertake the necessary action to address any air emission issues and this was not a matter for the Planning Authority.
- The ultimate police force was the local community and they should report any problems to the Environmental Health Officer.
- What happened to all of the wood used on the applicant's site before the biomass boiler was installed? Officers stated that the applicant had shredded the wood and removed off site for recycling/reuse.
- Was there a sufficient water supply to the site and had the Fire and Rescue Service been consulted? Officers stated that the Fire and Rescue Service had not been consulted on this particular applications but were aware of the scrapyard and inspected the site to ensure fire regulations were complied with.
- Officers stated that when the boiler first came into operation there had been problems but following advice from the Environmental Health Officer the applicant had made the necessary improvements.
- In response to comments made in connection with the Energy from Waste plant at North Hykeham this was an industrial size plant and the issues here had been in connection with the visual impact of the plume of smoke from the chimney stack rather than the content of the plume of smoke which was addressed by other legislation under the control of the EA.

The Committee concluded that the conditions attached to the planning permission would need to be rigorously monitored and that the Council's Enforcement/Monitoring Officers should visit the site on a regular basis.

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

RESOLVED (7 votes for, 4 votes against and 1 abstention (Councillor D Brailsford because he had arrived during consideration of this item)

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

The meeting closed at 12.00 pm

This page is intentionally left blank