

Open Report on behalf of Andy Gutherson - Executive Director for Place

Report to:	Planning and Regulation Committee
Date:	6 November 2023
Subject:	County Matter Application - S/020/01502/23

Summary:

Planning permission is sought by RJR (Eng) Ltd (Agent: Green Meadows) for the use of land and buildings as an aggregate recycling facility including the installation and operation of a wash plant; excavation of ancillary freshwater and settlement lagoons/lakes; construction of internal roads, concrete apron for the storage of materials and boundary landscape bund, wheel wash and site office at Fern Cottage, Ings Lane, Bratoft.

The proposed development would establish an entirely new small-scale waste management facility in a rural location. The applicant has failed to demonstrate that there is a proven need to locate this facility outside of a main town/settlement and that it would be well located to the arisings of the waste that it would manage. Insufficient evidence and information has been provided to demonstrate that the tonnages of waste proposed to be handled could be adequately controlled. Without this, the Highway Authority has concerns that the potential frequency and number of traffic movements associated with the site, when taking into account the existing highway network, would not be suitable to support such a development. The applicant has also failed to provide sufficient detail to enable officers to adequately address the acceptability of the development in terms of its potential to impact upon the visual appearance and character of the area. The lack of details about the proposed lagoons has also resulted in objections from the Environment Agency regarding potential impacts and concerns about pollution to the water environment.

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

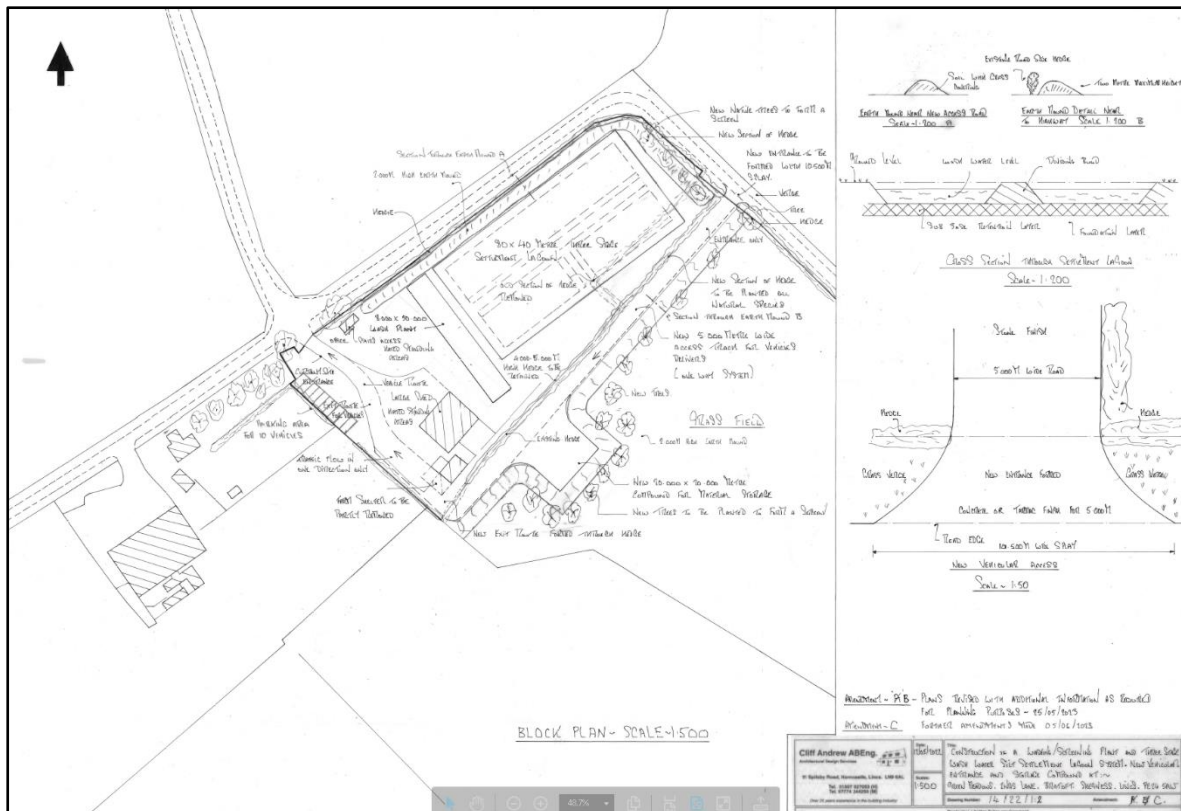
1. In May 2022 a pre-application advice request was made seeking advice on whether planning permission to use the site as an aggregates recycling centre could be supported. At the time of that request, it was proposed that the site would process approximately 20,000 tonnes of construction, demolition, and excavation (CD&E) wastes per year meaning the proposed facility could not be considered small-scale.
2. The pre-application advice response issued by Officers (ref: PAD000083) advised that *“The proposal site is not identified in the adopted Lincolnshire County Council or East Lindsey District Council Local Plans 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”*. It went on to say that *“The site lies in the open countryside and the establishment of a new waste management facility of this type, size and scale would be contrary to the spatial and locational strategies of Policies SP1 and SP13 of the ELLP and also Policy W3 of the Lincolnshire Minerals & Waste Local Plan”* and that *“The proposal also does not meet the required criteria as set out in Policies SP13 and W7”*.
3. The Officer response ultimately advised that *“...an application to create a CD&E storage and processing facility at farmyard and adjacent land at Green Meadows, Ings Lane, Bratoft, PE24 5AW, would not be supported by Officers”*.
4. Notwithstanding the advice and comments given previously, the applicant has submitted a planning application to use the site for the same intended purpose. The proposed development would cover the same area of land and buildings as that proposed in the pre-application advice request and is substantially the same in terms of proposed site layout, waste types to be processed, plant and equipment to be used, access arrangements and the proposed excavation and use of lagoons. A major and notable difference between the development now proposed and that subject of the pre-application request, however, is that the proposed tonnage of wastes to be handled and processed at the site has now been reduced from 20,000 tonnes per annum to no more than 3,000 tonnes per annum. 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

5. Planning permission is sought for the use of land and buildings as an aggregate recycling facility including the installation and operation of a wash plant; excavation of ancillary freshwater and settlement lagoons/lakes; construction of internal roads, concrete apron for the storage of materials and boundary landscape bund, wheel wash and site office, at Fern Cottage, Ings Lane, Bratoft.

6. The development is substantially the same as that which was subject of the previous pre-application advice request (ref: PAD000083), however, it is now proposed that the site would be limited to processing a maximum of 3,000 tonnes of CD&E waste per year and not the 20,000 tonnes as proposed originally. The application site itself comprises of land and buildings lying within an area extending to approximately 1ha in size. The applicant proposes to use the site for the importation, storage, and processing of CD&E wastes utilising a wash plant that would be stationed at the site.

7. The proposed wash plant would be located to the southwest of three water storage lagoons that are proposed to be created within the site. No details of the wash plant have been provided and so it is unclear what this would look like, how high it would be, and whether this would be a single unit or comprise of several different pieces of plant and equipment. All that is known at this stage is that the wash plant would occupy an area extending approximately 50m long by 8m wide. The three water storage lagoons would be created by excavating soils from the site with one of these lagoons being used to store fresh water and the other two being used as settlement lagoons. The lagoons would be excavated to a depth of around 3m and clay lined with the excavated soils being used to form bunds around the perimeter of the site (6m wide by 2m high) to act as screening.

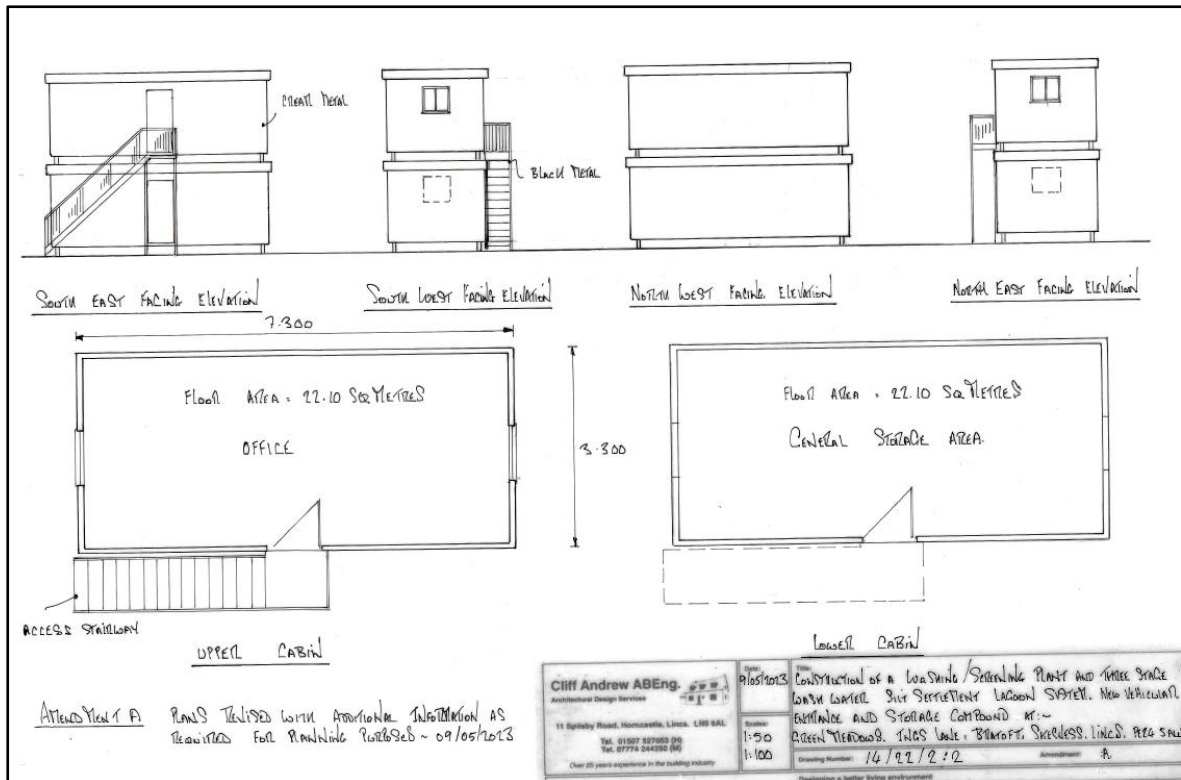


Block plan of the site

8. The applicant states that the perimeter bund would be seeded with wildflower meadow seeds and new tree and hedge planting would also be carried out around

the site to provide additional landscape screening. Although details of the proposed landscape planting have not been provided at this stage, the applicant has stated that the additional planting would enable the development to assimilate into the rural landscape whilst providing more than 10% net gain in terms of biodiversity and habitat. No evidence (e.g. a Biodiversity Metric Assessment) has been provided to support this statement.

9. It is proposed that the site would operate a one-way system with a new vehicular access being formed on Ings Lane towards the northeastern corner of the site. Vehicles would leave the site via an existing access located at the junction of Ings Lane and Millfield Road in the western corner of the site. The applicant states that they intend to secure a vehicle routeing agreement to direct vehicles along Millfield Road westwards to the A158 or through Ings Lane eastwards and through Croft to the A52. Within the site itself a 5m wide access track would be created along the southern boundary, running between the proposed perimeter bund and an existing 4-5m high hedgerow, which would be retained to provide screening of the site. A 20m by 20m compound area for the storage of materials would be created along with a new concrete pad towards the southern end of the site. The proposed new vehicular access would feature a 10.5m wide bell mouth although no details have been provided at this stage.
10. The applicant proposes to limit the amount of waste to 3,000 tonnes per year, however, no information has been provided on expected traffic movements and the applicant has not proposed to install a weighbridge within the site. A wheel wash would, however, be located near to the site egress and the applicant states that all vehicles would be required to pass through this before returning to the public highway. Details of the exact location and the wheel wash specification have not been submitted as part of the planning application. It is proposed that all vehicles would be sheeted whilst tipping and water sprays would be used to dampen materials on site to mitigate any potential dust impacts.
11. A two-storey site office would be constructed adjacent to the site egress. The plans submitted as part of the application indicate that these would comprise of portacabin style units which would be stacked on top of one another with an external staircase giving access to the upper unit. Each cabin would be approximately 7.3m long by 3.3m wide and 2.8m high giving an overall height of around 6m.



Cabin plans

12. Finally, it is suggested that the proposed development would provide two part-time jobs and that the creation of the business would help to inject cash into the local economy.

Site and Surroundings

13. The application site lies 1.25km southwest of the centre of the village of Burgh le Marsh, 1.8km southeast of the centre of the hamlet of Bratoff and approximately 6km west of Skegness. The only residential property in close proximity to the proposal site is that of the applicant. There are properties facing onto Ings Lane approximately 50m to the southwest; Wainfleet Road 200m to the east and Millfield Road 200m to the north.
14. The site is currently a farmyard containing steel frame building and sheds. An area of unkempt agricultural land lies to the northeast of the farmyard with a narrow strip of agricultural land to the east of the yard and waste ground beyond a hedgerow which is incorporated into the proposed site. The site boundary onto Ings Lane is demarked by a combination of ditches and native species hedgerow with other hedgerows, fencing, and a number of mature trees including conifers and native species internal to the proposed site boundary.



Site yard



Site yard and steel framed building



Site yard and containers



Boundary treatment and highway along Ings Lane



Boundary treatment and highway along Ings Lane



Boundary treatment and highway along Ings Lane

15. The site lies outside of the settlement boundary of Burgh le Marsh and so is classed as being in the countryside. The surrounding area is generally flat and is dominated by open farmland bisected by drainage ditches.
16. The site lies within Flood Zone 1 and the following designated sites lie within 2km of the site:
 - SSSI Bratoft Meadows 500m to the west; and
 - Scheduled Monuments - Cock Hill, Saxon burial mound 1km to the northeast; and
 - Bratoft Hall moated site 2 kilometres to the northwest; and
 - Grade 1 Listed - Church of St Peter and St Paul and Dobson's Windmill 1.4km to the north east plus a number of Grade II and II* buildings and structures in Burgh le Marsh.

Main Planning Considerations

Planning Policy Context

17. The National Planning Policy Framework (NPPF) (2023) 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:

Paragraph 8: Sustainable Development

Paragraph 38: Decision Making

Paragraph 47: Determining Applications

Paragraphs 55 to 58: Use of Planning Conditions

Paragraphs 84 and 85: Supporting a Prosperous and Rural Economy

Paragraphs 104 and 105: Sustainable Transport

Paragraphs 110 and 111: considering Development Proposals

Paragraph 159: Flood Risk

Paragraph 174: Conserving & Enhancing the Natural Environment

Paragraph 180: Habitats & Biodiversity

Paragraph 183: Ground Conditions & Pollution

Planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

- (b) the development and diversification of agricultural and other land-based rural businesses;
- (c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Planning Policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Lincolnshire Minerals & Waste Local Plan (LMWLP): Core Strategy and Development Management Policies (Adopted 2016) (CSDMP) - the following policies are of relevance in this case:

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): advises that proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the following main urban areas as indicated on the key diagram subject to the criteria of Policy W4. The closest main urban area in this case is Skegness. 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).

Policy W7 (Small Scale Waste Facilities): states that planning permission could be granted for small scale waste facilities, including small extensions to existing waste facilities, outside of those areas specified in Policy W3 provided that:

- there is a proven need to locate such a facility outside of the main urban areas; and
- the proposals accord with all relevant Development Management Policies set out in the Plan; and
- the facility would be well located to the arisings of the waste it would manage; and
- they would be located on land which constitutes previously developed and/ or contaminated land, existing or planned industrial/ employment land, or redundant agricultural and forestry buildings and their curtilages.

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 (only those which are applicable are listed):

- 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; and
- Waste - Implement the Waste Hierarchy and reduce waste to landfill.

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

Policy DM6 (Impact on Landscape and Townscape): states that planning permission will be granted 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 and important views. If necessary

additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period. Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

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.

Lincolnshire Minerals and Waste Local Plan (LMWLP): 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 Skegness - A158 Burgh Road West (ref: WS12-EL)

East Lindsey Local Plan Core Strategy 2018 (ELLP) - the following policies are of relevance in this case:

Policy SP1 (Sustainable Pattern of Places): considers that the proposal site lies in open countryside and the nearest settlement identified is the large village of Burgh le Marsh.

Policy SP2 (Sustainable Development): the principle of waste recycling is a sustainable waste management practice so in part supports this policy.

Policy SP10 (Design): development supported where it can be demonstrated that it maintains and enhances the character of the districts towns, villages and countryside through a number of measures including landscaping and layout.

Policy SP13 (Inland Employment): states that growth and diversification of the local economy will be supported by the focus for new business development being:

- to allocated sites set out in the Settlement Proposals DPD;
- existing employment sites set out in the Settlement Proposals DPD;
- proposals which bring forward employment land in or adjoining the large villages across the District;
- in the large, medium and small villages, where it can provide local employment and the re-use of buildings for rural business;
- where they are subordinate to the farm use and do not jeopardise the farm business.

Policy SP16 (Inland Flood Risk): development can be supported where new development can demonstrate how it proposes to provide adequate surface water disposal.

Policy SP22 (Transport and Accessibility): development can be supported in towns and large and medium villages where it is accessible to key facilities and is shown to link with existing roads operating within the district.

Policy SP23 (Landscape): development can be supported where it demonstrates that the districts landscapes will be protected, enhance, used and managed to provide an attractive and healthy working and living environment.

Policy SP24 (Biodiversity and Geodiversity): proposals should seek to protect and enhance the biodiversity and geodiversity value.

Results of Consultation and Publicity

18. (a) Local County Council Member, Councillor Mrs W Bowkett - objects to the proposed development commenting that the proposed use is not suitable for the planned location as it is not industrial land and the roads are extremely narrow and not wide enough for large plant and machinery and large HGVs to turn into. It is stated that the wash plant is already in operation and that it's working at weekends including Sundays, and noise from vehicles is not acceptable.

- (b) Environment Agency (EA) - object as the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality can be safely managed.
- (c) National Trust - object to this proposal as it does not feel that sufficient information has been submitted to support this proposal, particularly with regard to traffic movements and until such time sufficient detail has been provided, then they cannot support the application. The application states that a vehicle routing agreement will route vehicles along Millfield Road westwards to the A158 or through Ings Lane eastwards and through Croft to the A52. The National Trust request that further information is provided about the number of HGV movements this would generate per day and how many vehicle movements there would be on each route. Policy DM3: Quality of Life and Amenity in the LMWLP notes that unacceptable adverse impacts arising from traffic for the occupants of nearby dwellings should be avoided and, therefore, sufficient information to assess the potential impacts of traffic from this development should be provided prior to determination.

Furthermore, the Trust request that the Waste Planning Authority satisfy themselves that sufficient information has been provided to support the requirements of Policy W7 with regards to the proven need to locate a facility outside of the main urban areas and that this facility would be well located to the arising of the waste it would manage.

- (d) Lincolnshire Police - no objection.
- (e) Health and Safety Executive - no comments offered.
- (f) Highway and Lead Local Flood Authority (Lincolnshire County Council) - recommend that planning permission be refused. It is commented that the application site is stated as being a redundant farmyard which is located in an open countryside location. Access to the site is predominantly via single track rural roads that have sharp bends, narrow verges, and no footways. The local roads are also of low construction standard, consistent with their primary purpose of providing access for agricultural vehicles accessing arable land and livestock in the area. Scant details have been provided about how the development would operate or from where the wastes would come or to where the processed materials would be taken.

The Highways Officer comments that the submitted details advise that the annual throughput of waste is to be less than 3,000 tonnes. If the site were to operate only fifty weeks of the year and only five days a week then 3,000 tonnes per annum would equate to just 12 tonnes per day - less than one lorry load. In the experience of officers of the Waste Planning Authority, that would be an extraordinarily low rate of throughput and the financial viability of a commercial business running plant and equipment and employing staff at this very low operating level, is thus doubtful. Waste material is already

being taken onto the site (this is a retrospective application) including throughout weekends. Therefore, the advised annual throughput of just 3,000 tonnes has to be viewed with some scepticism. Furthermore, the submitted site layout plan shows no weighbridge being provided on the site so, there would, in any event, be no means to measure, monitor, or control the amount of material being processed at the proposed facility.

The application fails to provide sufficient justification for the introduction of movements of HGVs onto a network of narrow, rural roads. Such movements would be expected to present an unacceptable hazard to other road users. Drivers of on-coming vehicles would be likely to have to undertake reversing manoeuvres or to run onto narrow verges in order to pass and the proposed development would thus be expected to have an unacceptable impact upon highway safety.

The following bodies were also consulted, however no representations had been received as a result of this publicity within the statutory consultation period or by the time this report was prepared.

- Bratoft Parish/Town Council
- Environmental Health Officer
- Historic Places (Lincolnshire County Council)
- Public Health (Lincolnshire County Council)

19. The application has been publicised by notices posted at the site and in the local press (Skegness Standard and News on 11 October 2023) and letters of notification were sent to the nearest neighbouring residents. One representation has been received in response to this publicity/notification which objects to the proposed development over concerns in relation to the suitability of the local highways for HGV use.

District Council's Observations / Recommendations

20. East Lindsey District Council - has stated that it has no objection subject to Lincolnshire County Council being satisfied that the impacts are acceptable, and that any approval includes a comprehensive landscaping scheme and a strict management plan to control noise and dust at the site in the interests of local amenity.

Conclusions

21. Planning permission is sought by RJR (Eng) Ltd (Agent: Green Meadows) for the use of land and buildings as an aggregate recycling facility, including the installation and operation of a wash plant; excavation of ancillary freshwater and settlement lagoons/lakes; construction of internal roads, concrete apron for the storage of materials and boundary landscape bund, wheel wash and site office at Fern Cottage, Ings Lane, Bratoft.

22. The main issues to be considered in the determination of this new application are:
- whether the proposed development is acceptable given its location within the countryside and;
 - whether the proposed use can be carried out without causing unacceptable harm or detriment to residential amenity and the environment.

Waste Need and Planning Policy Context

23. 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. 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 and so does, in part, accord with some of the general principles and objectives of the NPPF and Policies DM1 and DM2 of the CSDMP and Policy SP2 of the ELLP.
24. 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 existing facilities/capacity available to meet the identified waste needs/demands and as a result not a quantitative need to establish new facilities at this time. However, the absence of a quantitative need does not necessarily mean the establishment of new facilities cannot be supported so long as those facilities and operations are appropriately located and can demonstrate compliance with other policies contained within the Development Plan. In this case, the applicant states that the facility would process up to a maximum of 3,000 tonnes of CD&E wastes per year. Whilst this amount of waste is relatively small, it would nevertheless make a small contribution to the County's overall CD&E recycling capacity. Therefore, so long as the development is considered acceptable in all other respects, it is in principle capable of support and would not undermine or conflict with the overall objectives of Policy W1, which seeks to ensure that there is sufficient capacity/facilities available to meet the County's needs.

Locational Considerations

25. In spatial and locational terms, the broad thrust and ethos of planning policy is to direct most new development towards urban centres and settlements, and sites allocated for such purposes (as identified in the Development Plan) and away from rural areas and the open countryside. This is reflected by ELLP Policy SP1 which sets out the settlement pattern that is to be used to guide the distribution, scale, and nature of future development with focus primarily aimed towards towns, large

villages, medium villages and then finally small villages. In this case the nearest settlement referenced in Policy SP1 is Burgh le Marsh which is classed as a Large Village, however, the proposal site lies outside the settlement boundary of this settlement and so lies within the open countryside.

26. Policy W3 of the CSDMP seeks to direct and lend support to the establishment of waste management facilities in and around the main urban areas with only certain types of facility being supported outside of those areas. Types of facility identified as suitable outside of main urban areas include small-scale waste management facilities. The applicant has stated that the facility would process a maximum of 3,000 tonnes of waste per annum (which is a significant reduction from that proposed when the this site was promoted at pre-application stage), therefore, the facility would be classed as a small-scale facility and as such should be assessed with the criteria within Policy W7 of the CSDMP and not those within Policy M1 or W3.
27. Policy W7 states that small-scale facilities can be acceptable if there is a proven need to locate such a facility outside of the main urban areas; the facility would be well located to the arisings of the waste it would manage; it would be located on land which is constituted as previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages, and; the proposal accords with all relevant Development Management policies set out in the Plan.

Consideration is therefore given to each of these criteria as set out below:

Proven Need and Well Located to the Source of Wastes

28. The applicant acknowledges that there is a larger, similar existing, aggregates recycling facility located at Highfield Quarry near Welton Le Marsh which is approximately five miles from the proposed development site. However, the applicant argues that this facility should be supported, despite the existence of this existing facility, as it is being proposed in order to diversify the operations of a small-scale farm.
29. The applicant states that alternative locations within industrial sites have been considered, however, this option has been discounted due to the cost of renting a large piece of industrial land that would be capable of accommodating the proposed lagoons. Given the amount of land required the applicant states that carrying out this operation on such sites would make this proposal unviable.
30. Although the arguments made by the applicant are noted, this does not demonstrate a proven need for this type of operation in this location. The amount of wastes to be handled by the facility are extremely low and the waste types themselves are not unique or specialist in nature which might otherwise justify the need for a new treatment facility to manage these wastes. The facility is located

close to an existing facility that is capable of managing and treating the same waste types and whilst the Waste Planning Authority is supportive of the establishment of new facilities in order to ensure there are suitable facilities and capacity available to meet waste treatment needs; in this case the applicant has not presented any evidence that supports or justifies there being a proven need to locate such a facility outside of the main urban area. Therefore, the applicant has failed to demonstrate compliance with this criterion of Policy W7 of the CSDMP and as such also failed to demonstrate compliance with Policy SP1 of the ELLP.

Suitable Site/Existing Permitted Use

31. Policy W7 requires small-scale management facilities outside of main urban areas to be located specified types of land or sites. The purpose of this criterion is to limit new development to the re-use and re-development of existing land/sites rather than the creation of new sites which would lead to a loss of greenfield land. Examples of suitable sites identified within Policy W7 includes previously developed land, existing or planned industrial and employment land or redundant agricultural and forestry buildings and their curtilages.
32. The proposal site is not identified or allocated for industrial or commercial use within the Development Plan (both the ELLP and CSDMP) but does comprise of land and buildings associated with a farming enterprise. The application (as submitted) proposes a change of use to the land and existing permitted buildings as well as other works including construction of new lagoons, roadways and siting of buildings to support the proposed waste management use. It is claimed by the applicant that this development is being sought in order to diversify the farming operation, however, it appears from the information presented that the development would occupy the whole of the land and buildings and, therefore, rather than diversify any existing use it would replace it. Notwithstanding this, the proposed use of the land and buildings (whether they are redundant or not) would accord with the types of site identified as suitable for small-scale waste management facilities and so, in principle, would accord with this element of Policy W7.

Environmental and Amenity Considerations/Compliance with Other Development Management Policies

Visual Impact

33. Policies SP10 and SP23 of the ELLP and DM3 and DM6 of the CSDMP seek to ensure that development is well designed and contributes positively to the character and quality of the area within which it is located and not have an adverse landscape and visual impact.
34. The site is located in a redundant farmyard, containing steel framed buildings and sheds. The site boundary onto Ings Lane is demarked by a combination of ditches and native species hedgerow, fencing, and a number of mature trees. As part of

this development the applicant proposes to construct a 2m high perimeter bund around the site utilising soils excavated from the site during the construction of the lagoons. In addition to the bund the applicant states that landscape planting would be carried out using indigenous species which would be maintained at a height of 3m. Together these measures are intended to help screen the development and therefore minimise its impacts upon the countryside setting. Details of the proposed landscaping scheme have not been provided at this stage and whilst these could be secured by condition, if permission were to be granted, Officers have doubts about the effectiveness of the proposed bund and landscape planting to screen the development. For example, as part of the development the applicant proposes to install a two-storey office block within the site which would be approx. 6m high and so would be clearly visible above a 2m high bund. The wash plant is also to be stationed within the site and no details have been provided about what this looks like or how high this might be. As a result, without such information, it is not possible to assess whether the design and positioning for this plant is acceptable. Due to the lack of details provided it is not therefore possible to make an assessment on the impacts that the proposed development might have on the surrounding area and whether this would have a negative impact on local amenity. Therefore, the applicant has failed to demonstrate compliance with Policies DM3 and DM6 of the CSDMP and Policy SP10 and SP23 of the ELLP.

Water Environment

35. The design and access statement that has been submitted as part of the application identifies that two lagoons would be constructed to accommodate fresh water (to feed the wash plant) and to store sediment created by the proposed wash plant. It is proposed that the lagoons would be clay sealed and that once the sediment lagoon is full, the material would be sent to restore landfill or to a registered waste company. Is not clear how often this might occur, however, given the proposed annual throughput of only 3,000 tonnes per annum, this is not likely to be frequent and so any additional traffic movements associated with this activity are likely to be very small.
36. The proposed lagoons are the same size and have the same holding capacity as those which were proposed and shown on the information and drawings that supported the previous pre-application advice request. As stated previously, when the applicant promoted this site at pre-application stage the facility was cited as potentially processing 20,000 tonnes per annum, however, the applicant has now stated that the facility would only process 3,000 tonnes per annum. Despite this significant reduction (approx. 85%) in proposed throughput, the size of the lagoons remains unchanged as too does the size of the wash plant and all other elements of the development including site layout. This therefore raises questions as to why the lagoons need to be so large and as a result why so much of the site needs to be developed to support a substantially smaller operation. Notwithstanding this, the Environment Agency has in any case objected to this application as the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality can be safely managed. As a result, the proposed

development has not demonstrated compliance with Policies DM3, DM15 and DM16 of the CSDMP and Policy SP16 of the ELLP.

Highways and Traffic

37. Policy DM14 seeks to ensure that the highway network is of, or will be made to, an appropriate standard for use by traffic generated by the development; and arrangements for the site access and traffic generated by the development would not have an unacceptable impact on highway safety, free flow traffic, or residential amenity or the environment; and a suitable travel plan is in place.
38. It is proposed that a new access would be created on Ings Lane with egress at the junction of Ings Lane and Millfield Road. Both the access and egress would feature a 10.5m wide bell mouth, however, no details have been submitted with the application, so it is unclear how this would be constructed. Should planning permission be granted then further details would therefore need to be secured by way of condition. In any case, and as explained earlier in this report, the Highways Officer has doubts regarding the proposed tonnages to be handled by the facility and concerns that this is not realistic and that traffic movements could therefore potentially be a lot higher than that claimed. The site is accessible only by the use of predominantly single-track rural roads that have sharp bends, narrow verges, deep roadside watercourses and no footways and these roads are of low constructional standard that is consistent with their primary purpose, providing access for agricultural vehicles. Whilst the applicant has claimed that the tonnages of waste would be low, and as such any traffic movements associated with the importation of wastes, it would be very difficult for the Waste Planning Authority to control this through condition given the lack of any proposed weighbridge within the site. Without a weighbridge it would be difficult for Officers to monitor compliance and adherence to the tonnages cited and an alternative option of imposing a condition that would limit the number of daily movements would also be difficult given this could equate to less than 1 HGV per day (depending on the size of vehicle). The Highways Officer has therefore recommended that planning permission be refused because, in the absence of a suitable means to measure, monitor or control the amount of material being imported and therefore traffic movements to the site, this proposal fails to demonstrate compliance with Policy DM14 of the CSDMP and Policy SP22 of the ELLP.

Noise

39. Policy DM3 of the CSDMP seeks to ensure that development does not generate unacceptable adverse impacts arising from a number of factors, including noise. No details have been submitted in respect of the proposed wash plant and as a consequence, any information regarding potential noise arising from its operation. The proposed development site is located in the open countryside and whilst it is some distance from residential properties not associated with the applicant, it has

not been possible to assess what potential noise impacts could be experienced in the local area or which might affect local amenity. East Lindsey District Council have not objected to the application subject to Lincolnshire County Council being satisfied that any noise impacts are acceptable, however, due to the lack of detail provided, it has not been possible to conclude this and therefore the proposal fails to demonstrate compliance with Policy DM3 of the CSDMP.

Economic Benefit

40. Finally, the applicant has stated that this development is being promoted as a means to diversify an existing farming operation and that this would create two part-time jobs. It is stated that the creation of the business would help to financially boost the local economy. Whilst this is noted, given the low number of number of jobs (equivalent to one full time post) and as the facility would only process a very small tonnage of wastes per annum, the economic benefits that would derive from this operation are, in the Officer's view, exaggerated. Any economic benefits arising from this development in terms of increased local spend and business rates do not override the impacts that arise from this development or the proposals non-compliance with other policies as identified within the Development Plan. Therefore, the amount of weight given to this proposal in terms of compliance with Policy SP13 of the ELLP is limited.

Human Rights Implications

41. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

Final Conclusions

42. The proposed development would establish an entirely new small-scale waste management facility in a rural location. The applicant has failed to demonstrate that there is a proven need to locate this facility outside of a main town/settlement and that it would be well located to the arisings of the waste that it would manage. Insufficient evidence and information has been provided to demonstrate that the tonnages of waste proposed to be handled could be adequately controlled and, without this, the Highway Authority has concerns that the potential frequency, and number of traffic movements associated with the site when taking into account the existing highway network, would not be suitable to support such a development. The applicant has also failed to provide sufficient detail to enable officers to adequately address the acceptability of the development in terms of its potential

to impact upon the visual appearance and character of the area, and any potential noise impacts. The lack of details about the proposed lagoons has resulted in objections from the Environment Agency regarding potential impacts and concerns about pollution to the water environment. For the reasons set out in this report the development is therefore considered to be contrary to policies W7, DM3, DM6, DM14, DM15 and DM16 of the CSDMP and Policies SP1, SP10, SP16, SP22 and SP23 of the ELLP.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. The proposed development would establish an entirely new small-scale waste management facility in a rural location. The amount of waste to be handled by the facility is extremely low and the waste type itself is not unique or specialist in nature which might otherwise justify the need for a new treatment facility to manage these wastes. The applicant has failed to demonstrate that the site is well located to a market or source of wastes that it is intended to serve and has failed to demonstrate a proven need or sufficiently robust case to justify the establishment of such a facility in this rural location. Therefore, the proposed development does not comply with criterion (i) and (iii) of Policy W7 of the LMWLP (2016).
2. Insufficient evidence and information has been provided to demonstrate that the tonnages of waste proposed to be handled by the facility could be adequately controlled. In the absence of any such control, the Highway Authority therefore has concerns that the potential frequency and number of traffic movements associated with the site could be unrestricted and as a result pose a highway safety risk to other road users, especially given the existing rural nature of the highway network. Without an enforceable means to measure, monitor or control the amount of material being imported to the site and therefore traffic movements associated with such movements, this proposal fails to demonstrate compliance with Policy DM14 of the LMWLP (2016) and Policy SP22 of the ELLP (2018).
3. Insufficient evidence or information has been presented to demonstrate that the proposed development would not give rise to unacceptable adverse impacts in respect of visual intrusion and noise or that any such impacts could be controlled to an acceptable level through the use of planning conditions. Furthermore, the Environment Agency has concerns about the potential risks of pollution posed to surface water quality as a result of this facility given the lack of detail about the proposed lagoons. As a result, the proposed development has not demonstrated compliance with Policies DM3, DM6, DM15 and DM16 of LMWLP (2016) and Policies SP10, SP16, SP22 and SP23 of the ELLP (2018) and, as a consequence of this failing, is also contrary to criterion (ii) of Policy W7 of the LMWLP (2016).

Informatives

Attention is drawn to:

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 which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

Appendix

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

Background Papers

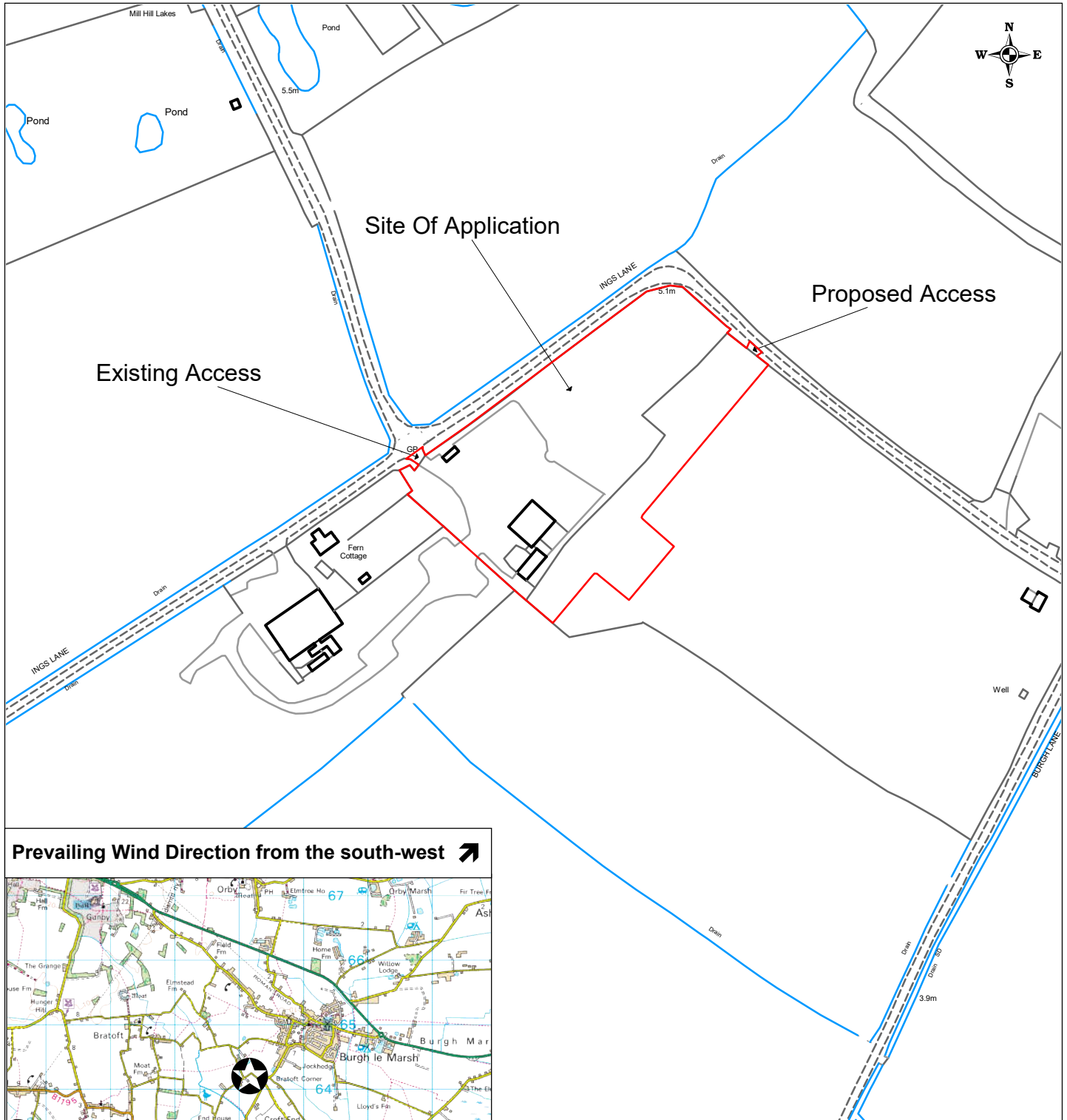
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S/020/01502/23	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
East Lindsey Local Plan (2018)	East Lindsey District Council's website www.e-lindsey.gov.uk

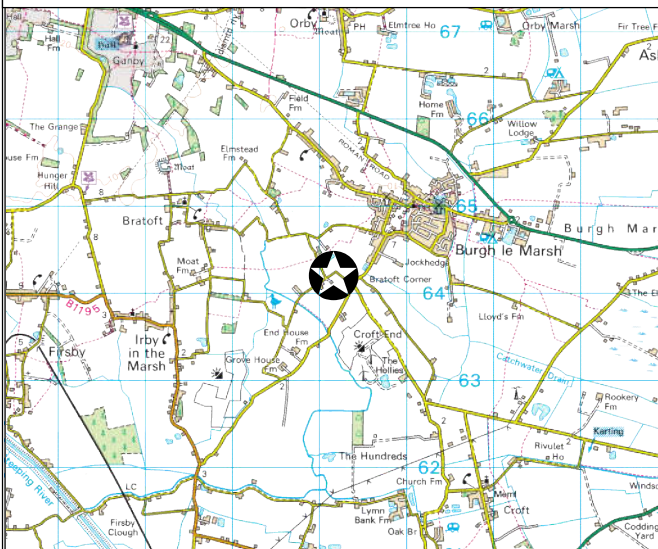
This report was written by Eloise Shieber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 6 NOVEMBER 2023



Prevailing Wind Direction from the south-west ↗



Lincolnshire County Council
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
 You are not permitted to copy, sub-licence, distribute or sell any of the data to third parties in any form.
 © Crown copyright and database rights 2019
 OS Licence number 100025370

Location:
 Fern Cottage, Ings Lane, Bratoft

Application No: S/020/01502/23
Scale: 1:2,500

Description:
 For the use of land and buildings as an aggregate recycling facility including the installation and operation of a wash plant; excavation of ancillary freshwater and settlement lagoons/lakes; construction of internal roads, concrete apron for the storage of materials and boundary and landscape bund, wheel wash and site office