



County Offices
Newland
Lincoln
LN1 1YL

28 October 2016

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 7 November 2016 at 10.30 am in Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony McArdle', written over a horizontal line.

Tony McArdle
Chief Executive

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

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

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 7 NOVEMBER 2016**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 3 October 2016	5 - 10
4.	Minutes of the Planning and Regulation Committee Site Visit held on 3 October 2016 (Gorse Lane, Denton - Mick George Limited - S26/1611/15)	11 - 12
5.	To vary condition 3 of planning permission W127/133701/15 - Mr A Duguid (Agent: G J Perry Planning Consultant) - W127/134934/16	13 - 42

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Please note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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www.lincolnshire.gov.uk/committeerecords

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**PLANNING AND REGULATION
COMMITTEE
3 OCTOBER 2016**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), D Brailsford, D M Hunter-Clarke, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, T M Trollope-Bellew, W S Webb and R A Renshaw

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Planning Manager), Stuart Tym (Solicitor) and Marc Willis (Applications Team Leader)

39 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors J Beaver, D C Hoyes MBE, M S Jones and C L Strange.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor R A Renshaw, in place of Councillor G J Ellis, for this meeting only.

40 DECLARATIONS OF MEMBERS' INTERESTS

It was requested that a note should be made in the minutes that all members of the Committee had been lobbied by various bodies and individuals against the planning application including Paul Gibbons, Jas. Martin and Co (on behalf of the Hungerton Estate and GOLAG (Gorse Lane Quarry Action Group) (minute 44).

Councillor Mrs H N J Powell requested that a note should be made in the minutes that she knew a lady who was part of the protest group, but had not seen her in some time and would keep an open mind (minute 44).

**41 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 25 JULY 2016**

RESOLVED

That the minutes of the previous meeting of the Planning and Regulation Committee held on 25 July 2016, be approved as a correct record and signed by the Chairman.

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42 TRAFFIC ITEMS

43 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report in connection with the position of all Traffic Regulation Orders and petitions received.

RESOLVED

That the report and the petitions received be noted.

44 COUNTY MATTER APPLICATIONS

45 FOR THE EXTRACTION OF LIMESTONE AND IMPORTATION OF SUSTAINABLE INERT FILL TO ACHIEVE A BENEFICIAL RESTORATION OF THE SITE ON LAND LOCATED OFF GORSE LANE, DENTON - MICK GEORGE LIMITED - S26/1611/15

The Committee had made a site visit before the meeting, stopping at various locations including Gorse Lane, Hill Top Farm, Stoney Track, The Drift SSSI and the village of Denton.

Since the publication of the report further correspondence had been received from Mick George Ltd (Applicant), South Kesteven District Council, Denton Parish Council, Gorse Lane Action Group (GOLAG), a representative of the Hungerton Estate, a member of the public and the Planning Manager's responses to the responses received. All of the responses were detailed in the update to the Committee and a record of the responses was kept on the Council's website.

Simon Curtin, an objector, commented as follows:-

1. He was speaking as a representative of the Gorse Lane Quarry Action Group (or GOLAG), which represented residents from across the local communities, including the views of over 500 local people who had signed a petition objecting to the proposed development and those who had sent over 230 detailed letters of objection. They reflected detailed knowledge of the area of the proposed development, including its flora and fauna.
2. We welcomed the Planning Officer's conclusions that based on the County Council's 2016 Minerals and Waste Local Plan.
3. There was no need for this aggregate quarry or for the landfill capacity the resultant hole would create. This development failed the crucial test of sustainability.
4. The proposed site formed part of a very beautiful and threatened Limestone Plateau and cherished by all who loved the countryside and visited the area.
5. By removing the limestone it would not only lose its special character but would also destroy an aquifer of high importance. Reports have been provided the Council by GOLAG from recognised independent hydrogeological experts in respect of the impact on the northern flows and under submissions by JAS Martin in respect of the southern flows through the historic Hungerton Hall springs. This evidence clearly demonstrated that the applicant had not adequately assessed the risks to this

aquifer. This was supported by the Canal and River Trust, which had submitted an objection for the same reason.

6. The risks of the proposed quarrying to the Willowbed Plantation Ancient Woodland had also been set out in detail. The Lincolnshire Wildlife Trust had echoed these concerns in its own submission.

7. The applicant had not submitted one single measurement of water quality or quantity within this Ancient Woodland. There had been no assessment of risk.

8. If the Committee endorsed the conclusions of the Planning Officer and refused this application, then these environmental risks would not be realised.

9. However, if, as the applicant had indicated, they intend to appeal such a decision or resubmit an amended proposal, the Committee was asked to ensure that all these environmental concerns were thoroughly investigated through appropriate agencies.

10. There had been much disquiet and anxiety created within the community by the persistent “threats” of the developer and land owner to invoke old mineral permissions even closer to people’s homes should the application be refused. This was particularly of concern for those who lived in tied houses owned by the land owner’s family and who worked, or had worked for many years, for the family estate. Understandably, they felt unable to publicly express their fears. Presumably, the applicant would have to submit an appropriate Environmental Impact Assessment on all these areas before this “threat” could even be considered?

11. In summary, the Committee was requested to endorse the Planning Officer’s recommendation and refuse this unsustainable application, which presented unquantified risks to both the public and the environment.

John Gough, representing the applicant, commented as follows:-

1. The officer report confirmed that the scheme could be operated without causing any material harm to local amenity or the environment.

2. Not a single mature tree would be removed.

3. There were no technical objections from any of the statutory consultees to various matters including The Drift SSSI, groundwater protection, dust, traffic, noise and therefore local residents should be comforted by such assurances.

4. From the outset, local communities had been under the misguided impression that the Welby Estate and Mick George Ltd were not serious about implementing the historic consents. Nothing could be further from the truth. The “fall-back” position was clear and it appeared to be a fact that all wished to ignore.

5. The report confirmed that if submitted an Initial Review application and scheme of conditions could not be refused.

6. It was appreciated that it was a lengthy process to implement a Review of Minerals Permission Review (ROMP) but it was not uncommon and there were several examples in Lincolnshire of these type of schemes being progressed.

7. The concept of swapping consented reserves for less sensitive areas was relatively common and the planning officer was aware of this.

8. He was unaware of any situation anywhere, whereby such a large consented area was being given up as was proposed at Gorse Lane. Normally, it was a one for one replacement.

9. If consent was granted, the scheme would work only a small fraction of the consented area.

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10. At Gorse Lane, the offer existed to give-up over 1,750 acres of consented extraction for an area eight times smaller. (218 acres).

11. Policy M5 of the Council's adopted Minerals and Local Plan (which dealt with mineral supply) did permit mineral extraction to take place and this related to exceptional circumstances. In the case of Gorse Lane, these were twofold:-

- The effective rescinding of a massive mineral consent
- The extraction of high quality minerals

12. The Committee had it within its power to approve the scheme and this would remove the ability to implement an enormous mineral consent extending over a 5km swathe of the county.

Responses by John Gough to questions from the Committee included:-

1. The County Council had examined samples of aggregate removed from the application site and had confirmed that approximately 30% was type one aggregate.
2. Aggregate samples from the site had been sent to the Council for examination.
3. Additional employment created if the application was approved.
4. The site had been identified for limestone recovery by the Welby Estates well before Mick George Ltd had got involved and there were a lot of objections at that time to any potential extraction. The Parish Councils had been informed of the proposals by Welby Estates and then subsequently the GORSE Lane Action Group had been established.
5. It was proposed to phase operations on the site and then as each phase was completed the land would be restored to its former condition.

Councillor B Adams, the local Division Member, commented as follows:-

1. He was speaking on behalf of the Parish Councils in the area.
2. The local District Council was opposed to the application.
3. The application did not accord with the Lincolnshire Minerals and Waste Local Plan.
4. The application was in a rural location and would have a detrimental effect on the local environment.
5. The application conflicted with the South Kesteven Core Strategy, including the environment, diversity and additional HGV traffic on the A607 and other roads in the area.
6. There was a SSSI in the vicinity of the site which was widely used by the public.
7. The application posed a risk to water courses in the area.
8. The applicant had not addressed concerns about the extant application and considered that the applicant might have to submit a separate application.
9. He requested that the Planning Officer should refuse the application.

Comments made by the Committee included:-

1. The vast majority of people were against the application.
2. The concerns expressed by the local Member needed to be taken into account.

3. Concerns about the effect of the application on local aquifers and particularly on ancient woodland which needed water on a regular basis.
4. The site visit showed that the countryside was idyllic and a part of rural England which should be protected.
5. Not satisfied with the assurance given by the applicant in connection with the waste to be used for backfill. If soil and clay were used then this was satisfactory. It was considered that other materials could find their way in to the backfill.

On a motion by Councillor D Brailsford, seconded by Councillor W S Webb, it was –
RESOLVED (11 votes for and 0 votes against)

(a) That the report forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which requires the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:-

1. Content of decision and any conditions attached to it;
2. Main reasons and considerations on which the decision is based;
3. Including if relevant, information about the participation of the public;
4. A description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
5. Information recording the right to challenge the validity of the decision and procedure for doing so.

(b) That planning permission be refused for the reasons detailed in the report.

46 COUNTY COUNCIL APPLICATIONS

47 TO CONSTRUCT A DOME SHAPED CIRCULAR BUILDING FOR THE STORAGE OF ROAD SALT, ASSOCIATED SURFACE WATER DRAINAGE IMPROVEMENTS AND WATER STORAGE AT THE HIGHWAYS DEPOT, HEMINGBY LANE, HORNCastle - (E)S86/1655/16

Comments by the Committee and responses by officers included:-

1. Had highways consulted the people living in properties immediately adjacent to the proposed application site? Officers stated that new properties to the east and west had been built since the highway's depot had been opened and added that they were not too sure if the residential properties to the south of the application site had been in existence before the highway's depot was constructed.
2. The application was similar to a salt barn at Thurlby although it was noted that this depot was more concealed.
3. It was noted that the proposed colour of the roof tiles was to be submitted and approved in writing by the Council. However, the Committee expressed a preference for heavy duty green tiles on the roof.
4. It was disappointing that the local Member had not responded to the consultation.

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5. Care was needed to avoid contamination of ground water from the salt barn.
6. The proposal was less obtrusive than the salt barn at Thurlby.
7. Concerns about drainage from the application site. Officers stated that the proposed site was lower than nearby properties and was screened by trees which would prevent the salt barn from being viewed by occupants of these properties.

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

RESOLVED (11 votes for and 0 votes against)

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

48 OTHER REPORTS

49 IN RESPECT OF NON-COMPLIANCE WITH A STATUTORY PLANNING NOTICE ISSUED UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 IN RESPECT OF A WASTE TRANSFER STATION AT SUMMERGANGS LANE, GAINSBOROUGH

The Committee received a report which gave details of a prosecution taken out by the Council with regard to non-compliance with a planning contravention notice (PCN).

RESOLVED

That the report be noted.

The meeting closed at 2.40 pm



**PLANNING AND REGULATION
COMMITTEE SITE VISIT
3 OCTOBER 2016**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), D Brailsford, D Hunter-Clarke, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, R A Renshaw, T M Trollope-Bellew and W S Webb

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Planning Manager) and Marc Willis (Applications Team Leader)

1. APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors J W Beaver, D C Hoyes, M S Jones and C L Strange. It was noted that Councillor R A Renshaw had replaced Councillor G J Ellis on the Committee for this meeting only in accordance with the Local Government Regulations 1990.

2. FOR THE EXTRACTION OF LIMESTONE AND IMPORTATION OF SUSTAINABLE INERT FILL TO ACHIEVE A BENEFICIAL RESTORATION OF THE SITE ON LAND LOCATED OFF GORSE LANE, DENTON - MICK GEORGE LIMITED - S26/1611/15

The Committee made a site visit of the application site in the morning prior to consideration of the planning application in the afternoon by the Committee.

Officers provided the Committee with an explanation of the purpose of the site visit and an outline of the nature of the application site as set out below.

1. The northern boundary of the proposed site by a road called Stoney Lane. This route would not be used by the applicant's HGVs. The site visit went up Stoney Lane to view the site's northern boundary. The SSSI site in the distance, the Ancient Woodland and Belvoir Castle were highlighted. It was noted that the applicant proposed to bring in inert wastes (e.g. silty material, soil and bricks from demolition projects) to backfill and replace extracted material.

2. Jimmy Green's Pit (old ironstone pit) which had finished operating many years ago.

3. Gorse Lane which the applicant's traffic would use to go to Grantham by the A607 and which would be subject to a routing agreement. The applicant would not use the Gorse Lane/Stoney Lane route. The entrance to the applicant's site on Gorse Lane,

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would be together with the carriageway along Gorse Lane from the site entrance to the Leicestershire border on the A607. Kerbing would be installed at the crossing point with the SSSI and there was no objection from Natural England. Within the site there would be a 25m standoff from the SSSI to ensure that there would be no adverse impact on the SSSI. The question of whether local deliveries would be allowed to the applicant's site by Gorse Lane still required investigation. The geometry of the site entrance would prevent vehicles turning left towards Stoney Lane.

The applicant proposed to work the site on a phased basis as detailed in the report to the Committee.

4. SSSI (Viking Way, historic route from the Humber to Oakham, Rutland) and calcareous grassland.

5. A607 junction.

6. Hilltop Farm, off the A607, comprising residential properties. The applicant's site and mitigation measures in place to reduce the site's impact on Hilltop Farm were highlighted. The applicant proposed to plant additional woodland which was expected to mature when his operation reached Phase 4. The applicant had offered to pull his boundary further back from the Hilltop Farm complex and it was noted that the applicant's operation would be outside of the historical consent area. If there was an Initial Review this would not bring the applicant's operation as close to the Hilltop Farm complex.

7. Belvoir Castle from the A607 to the applicant's site and it was noted that Historic England had made no objection to the view. Officers responded to a question about the absence of any reference to paragraph 28 of the National Planning Policy Framework, and stated that this paragraph related to farming activities and barn conversions only and added that this application was not a rural enterprise.

8. The village of Denton, off the A607. There was no proposal to route the applicant's HGVs through the village and it was noted that weight restrictions were already in place in the village. The old ironstone workings near Denton were highlighted.

In response to a question from the Committee, officers stated that they did not have any statistics on how many people used the Viking Way.

The site visit ended at 11.40am.

1.

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

Report to:	Planning and Regulation Committee
Date:	7 November 2016
Subject:	County Matter Application - W127/134934/16

Summary:

Planning permission is sought by Mr A Duguid (G J Perry Planning Consultant) to vary condition 3 of planning permission W127/133701/15 which relates to the Anaerobic Digestion Facility located on the Hemswell Cliff Industrial Estate, Hemswell Cliff.

Condition 3 restricts the total quantity of feedstock materials handled by the anaerobic digestion (AD) facility to 40,000 tonnes per annum and the applicant is seeking to increase this to 90,000 tonnes per annum. The applicant states although the facility was originally proposed to only handle 40,000 tonnes of waste per annum the actual design and size of the AD facility is such that it is capable of handling a greater volume of materials without the need to add or modify the existing permitted plant and equipment or alter the waste handling and processing operations. The current restriction therefore reduces the potential capability of the facility by more than 50% and therefore it is proposed to increase the throughput capacity which would be achieved and accommodated by changing the mix and balance of the solid and liquid factions of the feedstock materials.

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 (reference: W127/129257/12) was granted on 11 February 2013 for the construction of an anaerobic digestion facility (AD facility) comprising of a technical building, digester and storage tanks and ancillary equipment at Hemswell Cliff Industrial Estate. Several planning permissions have subsequently been granted which have varied conditions attached to the original planning permission and approved revisions to the original design and layout of the site including the size of the ancillary buildings and number of digester tanks (references: W127/130114/13, W127/131971/14 and W127/133701/15).

2. In addition to the above permissions, West Lindsey District Council has also granted two separate planning permissions for digestate storage lagoons which are used to store the digestate until it is ready to use/spread on the surrounding farmland (references: 132412 dated 29 September 2015 and 134287 dated 1 August 2016). These lagoons are located some distance from the AD facility (to the north-east and east) and are connected to the AD facility via an underground pipeline. Therefore there is no traffic associated with the transferral of the digestate from the AD facility to these lagoons.

The Application

3. Planning permission is sought to vary Condition 3 of planning permission W127/133701/15. Condition 3 of that permission is worded as follows:

"The total quantity of feedstock materials handled by the development shall not exceed 40,000 tonnes per annum. All materials brought to the site shall be weighed at a weighbridge and weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request."

The reason cited for imposing this condition is *"To correspond with the waste feedstock materials and quantities for which planning permission was applied for."*

4. The applicant is seeking permission to increase the amount of feedstock material handled by the AD facility from 40,000 tonnes per annum to 90,000 per annum. The applicant states at the time that planning permission was first sought for the AD facility the volumes of waste proposed to be handled were based upon figures and information provided to the applicant by the technology provider and although the facility was originally proposed to only handle 40,000 tonnes of waste per annum (and thus this limit was imposed by the planning condition) the actual design and size of the AD facility is such that it is capable of handling a greater volume of materials without the need to add or modify the existing permitted plant and equipment or alter the waste handling and processing operations. The applicant states that identical AD facilities elsewhere in the UK (including Codford, Wiltshire and near March, Cambridgeshire) handle up to 90,000 tonnes of waste per annum and therefore the current limitation imposed by Condition 3 reduces the potential capability of the AD facility by more than 50%. Consequently, it is proposed to increase the throughput capacity of the AD facility which would be achieved and accommodated by changing the mix and balance of the solid and liquid fractions of the feedstock materials.

Feedstock types and sources

5. The applicant states that when the AD facility was first designed it had been estimated that the dry solid content of the feedstocks would be around 8% whereas in practice this equates to around 13% which is some 62% higher. Liquid is required in order to turn the solid wastes into a slurry and although no changes are required to the digestion process itself, given the increased

volume of the solid waste fraction, a further 25,000 tonnes of liquid is required in order to ensure the efficiency of the digestion process and quality of the final digestate is maintained. The liquid waste has in the past comprised food waste such as out of date drinks. Mains water could be used as a source of this liquid however this would be costly and an unsustainable use of a valuable resource. Consequently it is proposed that the volume of liquid wastes accepted at the site be increased in order to make up this shortfall. If approved the proposed increased throughput of 90,000 tonnes per annum would therefore equate to approximately 65,000 tonnes of solid wastes and 25,000 tonnes of liquid wastes.

Sources of waste and increased traffic

6. The applicant states that when planning permission was first granted for the AD facility it was proposed that one of the main sources of feedstocks would comprise of food wastes collected from households within West Lindsey, however, this has not been possible as food wastes are not currently collected separately. Whilst some food wastes are sourced from suppliers within the County, the volumes are not sufficient and therefore the applicant has had to seek alternative sources of suitable wastes. As a result, the applicant has sought and obtained contracts with suppliers located outside of the County including places such as Hull, Grimsby, Scunthorpe, Doncaster, Sheffield and Leeds.
7. The applicant acknowledges that the use of these wastes means that they would travel from outside the County however it is argued that the road kilometre distance travelled is not significant. It is anticipated that most of the vehicles would access the site via the M180/A15 corridor and the traffic associated with the importation of these wastes would create an additional 5-7 HCV's per day (up to 14 movements per day) with each transporting approximately 25-30 tonnes of liquid waste or 26-27 tonnes of solid wastes.

Final digestate volumes and electricity output

8. Although the proposed increase in the feedstock materials would result in an increase in the overall volume of final digestate produced the applicant states that there is sufficient storage capacity available both within the site and through the use of two off-site digestate storage lagoons (approved by West Lindsey District Council). The storage capacity of these two lagoons and the limited volume available within the site itself would provide sufficient storage capacity (i.e. at least six months) to ensure the digestate can be safely held until it is required and ensure compliance with the DEFRA Regulations which restrict the amount of digestate that can be spread on agricultural land lying within a Nitrate Vulnerable Zone (NVZ). The two lagoons are connected to the AD facility via a series of underground pipework and as such although there would be an increase in traffic numbers associated with the delivery of feedstocks to the site, there would not be any vehicular movement associated with the export or transferral of the digestate from the AD facility itself.

9. The applicant states that the proposed increased throughput would also enable the AD facility to increase the amount of electricity generated. It is stated that there is insufficient electrical power in the area to serve the existing permitted developments on the Hemswell Cliff Industrial Estate and emerging Employment Area. The AD facility currently has a connection to the National Grid network which is rated at 3MW, however, this is in the process of being upgraded to 4.8MW. A supply cable is also currently being run to some of the units on the Industrial Estate which would provide up to 1MW of capacity to the adjoining business however this proposal would enable this to be increased to around 2.7MW. This increase in the availability would allow businesses on the estate to expand which they are unable to do at present due to the lack of capacity in the National Grid locally and as there are no plans in the future to upgrade it this would provide a benefit to the wider area.

Site and Surroundings

10. The AD facility is located on land which immediately adjoins the existing and allocated Hemswell Business Park (a former RAF base). The former hangers and buildings lie to the east of the site and now accommodate a range of B1, B2, B8 and A2 uses. To the north of the proposal site lies the Eco Plastics waste plastics recycling facility and to the west and south lie agricultural fields. Beyond the existing hangars, lies an antiques centre (approximately 300m) and the settlement of Hemswell Cliff. The nearest residential properties to the proposal site are approximately 335m to south-east with the Hemswell Cliff Primary School approximately 550m to the east.



Existing AD facility

11. Access to the site is gained via the estate road which serves the Business Park and which has two access points directly onto the A631 to the south. Both of these junctions are of an appropriate size and specification for use by HGV traffic. Approximately 700m to the west of the site runs the B1398 (Middle Street) where clear views of the Business Park and the AD facility can be obtained.

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 98 – advises that applicants for energy development should not be required to demonstrate the overall need for renewable or low carbon energy and instead planning authorities should recognise the valuable contribution such schemes can make to cutting greenhouse gas emissions, and; approve applications if their impacts are (or can be made) acceptable.

Paragraph 120 - seeks to prevent unacceptable risks from pollution and protect general amenity.

Paragraph 122 - states that local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Paragraph 17 – sets out the core planning principles that underpin both plan-making and decision-taking. These include (amongst others) that planning should be genuinely plan-led; that decisions should enhance and improve the places in which people live and proactively drive and support sustainable economic development; that high standards of design and a good standard of amenity for all should be secured; that areas of special character and beauty are conserved and protected, etc.

Paragraphs 109 & 110 - seek to conserve, enhance and minimise pollution and other adverse effects on the local and natural environment.

Paragraph 123 - seeks to prevent adverse impacts as a result of noise pollution.

Paragraphs 186 & 187 – state that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 206 – states that planning conditions should only be imposed where they are necessary, relevant to plan and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraphs 215 and 216 - state that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF, with the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. Weight may also be given to relevant policies contained within emerging plans with greater weight being afforded to taking into account their stage of preparation and/or the extent to which there are unresolved objections to relevant policies.

Local Plan Context

13. Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) – this document was formally adopted on 1 June 2016 and 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 W1 (Future Requirements for New Waste Facilities) states that the County Council will, through the Site Locations document, 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 arising in the County up to and including 2031.

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 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, etc).

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 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.

West Lindsey Local Plan 2006 (WLLP) forms part of the Development Plan and therefore, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF (i.e. the closer the policies in the WLLP to the policies in the NPPF, the greater the weight that may be given). The following policies are considered to be generally consistent with the NPPF and of relevance to this proposal (summarised):

Policy STRAT1 (Development Requiring Planning Permission) states all development must take full account of the need to protect the environment so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment. Development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regard to a range of criteria as set out in the policy.

Policy NBE17 (Control of Potentially Polluting uses) states that planning permission that may be liable to cause pollution of water, air or soil, or pollution through noise, dust, vibration, light, heat or radiation will only be permitted if the health and safety and amenity of users of the site or surrounding land are not put at risk, the quality and enjoyment of the environment would not be damaged and, adequate protection and mitigation measures are implemented to ensure that any potential environmental receptors are not put at risk.

Results of Consultation and Publicity

14. (a) Local County Council Member, Councillor C Strange – who is also a Member of the Planning and Regulation Committee, has been notified of the application but reserves his position until the meeting of the Committee.
- (b) Hemswell Cliff Parish Council – object to the application for the following reasons (summarised):

- (i) Increased traffic - whilst the Parish has no objection to an appropriate increase in the amount of traffic accessing the Industrial Estate and recognise that the applicant intends to move the processed digestate between the AD facility and the lagoons via an underground pipeline, there has been a noticeable increase in the number of vehicle movements associated with the lagoon sites since operations started. The applicant has failed to address what would happen to the digestate after it has been processed and as there may be between 5-7 more vehicular movements associated with materials going into the AD facility, it must be assumed that this would lead to a similar number of movements, or at the very least an increase, of vehicles taking materials away from the lagoon sites for spreading. On a daily basis this could equate to at least 10-14 more vehicle movements in the A15-A631 area and the A15 area near Spital in the Street is already an accident blackspot. There are therefore concerns that any increase in slow moving large farm vehicles associated with the spreading of the digestate is likely to cause further problems.

- (ii) Issues with the digestate lagoon sites – a number of issues have been reported about the operations at the lagoon sites since operations started including an increase in the amount of large slow moving farm vehicles and the odour associated with the spreading of the digestate on fields in the area. Many residents have approached Parish Councillors to say that the smell from the spreading operations is far worse than more traditional methods which is concerning given the claims that the digestate would have less odour associated with it. It has been suggested that when it is injected, rather than dribbled, may overcome some of the odour problems.

- (iii) Sources of waste - the Parish Council would like to see the AD facility used in the way it was originally envisioned, to process local food waste as it seems absurd that waste is being shipped in from as far away as Yorkshire. Therefore the Parish Council would prefer to see the scale of the operations at the site kept at current levels until it is possible for local food wastes to be processed. The Parish Council considers that Policies W1, W3 of the recently adopted Core Strategy of the Lincolnshire Minerals and Waste Local Plan and paragraphs 17, 109, 110 and 143 supports their comments.

- (c) Bishop Norton & Atterby Parish Council (adjoining Parish) – supports the objections and comments made by Hemswell Parish Council. The Parish Council also has concerns that the proposed doubling of the AD facility's throughput would result in an increase in vehicular traffic and that the wastes would now be sourced from further afield and not from within the County.

It is also questioned whether the existing digestate storage lagoons would be able to cope with more than a doubling of the digestate produced and query what would happen to the digestate if the lagoons are full and/or it cannot be used on the fields. There are concerns that if this situation arose then there would be a need for it to be transported elsewhere by road and this would result in a further increase in the local lorry traffic issues. The Parish Council also add that when the application for the digestate storage lagoon off the A15 was proposed, they were informed that the underground pipework would be used to feed the digestate into the surrounding fields, with little or no tanker traffic movement from the lagoon. This appears not to be the case as there has been significant tanker traffic recently on the A15 and therefore there are concerns that this would be further affected by the massive increase in digestate production at the AD facility.

- (d) Highways & Lead Local Flood Authority (Lincolnshire County Council) – has concluded that the proposed development is acceptable and therefore does not wish to restrict the grant of planning permission.
- (e) Ministry of Defence (Safeguarding) – has responded confirming that the site falls within the safeguarding consultation zone surrounding RAF Scampton, however, they have no safeguarding objections to the application.

The following bodies/persons were also consulted on the application on 1 September 2016 but no response/comments had been received within the statutory consultation period or by the time this report was prepared:

Environment Agency
Environmental Health Officer (West Lindsey District Council)
Historic Environment (Lincolnshire County Council)
Lincolnshire Fire & Rescue.

- 15. The application has been publicised by notices posted at the site and in the local press (Gainsborough Standard on 7 September 2016) and letters of notification were sent to the nearest neighbouring businesses within the existing Industrial Estate. No representations had been received as a result of this publicity/notification within the statutory consultation period or by the time this report was prepared.

District Council's Recommendations

- 16. West Lindsey District Council has no objections to the proposal but requests that the views of nearby residents to the application site are taken into account in determining this application.

Conclusion

- 17. This application seeks to modify Condition 3 attached to planning permission W127/133701/15 in order to increase the amount of material

permitted to be handled by the AD facility from 40,000 tonnes to 90,000 tonnes per annum. The revision sought would not increase the footprint of the AD facility or require any changes to the existing plant and equipment, the sites layout or waste handling and processing operations. As a result it is not considered necessary to re-evaluate or reassess the location or impacts associated with these aspects of the development in the determination of this application.

18. The proposed amendment would, however, result in an increase in the amount of feedstock materials brought to the site and consequently due consideration does need to be given to the source of those wastes and the potential impacts of increased traffic on the local highway network and residential amenity that would arise as a result of the proposal.

Source of Wastes and increased traffic

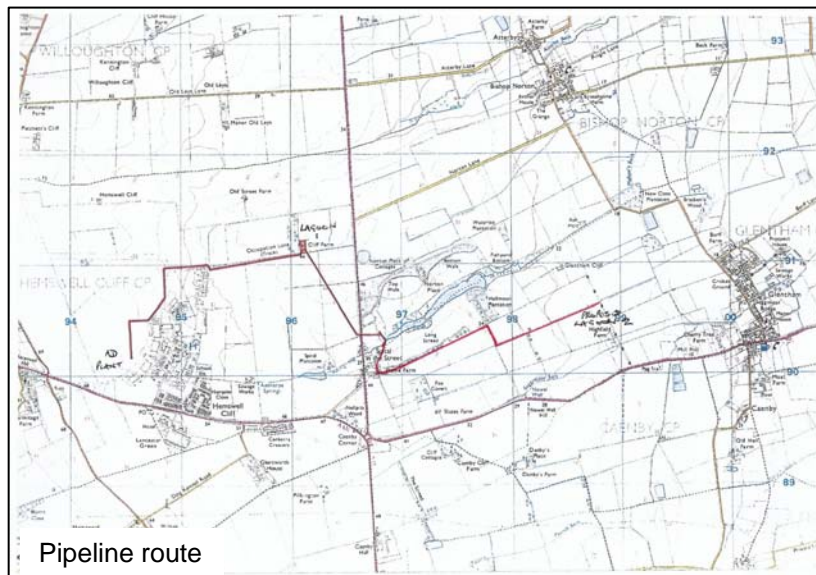
19. The AD facility was designed to handle a range of wastes which include (amongst others): household, commercial and industrial food and catering wastes (e.g. expired fruit and vegetable products, waste from food factories and retail premises such as butchers and supermarkets); liquid wastes such as milk products and fruit juices and farm wastes such as animal slurries and crops, vegetables, etc.
20. Originally it was anticipated that food wastes collected from households within West Lindsey would form the bulk of the feedstocks used at the plant. However, for reasons already explained, this has not been possible and although it is accepted that the applicant now proposes to source waste materials from suppliers outside of the County there is no condition or restriction on the planning permission which would prevent this currently happening. As a result, this is not something that the Waste Planning Authority can control and the imposition of a planning condition which sought to do this would be difficult to monitor and would be unenforceable. Consequently, such a condition would not meet the required tests as set out in the NPPF (para. 206).
21. Whilst it is accepted that one of the main objectives of the recently adopted CSDMP is to provide sufficient waste management facilities to deal with waste arising within the County and the proposed source of the additional wastes can be taken into consideration in the determination of this application, it is also recognised that in practice there is a movement of wastes between local authority administrative areas as well as across the Country. In this case, whilst the potential additional wastes would be imported from locations outside of the County these are all located to the north and there are good access routes to these via the A15 and M180. Given the location of the AD facility it is accepted that the actual kilometres travelled from these places to the site are not significant and actually, if compared to the distances that would potentially be travelled if wastes were instead required to be sourced from within the County (which could include food factories and suppliers typically located in the more southern areas of

the County including Boston, Spalding and South Holland), then the actual distances travelled could be comparable if not greater.

22. In terms of the anticipated increased traffic movements associated with importation of these wastes, these are modest and given the location of the AD facility and highway network surrounding the site, the Highways Officer has raised no objection. It should also be noted that to access the site vehicles would use the primary route network. It is not considered this would cause unacceptable impact to local residents within the settlements these vehicles would pass through. Therefore despite the objections raised by the Parish Council the traffic movements are considered to be acceptable and would not have an adverse impact upon the function or safety of the highway network or amenity of nearby residents.
23. On balance, the proposal would not therefore undermine or compromise the objectives of Policy W1 of the CSDMP or conflict with policies DM3, DM14, DM14 or WLLP Policy STRAT1.

Digestate and other matters

24. In addition to the two Parish Council's concerns about increased traffic and the sources of waste feedstocks (discussed above), both have also made several comments about the operations and activities associated with the off-site digestate storage lagoons. These include concerns about increased and slow moving farm traffic associated with the extraction and spreading of digestate, questions over the holding capacity of these lagoons and issues of odour.
25. Traffic: As indicated earlier in this report, the planning permissions for the two digestate storage lagoons have been granted by West Lindsey District Council (WLDC) and are only permitted to store the final digestate that is produced by the AD facility. As the digestate produced meets the PAS110 specification it is no longer classed as a waste and therefore can be used on farmland as an alternative to chemical or other natural fertilisers. The two lagoons have been granted on the basis that the digestate would be transferred to the lagoons via an underground pipeline network (the route of which is shown below).



26. Similarly, when planning permission was granted by WLDC it was stated that the digestate would be spread on the applicant's land and some surrounding landowners land via a network of temporary flexible polymer pipelines and that the use of the pipeline would therefore reduce the need for vehicle movements. To reinforce this it is noted that WLDC has imposed a planning condition on the latest permission for one of the digestate lagoons (reference: 134287) and therefore if this is not complied with in the future then it is a matter that would need to be investigated and enforced by WLDC. In terms of the existing digestate lagoon, this same condition has not been imposed although it is understood that the digestate would still be discharged via a series of pipelines. However, as there is no restriction on the use of farm vehicles associated with this lagoon, whilst the concerns about slow moving farm traffic are noted there is nothing that can be done to address this. The NVZ rules mean that the spreading of digestate can only take place during certain times of the year (i.e. February, March and the first week or so of April and post-harvest in August and potentially the first week in September) and therefore whilst it is accepted that there may be periods where increased farming traffic is experienced, this is no different to any other farming practice.
27. Odours: Again the planning permissions issued by WLDC have conditions imposed upon them which require the lagoons to be covered with a membrane in order to reduce any odours. Whilst it has been commented that the spreading of the digestate has resulted in complaints of increased odour, as the digestate is no longer a waste then the Waste Planning Authority has no remit or control over these operations or activities. Instead any issues or complaints are again a matter which would need to be referred to WLDC's Environmental Health Department to consider whether this was causing a statutory nuisance or if, in fact, they are odours that are generally accepted as associated with normal farming practices.
28. Capacities: As indicated earlier in this report, the storage capacities of the two lagoons along with the limited storage volume available within the AD facility itself have been designed to provide at least six months storage capacity in order to ensure that the digestate can be safely held until it is required and ensure compliance with the DEFRA NVZ Regulations which restrict the amount of digestate that can be spread on agricultural land in any 12 month period. Your Officers are satisfied that these lagoons can therefore accommodate the increased digestate produced by the AD facility as a result of this proposal and given the predominant agricultural nature of the land surrounding the site are satisfied that there would be sufficient land available in the vicinity of the site which could be available to ensure that the digestate produced by the development can be safely accommodated into the landscape without having an adverse impact.

Final Conclusions

29. The proposed increased throughput capacity could be accommodated by the AD facility without requiring any changes to the size or nature of the plant and equipment used or require any alterations to the digestion process or waste handling and processing operations. The increased tonnage of feedstock would enable a greater volume of wastes to be converted to digestate which can be used as a substitute for chemical fertilisers and whilst the volumes of the final digestate produced would increase, given the predominant agricultural nature of the land surrounding the site, there would be sufficient land available to safely accommodate this. The increased productivity of the AD facility would also offer benefits insofar as increasing the amount of electricity that can be generated and the majority of this is proposed to be used to supply adjoining businesses.
30. It is therefore concluded that, on balance, the proposal would not undermine or compromise the objectives of Policy W1 of the CSDMP or conflict with policies DM3, DM14, DM14 or WLLP Policy STRAT1 and therefore can be supported.
31. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which consolidates and (where relevant) recites the conditions which were originally included and which were attached to the previous planning permissions relating to this proposal.

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 W127/133701/15 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 agreed in writing with the Waste Planning Authority (WPA), or where 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, Justification Statement, Draft Odour Management Plan and Flood Risk Assessment (date stamped received 6 July 2012) as supplemented by the information contained in the emails from G J Perry dated 1 November 2012,

10 January 2012 and 12 January 2012 and Planning Application Form (date stamped received 30 October 2015) and the following drawings and documents:

- Written Statements entitled "Assessment of Impact of Minor Alterations for the Proposed Anaerobic Digester at Hemswell Cliff, Lincolnshire, DN21 5TU" (date stamped received 19 September 2014 and 30 October 2015)
- Drawing No. P12-TBHC-002: Existing Site Layout (date stamped 23 May 2013)
- Drawing No. 996-141 Revision A: Diagram Plan View (date stamped 30 October 2015)
- Drawing No. 2015-001-GA-001 Revision 15: Proposed Site Plan (date stamped 30 October 2015).

3. The total quantity of feedstock materials handled by the development shall not exceed 90,000 tonnes per annum. All materials brought to the site shall be weighed at a weighbridge 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 external wall cladding of the technical/reception building to be constructed as part of the development hereby permitted shall be 'dark olive green' in colour and shall thereafter be maintained in a good condition for the duration that the development hereby permitted subsists.
5. Except in emergencies to maintain safe working conditions (which shall be notified to the Waste Planning Authority as soon as practicable) no vehicles associated with the delivery and input of feedstock materials and export of final digestate shall take place except between 06:00 and 18:00 hours Monday to Saturday.

The anaerobic digestion plant is permitted to operate continuously 24 hours a day.

6. All laden vehicles carrying feedstocks/waste materials entering or leaving the site shall be sheeted or netted or carry their load in an otherwise enclosed load space.
7. Adequate space for the parking, turning and manoeuvring of vehicles shall be available for use at all times whilst ever the development hereby permitted subsists.
8. All vehicles, plant and machinery operated at the site 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 affected within a reasonable period, the equipment affected should be taken out of service.

9. The roller shutter doors and windows of all buildings used to carry operations associated with the handling, processing and storage of wastes shall be kept closed at all times except when required to be opened in connection with the movement of mobile plant and the delivery and dispatch and transferral of materials to and from the buildings.
10. The air ventilation and odour control systems to be employed as part of this development shall be implemented and carried out in accordance with the details and systems which were previously submitted and approved by the Waste Planning Authority as set out in the decision notice dated 28 March 2014 (originally approved pursuant to condition 10 of planning permission W127/130114/13).
11. No wastes or feedstock materials to be used or processed by the development hereby permitted shall be stored outside of the technical/reception building or the digestion tanks.
12. Surface waters from the site shall be managed in accordance with the details and systems which were previously submitted and approved by the Waste Planning Authority as set out in the decision notice dated 28 March 2014 (originally approved pursuant to condition 12 of planning permission W127/130114/13).
13. 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.
14. The fire hydrant previously approved by the Waste Planning Authority as set out in the decision notice dated 3 March 2015 (originally approved pursuant to condition 15 of planning permission W127/131971/14) shall be retained continue to be available for use by this development.
15. The means of connection to the National Grid shall be by underground cable.
16. A noise monitoring scheme shall be implemented and carried out as part of the development in accordance with the details which were previously submitted and approved by the Waste Planning Authority as set out in the decision notice dated 27 May 2014 (originally approved pursuant to condition 17 of planning permission W127/130114/13).

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. To correspond with the waste feedstock materials and quantities for which planning permission was applied for.
4. To minimise the impact of the development on the visual appearance and character of the surrounding area.
5. In the interests of limiting the effects of the development on local amenity and to define the permitted hours of operation.

6 & 7

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

8 – 11

In order to ensure that odour emissions arising from the development are in line with the levels cited in the application and to protect the residential amenity of local residents.

12 – 13

To ensure if unsuspected contamination is encountered during the development it is dealt with in an appropriate manner and to prevent the risk of pollution of ground waters and ensure the provision of a satisfactory means of surface water disposal is secured.

14. In the interests of fire safety and amenity of the area.
15. In the interests of visual amenity.
16. To protect the amenity of local residents living close to the site.

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. In determining this application the Waste Planning Authority has assessed the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determined to grant planning permission in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Background Papers

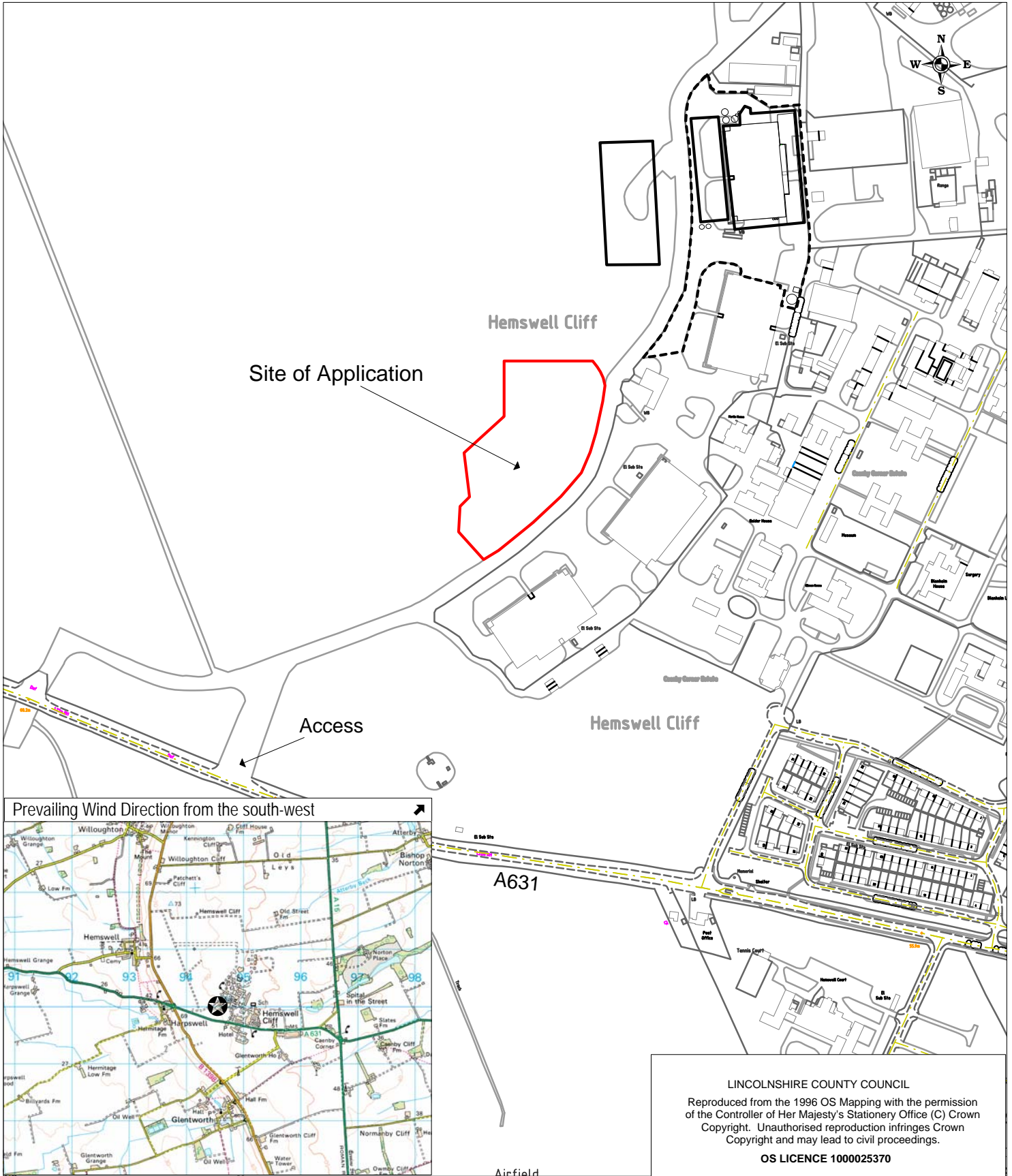
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File(s) W127/134934/16 W127/133701/15 W127/131971/14 W127/130114/13 W127/129257/12	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)	Lincolnshire County Council website www.lincolnshire.gov.uk
West Lindsey Local Plan (First Review) 2006	West Lindsey District Council website www.west-lindsey.gov.uk

This report was written by Marc Willis who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A

PLANNING AND REGULATION COMMITTEE 7 NOVEMBER 2016



LINCOLNSHIRE COUNTY COUNCIL
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Location:

Anaerobic Digestion Plant
 Hemswell Cliff

Description:

To vary condition 3 of planning permission W127/133701/15 -
 To increase permitted tonnages from 40,000 tonnes per annum
 to 90,000 tonnes per annum

Application No: W127/134934/16

Scale: 1:5000

Lincolnshire County Council

Planning and Regulation Committee 7 November 2016

- Location Map Attached

Item 5.1

West Lindsey District Council : Environmental Protection – draw attention to the fact that this is a facility permitted by the EA accordingly if and when there is any issue or complaint referral is made to them for investigation as appropriate. Aware of 2 complaints being made about the plant concerning odour but have no evidence that substantiates these complaints.

Environment Agency – note that the Environmental Permit allows for the import of up to 90,000 tonnes of waste annually so the EA has no objection to this application but provides the following informative comments:-

- Currently only one of the two digestate lagoons for the site is permitted and the applicant be informed that the second lagoon requires a permit to be in place before it is brought into use;
- The digestate currently being produced is not an accredited standard and therefore remains a waste.

Local Resident – I would like to object in the strongest possible terms, concerning the variation to planning W127/134934/16.

- 1) I find it extraordinary that WDLC environment and heritage teams have not responded, more so, that wider advertisement and consultation of the local residents has not been undertaken. Consulting immediate neighbours when the smell and noise of this facility extends much further than immediate neighbours, Lincolnshire County Council have a duty of care to ensure that residents who are affected by this application are adequately consulted. I know personally that most residents have no faith whatsoever in the planning process; many residents weren't even aware of the original proposal until building had started, the lack of resident participation should have brought about concern, not simply be dismissed as a box ticking exercise due to the fact that a notice was put in a newspaper that very few people read. You should be ashamed of yourselves.
- 2) The applicant is a WLDC Councillor, there is a clear conflict of interest here, nobody has informed me that this Councillor is to be personally enriched from using foodstuffs from bin collections of WDLC, at the very least, this clear and evident conflict of interest should have been/be called in.
- 3) Most residents are sensible enough to understand that living in the Country, means that there are noise and smells associated with farming activity. However, in this case, since production has started, the smells associated with spraying is nauseating on some days. This far exceeds anything that has gone before.

- 4) It is evident from the planning Officer's own report, that many of the statements and submissions made by the applicant have not developed or come to fruition. Instead, heavy goods vehicles, are having to transport filth and waste material over very long distances to support the existing operation. The applicant now wants to increase this by 50%. It is nonsensical to claim this plant produces 'green energy' when thousands of miles of journeys, using trucks capable of 13mpg, are being used to ferry the waste to the plant. Not only do these journeys place extra load on the road network (a fact that appears to be lost on Lincolnshire Highways department, the carbon from output from the journeys far exceeds any claim by the developer that the plant is 'green'. It can't be and isn't.
- 5) Not one paragraph in the report to the Committee highlights any concern with regards to the safety of this plant. They have exploded, people have died within them, responses from the Fire Brigade, environmental services are mute on this point so it is clear to me, that inadequate consultation has taken place with respect to the safety of this Digestion plant or the ongoing monitoring of the gasses within. In addition WLDC are having to create an environmental impact assessment regarding the Food Enterprise Proposed to the adjacent land this same councillor owns, I find it extraordinary that some form of impact assessment has not been carried out for this site, despite what the screening document says.

Due to the amount of time I've had to make a submission, the above is not an exhaustive objection but it does convey some of the pertinent points.

Applicant – note that the EA has already acknowledged PAS 110 status to Hemswell Biogas Ltd in respect of the digestate produced by the AD plant and have produced a certificate of validation dated August 2016. Also confirm that the additional waste tonnage will produce approximately 40,000 tonnes of digestate and the total 90,000 tonnes of waste per annum would produce 70,000 tonnes of digestate per annum. No digestate will be stored at the AD plant.

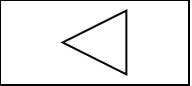
Planning Manager Response –

- 1) Consultation included neighbouring businesses and properties- the same who were consulted on the original application and subsequent applications. Site notices and press notices were also undertaken. In relation to WLDC environment and heritage, following a follow up call they have since responded as set out above.
- 2) The application is being determined by the County Council as the Waste Planning Authority for the area and consequently there is no conflict of interest.
- 3) As set out in the detailed report at paragraph 27 the intention is that operation of the plant works in a way that the digestate produced at the end of the process is no longer waste and should be free from odour. The applicant has produced evidence to support this. However, currently the comments of the EA indicate that at this time the digestate is still classed as waste. Your

Officers are satisfied that the anaerobic digestion process ensures the majority of odours are removed from the final product. In addition WLDC have imposed a condition on the lagoons that requires them to be covered with a membrane to further reduce the potential for odour whilst the digestate is stored within the lagoon prior to spreading on the land.

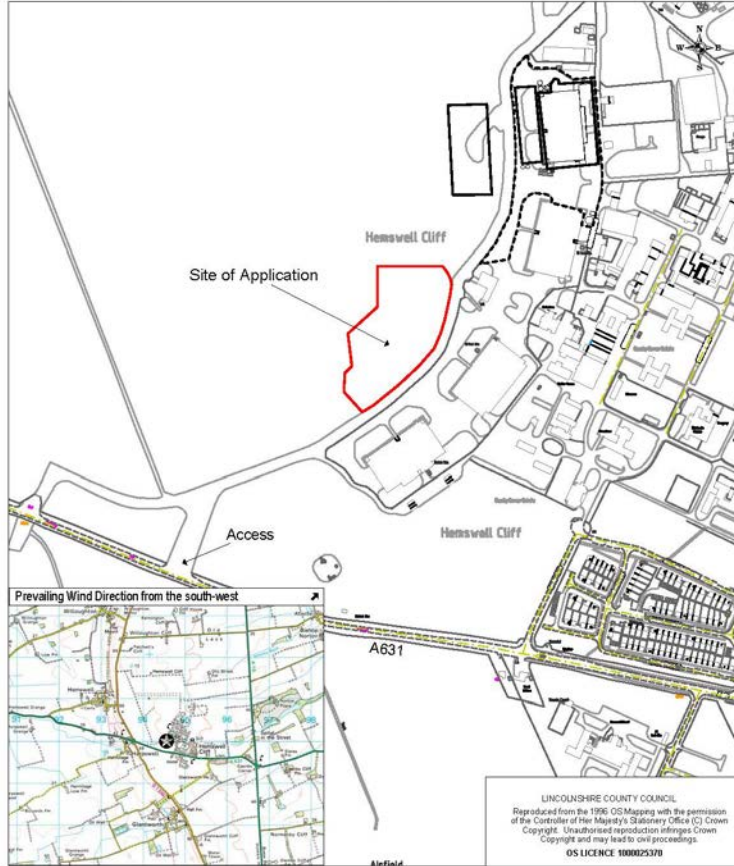
- 4) Government policy/advice supports alternative forms of energy production, such as this biogas plant. In relation to traffic and any increase in trips this is addressed in paragraphs 6 & 7 and specifically paragraph 22 in the conclusions of the Report. The proposals would result in an additional 14 vehicular movements per day which, as set out in the report is considered to be modest when considering the road network. In terms of feedstocks, this is addressed in paragraphs 20 and 21.
- 5) The Fire & Rescue Service were consulted on the original application for this development. As a consequence of comments and discussions received from the Fire Service a fire hydrant has been installed alongside the boundary of the facility. Consequently these matters were taken into account when the development was first considered. The application before the Committee today does not seek to make any changes to the plant or equipment installed but to increase the throughput at the site so that it can operate to full capacity

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5. Hemswell Cliff

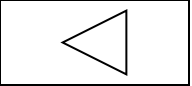
LINCOLNSHIRE COUNTY COUNCIL
PLANNING AND REGULATION COMMITTEE 7 NOVEMBER 2016



Location:
Anaerobic Digestion Plant
Hemswell Cliff

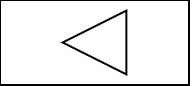
Description:
To vary condition 3 of planning permission W127/133701/15 -
To increase permitted tonnages from 40,000 tonnes per annum
to 90,000 tonnes per annum

Application No: W127/134934/16
Scale: 1:5000



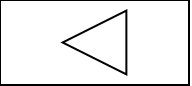
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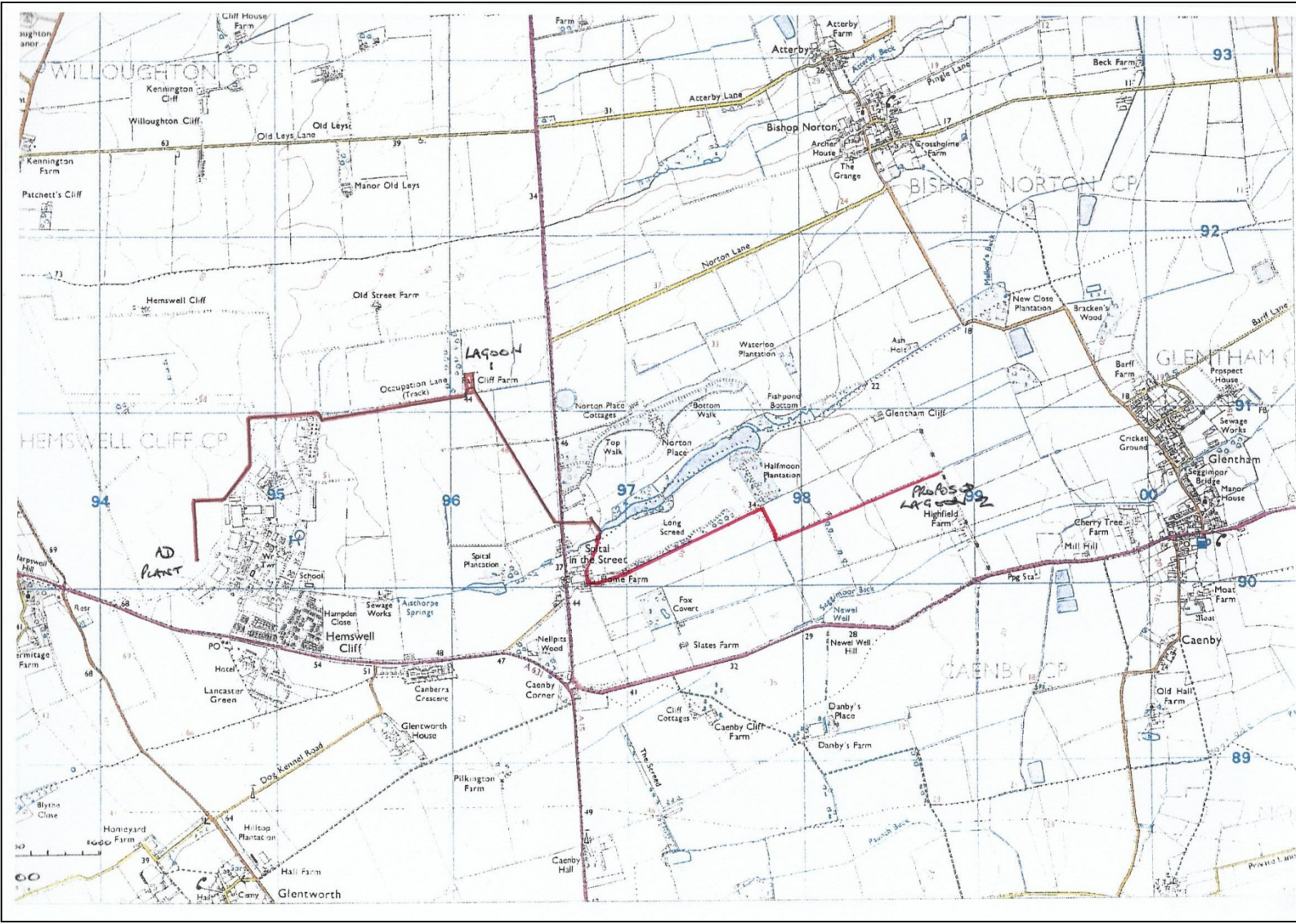




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