

**PLANNING AND REGULATION
COMMITTEE
14 MAY 2018**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), B Adams, D Brailsford, L A Cawrey, Mrs P Cooper, S R Kirk, D McNally, N H Pepper, P A Skinner, M J Storer and R A Renshaw

Councillors: C L Strange and A H Turner MBE JP attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Planning Manager) and Mandy Wood (Solicitor)

1 APOLOGIES/REPLACEMENT MEMBERS

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillors B Adams and Mrs P Cooper to the Committee, in place of Councillors R P H Reid and S P Roe, respectively, for this meeting only.

Apologies for absence were received from Councillors Mrs A M Newton, Mrs M J Overton MBE, R P H Reid and S P Roe.

2 DECLARATIONS OF COUNCILLORS' INTERESTS

The Chairman stated, on behalf of the Committee, that all Members had been lobbied by email in connection with minute No's 6 and 7. In his particular case he had passed the emails to the planning officer. The Chairman added that he had had no direct contact with any of the objectors and had only spoken briefly to Amanda Suddaby who had spoken against the application at the previous meeting of the Committee and would be speaking again at this meeting (minute 6).

**3 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 9 APRIL 2018**

RESOLVED

That the minutes of the previous meeting of the Committee held on 9 April 2018 be agreed as a correct record and signed by the Chairman.

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PLANNING AND REGULATION COMMITTEE

14 MAY 2018

- 4 MINUTES OF THE MEETING OF THE SITE VISIT BY THE PLANNING AND REGULATION COMMITTEE HELD 9 MAY 2018 TO NORTH KELSEY MOOR, MARKET RASEN - EGDON RESOURCES LTD - 137302 AND HIGH STREET, BISCATHORPE, LOUTH - BARTON WILLMORE - N/059/00531/18

RESOLVED

That the minutes of the meeting of the site visit by the Committee held on 9 May 2018, be agreed as a correct record.

- 5 COUNTY MATTER APPLICATIONS

- 6 SUPPLEMENTARY REPORT - TO VARY CONDITION 1 OF PLANNING PERMISSION W97/131952/14 GRANTED IN DECEMBER 2014 TO EXTEND THE PERIOD OF TIME TO CARRY OUT THE TEMPORARY OPERATIONS TO DRILL AN EXPLORATORY BORE HOLE FOR CONVENTIONAL HYDROCARBONS, PRODUCTION TESTING AND EVALUATION AT LAND TO THE EAST OF SMITHFIELD ROAD, NORTH KELSEY MOOR, MARKET RASEN - EGDON RESOURCES LTD - 137302

(Note: Councillor M J Storer arrived in the meeting at 10.35am just before the commencement of this item.

The Chairman reminded the Committee that only those Members who had attended the site visits on 9 May were able to debate and vote on the application)

Since the publication of the report further responses to consultation had been received and were detailed in the update to the Committee which was published on the Council's website and had been sent to the Committee before the meeting. Officers stated that responses to consultation had also been received since the publication of the update asking questions about whether planning procedures in connection with the extension of time had been correctly followed. Officers stated that these issues had been addressed at the previous meeting and that the 2014 permission had been legally implemented.

Officers stated that the Committee, at its previous meeting, had requested details of vehicle movements associated with the development. The traffic movements associated with the site could be split into four categories and the meeting was informed of the phases as follows:-

1. Construction Phase – 300 in/300 out over a seven week period, with an additional 10 vehicle movements of heavy goods vehicles and 4 vehicle movements with low loaders and the occasional movement of cars/vans.
2. Operational Phase – eight week duration involving 126 traffic movements to bring the drill and ancillary equipment to the site and 126 movements to remove the equipment from the site.

3. Operational Testing Phase – should oil be found this would be collected by tanker together with any associated water and taken to a facility offsite. It was anticipated that this would involve 6 tankers for oil and 2 tankers for water in a month. 32 heavy commercial vehicle movements in the first week setting up the site and a small number of vehicles would be visiting the site during this period.

4. Restoration Phase – should insufficient reserves not be identified the number of vehicles could be 600 as in the first phase but this all depended on the retention of the access track but would not exceed 600.

Amanda Suddaby, an objector, commented as follows:-

- The site visit made by the Committee would have allowed Members to view the highway conditions leading to the site.
- There were inaccuracies in the application which should have been found with scrutiny.
- There was a lack of clear information in connection with the application.
- Road improvements would not mitigate impact and breached three pre-commencement conditions: 12c, 13 and 16.
- The objectors asked for documentary evidence that Condition 12 had been satisfied.
- The applicant had breached their conditions already by accessing their site from the wrong direction (by use of the route over the level crossing), removed soil without archaeological examination and driven over soft verges close to dykes.
- The proposed 300mm stone layer overlaying the liner was insufficient and in line with manufacturer's guidance or Environment Agency guidelines.
- The archaeology of the area had not been examined.
- Considered that work on the site was illegal as the applicant had commenced work after the expiration of the original permission.
- The applicant's reasons for delay were not planning issues. The price of oil if considered a reason implied a presumption that production would follow, in which case, she asked the Committee to consider 20 years' impact of oil tankers, noise, flaring, lighting and toxic waste on residents, farmers and wildlife.
- Incompetent safeguarding was proposed.
- Lincolnshire had a proud agricultural tradition which should be protected along with other truly sustainable enterprises such as tourism and wildlife conservation that brought pride to local people and do harm locally or beyond.

Amanda Suddaby responded to questions by the Committee as follows:-

- She was speaking on behalf of residents living on Smithfield Lane, the local farm and a wider group of residents.
- The applicant had used the unapproved route twice that this route was used by cyclists, farm traffic, had a blind bend and would damage the road.
- She had not taken any survey of traffic and added that the site visit had taken place during a quiet part of the day.

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Paul Foster, the applicant, commented as follows:-

- He thanked officers for their balanced report.
- He had noted concerns expressed by objectors in connection with the extra traffic on the local highway. He stated that there would only be 18 movements a day over a 17 week period or 1 vehicle per hour, with no working on a Saturday afternoon, Sunday or a Bank Holiday.
- The travel time to and from the site along Smithfield Lane was only 3 minutes.
- He was aware of the safety issues and there would be communication with the drivers to avoid too many HGVs visiting the site at the same time.
- There were no recorded accidents on Smithfield Lane and the necessary highway improvements had been made to this road. Any repairs required would be undertaken by the applicant.
- Highways had not objected to the application.
- The application met Government policy and, if successful, the site would contribute taxes, help the balance of payments and provide employment for local people.

Paul Foster responded to questions from the Committee as follows:-

- He stated that during Phase 1 there would only be one HGV per hour and HGVs would not be arriving at the site at the same time.
- He was surprised to hear comments about the use of the level crossing route adding that he was not aware of his company using this route.

The local Member, Councillor A H Turner MBE and the neighbouring local Member, Councillor C L Strange, commented as follows:-

- The Members needed to understand the position of local residents and how they would feel if this development was taking place on their "door step".
- It was important to ensure that the applicant abided by the conditions if the application was approved.
- Local residents had concerns about the effects of the application on local water courses and the quality of their lives.
- Local residents had concerns about noise.
- The highways concerns had not been addressed. The turn off from the B1434 on to Smithfield Lane was extremely dangerous and vehicles travelled fast along the B1434.
- The applicant should consider paying compensation to local residents although it was noted that this was not a planning consideration.
- The applicant should produce an Environmental Impact Assessment.

Officers responded to the comments made as follows:-

- No statistics were available about the number of vehicles using Smithfield Lane.
- The application was legal as the applicant had implemented the permission granted in 2014 by 31 December 2017, as officers confirmed at that time that they were satisfied the permission had been implemented.

- The level crossing route was not permitted to be used by the applicant and officers had no evidence to suggest that this route had been used by the applicant when constructing the access and undertaking the highway improvements. There were not any traffic route issues in connection with other oil field sites in Lincolnshire.
- If the application was approved it would be rigorously monitored and enforcement action would be available if any of the conditions were breached.
- Confirmed that the water courses would be protected and the Environment Permit would prevent pollution.
- An Environmental Impact Assessment was not required for this application.
- The applicant was required to meet those noise levels detailed in the conditions.

Comments by the Committee and the responses of officers, where applicable, included:-

- The site visit had been useful.
- The applicant should talk to objectors to allay their concerns.
- The main concerns were about noise and highway issues.
- The site needed to be restored following completion.
- 8 HGV movements a day associated with the site was small compared to the movement of agricultural traffic.
- The passing places on Smithfield Lane should be extended.
- The need to monitor the site to ensure that the improvements made to the highway were satisfactory and, if not, then the applicant should be asked to make further improvements.
- There were no planning reasons to refuse the application.

On a motion by Councillor D Brailsford, seconded by Councillor P A Skinner, it was –

RESOLVED (unanimous)

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

7 TO VARY CONDITIONS 1 AND 3 OF PLANNING PERMISSION (E)N59/2259/14 - TO EXTEND THE END DATE FOR THE COMPLETION OF THE DEVELOPMENT BY 3 YEARS AND TO AMEND APPROVED DRAWINGS SO AS TO ALLOW THE RETENTION OF SECURITY AND WELFARE CABINS DURING THE PRODUCTION TESTING PHASE AT LAND OFF HIGH STREET, BISCATHORPE, LOUTH - BARTON WILLMORE - N/059/00531/18

(Note: Councillor A H Turner MBE left the meeting.)

Only those members of the Committee who had attended the site visit on 9 May 2018 were able to debate and vote thereon)

Since the despatch of the report further responses to consultation had been received and were detailed in the update sent to the Committee and placed on the Council's website. In addition a further condition was proposed as follows:-

Notwithstanding the details contained within 'The Construction Traffic Management Plan' approved in condition 12 above, the signage illustrated in Drawing No. 3299(2) PO5 Rev A – 'Site Entrance Detail & Sightlines' shall be erected and shall be retained and maintained for the duration of the development.

Reason: In the interests of the safety of users of the public highway and the safety of users of the site.

Officers stated that since the update had been circulated the following additional responses to consultation had been received:-

- 72 representations had been received but these did not raise any other issues that were not already captured in the Committee report or update.
- A petition with 115 signatures had been received.
- A petition with 206 signatures had been received on the morning of the meeting giving reasons for refusal, amongst others, as contamination of the River Bain, the upper Bain valley, the effects on tourism and the constant flow of HGVs.

Officers stated that the planning application for Biscathorpe was similar to the application submitted for North Kelsey in that it involved a request to extend the permission granted in 2015. Officers stated that the applicant had implemented the conditions requested in the 2015 permission before the expiry date.

Elizabeth Williams, an objector, commented as follows:-

- 13 more objections had been received from the Donnington on Bain area. (These were handed over to the Planning Officer at the meeting).
- The effects of pollution from the application site on the River Bain.
- The danger posed by fast moving traffic on the B1225 on the site entrance/exit.
- The applicant had commenced work on the site after the 2015 permission had expired.
- Local people were worried and stressed because they had not been consulted on the application and if the application was more people would suffer stress.
- There would be 24 hours of flaring of gas which contained poisons.
- Over 1000 HGV visits to the site.
- There was a protected chalk stream in close proximity to the site and treated waste would be leaked in to the stream. There was no margin for error as the application site was very close to the stream.
- The effects of the application on the environment and local people.
- The applicant had submitted insufficient information.

Elizabeth Williams responded to questions from the Committee as follows:-

- She stated that she lived in Lincoln and had lived in Lincolnshire for 50 years.

- She stated that she did not have a car and used the bus and train.
- In connection with who she had consulted she stated that she had visited the area and had spoken to local people and had been handed a petition by a local farmer living next to the site.

Paul Foster, the applicant, commented as follows:-

- The application had attracted objections locally and from far away.
- The application site was located in an AONB which had particular protection from certain types of development.
- Farm buildings were in close proximity to the site and the Belmont communications mast was also close by.
- The visual impact of the site was not intrusive due to the topography of the site.
- The noise, light and drilling impact would gradually reduce when the site was operational and there were few residential properties in proximity to the site.
- There would be a short period of disruption and the site would be returned to its present state following restoration.
- The application met Government policy and if oil was discovered it would provide taxes, employment and help the balance of payments.
- The gas would be fed into the National Grid.
- Only clean water would go into the River Bain.
- The Environment Agency would monitor the site.

Paul Foster responded to a question from the Committee about noise levels and drew attention to the condition in the report about noise limits during the various phases which had been agreed with the Environmental Health Officer at East Lindsey District Council.

Officers responded to the comments as follows:-

- The responses received showed that the local community was aware of the application.
- The necessary works to implement the 2015 permission had been undertaken.
- The discharge of water in the chalk stream would be monitored by the Environment Agency and measures would be in place to prevent contamination.

(Note: Councillor D McNally requested that a note should be made in the minutes that he worked in Donington on Bain and that it was possible that he knew one of the people who had signed the petition.

Councillor T R Ashton requested that a note should be made in the minutes that he was Vice-Chairman of East Lindsey District Council's Planning Committee and had had no previous involvement in this application)

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Comments by the Committee and the responses of officers, where applicable, included:-

- This was a rural and sparsely populated area with few people living in the vicinity of the site.
- The topography of the area meant that any visual intrusion was limited.
- The drilling rig would only be erected for a temporary period.
- This was a busy agricultural area and more diesel fumes would come from this source than from the application site.
- The access to the application site was from the B1225 which would mean HGVs not using routes through local villages. The B1225 was also a major route to Immingham for oil tankers.

Councillor C L Strange was permitted to speak in his capacity as a member of the Wolds AONB Management and Advisory Committee and commented as follows:-

- He was the neighbouring Division Member.
- He knew the ecology of the area.
- The village of Donington on Bain was not small by Lincolnshire standards with a population of approximately 700.
- He had concerns about pollution. The Wolds chalk streams had won a national award and a chalk stream was located in proximity to the application site and noted that the Lincolnshire Wolds Service Manager had requested an Environmental Impact Assessment before work commenced on site.

Officers responded to Councillor C L Strange, stating that as set out in the report the Lincolnshire Wolds Service Manager had indicated that an Environmental Impact Assessment should have been submitted with the application. The reasons why this application did not meet the threshold for an Environmental Impact Assessment was explained to him. He had accepted the reasoning. Officers added that all the necessary information had been submitted and assessed.

Officers stated that with regard to the chalk streams officers would ensure that there would not be any contamination and that the Environment Agency was satisfied with the arrangements in place.

Comments by the Committee and the responses of officers, where applicable, included:-

- The area was sparsely populated and rural in nature.
- The application site was not visually intrusive.
- The drilling rig would only be in place for a temporary period.
- It was noted that this was a busy agricultural area and there would be more diesel coming from this source than from the application site.
- The access to the application came from the B1225 which would ensure that HGVs would not have to travel through local villages. The B1225 was also a major route to Immingham for oil tankers.

- The Committee had visited the site entrance and noted that signage would be provided on the B1225 to warn on-coming traffic of the entrance and welcomed the inclusion of a further condition to secure this.
- Officers stated that it was their understanding that the flaring of gas would only occur in exceptional occasions for safety reasons and it was in the interests of the applicant to capture any gas for the National Grid.
- This was the second occasion that the Committee had visited the site and nothing had changed since the first application in 2015.
- The Wolds AONB was a working area.
- If oil was discovered up to 50 jobs could be created.
- The environmental effects had been considered.
- Monitoring of the site by the Environment Agency was welcomed and the noise levels would be monitored.
- The site visit had been informative.
- Concern was expressed about the amount of plastic in the vicinity of the site.
- Officers stated that Donington on Bain Parish Council had not been consulted as they were considered too far away from the site but South Willingham Parish Council had been consulted. Officers added that there was nothing to prevent a member of the public or Parish Council commenting on an application even if they had not been formally consulted as all planning applications could be viewed on the Council's website.
- Incidents of pollution and fire were heavily punished by the monitoring authorities.

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

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report and the additional condition as follows:-

16. Notwithstanding the details contained within 'The Construction Traffic Management Plan' approved in condition 12 above, the signage illustrated in Drawing No. 3299(2) PO5 Rev A – 'Site Entrance Detail & Sightlines' shall be erected and shall be retained and maintained for the duration of the development.

Reason: In the interests of the safety of users of the public highway and the safety of users of the site.

8 TO CONSTRUCT AN ANIMAL CREMATORIUM, INCLUDING THE CHANGE OF USE OF SITE FROM AGRICULTURAL TO SUI-GENERIS AT BURNT BRIDGE FARM, MORTON CARR, GAINSBOROUGH - KEYSTONE ARCHITECTURE - 137565

Jane Hill, an objector, commented as follows:-

- There appeared to be some ambiguity about the size of the incinerators and the hours of burning.

- The applicant had stated his wish to burn 30 dogs and cats a day which would mean the incinerator operating for 30 hours (1 animal an hour).
- She understood that two cremations could not take place at the same time.
- Other crematoriums existed in a 15 mile radius to the application site, with one less than one mile away.
- The application site was on a green field site.
- The prevailing winds would lead to smoke from the incinerators coming towards her property.
- Local vets' services were already well catered for and clinical waste from the medical practice where she worked was already incinerated locally.
- There would only be few local jobs created.
- An increase in traffic movements on a rural road used by horse riders.
- The proposal to use water from a local drainage ditch in the event of a fire could be affected by the fluctuation in water levels.
- The front of the building seemed to be out of proportion to the waste unit.
- The application before the Committee today had changed since the original application.

No questions were asked by the Committee of the objector.

Jon Bayley, the applicant, commented as follows:-

- The application had been given careful consideration by West Lindsey District Council, the Environment Agency and the Fire and Rescue.
- There had not been any changes to the building design since the application was submitted adding that a two storey building was not proposed. It was proposed to use the existing buildings for the development.
- It was proposed to only cremate dogs and cats.
- There had not been any objections to the application from highways and there would only be an increase of one vehicle an hour.
- The application was a small scale development and there was a need.
- The area was suitable for such a facility.
- Employment would be created and this would help the local economy.
- He requested the removal of conditions 3 and 5 as soakaways were in place.
- The Internal Drainage Board was satisfied about the use of the drainage ditch to provide water in the event of a fire.
- The Environment Agency was satisfied with the application.

Officers explained why it had been necessary to retain conditions 3 and 5. Officers had visited the site, noted that the drainage ditch had sufficient water in it and that highways had considered that Carr Road was able to cope with the increased traffic.

On a motion by Councillor D McNally, seconded by Councillor N H Pepper, it was –

RESOLVED (unanimous)

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

9 OTHER REPORTS

10 OUTCOME OF PLANNING APPEAL - PROPOSED QUARRY, GORSE LANE, DENTON, GRANTHAM - MICK GEORGE LIMITED - S26/1611/15

The Committee received a report in connection with the outcome of an appeal following the Council's decision to refuse planning permission relating to Mick George Limited's application for the extraction of limestone and the importation of sustainable inert fill to achieve a beneficial restoration of a proposed quarry located off Gorse Lane, Denton. The Inspector had upheld the decision made by the Committee on 3 October 2016.

Councillor B Adams, as the local Division Member for the area, stated that local people wished to place on record their appreciation for the work undertaken by officers on this application.

RESOLVED

That the decision of the Planning Inspectorate be noted.

The meeting closed at 1.00 pm