



County Offices
Newland
Lincoln
LN1 1YL

3 May 2018

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 14 May 2018 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 blue ink that reads 'Richard Wills'. The signature is written in a cursive style and is underlined with a single horizontal stroke.

Richard Wills
Head of Paid Service

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

Councillors I G Fleetwood (Chairman), T R Ashton (Vice-Chairman), B Adams, D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, S R Kirk, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, R P H Reid, S P Roe, P A Skinner, H Spratt, M J Storer and R A Renshaw

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 14 MAY 2018**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Councillors' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 9 April 2018	5 - 12
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	To Follow
5.	County Matter Applications	
5.1	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	13 - 40
5.2	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	41 - 68
5.3	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	69 - 90
6.	Other Reports	
6.1	Outcome of Planning Appeal - Proposed Quarry, Gorse Lane, Denton, Grantham - Mick George Limited - S26/1611/15	91 - 118

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

Contact details set out above.

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**PLANNING AND REGULATION
COMMITTEE
9 APRIL 2018**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, S R Kirk, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, R P H Reid, S P Roe, P A Skinner, H Spratt, M J Storer and R A Renshaw

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

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Andy Gutherson (County Commissioner for Economy and Place), Marc Willis (Applications Team Leader) and Mandy Wood (Solicitor)

58 APOLOGIES/REPLACEMENT MEMBERS

The Head of Paid Service reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor R A Renshaw to the Committee, place of Councillor Mrs J E Killey, for this meeting only.

59 DECLARATIONS OF MEMBERS' INTERESTS

The Chairman stated that all members of the Committee had been lobbied by objectors in connection with minute 62.

The Chairman reminded the Committee that only those Members who had attended the site visit on 28 March 2018, could speak and vote on the application. (Minute 63)

60 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 5 MARCH 2018

RESOLVED

That the minutes of the previous meeting of the Committee held on 5 March 2018, be agreed as a correct record and signed by the Chairman.

61 MINUTES OF THE SITE VISIT BY THE PLANNING AND REGULATION COMMITTEE HELD ON 28 MARCH 2018 TO ANAEROBIC PLANTS AT WRANGLE AND EAST KEAL

RESOLVED

That the minutes of the site visit held on 28 March 2018, be agreed as a correct record.

62 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 R P H Reid arrived in the meeting during consideration of this application)

Amanda Suddaby, an objector, commented as follows:-

- The original application was temporary and Condition 1 gave a date to cease and restore the site. Yet, questionably, it was being treated as if the work had only to commence in that time frame.
- The request to extend was received after the permission had lapsed. The planning department had stated that this was a new planning application.
- Very few people were aware of the application when it was submitted three years ago.
- Lack of clarity regarding activities at the site by the applicant.
- The Committee should re-consider the whole application again as this was an entirely new application.
- The Committee should consider the shortcomings of Egdon's failed application in North Lincolnshire and avoid repeating the same errors at this site.
- At Egdon's North Lincolnshire site, the applicant had used 300mm of stone over the protective layer. The Public Inquiry for Egdon's North Lincolnshire site found that 600-800mm would be required to ensure adequate protection yet at the North Kelsey site the applicant was proposing to use only 300mm. This would mean the need for more HGV movements on the local highway.
- Doubted the applicant's ability to withstand any accidents and therefore was a bond required from the applicant to offset the public's financial risk.
- Uncertainty for the local community as the application had been on-going for three years and now the community could face another three years of uncertainty.
- Requested that the Committee should not let this application proceed due to the industrialisation of agricultural land and effects on wildlife habitat.
- 83, not 67, online objectors including three villages and Caistor Town Council had requested refusal of the application.

- Photographs of the site and surrounding area were circulated to the Committee.

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

- Did the objector want the Committee to make a site visit to the site or did they want the Committee to refuse the application as it was unclear from the objector's comments? Amanda Suddaby stated that this was a decision for the Committee to make and while a site visit would help ideally refusal of the application was the most favoured option.
- How many properties were in the vicinity of the application site as the area looked sparsely populated? Amanda Suddaby stated that there were about six properties near the junction of the B1434 and Smithfield Road. She stated that Smithfield Road was well used by the public and that local villages were concerned about the increased traffic passing through their villages.
- A Member commented that the photographs submitted by the objector clearly showed rutted and flooded roads.

Paul Foster, representing the applicant, commented as follows:-

- The applicant wished to complete the construction of the site, drill an exploratory borehole and carry out production testing. Therefore, a variation of Condition 1 of the planning permission granted in December 2014 was required to allow this to take place, taking account of any restrictions in relation to the bird nesting season.
- The application was temporary and if oil was discovered then the applicant would be required to submit another planning application for this to take place.
- A number of residents had repeated issues which were raised and addressed back in 2014 when planning permission was granted.
- This application was not proposing fracking for shale gas or oil but was about exploring for conventional oil reserves. There were no shale gas or oil rocks beneath this site or indeed beneath the local area.
- Lincolnshire had a proud history of oil exploration and production, with many conventional oil fields in the county providing direct and indirect employment, local business rates and national tax revenues.
- Some residents had concerns about HGVs using Smithfield Road to access the wellsite. The necessary improvements had been made to the local highway network in accordance with the request from highways, there was excellent visibility on Smithfield Road and there was sufficient room to accommodate HGVs coming to and from the site.
- The price of oil had fallen from 100 dollars at the time of the original application to less than 30 dollars in 2016, which meant that exploration was expensive to undertake. The recent increase in the price of oil to 60-70 dollars a barrel had enabled operators like Egdon to resume their plans on sites like North Kelsey.
- With regard to the refusal of a planning application for the exploration of oil in North Lincolnshire there was no evidence whatsoever to indicate that there had ever been any impacts on groundwater supplies, aquifers and watercourses at any of Egdon's UK sites.

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

- The price of oil was not a planning material consideration. How long had the applicant had equipment available in the last three years of their permission to go on site? The applicant stated that they had a licence to make a borehole during the period of the licence. The cost of exploration was expensive and the reason for the delay was the reduced price of oil. The applicant stated that the Council was aware of the reasons for the delay.
- Would the applicant carry out exploration if the price of oil came down again? The applicant stated that in current market conditions oil exploration would take place as it was commercially viable.
- It was noted that some of the local highway network was rutted. Was there sufficient width to allow HGVs to pass? The applicant stated that passing places had been installed on Smithfield Road to allow two HGVs to pass.
- Some residents had queried the quantity of aggregate transported to the site by the applicant. The applicant stated that the professional HGV drivers had abided by the conditions and the transport of 300mm to the site was acceptable to the Environment Agency.

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

- Unacceptable mud on the road and noisy for local people.
- Should the Committee be minded to approve the application then asked the Committee to make a site visit.
- Stated that if the application generated adverse impacts, e.g. vibration, noise, dust, etc, then it should not proceed in accordance with Policy DM3 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Plan Policies (CSDMP). It should also be noted that Smithfield Road was only three metres wide and not designed for HGVs.
- The B1434 was unable to cope with an increase in traffic with the road used now in the main by agricultural traffic and local people.
- Referred to a similar application north of Scunthorpe which had been turned down by the Secretary of State.
- Noted the assurance from the applicant that fracking would not take place at this site.
- Urged the applicant to address the concerns raised by the public and to address the planning Policies in the CSDMP.

Officers responded to the comments made as follows:-

- The applicant only required the use of Smithfield Road to enable him to bring his equipment in to start exploration. The applicant had carried out the necessary highways works to meet the requirements of the development. The other traffic using Smithfield Road was mainly farm traffic.
- The applicant had followed the planning conditions granted in December 2014, there had not been a time lapse as suggested by the objectors, the application was compliant with the Policies in CSDMP and the applicant was only seeking

an extension of the period of time to carry out exploration in accordance with the planning permission granted in December 2014. Should the applicant be successful in finding oil then a separate planning application would be required.

- The applicant intended to carry out conventional drilling and no fracking was proposed.

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

- An enquiry was made about the start date on the applicant's site. Officers stated that there were two dates – the date for lawful implementation which was three years from the date permission was given and initial work had started. The second date was December 2017. The application before the Committee today sought to extend the December 2017 date by three years to enable them to complete the work granted by the permission granted in 2014.
- There had been some adverse impact from the application which was against Policy DM3 of the CSDMP. Officers stated that the application did not change the nature of the operation, only sought an extension of time and the application was consistent with the NPPF and the CSDMP.
- A Member stated that since the application had been granted permission in 2014 new planning Policies had come into force which were more stringent than those that existed at the time of the original permission.
- An enquiry was made in connection with imposing a condition to ensure that Smithfield Road was returned to its original condition if the application was approved. Officers stated that the applicant had already carried out the necessary improvements works to Smithfield Road in accordance with the original planning permission given. However, it would be possible to consider this should a new application be submitted.
- There was nothing stated in the report about the number of HGVs visiting the site. Officers gave details of traffic movements for the site adding that most of the traffic movements took place in phase one (drilling phase) with a reduction in the testing phase all of which was acceptable to highways.

The Committee agreed that the application should be deferred for a site visit to view the application site, the surrounding area and the local highway network.

On a motion by Councillor D Brailsford, seconded by Councillor Mrs M J Overton MBE, it was –

RESOLVED (12 votes for and 1 against)

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

- 63 FOR THE ERECTION OF A GAS TO GRID ANAEROBIC DIGESTION PLANT, ON LAND CURRENTLY USED FOR THE STORAGE OF FARM WASTE PLASTIC, TO COMPRISE 5 DIGESTION TANKS; GAS BAG; GAS FLARE; OPERATIONS BUILDING; WEIGHBRIDGE; PROPANE TANKS; FEEDSTOCK STORAGE AREA AND THE UPGRADING OF CURRENT ACCESS FROM FEN ROAD AT LAND ATTACHED TO GLEBE FARM, FEN ROAD, EAST KEAL - ALAN HAWKES (FARMS) LTD - S45/2093/17

(Note: Councillors S R Kirk, Mrs M J Overton MBE and M J Storer left the meeting before consideration of this item and did not return. Councillor D Brailsford left the meeting during consideration of this item and returned during consideration of this item)

William Hawkes, representing the applicant, commented as follows:-

- Anaerobic Digesters were now common.
- The report was balanced and the conditions were satisfactory.
- The gas to grid plant proposed was more efficient than an electricity to grid plant.
- It was proposed to upgrade the access to the site from Fen Road from gravel to concrete.

Responses by the applicant to questions from the Committee included:-

- How much agricultural land was set aside for the Anaerobic Digester? The applicant stated his plant would in the main use waste products not crops. Straw from land growing wheat would also be used. He was unable to provide statistics in connection with the use of silage.
- It was noted that the applicant proposed to store pig slurry in a lagoon near to the application site and that odour could be caused when the lagoon was refreshed. The applicant stated that there was only an odour when the lagoon was disturbed. The applicant understood that the extra pig slurry came from a nearby farm.

Councillor B Aron, the local Member, stated that he had been requested to attend this meeting by East Keal Parish Council and sought reassurance that there were suitable conditions in place to address the highways issues including a reduction in HGVs using Fen Lane, the need to maintain Fen Lane, the need for footpaths for pedestrians on Fen Lane and that there were sufficient passing places for vehicles. He stated that East Keal Parish Council preferred any slurry to be transported by pipeline to the site which would help to reduce the number of HGVs using Fen Lane. He stated that the landscaping of the northern boundary of the site was welcomed.

Officers stated that Condition 4 addressed the provision of landscaping, Condition 5 addressed the issue of odour and Condition 7 ensured the provision of passing places for HGVs.

The Chairman stated that the Committee had visited the site on 28 March 2018, noted the number of HGVs using the site and added that the highway concerns were addressed in the conditions.

On a motion by Councillor I G Fleetwood, seconded by Councillor N H Pepper, it was
–

RESOLVED (10 votes for and 0 votes)

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

The meeting closed at 12.05 pm

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

Report to:	Planning and Regulation Committee
Date:	14 May 2018
Subject:	County Matter Application - 137302

Summary:

Supplementary Report

Planning permission is sought by Egdon Resources Limited (Agent: Barton Willmore) to vary Condition 1 planning permission W97/131952/14 at land off Smithfield Road, North Kelsey Moor, Market Rasen.

At its meeting on 9 April 2018, and following consideration of the officer's report and in the light of concerns raised by local residents, the Planning & Regulation Committee resolved to defer making a decision on the application and to carry out a site visit. Councillors wished to visit the site in order to assess the impact of the proposal on the highway and the amenity of nearby residents.

The site visit took place to allow members of the Planning & Regulations Committee an opportunity to view the application site and surroundings.

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. At its meeting on 9 April 2018, the Planning & Regulation Committee considered an application by Egdon Resources Limited (Agent: Barton Willmore) to vary Condition 1 of planning permission W97/131952/14 so as to allow a further three years to carry out exploratory drilling for conventional oil and gas at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen.
2. The officer's report (attached as Appendix A) contained details of the application and recommended that planning permission be granted subject to a comprehensive set of conditions. The conditions recommended recited

and updated (where relevant) the conditions that had been included and attached to the original planning permission (ref: W97/131952/14).

3. Following the publication of the officer's report, a further 37 representations had been received and reference to these was given in the update that was circulated to the Committee prior to the meeting. The update summarised the objections and issues raised and advised that these largely reflected the objections/issues that had already been summarised and set out in the officer's report. It was therefore advised that the officer's recommendation remain unchanged and that permission should be granted subject to the conditions as set out in the report.
4. During the course of the meeting the Planning & Regulation Committee heard oral presentations from a local resident, the agent for the applicant as well as officers from the County Council. A local resident also provided the Committee with a series of photographs showing both the proposal site and road network around the site which it was argued showed that the development would not be acceptable. A number of questions and issues were also raised during the meeting and these are detailed within the minutes of that meeting (a copy of which is attached to the Agenda of this meeting).
5. Following an initial debate on the application, the Committee resolved to defer making a decision and to instead carry out a site visit. Councillors wished to visit the site in order to assess the impact of the proposal on the highway and the amenity of nearby residents. The site visit took place to allow members of the Planning & Regulation Committee an opportunity to view the application site and surroundings.

Additional representations received since the last meeting

6. The applicant, Egdon Resources UK Limited, on 11 April 2018 circulated a letter to the Lincolnshire County Council Planning Committee Members addressing issues arising from the statement by the local resident and the Committee members' debate.
7. The applicant sought to clarify the extent of the work already carried out in respect of the access onto the public highway and advised that route to the operational site has yet to be completed. The applicant stated that the works within the public highway were carried out in accordance with a scheme approved and certificated by LCC Highways. The soil arising from the construction of the access is not a bund but only a temporary storage of soils. The proposed access track will be constructed in accordance with the approved details and would be 5.5m distant to the drainage drain except near the site entrance where access prevents clearance.
8. With regard to HGV numbers, the applicant provided a breakdown of vehicle movements reiterating the information provided in the Transport Statement and advised that a condition was attached to planning permission

W97/131952/14 requiring all structural damage caused to the public highway shall be made good to the satisfaction of the highway authority and that this condition has been included as Condition 10 in the recommendations set out in the report attached as Appendix A.

9. The applicant confirmed that the exploration proposal would be for conventional oil and gas and that "fracking" does not form part of this development. In addition an overview was given of the recent planning application and appeal relating to the applicant's site at Wressle and the company's performance at the conventional oil exploratory well at Laughton, Lincolnshire.
10. Since the 9 April 2018 ten representations have been received from householders in the area and Caistor Town Council and Holton le Moor Parish Council submitted objections. The matters arising generally reflect the objections/issues that had already been summarised and set out in the Officer's report, although specific reference has been made to the Holton le Moor Conservation Area, Moot Hall and St Luke's County House Residential Centre which hosts camps for organisations such as Girl Guides. It should be noted that Holton le Moor Parish Council expressed concern that the applicant is seeking to increase the size of the oil field, which is not the case, insofar as there are no proposal to increase the scope of the original application. With respect to Holton le Moor Conservation Area and Moot Hall together with all other historic assets in the area, these were assessed at the time of the original planning application, as being of sufficient distance from the proposal site as to not be significantly impacted by the development.

Erratum

11. In the report attached as Appendix A the following typographical errors have been identified:
 16. Policy DM14 (Transport by Road) should read Policy DM13 (Transport by Road);
Policy DM15 (Flooding and Flood Risk) should read Policy DM14 (Flooding and Flood Risk); and
Policy DM16 (Water Resources) should read Policy DM15 (Water Resources).
 29. Policies DM13 and DM14 should read Policy DM13 and delete DM14.
 32. Policies DM15 and DM16 should read Policies DM14 and DM15.

Conclusion

12. For avoidance of doubt, consideration was given to the impacts of the development in terms of amenity on local residents and neighbouring land users (including visitors to the area) citing Policy DM3 (Quality of Life and Amenity) of the CSDMP in the 9 April report paragraph 28 states as follows:

'At a local level, whilst the Development Plan and relevant policies have changed since 2014, those policies have been found to be consistent with the NPPF and as directed by the NPPG when considering the impacts of the proposed development in terms of noise, light and visual amenity, I am satisfied that any extension of time and continuation of the development for a longer temporary period of time would not conflict nor compromise with the aims and objectives of policies M9, DM2 and DM3 of the CSDMP or Policies LP9, LP18 and LP26 of the CLLP. Therefore whilst the change in the Development Plan has taken place since the original permission was granted there has been no material shift in the policy support for this type of development or any material consideration presented that would indicate that this development should not be supported.'

RECOMMENDATIONS

That planning permission be granted subject to the conditions set out in the report attached as Appendix A.

Appendix

These are listed below and attached at the back of the report

Appendix A	Planning and Regulation Committee Report 9 April 2018
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This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

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

Report to:	Planning and Regulation Committee
Date:	9 April 2018
Subject:	County Matter Application – 137302

Summary:

Planning permission is sought by Egdon Resources UK Ltd (Agent: Barton Willmore) 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 off Smithfield Road, North Kelsey.

The principle of the development has been established and as a consequence the key issues in this case are if any significant changes have occurred since the grant of the original permission that would represent material considerations.

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. Temporary planning permission (ref: W97/131952/14) was granted in December 2014 to drill an exploratory borehole for conventional hydrocarbons, production testing and evaluation at land off Smithfield Road, North Kelsey. The development comprised of the construction of a new access track; temporary well site and flare pit; stationing of portable cabins for the storage of equipment and for staff office accommodation, and; drilling of an exploratory borehole, carrying out of production tests and retention of the site and wellhead valve assembly gear for subsequent evaluation. The purpose of the development was to test an identified underlying oil reservoir to determine whether there were commercially viable reserves of conventional hydrocarbons available. The potential oil reserves were to be accessed by conventional drilling only and would not involve the process of hydraulic fracturing (known as "fracking") which is associated with shale gas or oil development.

2. The original planning permission contained a number of pre-commencement planning conditions which required the applicant to submit for approval further details relating to the development and/or to carry out certain works before the development could lawfully commence. These included details relating to an archaeological investigation of the site, external lighting, fencing and bunding as well as details relating to biodiversity mitigation, the site access, signage and roadworks. The various details were all submitted, approved and (where required) site set-up works carried out before the expiration of the temporary three year period. Consequently, although the drilling operations themselves have not been undertaken, the development has commenced and the permission has been lawfully implemented.

3. Notwithstanding the above, Condition 1 of the permission states:

'The development hereby permitted shall cease on or before 31 December 2017 and by the date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.'

Reason: To provide for the completion of the exploratory operations in the interests of the amenity of the area.

4. As the applicant has not completed the development by the date set by Condition 1, the applicant is seeking permission to extend the end date by a further three years. Whilst the original end date has now passed, the application seeking permission to extend the end date was received before the expiration of that date and therefore is valid and capable of still being considered.

The Application

5. Planning permission is sought by Egdon Resources UK Ltd (Agent: Barton Willmore) to vary Condition 1 of planning permission W97/131952/14 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 off Smithfield Road, North Kelsey.

6. The applicant proposes to vary condition 1 so as to extend the end date by a further three years and so would therefore read as follows:

'The development hereby permitted shall cease on or before 31 December 2020 and by that date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.'

Reason: To provide for the completion of the exploratory operations in the interests of the amenity of the area.

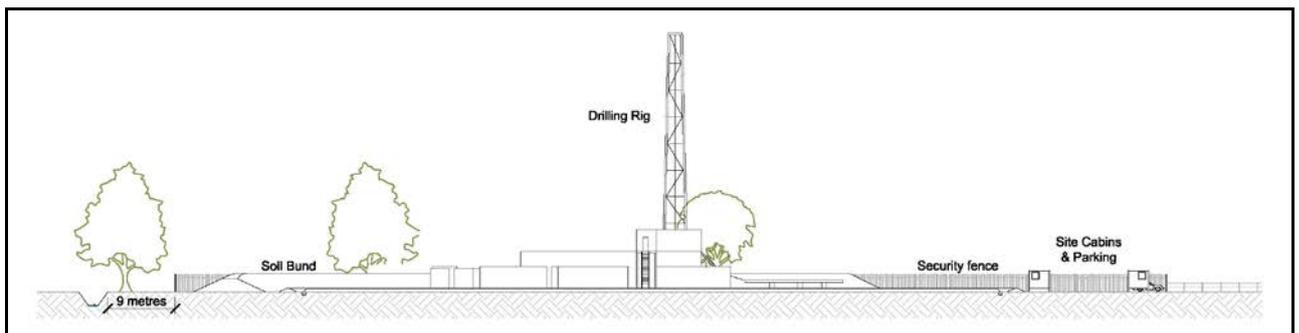
7. A planning statement has been submitted by the applicant, which identifies the reasons for the delay in completing the development within original three

year time period and the reasons why an extended period of time is now sought. The main reasons set out in this document are summarised as follows:

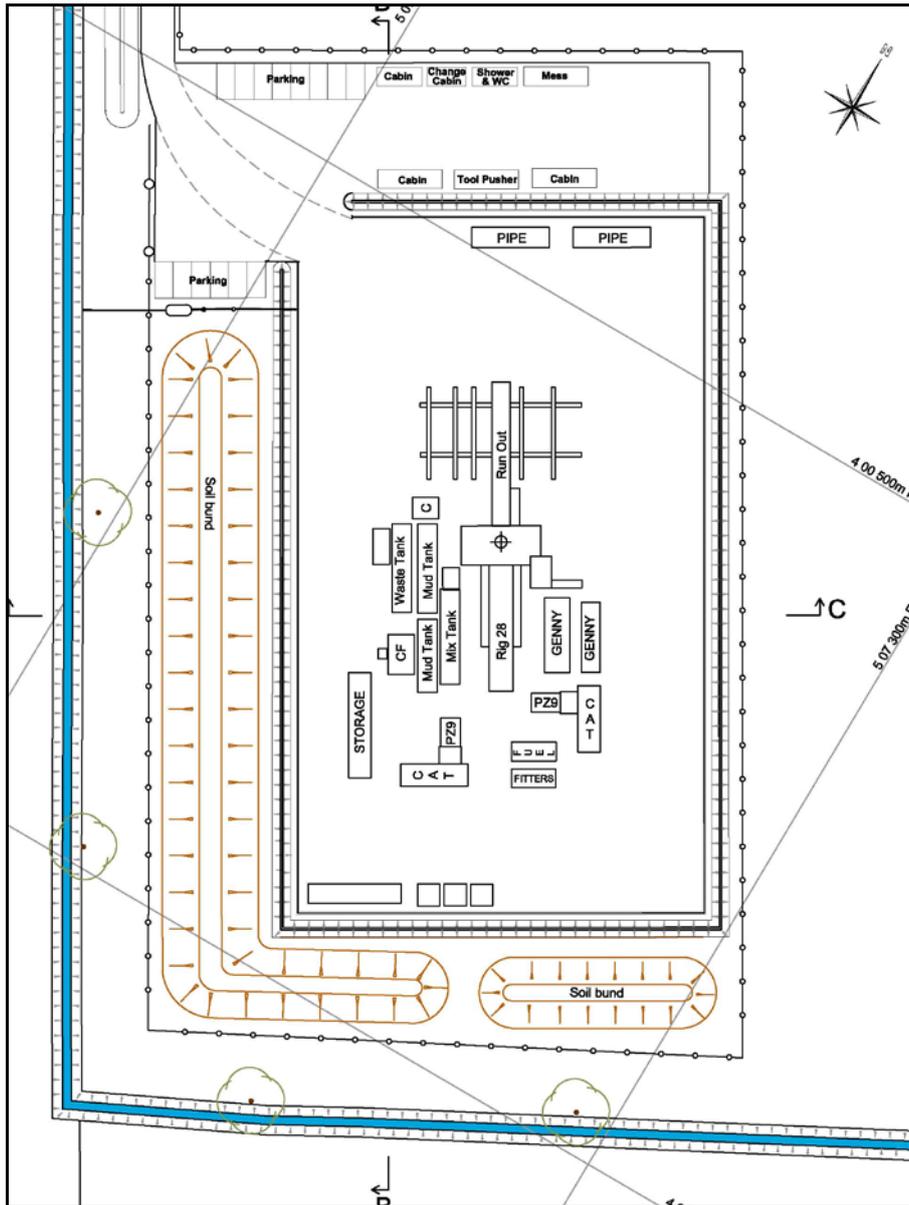
- The value of crude oil over the past three years has been half of that which was available in 2014 and so it has not been commercially viable to undertake onshore exploration in the UK. Crude oil values have however recently increased to a level that would justify the investment necessary to enable the operations proposed at North Kelsey to be carried out and completed.
- Delays in starting at the site have also occurred as there has been a need to transfer the Petroleum Exploration and Development Licence (PEDL) from a former partner to Egdon Resources UK Limited. Without this licence the operations were unable to commence.
- Egdon Resources UK Limited has experienced unavoidable delays in respect of production at another wellsite which have impacted upon the company's operational programme, activities and progress at other sites.

8. The application does not seek to extend the scope of the development permitted or change any of the details or schemes previously approved pursuant to the pre-commencement conditions. All works would therefore be carried out in accordance with those previously agreed and accepted in 2014 and which were granted by permission W97/131952/14. The proposed exploration and evaluation works would therefore be carried out in 4 separate phases which are summarised as follows:

- **Phase 1: Construction of the Drill Site** (approximately 6-7 weeks). This would involve the construction and laying out of the site including construction of perimeter bunds, construction of interceptor ditches and installation of the well cellar and chamber.
- **Phase 2: Operational Phase** (approximately 8 weeks). During this phase the drill rig and all associated plant and equipment would be brought into the site which includes on-site water tanks, pipe stores, mud and fuel tanks and staff accommodation. Once commenced, drilling and associated operations would take place on a 24 hours per day, seven days per week basis over a period of up to six weeks (refer to Plans 1 & 2)

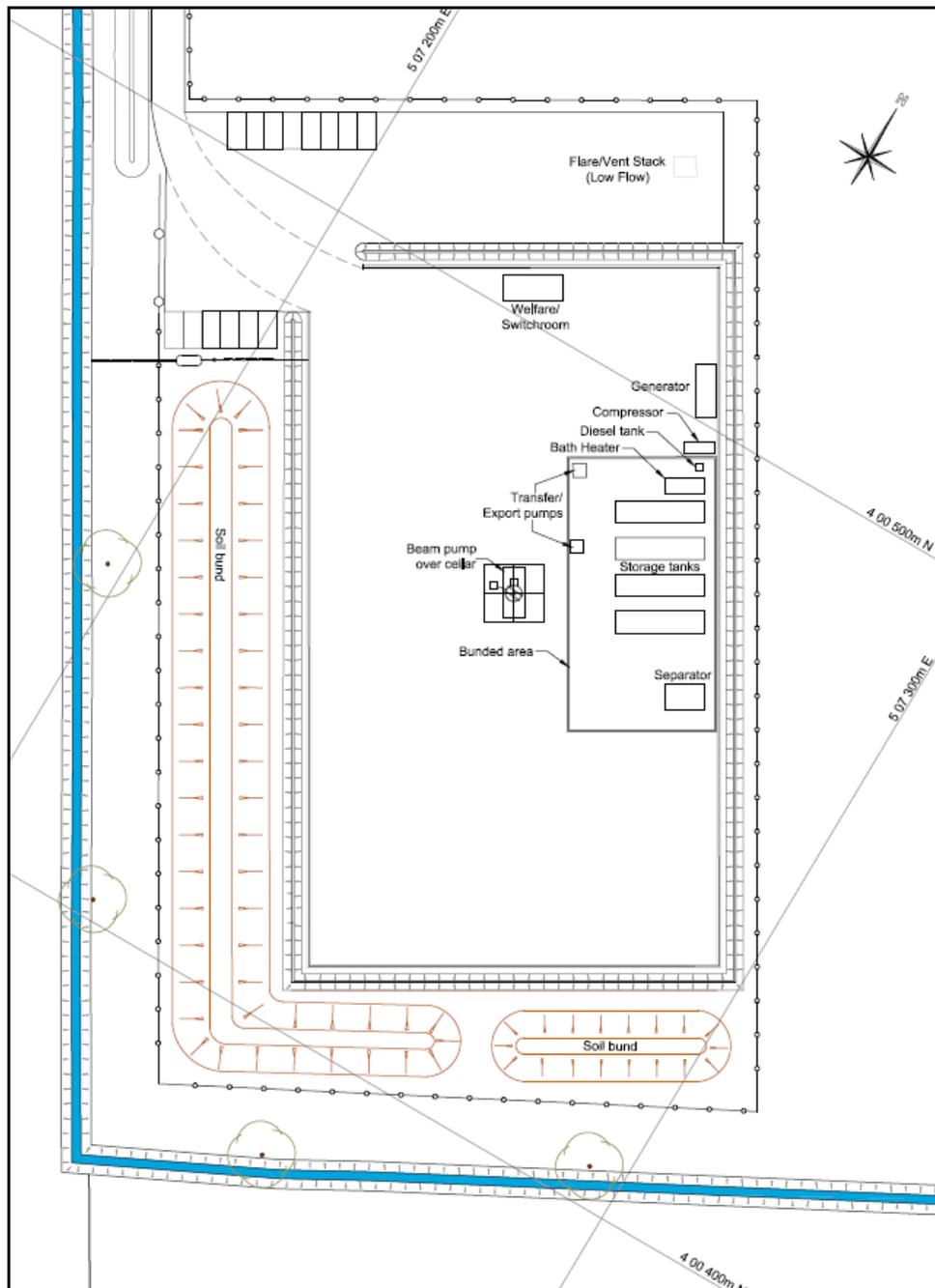


Plan 1 – Site Layout Cross Section during Phase 2 Operational Drilling



Plan 2 – Site Layout during Phase 2 Operational Drilling

- Phase 3: Operational Phase (testing)** (approximately 28 weeks). If the drilling programme provides evidence of hydrocarbon, the well would then be completed and made safe and a wellhead installed at surface level. Additional equipment including a beam pump, welfare unit/switchroom, generator, four fluid storage tanks, a compressor and two transfer/export pumps would be installed. An indication of the site set-up has been provided (see Plan 3), however, the exact configuration of the equipment would not be known until the drilling programme is complete and the production test underway, as it is only at that point that fluid and hydrocarbon recovery can be confirmed.



Plan 3 – Site Layout during Phase 3 Operational Testing

- Phase 4: Site Restoration** (6 weeks to complete). This would involve filling the steel casing of the well with concrete, cut approximately 2 metres below the surface and capped with a steel plate. All on-site structures would be removed as would the well cellar and sump lining. Any remaining drilling mud and cutting waste would also be removed together with the pit liner and the perimeter ditch lining. It is proposed to re-grade and deep scarify the land in accordance with best agricultural practice. The stored subsoil and topsoil would be loose spread over the regraded ground and the site would be re-contoured and restored to agricultural use. This phase take place over a 6 week period.

9. Each phase of the development, and associated HCV movements, would continue to be restricted to specific hours of work and all operations would be required to comply with previously agreed noise limits when measured at identified nearby sensitive receptors. Where operations are required and permitted to be carried out 24 hours a day, floodlighting would be employed in line with the details previously approved. The approved lighting has been designed to minimise light spillage outside of the site although given the height of the drill rig, for reasons of aircraft safety, lighting is required to be installed at intervals to the top of the rig.

Site and Surroundings

10. The application site lies approximately 1.3km north of Moortown, 2.8km south east of North Kelsey and 4.5km south west of Caistor. The site is accessed off Smithfield Road (Photograph 1) which is a single track road with a number of passing places along its length. An area of land at the junction of Smithfield Road and the B1434 is also included within the application site.



Photograph 1 – site entrance and access constructed to Smithfield Road

11. The site itself is agricultural land. The surrounding area is predominantly in agricultural use with trees and hedges along field boundaries ranging from sparse to dense planting (Photograph 2). Immediately to the south of the proposed access track is a ditch and to the south of this ditch is a line of trees and an existing access track.



Photograph 2 – view from west towards application site (beyond trees)

12. A railway line lies to the east of the application site and beyond this the landscape becomes rolling hills with the presence of a number of telecommunications towers. The southern boundary of the site is lined by mature hedgerows and trees. The western boundary has a number of individual trees, whereas the northern and eastern boundaries are completely open, being part of a wider field.

Main Planning Considerations

National Guidance

13. 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):

Paragraphs 6 to 17 – presumption in favour of sustainable development and core planning principles;

Paragraphs 93 to 108 – meeting the challenge of climate change, flooding and coastal change;

Paragraphs 109 to 125 – seeks to conserve and enhance the natural environment; prevent unacceptable risks from pollution and protect general amenity, and prevent adverse impacts as a result of noise pollution;

Paragraphs 142 to 149 – facilitating the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts;

Paragraphs 186 to 192 - decision-taking should be approached in a positive way to foster the delivery of sustainable development and where possible planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area;

Paragraphs 196 and 197 – confirm that the planning system is a plan-led system and that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Local Planning Authorities should also apply a presumption in favour of sustainable development;

Paragraphs 203 and 206 – advises on the use of planning conditions and states these should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development;

Paragraph 215 – due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is of relevance to the Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Plan (2016) and Central Lincolnshire Local Plan (2017);

14. In addition to the NPPF, in March 2014 the Government published the web-based National Planning Policy Guidance (NPPG). The NPPG also sets out the overall requirements for minerals sites, including in relation to assessing environmental impacts such as noise, light and visual amenity.
15. The consultation on the 'Draft revised National Planning Policy Framework' commenced 5 March 2018, although a material consideration is at an early stage and carries little weight but does include the following addition (summarised):

Paragraph 204 states that Minerals Planning Authorities should:

- a) recognise the benefits of on-shore oil and gas development, for the security of energy supplies and supporting the transition to a low carbon economy and that policies should therefore be put in place to facilitate their exploration and extraction.

Local Plan Context

16. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policies of relevance in this case are as follows (summarised):

Policy M9 (Energy Minerals) states that planning permission will be granted for exploration, appraisal and/or production of conventional and unconventional hydrocarbons provided that proposals accord with all relevant Development Management Policies set out in the Plan.

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

Policy DM2 (Climate Change) states that proposals for minerals and waste management developments should address the following matters where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HCVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.
- Minerals – encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new/enhanced biodiversity levels/habitats as part of the restoration proposals to provide carbon sinks and/or better connected ecological networks, and; encourage the most efficient use of primary minerals.

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 DM6 (Impact on Landscape and Townscape) states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period.

Policy DM11 (Soil) states that proposals for should protect, and wherever possible, enhance soils.

Policy DM12 (Best and Most Versatile Agricultural Land) states that proposals that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that no

reasonable alternative exists and for mineral sites the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

Policy DM14 (Transport by Road) states that planning permission will be granted for development involving transport by road where the highway network is of, or will be made up to, an appropriate standard and arrangements for site access and traffic would not have an unacceptable impact on highway safety, flow, residential amenity or environment.

Policy DM15 (Flooding and Flood Risk) states that proposals will need to demonstrate that they can be developed without increasing the risk of flooding both to the site and the surrounding area during and following the operations.

Policy DM16 (Water Resources) states that planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on surface or ground waters and due regard is given to water conservation and efficiency.

Policy R1 (Restoration and Aftercare) states that proposals must demonstrate that restoration will be of high quality and carried out at the earliest opportunity; and

Policy R2 (After-use) requires that the proposed after-use should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character, natural and historic environment of the area.

17. Central Lincolnshire Local Plan (2017) - the key policies of relevance in this case are as follows (summarised):

Policy LP1 (Presumption in favour of sustainable development) direct the Central Lincolnshire districts to take a positive approach and where planning applications accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise;

Policy LP2 (Spatial strategy and settlement hierarchy) identifies the site in the countryside;

Policy LP9 (Health and wellbeing) states that development must demonstrate satisfactory mitigation measures;

Policy LP13 (Transport) states that development must contribute towards an efficient and safe transport network;

Policy LP14 (Water Resources and Flood Risk) states that development must not increase the risk of flooding;

Policy LP17 (Landscape) states that proposals must seek to protect and enhance the landscape value and character of the area;

Policy LP18 (Climate change and low carbon living) states that developments that make significant contributions towards low carbon living will be considered more favourably;

Policy LP21 (Biodiversity and geodiversity) states that proposed development should seek to protect, manage and enhance habitat networks;

Policy LP26 (Design and amenity) states that development must make effective and efficient use of land and should minimise adverse impacts on amenity.

Results of Consultation and Publicity

18. (a) Local County Council Member, Councillor A Turner – has stated that he fully supports the objectors to this proposal who he believes seem to have very valid concerns.
- (b) Neighbouring County Council Member, Councillor L Strange – notes the Local County Council Members position and as the local District Councillor fully support him.
- (c) South Kelsey and Moortown Parish Council – object to any extension to the permission.
- (d) North Kelsey Parish Council – support the objections raised by residents of the local area and Kelsey village.
- (e) Environment Agency (EA) – have no objection to the application as submitted. As advised activities undertaken during the exploration of oil and gas will need to be permitted under The Environmental Permitting (England & Wales) Regulations 2016.
- (f) Highway & Lead Local Flood Authority – having given due regard to the appropriate local and national policy guidance has concluded that the proposed development is acceptable and does not wish to restrict the grant of permission.
- (g) Natural England – has no comments to make.
- (h) Network Rail – has no objection to the variation of this condition subject to the implementation of the remaining conditions on the previous permission which prevent HGVs associated with the site accessing it over the railway level crossing on Smithfield Road.
- (i) Environmental Health Officer (West Lindsey District Council) – consulted on 23 January 2018 but had not responded at the time of writing this report.

- (j) The following bodies/persons were also consulted on the application on the 23 January 2018 but no response or comments had been received within the statutory consultation period or by the time this report was prepared:

Anglian Water Services Ltd
Lincolnshire Police
Lincolnshire Wildlife Trust
Ministry of Defence (Safeguarding)

19. The application has been publicised by notices posted at the site entrance and three other locations including the site access, the junction of Smithfield Road and the B1434, the junction of B1434 and Easthall Road and the crossroads in Moortown. It has also been advertised in the local press (Lincolnshire Echo on Thursday 1 February 2018) and 24 letters of notification were sent to the nearest neighbouring residents.
20. 34 representations had been received by the time this report was prepared which raise concerns or objections to the proposal. A summary of the comments and objections received is as follows:
- Strong concerns about anything related to fracking and unconventional oil and gas exploration as the environmental implications have not been fully explored;
 - Traffic – the increase of slow moving, large vehicles on the junction of Smithfield Road and B1434, which is already used by such vehicles servicing the farm access on this junction, will contribute to increasing the risk of collision. The 40mph speed limit should be extended from Moortown and 'Slow' signs to be erected. Smithfield Road is not wide enough to accommodate the number and frequency of HGV traffic associated with this proposed development. The last minute, token work carried out to widen the junction and creation of passing places (with high kerbs) is not suitable or adequate to accommodate the proposed number of HGVs. The entrance to the site is on a blind bend which has been used as a refuge/passing place and this would no longer be available and contribute to risk of accidents;
 - The applicants have not been clear about how many HGVs will be visiting the site;
 - The applicants have had three years to implement the planning permission and failed to do so because they were not competent and efficient. The applicant is using the planning system in order to compensate. The permitted time period has already elapsed;
 - The planning permission if granted should be limited to one year, that the applicants should notify the local residents two weeks before they start work at the site and that compensation should be paid by the applicant to local residents for the distress caused;
 - The applicant has failed to communicate with local residents about their plans;

- The proposed development has no value to the local community or wildlife and will result in habitat destruction and a tree used by owls had been removed from the site soon after the original planning permission was granted;
- Due to inadequate bunds there is a threat from accidental spills to flow out and enter the ground which is highly permeable blown sands and pollute ground water;
- There will be air pollution from the traffic fumes and site activities with 24/7 flaring of waste gas;
- Negative impacts on the physical and psychological health of nearby communities;
- More needs to be done to determine what constitutes a safe level of exposure to people living near oil and gas drilling sites;
- Pollution from vibration/tremor, noise and light in a quiet location and the noise assessment is inadequate and the potential damage to buildings;
- The production of oil and gas does not support the move to clean energy production nor to counter climate change and granting this permission will lead to even more greenhouse gases being emitted;
- There is no need for on-shore exploration when there are considerable reserves still off-shore;
- The application does not provide clear information on how the waste will be disposed of;
- The industry has a poor record of self-regulation;
- The planning committee should visit the site before making a decision.

District Council's Observations

21. West Lindsey District Council - no objections.

Conclusions

22. The development authorised by the original planning permission was granted in December 2014 and has now been lawfully implemented and the development commenced. The principle of the development in this location has previously been assessed and considered acceptable and so too have the various measures that would be adopted to ensure that any potential adverse impacts are ameliorated and mitigated. Other than seeking an extended period of time to complete the development, the applicant is not proposing to change or amend the permitted operations in any way.
23. The application has been submitted in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to existing planning permissions to be amended or varied. The applicant is seeking to vary condition 1 of the planning permission so as to extend the period of time allowed to carry out the temporary operations associated with the drilling of an exploratory borehole and subsequent production and evaluation testing at the site. The application was received before the date cited in condition 1 passed and

therefore is a valid application which the Mineral Planning Authority is required and able to determine.

24. As a Section 73A application, the Mineral Planning Authority is only required to consider the question of the proposed amended/varied condition(s) and so is not required to reconsider the principle or acceptability of the development itself. In determining this application it would therefore only normally be necessary to consider whether the grant of an extended period of time to complete the development is justified. However, since the grant of the planning permission in 2014 there has been a change in the Development Plan with both the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) and Central Lincolnshire Local Plan (CLLP) having been adopted. Therefore, in carrying out this assessment, and in line with the advice contained within the NPPF and the NPPG, it is necessary now assess this proposal against the policies contained within these documents.

Issues Raised by Respondents

25. A number of representations have been received which have repeated concerns and issues that were raised and addressed when the development was first considered and granted permission back in 2014. These representations include questions over the need for the development of on-shore oil and gas production; concerns regarding possible 'fracking' for unconventional hydrocarbons and their contribution to climate change; concerns about the potential adverse impacts of the development on the environment and residents health, and concerns about the number and impacts of traffic on the local area.
26. As stated previously, the development authorised by the permission has been lawfully implemented and as a Section 73A application it is not therefore normally necessary to reconsider the need or principle of the development again. In this case, however, it is accepted that the permission was granted in 2014 for a temporary period and that the variation of condition 1 would in effect allow the development to continue for a longer period than first assessed. It is therefore considered appropriate to assess whether or not there has been any changes in national or local policy that would suggest an extension of time would now be unacceptable.
27. At a national level the Governments policy regarding on-shore oil and gas development is set out within the NPPF and this remains unchanged from that which was taken into consideration in 2014. In fact the policy and approach taken by the NPPF is further reinforced within the 'Draft revised National Planning Policy Framework' which states that mineral planning authorities should recognise the benefits of on-shore oil and gas development for the security of energy supplies and supporting the transition to a low carbon economy and that policies should therefore be put in place to facilitate their exploration and extraction.

28. At a local level, whilst the Development Plan and relevant policies have changed since 2014, those policies have been found to be consistent with the NPPF and as directed by the NPPG when considering the impacts of the proposed development in terms of noise, light and visual amenity, I am satisfied that any extension of time and continuation of the development for a longer temporary period of time would not conflict nor compromise with the aims and objectives of policies M9, DM2 and DM3 of the CSDMP or Policies LP9, LP18 and LP26 of the CLLP. Therefore whilst the change in the Development Plan has taken place since the original permission was granted there has been no material shift in the policy support for this type of development or any material consideration presented that would indicate that this development should not be supported.
29. In terms of concerns about traffic and highway impacts, a number of representations include concerns regarding the number of HGV movements associated with the proposed development and their effect on highway safety as well as questioning the adequacy of the highway works that have been carried out as required by the planning conditions imposed in 2014. Whilst these concerns are noted, this proposal does not seek to increase or amend the traffic movements that would be associated with this development. Furthermore, the highway works that have been undertaken as part for the development have been approved and checked, with the necessary certification issued, by the Highway Authority and as such no objections have been raised by them from a highways perspective. As the number of vehicle movements and works undertaken in association with this development have already been deemed acceptable and are unchanged, I am satisfied that the proposed extension of time and variation of condition 1 would not conflict with aims and objectives of the NPPF or Policies DM13 and DM14 of the CSDMP nor compromise Policy LP13 of the CLLP.
30. Comments have also been received with regard to potential impacts on wildlife and the landscape. Again such matters were considered at the time of the original application and conditions were imposed to address and mitigate or minimise any such impacts. These included the need to carry out an ecological survey in advance of the commencement of the development and to secure mitigation/compensation measures in the event of the loss of habitat. The ecological survey has been completed and the details and schemes previously approved pursuant to the conditions would continue to apply to the development if permission for this extension is granted. This includes the erection of an owl box within the site following the completion of the development.
31. With regard to landscape impacts, the proposed development acknowledges that the installation of the drill rig is likely to have a significant impact during day and night, however, there are no proposals for the construction, operation and demobilisation of the rig to continue longer than the period that was accepted when the original application was approved (e.g. approximately 8 weeks). Perimeter bunds are also to be erected around the site which would be constructed using top and sub-soils excavated from the site. The bunds would contribute to reducing the visual impact of the site on

residents and other land user but also ensure the soils are retained and available for use in the reinstatement and restoration of the site back to agricultural use once the works have been completed. Again these aspects of the development are unchanged and as a consequence the landscape and visual impacts of this development would be no greater than that which were accepted previously. I am therefore satisfied that there would be no long term adverse impact on landscape character as a result of this proposal and so the development would continue to comply with the NPPF and Policies DM6, DM11, DM12, R1 and R2 of the CSDMP and would not conflict with nor compromise Policies LP2, LP17 and LP21 which seek to protect and enhance the landscape value, character and biodiversity in the open countryside.

32. In respect of concerns regarding the management of wastes, flood risk and potential pollution of water courses, again no changes are proposed to the wider site operations or measures to be adopted as part of the operations. The site layout has been designed to ensure that there would be a separation of surface water and wastes arising from the development as well as any water that may become contaminated with pollutants. The Environment Agency has raised no objection to this application but has advised that the development would need to be permitted under The Environmental Permitting (England & Wales) Regulations 2016. An Environmental Permit would place additional controls and conditions on the operations in respect of pollution control. Taking this into account, I am satisfied that the development would not contribute to flood risk or pose a risk to the water resources and therefore would comply with the objectives of the NPPF and Policies DM15 and DM16 of the CSDMP and Policy LP14 of the CLLP.

Overall conclusions

33. Due to a number of factors, both fiscal and logistical, the applicant has been unable to carry out the exploration and evaluation phases of the development authorised by permission W97/131952/14. The proposed variation to condition 1 would extend the timeframe for a further three year period and therefore enable the applicant to carry out and complete these works. No changes are proposed to the operations themselves and all mitigation measures previously approved and secured as part of the development would continue to apply. Whilst there have been changes in the Development Plan since the original permission was granted, the development is still considered to accord with the national and local policies now in force and no material considerations exist that would justify the refusal of this application. Therefore, subject to the development continuing to be carried out in accordance with the conditions attached to the original permission, the proposed extension of time is considered acceptable and can be supported.
34. 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 recites and updates (where relevant) the conditions that were originally included and attached to the previous planning permission.

35. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall cease on or before 31 December 2020 and by the date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.
2. 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 W97/131925/14 has been implemented and therefore commenced.
3. Except as otherwise required by other conditions attached to this permission the development hereby permitted shall be carried out in strict accordance with the following documents and drawings:

Documents

Ref: 20271/A5/P6/VY/SO Rev 02 – 'Planning and Sustainability Statement' received 29 December 2017;

Ref: Appendix 1 July 2016 – 'Site Closure and Restoration' received 29 December 2017;

Ref: 3336 North Kelsey – 'Assessment of Geology, Flood Risk and Pollution Control' received 1 September 2014;

Ref: 3336 North Kelsey – 'Assessment of Transport & Traffic' received 1 September 2014;

Report number: 2636.01/ifb – 'Assessment of Environmental Noise Emissions' received 1 September 2014;

Ref: 2636.02 – 'Assessment of Environmental Noise Emissions – Additional Information' received 3 December 2014; and

Drawings

Ref: 3336 P01 Site Location Plan (received 1 September 2014);

Ref: 3336 P02 Site of Application (received 1 September 2014);

Ref: 3336 P03 Rev A General Layout Plan (received 1 September 2014);
Ref: 3336 P04 Access Track – Existing Ground Plan (received 1 September 2014);
Ref: 3336 P05 Access Track – Proposed Layout (received 1 September 2014);
Ref: 3336 P06 Proposed Site – Existing Ground Plan (received 1 September 2014);
Ref: 3336 P07 Proposed Site – Construction Mode (received 1 September 2014);
Ref: 3336 P08 Rev A Proposed Site – Drilling Mode (received 1 September 2014);
Ref: 3336 P09 Rev A Proposed Site – Lighting Layout (received 1 September 2014);
Ref: 3336 P10 Rev A Proposed Site – Testing Mode (Indicative) (received 1 September 2014);
Ref: 3336 P11 Rev A Proposed Site – Testing Lighting (received 1 September 2014);
Ref: 3336 P12 Section A-A Section through Track (received 1 September 2014);
Ref: 3336 P13 Rev A Proposed Sections Drilling Mode (received 1 September 2014);
Ref: 3336 P14 Rev A Site Construction Sections (received 9 September 2014);
Ref: 3336 P15 Rev A Sightlines & Site Entrance Details (received 9 September 2014);
Ref: 3336 P16 Proposed Junction Works (received 1 September 2014);
Ref: 3336 P17 HGV Sweeps at Junction (received 1 September 2014);
Ref: 3336 P18 Drilling Rig Sweeps at Junction (received 1 September 2014);
Ref: 3336 P19 Cabin Plans and Elevations (received 1 September 2014);
Ref: 3336 T05 Existing Layby on Smithfield Road Upgrade Details (received 17 November 2014); and
Ref: 3336 T06 Proposed Access & Egress at Site Entrance (received 11 November 2014).

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment dated 20 August 2014 received (1 September 2014). In particular, the surface water run-off generated by the 100 year plus climate change critical storm shall be limited so that it will not exceed 5l/s, as recommended in section 4.15.
5. The lighting to be employed as part of this development shall be implemented and carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 5 of planning permission W97/131925/14 (as set out in the decision notice dated 21 December 2017) and shall be implemented in full and be maintained and retained for the duration of the development.
6. The fencing and bunding to be erected around the site as part of this development shall be constructed in accordance with the details previously

approved by the Mineral Planning Authority pursuant to condition 6 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) and shall be maintained and retained for the duration of the development.

7. Prior to any drilling plant and equipment being brought to the site, bird and bat boxes shall be provided in the vicinity of the well site as recommended in the Updated Ecological Appraisal document (originally approved pursuant to condition 7 of planning permission W97/131925/14 and confirmed by the decision notice dated 15 December 2017). Following the completion of the development and restoration of the site a barn owl box shall also be erected within the site in a location to be agreed with the land owner.

8. In relation to archaeology:

Part 1

The scheme of archaeological investigation must only be undertaken in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 8 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017).

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to above. The applicant will notify the Mineral Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Mineral Planning Authority.

Part 3

A report of the archaeologist's findings shall be submitted to the Mineral Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within three months of the works hereby given consent being commenced unless otherwise agreed in writing by the Mineral Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

9. The vehicular access onto Smithfield Road Shall be retained in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 9 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) and maintained at all times for duration of the development.
10. At the cessation of the development hereby permitted any structural/ constructional damage caused to Smithfield Road between the B1434 junction and the site access by vehicles carrying out the development shall be made good to the satisfaction of the highway authority to ensure that where such damage has occurred the carriageway and the verges are

restored to no lesser structural/constructional standard than they were prior to the development commencing.

11. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Smithfield Road and the minimum width of the access shall be 5 metres.
12. The arrangements shown on the approved Drawing No. 3336 P07 dated July 2014 (received 1 September 2014) for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.
13. At all times HGV deliveries are hereby permitted to visit the site, except during the period of production testing, a banksman shall be used to control the access to and egress from the site at the junction with Smithfield Road.
14. Prior to any drilling plant and equipment being brought to the site, the temporary signage previously approved by the Mineral Planning Authority pursuant to condition 16 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) shall be erected at the junction of Smithfield Road and the B1434. All signage shall thereafter be maintained and retained for the duration of the development.
15. No site preparation works involving the destruction or removal of vegetation shall be undertaken during the months March to August inclusive, unless otherwise agreed in writing by the Mineral Planning Authority.
16. The site shall only operate, including vehicle movements to and from the site, between the hours set out below:

HGV deliveries

	Mondays to Fridays	Saturdays	Sundays, Bank Holidays and Public Holidays
Phase 1 – construction of the site	07:00 – 17:30	07:00 – 13:00	none
Phase 2 – equipment assembly and demobilisation	07:00 – 19:00	07:00 – 19:00	none
Phase 2 – HGV deliveries during drilling operation	07:00 – 17:30	07:00 – 13:00	none
Phase 3 – HGV movements	07:00 – 19:00	07:00 – 19:00	none
Phase 4 – restoration	07:00 – 17:30	07:00 – 13:00	none

Operating Hours

	Mondays to Fridays	Saturdays	Sundays, Bank Holidays and Public Holidays
Phase 1 – construction of the site	07:00 – 17:30	07:00 – 13:00	none
Phase 2 – equipment assembly and demobilisation	07:00 – 19:00	07:00 – 19:00	none
Phase 2 –drilling operation only	24 hours	24 hours	24 hours
Phase 3 – site preparation for production testing	07:00 – 17:30	07:00 – 13:00	none
Phase 3 – production testing (site only manned during normal working hours Monday to Friday, except for occasional monitoring visits over weekends).	24 hours	24 hours	24 hours
Phase 4 - restoration	07:00 – 17:30	07:00 – 13:00	none

17. Noise levels as a result of the development hereby permitted measured at a height of 1.5 metres at the boundary of the properties at the identified locations shall not exceed the limits set out below:

Noise sensitive location	Construction Noise Limit dB LAeq, 1hr (hours as specified in condition 17)	Drilling Noise Limit dB LAeq, 1hr (07:00 – 23:00 hours)	Drilling Noise Limit dB LAeq, 1hr (23:00 – 07:00 hours)
Ellmore Farm	40	38	33
Paddock View	42	41	39
Coppice House	42	41	40
Station House	40	39	36
The Pines	41	39	36
The Gables	40	37	33
The Bungalow	41	39	37
The Willows	39	36	28
Big Wood Caravan Park	39	36	28
Eastgate	39	37	32
Smithfield House	39	37	30

Reasons

1. To provide for the completion of the exploratory operations in the interests of the amenity of the area.
2. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).
3. To enable the Mineral Planning Authority to monitor and control the development.
4. To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site.
- 5&6 In the interest of visual amenity.
7. To ensure the ecological and biodiversity enhancements previously approved are secured and carried out as part of the development.
8. To ensure satisfactory arrangements are made for the investigation, retrieval and recording of any archaeological interest.

9 to 14

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

15. To protect breeding birds during the nesting season.
16. To protect the amenity of the surrounding area.
17. To protect the amenity of nearby residential properties.

Informatives

Attention is drawn to:

- (a) Letter from Environment Agency dated 13 October 2014;
- (b) Comments from Highways dated 19 November 2014;
- (c) E-mail from Jan Allen, Lincolnshire County Council Historic Environment dated 19 November 2014;
- (e) Decision Notice W97/131952/14 dated 15 December 2017 Condition 16 - The design and size of the signs shall conform to the Traffic Signs Regulations and General Directions 2016
<https://www.gov.uk/government/collections/traffic-signs-signals-and-road-markings>

Appendix

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

Background Papers

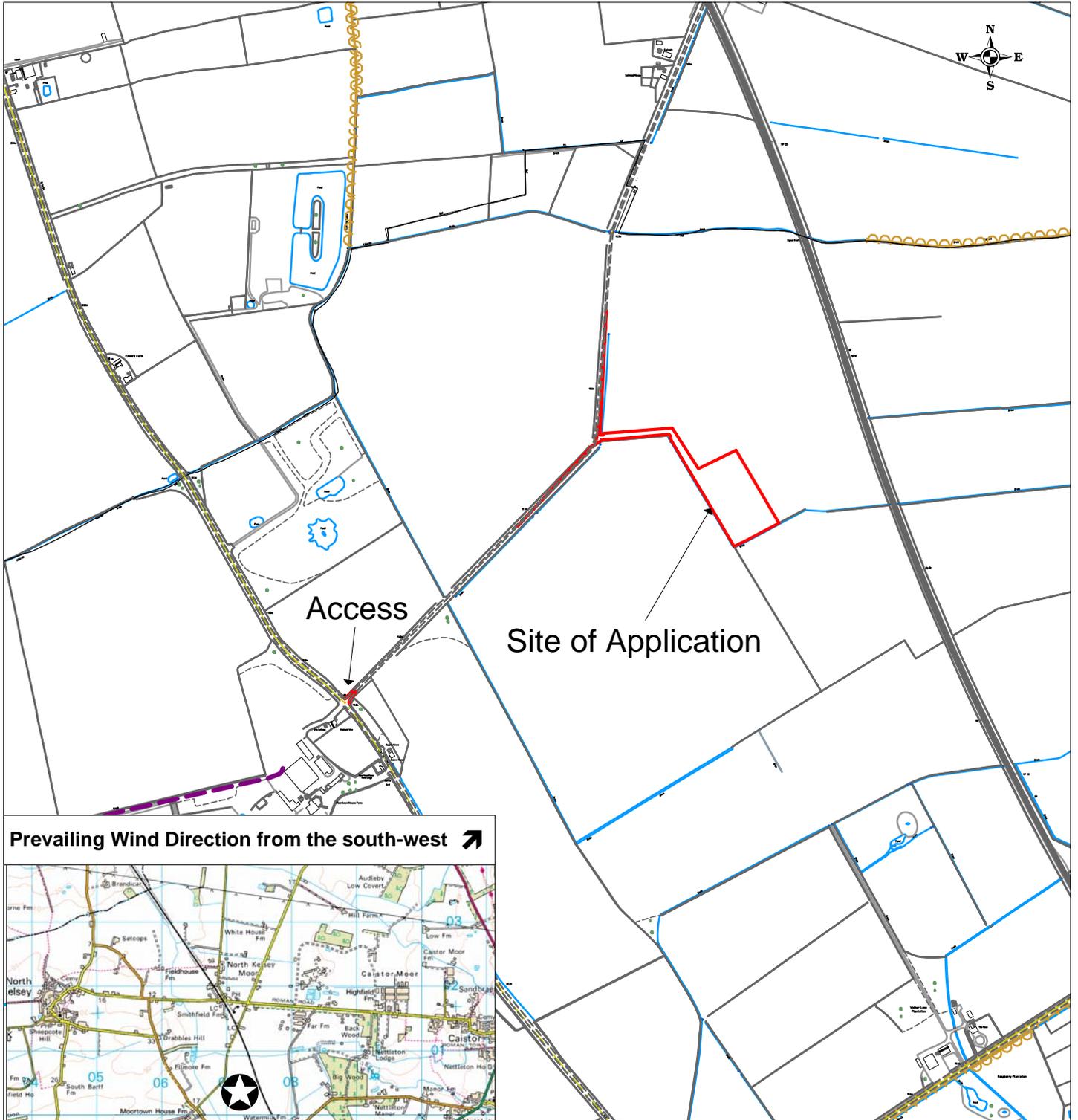
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files PL/0011/18 and PL/0203/14	Lincolnshire County Council, Planning, 2 nd Floor, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Local Plan Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan (2017)	Central Lincolnshire Local Plan website https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 9 APRIL 2018



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<p>Location: Land To The East Of Smithfield Road North Kelsey Moor Market Rasen</p> <p>Application No: 137302 Scale: 1:10000</p>	<p>Description: Variation Of Condition 1 of Application Number: W97/131952/14</p>
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**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	14 May 2018
Subject:	County Matter Application – N/059/00531/18

Summary:

Planning permission is sought by Egdon Resources UK Ltd (Agent: Barton Willmore) 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.

The principle of the development has been established and as a consequence the key issues in this case are if any significant changes have occurred since the grant of the original permission that would represent material considerations.

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. Following a site visit in March 2015, the planning and regulation committee resolved to grant temporary planning permission (ref: (E)N59/2259/14) to drill an exploratory borehole for conventional hydrocarbons, production testing and evaluation at land off High Street, Biscathorpe, Louth. The application comprised of the construction of a new access track; temporary well site and flare pit; stationing of portable cabins for the storage of equipment and for staff office accommodation, and; drilling of an exploratory borehole, carrying out of production tests and retention of the site, wellhead valve assembly gear for subsequent evaluation and the retention of cabins for welfare of employees and to ensure the security of the site. The purpose of the application was to test an identified underlying oil reservoir to determine whether there were commercially viable reserves of conventional hydrocarbons available. The potential oil reserves were to be accessed by conventional drilling only and would not involve the process of hydraulic

fracturing (known as "fracking") which is associated with the recovery of shale gas or oil.

2. The original planning permission contained a number of pre-commencement planning conditions which required the applicant to submit for approval further details relating to the development and/or to carry out certain works before the development could lawfully commence. These included details relating to an archaeological investigation of the site, external lighting, fencing and bunding, noise monitoring and construction traffic management plan as well further biodiversity mitigation. The various details were all submitted, approved and (where required) works carried out before the expiration of the temporary three year period. Consequently, although the drilling operations themselves have not been undertaken, the development has commenced and the permission has been lawfully implemented.

3. Notwithstanding the above, Condition 1 of the permission states:

'The development hereby permitted shall cease on or before 28 February 2018 and by that date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land, including the access track, returned to its previous use as agricultural land'

Reason: To provide for the completion of the exploratory operations in the interests of the amenity of the area.

4. Condition 3 of the permission lists the documents and plans that were originally approved when planning permission was granted. The plans listed included site layout plans which the applicant is proposing to replace with revised drawings to reflect the proposed retention of the security and welfare cabins during the production testing phase.
5. As the applicant has not completed the development by the date set by Condition 1, the applicant is seeking permission to extend the end date by a further three years. Whilst the original end date has now passed, the application seeking permission to extend the end date was received before the expiration of that date and therefore is valid and capable of still being considered.

The Application

6. Planning permission is sought by Egdon Resources UK Ltd (Agent: Barton Willmore) 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.
7. The applicant proposes to vary Condition 1 so as to extend the end date by a further three years and so would therefore read as follows:

'The development hereby permitted shall cease on or before 28 February 2021 and by that date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.'

Reason: To provide for the completion of the exploratory operations in the interests of the amenity of the area.

8. It is also proposed to vary Condition 3 so that the approved plans listed under this permission reflect the retention of the security and welfare cabins during the production testing phase. The revised condition would therefore read as follows:

'Except as otherwise required by other conditions attached to this permission the development hereby permitted shall be carried out in strict accordance with the submitted details and recommendations and the following drawings:

- a) 3299(2) P 01 Rev A "Site Local Plan" (received 20 October 2014);
- b) 299(2) P 02 Rev A "Site of Application" (received 20 October 2014);
- c) 3299(2) P 03 Rev A "Site Overview Plan" (received 20 October 2014);
- d) 3299(2) P 04 Rev A "Proposed Site – Existing Ground Plan" (received 20 October 2014);
- e) 3299(2) P 05 Rev A "Site Entrance Detail & Sightlines" (received 20 October 2014);
- f) 3299(2) P 06 Rev A "Site Entrance – Proposed Layout" (received 20 October 2014);
- g) 3299(2) P 07 Rev A "Proposed Site – Construction Mode" (received 20 October 2014);
- h) 3299(2) P 08 Rev A "Proposed Site – Indicative Drilling Mode" (received 20 October 2014);
- i) 3299(2) P 09 Rev A "Proposed Site – Drilling Mode – Indicative Lighting Layout" (received 20 October 2014);
- j) 3299(2) P 11 Rev C "Proposed Site – Retention Mode" (received 20 October 2014);
- k) 3299(2) P 12 Rev C "Site Drain Details" (received 20 October 2014);
- l) 3299(2) P 13 Rev B "Sections – Existing" (received 20 October 2014);
- m) 3299(2) P 14 Rev B "Sections – Indicative Drilling Mode" (received 20 October 2014);
- n) 3299(2) P 16 Rev C "Sections – Retention" (received 20 October 2014);
- o) 3299(2) P 17 Rev C "Cabin Layouts and Elevations" (received 20 October 2014);
- p) 20058 P18 "Proposed Site Indicative Testing Mode" (received 23 February 2018); and
- q) 20058 P19 "Sections Indicative Testing Mode" (received 23 February 2018)

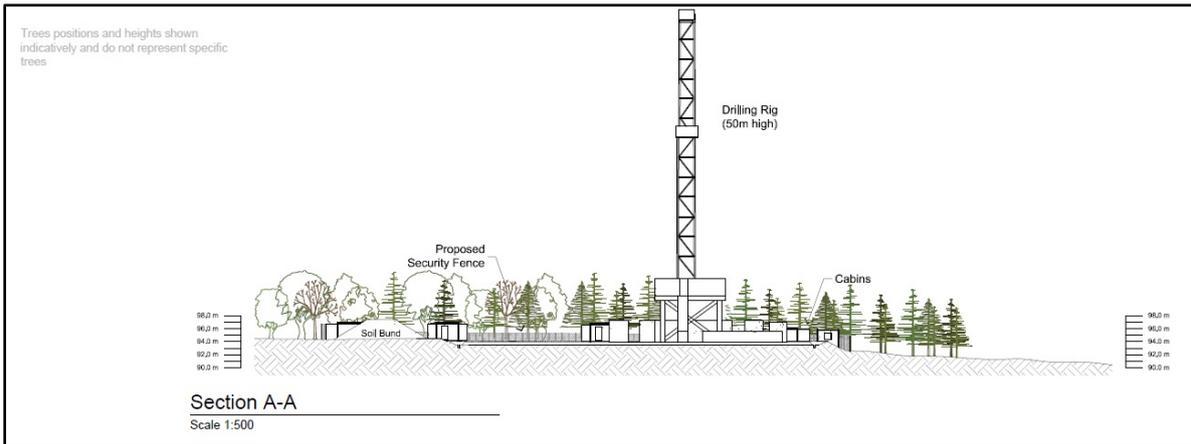
Reason: To enable the Mineral Planning Authority to monitor and control the development

9. A planning statement has been submitted by the applicant, which identifies the reasons for the delay in completing the development within original three year time period and the reasons why an extended period of time is now sought. The main reasons set out in this document are summarised as follows:

- The Environmental Permitting regime as required by the Environment Agency has changed significantly in recent years and following the need to demonstrate best available techniques in relation to flaring used in testing operations Egdon Resources UK Limited have only recently (July 2017) acquired the necessary Environmental Permit that would allow drilling operations to proceed;
- The value of crude oil over the past three years has been half of that which was available in 2014 and so it has not been commercially viable to undertake onshore exploration in the UK. Crude oil values have however recently increased to a level that would justify the investment necessary to enable the operations proposed at Biscathorpe to be carried out and completed; and
- Egdon Resources UK Limited has experienced unavoidable delays in respect of production at another wellsite which have impacted upon the company's operational programme, activities and progress at other sites.

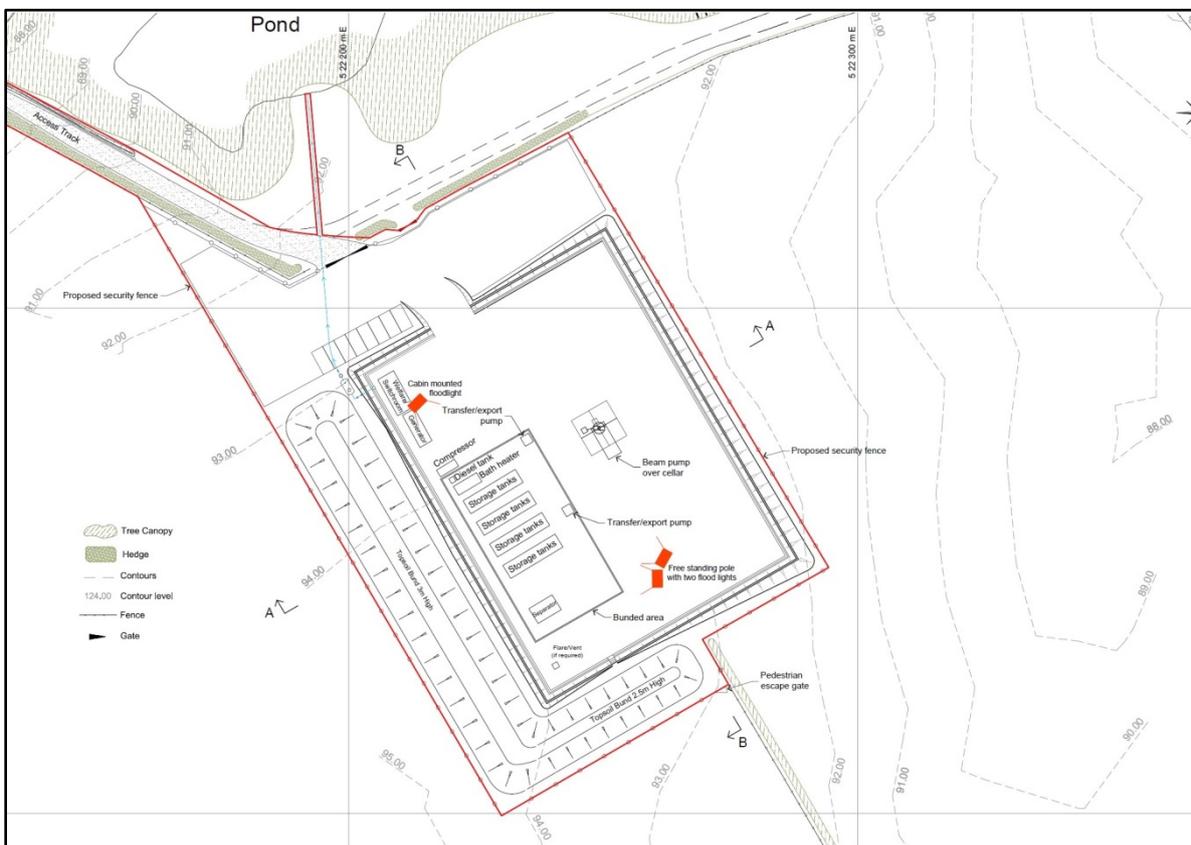
10. The application does not seek to extend the scope of the development permitted or change any of the details or schemes previously approved pursuant to the pre-commencement conditions. All works would therefore be carried out in accordance with those previously agreed and accepted in 2015 and 2016 which were granted by permission (E)N59/2259/14 or as modified by this application. The proposed exploration and evaluation works would therefore continue to be carried out in 4 separate phases which are summarised as follows:

- **Phase 1: Construction of the Drill Site** (approximately 7 weeks). This would involve the completion of the construction and laying out of the site and access road (Photograph 1) and would include construction of perimeter bunds, fencing and construction of interceptor ditches and installation of the well cellar and chamber.
- **Phase 2: Operational Phase (drilling)** (approximately 8 weeks). During this phase the drill rig and all associated plant and equipment (Plan 1) would be brought into the site which includes on-site water tanks, pipe stores, mud and fuel tanks and staff accommodation. Once commenced, drilling and associated operations would take place on a 24 hours per day, seven days per week basis over a period of up to six weeks.

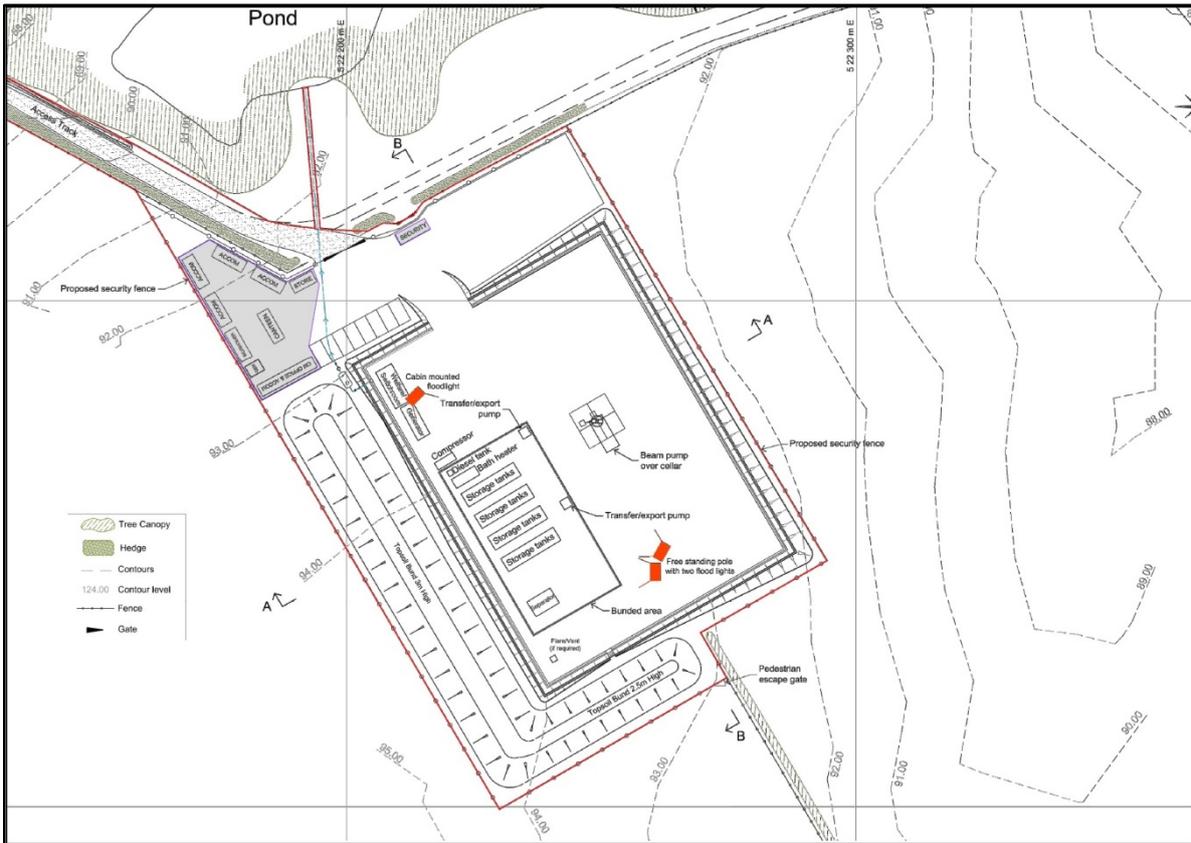


Plan 1 – Site Layout Cross Section during Phase 2 Operational Drilling

- Phase 3: Operational Phase (testing)** (approximately 28 weeks). If the drilling programme provides evidence of hydrocarbon, the well would then be completed and made safe and a wellhead installed at surface level. Additional equipment including a beam pump, welfare unit/switchroom, generator, four fluid storage tanks, a compressor and two transfer/export pumps would be installed. An indication of the site set-up previously approved (Plan 2) together with the proposed site layout (Plan 3) has been provided however, the exact configuration of the equipment would not be known until the drilling programme is complete and the production test underway, as it is only at that point that fluid and hydrocarbon recovery can be confirmed.



Plan 2 – Approved site layout Phase 3 Operational testing (Ref: (E)N59/2259/14)



Plan 3 – Proposed site layout Phase 3 Operational testing (Ref: PL/0030/18)

- Phase 4: Site Restoration** (7 weeks to complete). This would involve filling the steel casing of the well with concrete, cut approximately 2 metres below the surface and capped with a steel plate. All on-site structures would be removed as would the well cellar and sump lining. Any remaining drilling mud and cutting waste would also be removed together with the pit liner and the perimeter ditch lining. It is proposed to re-grade and deep scarify the land in accordance with best agricultural practice. The stored subsoil and topsoil would be loose spread over the regraded ground and the site would be re-contoured and restored to agricultural use. This phase takes place over a 6 week period.
11. Each phase of the development, and associated HCV movements, would continue to be restricted to specific hours of work and all operations would be required to comply with previously agreed noise limits when measured at identified nearby sensitive receptors. Where operations are required and permitted to be carried out 24 hours a day, floodlighting would be employed in line with the details previously approved. The approved lighting has been designed to minimise light spillage outside of the site although given the height of the drill rig, for reasons of aircraft safety, lighting is required to be installed at intervals to the top of the rig.

12. Vehicle movements would be in line with the original proposal as follows:
- **Phase 1** - 278 HGV loads of crushed stone would be required and that these would be delivered over a seven week period. In addition, during this period, there would be the need for approximately 10 other ancillary loads to be delivered to the site by truck and three to four articulated low loaders for earthworks. Alongside these deliveries, access to and from the site would be required by personnel employed on the site generating an addition five to 10 movements per day by car or light van;
 - **Phase 2** - 126 heavy goods vehicle movements (approximately 63 deliveries) associated with the mobilisation of the site over a seven day period. A similar number of HGV movements would be associated with the demobilisation of the site, again over a seven day period. During the main drilling period there would need to be deliveries of equipment alongside the removal of drilling mud and cuttings. This is likely to generate three to four vehicle loads (six to eight movements) per day over a four to five week period. This would be in addition to around 20 (10 in and 10 out) car and light van trips generated by site personnel. Water would be required for the drilling fluids whilst drilling the borehole, equating to approximately 20 tankers per day for the first three days and reducing to two tankers per day thereafter;
 - **Phase 3** - it is estimated that there would be six HGVs over a three day period for the site preparation; 10 HGV deliveries and one crane over days one to four and four light vehicles (cars and light vans) per day for the two week site set-up period. During the production test period, assuming 50 barrels of oil per day, six tankers would be required per month to export oil from site, assuming 10 barrels of water per day would require one to two waste tankers per month and additionally two cars and light vans per day and occasional light van deliveries for the remainder of the test period; and
 - **Phase 4** – would generally reflect the vehicle movements associated with Phase 1 however, is dependent on whether the landowner requests the retention of the access route for agricultural use.

Site and Surroundings

13. The application site (Photograph 1) lies to the west of the settlement of Biscathorpe in the open countryside within the Lincolnshire Wolds Area of Outstanding Natural Beauty. Access (Photograph 2) to the site would be from the B1225 (High Street) which runs north to south to the west of the application site.



Photograph 1 – View from the south Donnington Road towards application site



Photograph 2 – Site access off B1225 (High Street)

14. The access track to the site lies between two Scheduled Monuments which are the northern two in a series of four Scheduled Monuments located on a north-south line, approximately 950 metres apart in total. These Scheduled Monuments are Bronze Age barrows (burial mounds) all of which are associated with the valley of the River Bain and with High Street, which is known to have originated as a prehistoric trackway. To the north east of the application site is the site of the medieval village of Biscathorpe, including the Grade II* listed Church of St Helen. The River Bain runs through this valley to the east.
15. Immediately to the north and to the east of the proposed site compound are areas of woodland. The surrounding area is in agricultural use and there are farm buildings to the east of the site. Beyond these farm buildings to the east are residential properties. Approximately 1km to the south west of the application site is the Belmont Transmitting Station, including the 350 metre high Belmont Mast.
16. On the ridge line to the east of the application site is a mast and other equipment associated with the Ministry of Defence.

Main Planning Considerations

National Guidance

17. 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):

Paragraphs 6 to 17 - presumption in favour of sustainable development and core planning principles;

Paragraphs 93 to 108 - meeting the challenge of climate change, flooding and coastal change;

Paragraphs 109 to 125 - seeks to conserve and enhance the natural environment; prevent unacceptable risks from pollution and protect general amenity, and prevent adverse impacts as a result of noise pollution;

Paragraphs 126 to 141 - requires that the significance of heritage assets is taken into consideration, including any impacts on their setting. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal;

Paragraphs 142 to 149 - facilitating the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts;

Paragraphs 186 to 192 - decision-taking should be approached in a positive way to foster the delivery of sustainable development and where possible planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area;

Paragraphs 196 and 197 - confirm that the planning system is a plan-led system and that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Local Planning Authorities should also apply a presumption in favour of sustainable development;

Paragraphs 203 and 206 - advises on the use of planning conditions and states these should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development;

Paragraphs 215 and 216 - confirms the position regarding the status of existing and emerging Local Plans and their policies and that due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with the NPPF and their stage of advancement to adoption. This is of relevance to the Lincolnshire Minerals and Waste Core Strategy and Development Management Plan (CSDMP) (2016), East Lindsey Local Plan Alteration 1999 and the emerging East Lindsey Core Strategy Submissions Modifications Draft March 2017 a consultation on the Schedule of Proposed Main Modifications to the Core Strategy Draft Local Plan (2017) has recently closed.

18. In addition to the NPPF, in March 2014 the Government published the web-based National Planning Policy Guidance (NPPG). The NPPG also sets out the overall requirements for minerals sites, including in relation to assessing environmental impacts such as noise, light and visual amenity.
19. The consultation on the 'Draft revised National Planning Policy Framework' commenced 5 March 2018, although a material consideration is at an early stage and carries little weight but does include the following addition (summarised):

Paragraph 204 states that Minerals Planning Authorities should:

- a) recognise the benefits of on-shore oil and gas development, for the security of energy supplies and supporting the transition to a low carbon economy and that policies should therefore be put in place to facilitate their exploration and extraction.

Local Plan Context

20. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policies of relevance in this case are as follows (summarised):

Policy M9 (Energy Minerals) states that planning permission will be granted for exploration, appraisal and/or production of conventional and unconventional hydrocarbons provided that proposals accord with all relevant Development Management Policies set out in the Plan.

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

Policy DM2 (Climate Change) states that proposals for minerals and waste management developments should address the following matters where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HCVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.
- Minerals – encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new/enhanced biodiversity levels/habitats as part of the restoration proposals to provide carbon sinks and/or better connected ecological networks, and; encourage the most efficient use of primary minerals.

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 DM4 (Historic Environment) seeks to protect heritage assets and their settings and ensure the impacts are fully assessed.

Policy DM5 (Lincolnshire Wolds Area of Outstanding Natural Beauty) states that planning permission will only be granted for development within or affecting the character or setting of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) in exceptional circumstances where it can be demonstrated that:

- there is a proven public interest; and
- there is a lack of alternative sites not affecting the AONB to serve the market need; and
- the impact on the special qualities of the AONB can be satisfactorily mitigated.

Policy DM6 (Impact on Landscape and Townscape) states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period.

Policy DM9 (Local Sites of Biodiversity Conservation Value) seeks to protect locally designated sites and habitats.

Policy DM11 (Soils) states that proposals for should protect, and wherever possible, enhance soils.

Policy DM12 (Best and Most Versatile Agricultural Land) states that proposals that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that no reasonable alternative exists and for mineral sites the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

Policy DM13 (Transport by Road) states that planning permission will be granted for development involving transport by road where the highway network is of, or will be made up to, an appropriate standard and arrangements for site access and traffic would not have an unacceptable impact on highway safety, flow, residential amenity or environment.

Policy DM14 (Flooding and Flood Risk) states that proposals will need to demonstrate that they can be developed without increasing the risk of flooding both to the site and the surrounding area during and following the operations.

Policy DM15 (Water Resources) states that planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on surface or ground waters and due regard is given to water conservation and efficiency.

Policy R1 (Restoration and Aftercare) states that proposals must demonstrate that restoration will be of high quality and carried out at the earliest opportunity; and

Policy R2 (After-use) requires that the proposed after-use should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character, natural and historic environment of the area.

21. East Lindsey Local Plan (Alteration 1999) - the following policies are of most relevance in this case:

Policy A4 (Protection of General Amenities) states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5 (Quality and Design of Development) requires development proposals to not detract from the distinctive character of the locality and to retain features and characteristics which are important to the quality of the local environment including medium and long distance views.

Policy ENV3 (Foul and Surface Water Disposal) seeks to ensure appropriate provision is made.

Policy C2 (Historic Environment) seeks to protect the setting of heritage assets.

Policy C11 (Lincolnshire Wolds Area of Outstanding Natural Beauty and Areas of Great Landscape Value) states that the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) will be protected by not permitting development which would:

- i) harm landscape features which contribute to the character of the area;
- ii) harm the distinctive character, role or regional or local historic significance of the area; or
- iii) inhibit the quiet enjoyment of the AONB.

It goes on to state that the following development will not be permitted in the AONB unless it is essential in the national or wider public interest and cannot be located elsewhere:

- i) major or large scale development.

Where development proposals in the AONB are otherwise acceptable in principle, they will not be granted planning permission unless they have demonstrated how their layout, design, materials, scale, siting and appearance have taken account of and complement – the locally distinctive characteristics of the landscape, settlements or buildings.

22. The East Lindsey Local Plan is in its latter stages of preparation and once adopted will replace the current Plan. The Local Plan is to be made up of two main documents – the Core Strategy and Settlement Proposals. Consultation on the 'Schedule of Proposed Main Modifications' relating to the Core Strategy ended 16 February 2018. The East Lindsey Core Strategy is now at an advanced stage and so more weight can be given to its policies when determining planning applications. The following policies are of most relevance in this case:

Policy SP1 (A Sustainable Pattern of Places) identifies the site as being within open countryside;

Policy SP2 (Sustainable Development) including the location of inland growths states that planning applications that accord with the policies in this Local Plan will be approved without delay unless material considerations indicate otherwise and any adverse impacts when assessed should be restricted;

Policy SP10 (Design) states that well-designed sustainable development, which maintains and enhances the character of the countryside by:-

2. the use of quality materials and where the layout, scale, massing, height and density reflect the character of the surrounding area;
4. providing on-site landscaping to integrate the development into its wider surroundings;
5. support development if it is designed to minimise glare and light spillage and does not unacceptably harm the rural character of a landscape, nearby residential amenity, respect the local historic environments and does not unacceptably harm or reduce highway safety; and
7. where there is adequate protection preventing pollution from entering into the water source;

Policy SP11 (Historic Environment) states that proposals will be supported that:

- continue to protect and enhance heritage assets and their settings,
- does not harm the site or setting of a Scheduled Monument or locally significant archaeological site and carry out appropriate evaluation, recording or preservation in situ;
- preserve or enhance the quality and experience of the historic landscapes and their settings;
- are compatible with the significance of non-designated heritage assets; and
- promote a sustainable and viable use which is compatible with the heritage asset;

Policy SP16 (Inland Flood Risk) states that all development must show how it proposed to provide adequate surface and foul water disposal and surface water connections should only be made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives and where there is not detriment to existing users. All development must accompanied by a site-specific flood risk assessment.

Policy SP23 (Landscape) seeks to protect and enhance landscapes and landscapes defined as highly sensitive will be afforded the greatest protection with the highest level of protection given to the Lincolnshire Wolds AONB;

Policy SP24 (Biodiversity and Geodiversity) states that proposals should seek to protect and enhance the biodiversity and geodiversity value of land and minimise fragmentation and maximise opportunities for connection

between natural habitats. Where adverse impacts are demonstrated to be unavoidable damage is kept to a minimum and appropriate mitigation, compensation or enhancement of the site.

Results of Consultation and Publicity

23. (a) South Willingham Parish Council – has no observations.
- (b) Environment Agency (EA) – have no comment to make.
- (c) Highway & Lead Local Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of permission.
- (d) Historic Environment Officer (Lincolnshire County Council) – the proposed variation of conditions does not affect the historic environment and no input is required into this application. The previous archaeological condition and works placed on N/059/02259/14 should continue to be undertaken in advance of the trackway being constructed.
- (e) Anglian Water Services Limited – the variation of condition consultation is not drainage related and therefore we have no comment to make on this application.
- (f) Historic England – we do not wish to offer any comments.
- (g) Lincolnshire Wolds Countryside Service Manager (Lincolnshire County Council) – initially responded and questioned whether, given the location, the application should be subject to Environmental Impact Assessment (EIA) and also expressed concerns in respect of oil drilling operations, particularly for unconventional oil/gas, within a nationally protected landscape. Reference was also made to the Lincolnshire Wolds AONB Management Plan (2013-18) which has recently undergone its formal review and public consultation to inform a new plan for the period 2018-23.

Following clarification from Officers that the application had been screened in line with the requirements of the EIA Regulations 2017 (which confirmed that the proposal was not considered to be EIA development) the Wolds Service provided a further response acknowledging that this proposal is not for "fracking" and should therefore be carried out in accordance with national guidelines.

- (h) Natural England – do not wish to offer any comments.
24. The following bodies/persons were also consulted on 28 March 2018 but no response or comments had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor H Marfleet

Gayton le Wold Parish Council
Burgh on Bain Parish Council
Environmental Health Officer (East Lindsey District Council)
Lincolnshire Wildlife Trust
Public Rights of Way (Lincolnshire County Council)
Lincolnshire Police (Oil and Gas)
Campaign for Rural England
Ramblers Association

25. The application has been publicised by four site notices posted at:

- i) The site access onto the B1225;
- ii) The junction of the B1225 with the A157;
- iii) Biscathorpe House/Farm; and
- iv) The junction of Donnington Road with Biscathorpe Road.

The application was also advertised in the local press (Lincolnshire Echo on 29 March 2018) and 16 letters of notification were sent to the nearest neighbouring residents. 56 representations have been received as a result of this publicity/notification which contain comments/objections on the following grounds (summarised below).

- inappropriate industrial development in a rural area of the Wold ANOB;
- no further development of fossil fuel because it contributes to greenhouse gases, Global Warming and Climate Change citing the Paris Climate Change Agreement and a number of academic papers on Global Warming;
- AONB is a quiet area crossed by protected chalk streams;
- potential for environmental damage and the risks of deep drilling;
- this application is a precursor to 'Fracking' for shale gas/oil which endangers people's health and the environment citing a number of academic papers on Shale Gas and Hydraulic Fracturing;
- inadequate demonstration of operational competence and safety and financial health by the applicant company;
- will cause irreversible harm;
- seriously endanger the bedrock, aquifer and pollute groundwater;
- gas will be flared and air quality will suffer;
- negative impacts on the local transport infrastructure and highway safety;
- adverse impacts on the historic environment;
- adverse impacts on agriculture and tourism especially walkers and the Viking Way;
- following the operations the site will be a brownfield site and industrially vandalised; and
- the original planning permission was not implemented and the application is not valid.

A letter supporting the development has also been received on the grounds that Britain needs fuel and so this proposal would help to meet this need.

District Council's Observations

26. East Lindsey District Council - does not object to the application but in line with the view expressed on the original application, comment that the development would cause harm to the landscape character of the Lincolnshire Wold AONB and the visual amenity of those within it together with harm to the setting of designated heritage assets in the area. However, the Council also acknowledges that the development would bring national benefits by way of oil production and security of supply and that given the short time that the development would be in situ, and as all issues relating to environmental controls were addressed, on balance the national benefit would outweigh the harm caused.

Conclusions

27. The development authorised by the original planning permission was granted in March 2015 and has now been lawfully implemented and the development commenced. The principle of the development in this location has previously been assessed and considered acceptable and so too have the various measures that would be adopted to ensure that any potential adverse impacts are ameliorated and mitigated. Other than seeking an extended period of time to complete the development, the applicant is not proposing to change or amend the permitted operations in any way.
28. The application has been submitted in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to existing planning permissions to be amended or varied. This includes the proposed variation of condition 1 so as to extend the period of time allowed to carry out the temporary operations associated with the drilling of an exploratory borehole and subsequent production and evaluation testing at the site. The application was received before the date cited in condition 1 passed and therefore is a valid application which the Mineral Planning Authority is required and able to determine.
29. As a Section 73A application, the Mineral Planning Authority is only required to consider the question of the proposed amended/varied condition(s) and so is not required to reconsider the principle or acceptability of the development itself. In determining this application it would therefore only normally be necessary to consider whether the grant of an extended period of time to complete the development is justified. However, since the grant of the planning permission in 2015 there has been a change in the Development Plan with the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) having been adopted in 2016 and the preparation and advanced progression of the East Lindsey Local Plan Core Strategy. Therefore, in carrying out this assessment, and in line with the advice contained within the NPPF and the NPPG, it is necessary now assess this proposal against the adopted policies and emerging policies contained within these documents.

Issues Raised by Respondents

30. A number of representations have been received which have repeated concerns and issues that were raised and addressed when the development was first considered and granted permission back in 2015. These representations include questions over the need for the development of onshore oil and gas production; concerns regarding possible 'fracking' for unconventional hydrocarbons and their contribution to climate change; concerns about the potential adverse impacts of the development on the environment and residents health, and concerns about the number and impacts of traffic on the local area.
31. As stated previously, the development authorised by the permission has been lawfully implemented and as a Section 73A application it is not therefore normally necessary to reconsider the need or principle of the development again. In this case, however, it is accepted that the permission was granted in 2015 for a temporary period and that the variation of condition 1 would in effect allow the development to continue for a longer period than first assessed and whether there are any adverse impacts associated with the retention of ancillary structures during Phase 3 Operational testing. It is therefore considered appropriate to assess whether or not there has been any changes in national or local policy that would suggest an extension of time would now be unacceptable.
32. At a national level the Governments policy regarding on-shore oil and gas development is set out within the NPPF and this remains unchanged from that which was taken into consideration in 2014. In fact the policy and approach taken by the NPPF is further reinforced within the 'Draft revised National Planning Policy Framework' which states that mineral planning authorities should recognise the benefits of on-shore oil and gas development for the security of energy supplies and supporting the transition to a low carbon economy and that policies should therefore be put in place to facilitate their exploration and extraction.
33. At a local level, whilst the Development Plan and relevant policies have changed since 2015, those adopted policies have been found to be consistent with the NPPF and as directed by the NPPG when considering the impacts of the proposed development in terms of noise, light and visual amenity, I am satisfied that any extension of time, retention of ancillary structures and continuation of the development for a longer temporary period of time would not conflict with nor compromise the aims and objectives of policies M9, DM2 and DM3 of the CSDMP or Policies A4 and A5 of the East Lindsey Local Plan and Policies SP2 and SP10 of the emerging East Lindsey Core Strategy. Therefore whilst the change in the Development Plan has taken place since the original permission was granted there has been no material shift in the policy support for this type of development or any material consideration presented that would indicate that this development should not be supported.

34. In terms of concerns about traffic and highway impacts, a number of representations include concerns regarding the number of HGV movements associated with the proposed development and their effect on highway safety as well as questioning the adequacy of the highway works that have been carried out as required by the planning conditions imposed in 2015. Whilst these concerns are noted, this proposal does not seek to increase or amend the traffic movements that would be associated with this development. These would be as follows:
- Phase 1 - an average of 17 HGV movements daily;
 - Phase 2 - would be divided into mobilisation and de-mobilisation of the drill rig involving 18 HGV movements daily over a 14 day period together with approximately six movements daily during drilling operations;
 - Phase 3 - will generate the fewest movements with a maximum of 12 over a three day period;
 - Phase 4 - would reflect Phase 1 and be dependent on whether the landowner wishes to retain the access route for agricultural use;
 - There would also be additional light vehicles movements associated with employees who would, during the 24 hours periods, work two 12 hour shifts.
35. No objections have been raised by the Highways Authority from a highways perspective. As the number of vehicle movements and works undertaken in association with this development have already been deemed acceptable and are unchanged, I am satisfied that the proposed extension of time and variation of condition 1 would not conflict with aims and objectives of the NPPF or Policy DM13 of the CSDMP nor compromise Policy SP2 of the emerging East Lindsey Core Strategy.
36. Comments have also been received with regard to potential impacts on wildlife and the landscape with particular concerns relating the location being within the Lincolnshire Wolds ANOB. Again such matters were considered at the time of the original application and conditions were imposed to address and mitigate or minimise any such impacts. In relation to wildlife this included the requirement to comply with a mitigation scheme that set out the measures to be adopted to avoid harm to Great Crested Newts and setting an exclusion period for site preparation works to avoid the bird nesting season. If this application is approved then these same requirements and conditions would continue to be imposed and therefore require all works to continue to be carried out in accordance with these requirements.
37. With regard to landscape impacts, the proposed development acknowledges that the installation of the drill rig is likely to have a significant impact during day and night, however, there are no proposals for the construction, operation and demobilisation of the rig to continue longer than the period that was accepted when the original application was approved (e.g. approximately 8 weeks). Perimeter bunds are also to be erected around the site which would be constructed using top and sub-soils excavated from the site. The bunds would contribute to reducing the visual impact of the site

but also ensure the soils are retained and available for use in the reinstatement and restoration of the site back to agricultural use once the works have been completed. Initially the Lincolnshire Wolds Countryside Service (LWCS) Manager expressed concern that the development should be subject to Environmental Impact Assessment (EIA) and that the exploration should not be for unconventional oil/gas. Reference was also made to the Draft AONB Management Plan (2018-23) that identifies fracking as a perceived threat. Following confirmation that a screening opinion had been issued identifying that the proposed exploration is not EIA development, the LWCS Manager acknowledges that the proposal is fundamentally the same as that originally approved, does not involve "fracking", and would be carried out in accordance with national guidelines and subject to the same conditions and controls originally applied. Again these aspects of the development are unchanged and so although it is now proposed to retain the welfare and security cabins on site for a longer period than first proposed, I am satisfied that the landscape and visual impacts of this development would be no greater than that which were accepted previously. I am therefore satisfied that there would be no long term adverse impact on landscape character as a result of this proposal and so the development would continue to comply with the NPPF and Policies DM5, DM6, DM9, DM11, DM12, R1 and R2 of the CSDMP and would not conflict with nor compromise Policies A5 and C11 of the East Lindsey Local Plan and Policies SP23 and 24 of the emerging East Lindsey Core Strategy which seek to protect and enhance the Lincolnshire Wolds ANOB landscape value, character and biodiversity in the open countryside.

38. In respect of concerns regarding the management of flood risk and potential pollution of water courses, again no changes are proposed to the wider site operations or measures to be adopted as part of the operations. The site layout has been designed to ensure that there would be a separation of surface water and wastes arising from the development as well as any water that may become contaminated with pollutants. The Environment Agency has raised no objection and the operator has secured the necessary Environmental Permit that places additional controls and conditions on the operations in respect of pollution control. Taking this into account, I am satisfied that the development would not contribute to flood risk or pose a risk to the water resources and therefore would comply with the objectives of the NPPF and Policies DM14 and DM15 of the CSDMP, Policy ENV3 of the East Lindsey Local Plan and Policy SP16 of the emerging East Lindsey Core Strategy.
39. It is acknowledged that the site and access road is located in an historic landscape with a number of notable Scheduled Monuments in the area and therefore concerns have been expressed on the potential impacts on these historic assets. Whilst these concerns are noted, this proposal will not change in terms of scope from that originally considered and no objections have been raised by the Historic Environment Officer or Historic England. A scheme of archaeological investigation has been approved and would be implemented in full before further construction works take place. As the proposed temporary operations have already been deemed acceptable and

are unchanged, from the perspective of footprint, scale or timescale, I am satisfied that the development would not cause adverse permanent harm to the historic environment and therefore would comply with the objectives of the NPPF and Policy DM4 of the CSDMP and would not compromise or conflict with Policy C2 of the East Lindsey Local Plan and Policy SP11 of the emerging East Lindsey Core Strategy.

Overall conclusions

40. Due to a number of factors, fiscal, regulatory and logistical, the applicant has been unable to carry out the exploration and evaluation phases of the development authorised by permission (E)N59/2259/14. The proposed variation to condition 1 would extend the timeframe for a further three year period and therefore enable the applicant to carry out and complete these works. The proposed variation of condition 3 would allow the retention of a number of ancillary structures on the site during Phase 3 (Operational testing).
41. No changes are proposed to the operations themselves and all mitigation measures previously approved and secured as part of the development would continue to apply. Whilst there have been changes in the Development Plan since the original permission was granted, the development is still considered to accord with the national and local policies (adopted and emerging) now in force and no material considerations exist that would justify the refusal of this application and is therefore consistent with the NPPF and Policy DM1 of the CSDMP and does not conflict with nor compromise Policy SP1 of the emerging East Lindsey Core Strategy. Therefore, subject to the development continuing to be carried out in accordance with the conditions attached to the original permission, the proposed extension of time and retention of ancillary structures is considered acceptable and can be supported.
42. 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 recites and updates (where relevant) the conditions that were originally included and attached to the previous planning permission.
43. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall cease on or before 28 February 2021 and by that date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land, including the access track, returned to its previous use as agricultural land.
2. 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 (E)N59/2259/14 has been implemented and therefore commenced.
3. Except as otherwise required by other conditions attached to this permission the development hereby permitted shall be carried out in strict accordance with the submitted details and recommendations and the following drawings:
 - a) 3299(2) P 01 Rev A "Site Local Plan" (received 20 October 2014);
 - b) 3299(2) P 02 Rev A "Site of Application" (received 20 October 2014);
 - c) 3299(2) P 03 Rev A "Site Overview Plan" (received 20 October 2014);
 - d) 3299(2) P 04 Rev A "Proposed Site – Existing Ground Plan" (received 20 October 2014);
 - e) 3299(2) P 05 Rev A "Site Entrance Detail & Sightlines" (received 20 October 2014);
 - f) 3299(2) P 06 Rev A "Site Entrance – Proposed Layout" (received 20 October 2014);
 - g) 3299(2) P 07 Rev A "Proposed Site – Construction Mode" (received 20 October 2014);
 - h) 3299(2) P 08 Rev A "Proposed Site – Indicative Drilling Mode" (received 20 October 2014);
 - i) 3299(2) P 09 Rev A "Proposed Site – Drilling Mode – Indicative Lighting Layout" (received 20 October 2014);
 - j) 3299(2) P 11 Rev C "Proposed Site – Retention Mode" (received 20 October 2014);
 - k) 3299(2) P 12 Rev C "Site Drain Details" (received 20 October 2014);
 - l) 3299(2) P 13 Rev B "Sections – Existing" (received 20 October 2014);
 - m) 3299(2) P 14 Rev B "Sections – Indicative Drilling Mode" (received 20 October 2014);
 - n) 3299(2) P 16 Rev C "Sections – Retention" (received 20 October 2014);
 - o) 3299(2) P 17 Rev C "Cabin Layouts and Elevations" (received 20 October 2014);
 - p) 20058 P18 "Proposed Site Indicative Testing Mode" (received 23 February 2018); and
 - q) 20058 P19 "Sections Indicative Testing Mode" (received 23 February 2018).

4. The avoidance and mitigation measures to protect Great Crested Newts set out in the approved Method Statement for Avoidance of Harm to Great Crested Newts shall be implemented in full.
5. The lighting to be employed as part of this development shall be installed in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 5 of planning permission (E)N59/2259/14 (as set out in the decision notice dated 11 December 2015) and shall be maintained and retained for the duration of the development.
6. The fencing and bunding to be erected around the site as part of this development shall be constructed in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 6 of planning permission (E)N59/2259/14 (as set out in the decision notice dated 11 December 2015) and shall be maintained and retained for the duration of the development.

7. In relation to archaeology:

Part 1

The scheme of archaeological investigation must only be undertaken in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 7 of planning permission (E)N59/2259/14 (as set out in the decision notice dated 22 January 2016).

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to above. The applicant will notify the Mineral Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Mineral Planning Authority.

Part 3

A report of the archaeologist's findings shall be submitted to the Mineral Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within three months of the works hereby given consent being commenced unless otherwise agreed in writing by the Mineral Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

8. No site preparation works involving the destruction or removal of vegetation shall be undertaken during the months March to August inclusive, unless otherwise agreed in writing by the Mineral Planning Authority.
9. The site shall only operate, including vehicle movements to and from the site, between the hours set out below:

HGV deliveries

	Mondays to Fridays	Saturdays	Sundays, Bank Holidays and Public Holidays
Phase 1 – construction of site	07:00 – 17:30	07:00 – 13:00	none
Phase 2 – equipment assembly and demobilisation	07:00 – 19:00	07:00 – 19:00	none
Phase 2 – HGV deliveries during drilling operation	07:00 – 17:30	07:00 – 13:00	none
Phase 3 – HGV deliveries during testing	07:00 – 19:00	07:00 – 19:00	none
Phase 4 – restoration	07:00 – 17:30	07:00 – 13:00	none

Operating Hours

	Mondays to Fridays	Saturdays	Sundays, Bank Holidays and Public Holidays
Phase 1 – construction of site	07:00 – 17:30	07:00 – 13:00	none
Phase 2 – equipment assembly and demobilisation	07:00 – 19:00	07:00 – 19:00	none
Phase 2 – drilling operations only	24 hours	24 hours	24 hours
Phase 3 – Site preparation for production testing	07:00 – 19:00	07:00 – 19:00	none
Phase 3 – Production testing. (Site only manned during normal working hours Monday to Friday, except for occasional monitoring visits over weekends).	24 hours	24 hours	24 hours
Phase 4 – restoration	07:00 – 17:30	07:00 – 13:00	none

10. Noise levels as a result of the development hereby permitted measured at a height of 1.5 metres at the boundary of the properties at the identified locations shall not exceed the limits set out below:

Noise sensitive location	Construction Noise Limit dB LAeq, 1hr	Drilling Noise Limit dB LAeq, 1hr between 07:00 and 23:00 hours	Drilling Noise Limit dB LAeq, 5min between 23:00 and 07:00 hours
Yard Cottage	50	42	42
Biscathorpe House	50	42	42
Church Cottage	50	42	42
West Lodge	50	42	42
South Walk Farm	50	42	42
Burgh Top	50	42	42
Baxter Square Farm	50	42	42

11. The Noise Monitoring and Mitigation Scheme shall be implemented in full in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 11 of planning permission (E)N59/2259/14 (as set out in the decision notice dated 11 December 2015) for the duration of the development.
12. The Construction Traffic Management Plan shall be carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 12 of planning permission (E)N59/2259/14 (as set out in the decision notice dated 23 November 2015) and shall be implemented in full for the duration of the development.
13. Any gates to the vehicular access shall be set back a minimum of 15 metres from the nearside edge of the carriageway of the B1225 High Street and shall not open over the highway.
14. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of the B1225 High Street and the minimum width of the access shall be 7.3 metres.
15. Prior to the access to the site from the B1225 High Street being brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 3299(2) P 05 rev A dated September 2014 and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

Reasons

1. To provide for the completion of the exploratory operations in the interests of the amenity of the area.
- 2 & 3 To enable the Mineral Planning Authority to monitor and control the development.
4. To prevent harm to Great Crested Newts, a European protected species.
- 5 & 6 In the interest of visual amenity.
7. To ensure satisfactory arrangements are made for the investigation, retrieval and recording of any archaeological interest.
8. To protect breeding birds during the nesting season.
- 9, 10 & 11.
To protect the amenity of the surrounding area and nearby residential properties.
- 12, 14 & 15
In the interests of the safety of users of the public highway and the safety of users of the site.
13. To enable calling vehicles to wait clear of the carriageway of High Street in the interests of safety.

Informative

Attention is drawn to the letter from the Environment Agency attached to the decision notice Ref: (E)N59/2259/14 dated 16 March 2015.

Appendix

These are listed below and attached at the back of the report

Appendix A	Committee Plan
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Background Papers

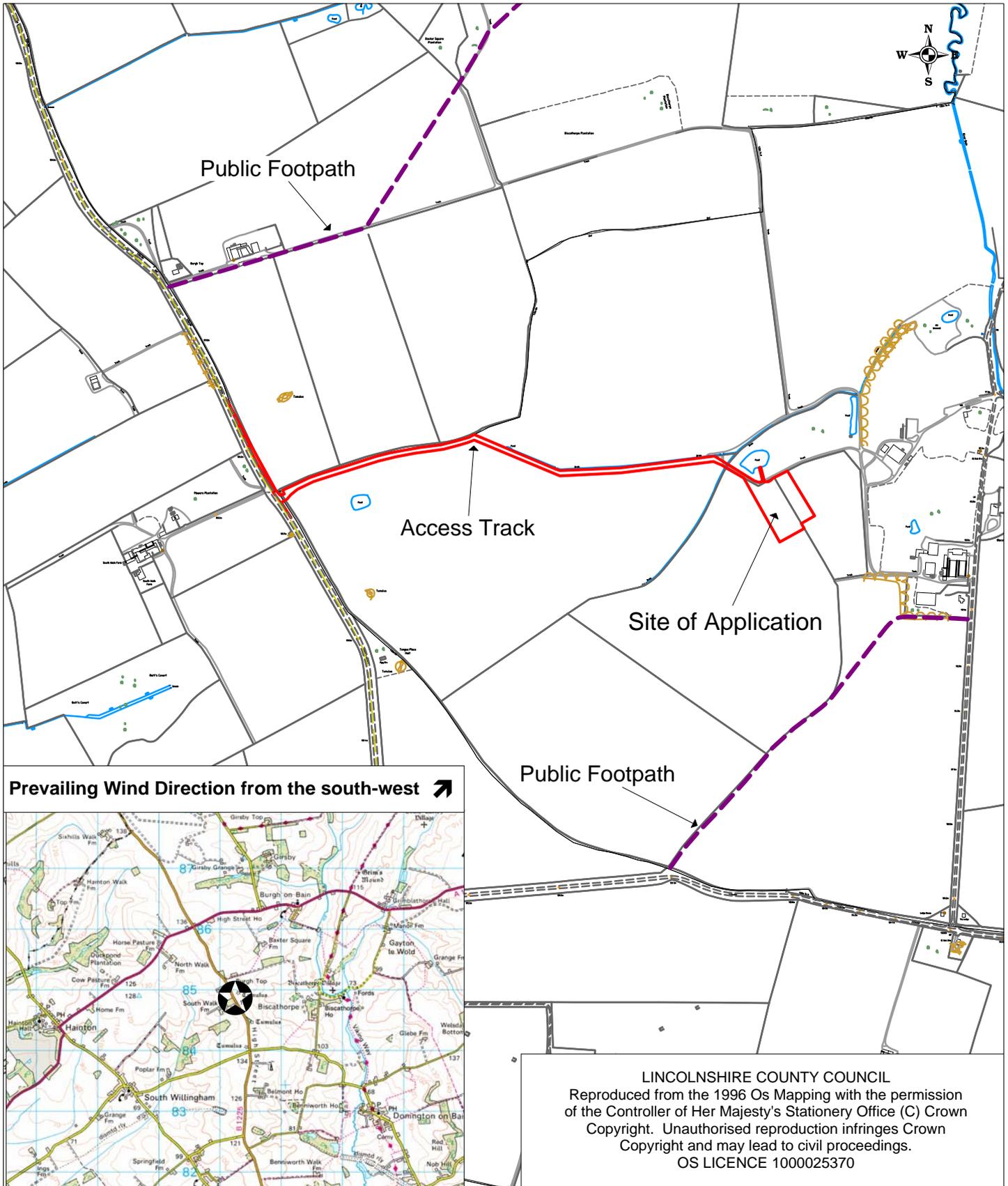
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File PL/0030/18 and (E)N59/02259/14	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012) National Planning Policy Guidance (2014)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies 2016	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan (1995, saved policies 2007) East Lindsey Core Strategy (Proposed Main Modifications to Core Strategy Draft Local Plan (2017)) January 2018	East Lindsey District Council website www.e-lindsey.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 14 MAY 2018



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Location:
 Land Off High Street
 Biscathorpe
 Louth

Application No: N/059/00531/18
Scale: 1:10000

Description:

To vary conditions 1 and 3 of planning permission
 N/059/02259/14 - 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

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

Report to:	Planning and Regulation Committee
Date:	14 May 2018
Subject:	County Matter Application - 137565

Summary:

Planning permission is sought by Mr Slingsby (Agent: Keystone Architecture) to construct an animal crematorium, including the change of use of site from agricultural to sui-generis at Burnt Bridge Farm, Morton Carr, Gainsborough.

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.

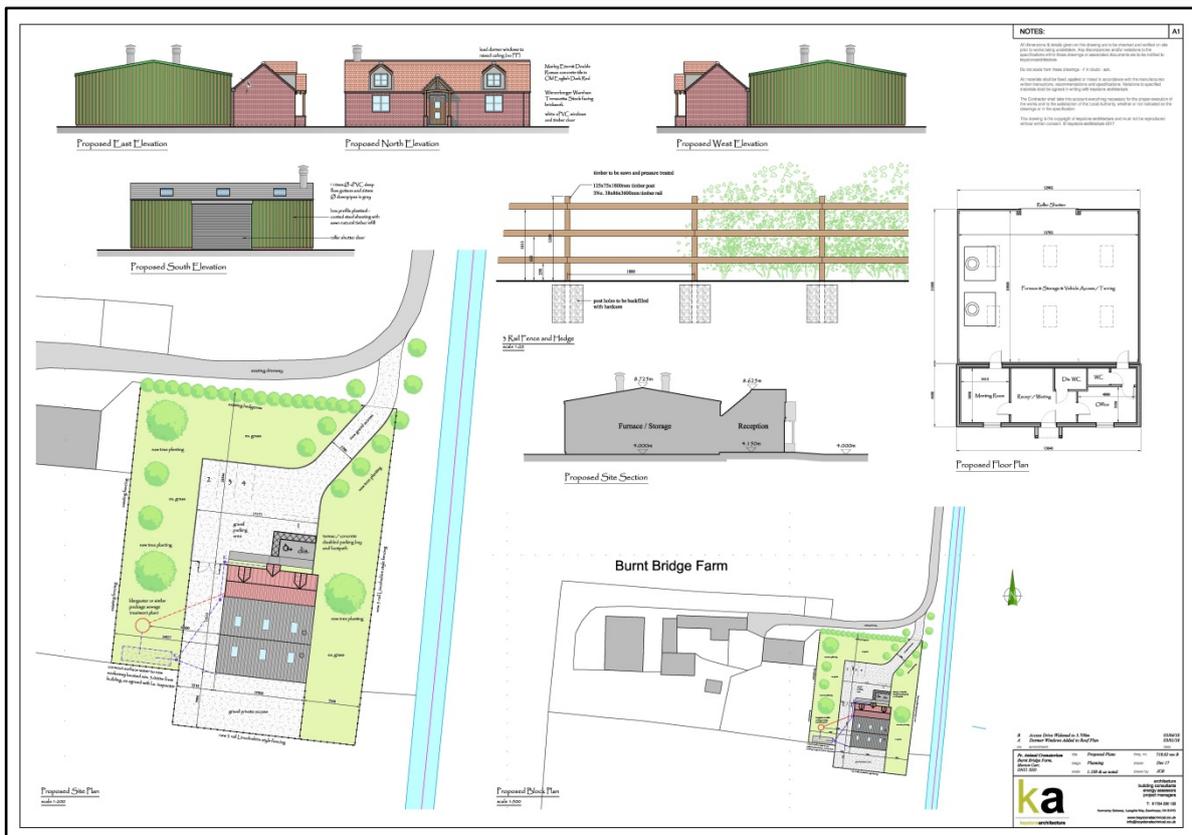
The Application

1. Planning permission is sought by Mr Slingsby (Agent: Keystone Architecture) to construct an animal crematorium, including the change of use of site from agriculture to sui-generis at Burnt Bridge Farm, Morton Carr, Gainsborough.

Design

2. The proposed animal crematorium would include the construction of a new building and associated hard standing, with parking spaces including a disabled parking space, as well as planting and landscaping at an existing farm. It would be within close proximity to the existing farm house and ancillary farm buildings.
3. The proposed building would have a maximum length of approximately 16.2m and a maximum width of approximately 12.9m and be a maximum height of approximately 4.75m. The building would have a customer reception/entrance area and the main crematorium/operational space. The design and style of the building for each of these spaces would differ.
4. The entrance/reception area would make up approximately one third of the building and would be two stories and have a more domestic appearance. It

would have a pitched roof and be of red brick and concrete tile construction. The main crematorium/operational part of the building would house the furnace and storage area and its design and appearance would reflect that of an agricultural building. This part of the building would be faced with green box profile plastisol coated steel sheeting with sawn natural timber infill and a double roller shutter door on the rear. There would be two chimneys, connected to the furnaces inside the building, and these would be the tallest elements of the development sitting approximately 1.2m above the roof of the main building. The building would have external lighting on all sides.



Site Layout and Elevations

- The new development would be accessed from a short graveled access track leading from the existing main access to the farm from the highway. The applicant proposes to construct four parking spaces in the top north-west corner of the site and a disabled parking bay in front of the reception area of the building. The site would be bound by existing fencing on the western boundary and new fencing on the eastern and southern boundaries and by existing hedgerow along the northern boundary. There would be new trees planted within the site boundary.

Use/Site Activities

6. The applicant has confirmed that the incinerators proposed are only suitable for smaller animals and pets (e.g. cats, dogs and other small domestic animals) however, in the future they may seek to expand the business in order to enable them to accept larger animals (e.g. farm animals, horses etc). Should they wish to do this however the incinerators would have to be upgraded as those proposed as part of this application would not of a suitable size or specification to enable this service to be offered at this time.
7. In terms of day to day activities, the applicant states that animal carcasses would be delivered to the back of the main building where they would be offloaded and prepared prior to incineration. Any preparation of the carcasses, including any temporary storage, set-down and loading would be carried out entirely within the building and the roller shutter doors would be closed at all times. Details of the incinerator(s) to be used have been provided within the application and this confirms they are purposefully designed for the cremation of small animals. Ash produced from the incineration process would be temporarily stored on site before being removed for disposal to landfill or collected by the pet owners. At maximum capacity, taking a combined weight of carcasses to be cremated of approximately 105kg per day/735kg per week, the applicant estimates that this would produce approximately 15.5kg of ash material per week. It is anticipated that most of this ash would be returned to pet owners with the remaining being temporarily stored in sealed bags until such time as there was sufficient volume to transport offsite to landfill. It is anticipated that the waste would be transported off site on a bi-weekly basis.
8. It is anticipated that 10 animals would be cremated per day but this could potentially rise to approximately 25-30 per day. In terms of vehicular movements, the traffic movements are anticipated to increase from around 4 cars per day to approximately five to six cars and two vans, which would include the collection of ashes and access for individual customers. This would equate to a maximum of approximately 24 vehicular movements per day, compared to eight at the present time.
9. Finally, the development would operate between 08:00 hours 18:00 hours, and public access to the site would be restricted to these times, although the incinerators may occasionally operate outside of these times. The applicant states that the facility would employ one full time and one part time member of staff.

Drainage, Flood Risk & Heritage

10. The proposal site is within Flood Zone 3 and assessed as having a 1 in 100 or greater annual probability of flooding and therefore a Flood Risk Assessment (FRA) was submitted. As part of the FRA a sequential test has been undertaken which concludes that the proposed development falls within the definition of 'less vulnerable' use and therefore acceptable in this location. A number of flood mitigation measures and improvements would

be adopted as part of the development which would include setting the floor level of the crematorium and office spaces no lower than those of the existing adjacent buildings and incorporating low permeability materials in the construction of the building. The car park would also be constructed using permeable gravel, and surface water run-off from the buildings and drive are proposed to be managed via a sustainable drainage system.

Site and Surroundings

11. Burnt Bridge Farm is located within flat, agricultural land, there are other farms scattered across the surrounding landscape. It is 1.5km to the south east of East Stockwith, 3.5km to the north of Gainsborough and the River Trent is approximately 1km to the west. The site is accessed from a dedicated, unmade access track off the Carr Lane and a drainage ditch runs the length of the track.
12. The site lies adjacent to the existing farmhouse and agricultural buildings. It is currently a grassed area and is approximately 36m x 47m to give an overall area of approximately 1690 square metres. The building would be in close proximity and to the east of the existing farmhouse and other agricultural buildings.





Main Planning Considerations

National Guidance

13. 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 28 promotes a positive approach to supporting the rural economy;
 - Paragraph 94 states that planning authorities should adopt proactive strategies to mitigate and adapt to climate change including taking account of flood risk;
 - Paragraph 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere;
 - Paragraph 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where; following a site specific flood risk assessment and sequential test, and if required the exception test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest risk, and development is appropriately flood resilient and resistant, including safe access and escape routes;
 - Paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution;
 - Paragraph 122 seeks to ensure the land use control system has a separate function to other pollution control regimes;
 - Paragraph 123 seeks to prevent adverse impacts as a result of noise pollution;
 - Paragraph 186 indicates that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development. Paragraph 187 requires planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible;

- Paragraph 206 gives advice in respect of the use of planning conditions;
 - Paragraph 215 states that following 12 months since the publication of the Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the Framework the greater the weight that can be given).
14. National Planning Policy for Waste (October 2014) states that the Government is seeking a more sustainable and efficient approach to resource use and management and identifies positive planning as playing a pivotal role in achieving this. Waste Planning Authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B - Locational Criteria. Of relevance to this application are considerations relating to landscape and visual impact, traffic and access.

Local Plan Context

15. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the following policies are relevant to this proposal:

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 where these are necessary to meet the predicted capacity gaps.

Policy W3 (Spatial Strategy for New Waste Facilities) states proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the main urban areas. Proposals for new waste facilities outside of main urban areas will only be permitted where they are for the biological treatment of waste, including anaerobic digestion and windrow composting, treatment of waste water and sewage, landfilling and small scale waste facilities (Policy W7).

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

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

Policy DM1 (Presumption in Favour of Sustainable Development) states that the County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) proposals for waste management developments should address the following matters where applicable:

- implement the Waste Hierarchy, and in particular reduce waste to landfill;
- identify locations suitable for renewable energy production and encourage carbon reduction/capture measures to be implemented.

Policy DM3 (Quality of Life and Amenity) states planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from, amongst other factors:

- noise
- dust
- vibration
- odour
- litter
- visual intrusion
- run off to protected waters
- traffic

to occupants of nearby dwellings and other sensitive receptors.

In respect of waste development it should be well designed and contribute positively to the character and quality of the area in which it is to be located. Where unacceptable impacts are identified, which cannot be mitigated, planning permission will be refused.

Policy DM6 (Impact on Landscape and Townscape) states that planning permission will be granted for minerals and waste development provided that due regard has been given to the likely impact of the proposed development on landscape and townscape, including landscape character, valued or distinctive landscape features and elements and important views. If considered necessary, additional design, landscaping, planting and screening will be required. Where planting is required it will be subject to a minimum 10 year maintenance period.

Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme.

Policy DM13 (Sustainable Transport Movements) states that proposals should seek to minimise road based transport and seek to maximise where possible the use of the most sustainable transport option.

Policy DM14 (Transport by Road) states that planning permission will be granted for minerals and waste development involving transport by road where the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development and arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic.

Policy DM15 (Flooding and Flood Risk) - proposals will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area. Proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development likely to create a material increase in the risk of off-site flooding will not be permitted.

16. Central Lincolnshire Local Plan (2017) - the key policies of relevance in this case are as follows (summarised):

Policy LP1 (Presumption in favour of sustainable development) direct the Central Lincolnshire districts to take a positive approach and where planning applications accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy LP2 (Spatial strategy and settlement hierarchy) identifies the site in the countryside.

Policy LP14 (Water Resources and Flood Risk) states that development must not increase the risk of flooding.

Policy LP17 (Landscape) states that proposals must seek to protect and enhance the landscape value and character of the area.

Policy LP26 (Design and amenity) states that development must make effective and efficient use of land and should minimise adverse impacts on amenity.

Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor Perraton-Williams – was notified of the application on 21 March 2018 but no response or comments had been received within the statutory consultation period or by the time this report was prepared.

- (b) Blyton Parish Council - have no comments or objections to the proposal.
- (c) Environment Agency (EA) – has commented that the proposed development can be classed as a 'minor extension' to a non-domestic development and therefore reference should be given to their Standing Advice which gives advice in relation to considering 'lower risk' development. They have also confirmed that a pet crematorium of this size/scale previously required an Environmental Permit, however, this activity is now approved by the Animal Health and Veterinary Laboratories Agency under the Animal By-products Regulations and so it no longer requires an Environmental Permit from the Environment Agency.
- (d) Environmental Health Officer (West Lindsey District Council) – has not objected but has commented that there is some ambiguity about the size of animals to be handled and therefore the suitability of the incinerator(s) and has also requested that their advice/comments regarding odour and drainage issues also be taken into account.

The EHO notes that the application refers to the site handling domestic animals such as cats, dogs etc whereas it also refers to handling large animals such as horse and farm animals. The size of incinerator proposed however would only support small animals and so the EHO felt this should be clarified.

In terms of odours, the EHO has commented that there is no information within the application but, given the distance to sensitive properties, it is accepted that there is unlikely to be any problems from low volume incineration. If permission is granted, however, it is recommended that a condition be imposed which requires the applicant to operate the incinerator in accordance with the manufacturer's instructions.

In terms of drainage, there is some ambiguity over how surface water is proposed to be managed and therefore what discharge rate would be applicable. This will need to be clarified.

- (e) Highway & Lead Local Flood Authority (Lincolnshire County Council) – has no objection to the application.
- (f) Lincolnshire Fire & Rescue – initially objected to the application on the grounds of inadequate access and water supply, and the requirement for a fire hydrant to be sited within 90m of the premises. They stated that the access route to the site should have a minimum width of 3.7m and there should be sufficient turning space for appliances to turn around.

Following the submission of amended drawings showing an increase in the width of the access route from 3m to 3.7m and sufficient turning

space, as well as agreement with the applicant that the ditch running adjacent to the site would be a suitable supply for firefighting water, Lincolnshire Fire and Rescue have withdrawn their objection.

- (g) Shire Group Internal Drainage Board (IDB) – has commented that the proposal may increase the impermeable area to the site and therefore the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area. It is added that there is no objection in principle to the disposal of surface water via a soakaway system or mains sewer system. If water is to be disposed of to any watercourse then consent from the IDB may be required and discharges would have to be restricted to a rate of 1.4 litres per second and no obstructions should be placed within 9m of the edge of a watercourse.
- (h) Ministry of Defence (Safeguarding) - have raised no safeguarding objections to the application.

18. The following persons/bodies were consulted on the application on 21 March 2018 but no comments/response had been received within the statutory consultation period or by the time this report was prepared.

Morton Parish Council
East Stockwith Parish Council
Countryside and Public Rights Of Way
Lincolnshire Wildlife Trust
Natural England
Historic Environment (Lincolnshire County Council)
Public Health (Lincolnshire County Council)

19. The application was publicised by site notices placed near to the site and a notice was placed in the Lincolnshire Echo on 29 March 2018. Individual neighbouring properties were also notified and the following responses/representations were received as a result of this publicity (comments summarised):

- Operating incinerators is not straight forward. The applicant has applied for two 50kg hour incinerators for up to 30 animals per day. As it takes approximately one hour to cremate one dog, even if the applicant operated 24 hours a day he would need to operate 2 incinerators at the same time which would exceed the 50kg per hour exemption for emission monitoring.
- There are already 5 other animal and pet cremation businesses close to the application site these being at Morton, East Butterwick, Louth, Winterton and Epworth.
- The applicant states that the traffic movements would increase by two car movements and two van movements and that one full time and one part time job would be created and this would account for the increase in car movements, but to incinerate up to thirty animals a day is questionable if this could be done within two van movements along a

narrow country road and if two vehicles meet they would both have to go on the grass verge to pass - wouldn't this increase expenditure to maintain the road?

- The proximity of the proposed new development would considerably increase the emissions discharge into the atmosphere.
- The capability and reliability of the proposed incinerators is questioned.

Four other letters of objection were received which raised the following concerns:

- Transport and access and increase in traffic past the school and the effect on other road users including horse riders, cyclists and walkers.
- The volume of traffic has been stated as generating only two car and two van movements per day, which it is believed grossly underestimates the full number of vehicles using the surrounding roads. The range and type of vehicles that would be used has only been estimated, and as this is for an animal crematorium animals can be of all sizes.
- The roads are single track and require vehicles to use the verges to pass and increased usage would increase the cost of road maintenance.
- Additional pollution.
- Concerns about the Fire Services objections in relation to access to the site via a bridge over the drainage dyke, that has not been weight tested, and lack of a fire hydrant close to the site.
- Questioning the need for another animal crematorium in the area and the conflict with longstanding local business and concerns about the investment in a business which is already catered for in the area.
- The local business is not a business park and it would ruin the locality
- There is already increased traffic from sewage spreading on the fields in the area, how much extra air pollution and traffic must there be?
- The incinerator is suitable for domestic animals "up to the size of a great dane" and "approximately eight per working day". The application mentions horses, cows and farm animals but information supplied by the manufacture shows that it is not big enough for farm animals.
- This would mean that the applicant is planning to dismember larger animals and blood collection and storage would need to be monitored.
- The drainage ditch next to the property connect to the main drainage system for the Morton area, which is a flood risk area. Other similar industrial units have to be built above the known possible flood levels, but there is no mention of this in the application.
- The two procedures - pet incineration and cutting up of farm animals/larger pets should not take place in the same incinerator because of cross contamination of brain and spinal fluid (scrapie and BSE). Members of the public have to assume that planning officers will have consulted with the HSE and DEFRA on this.
- It is understood that if an incinerator is used once for farm animals it cannot then, because of the rules, be used for pets. Would a new incinerator be needed for either pets or farm animals and is this the beginning of a larger industrial plant?

- Concerns about the effects on the environment, emissions and smells and there are no environmental studies of atmospheric pollution, gaseous products, particulates or pH based on wind dispersal.

District Council's Observations / Recommendations

20. West Lindsey District Council - hasn't made any specific comments or observations regarding the planning merits of this proposal but has commented that key issues that they feel should be taken into account are the size and number of vehicles, highway safety and residential amenity (e.g. hours of operation, noise and smell). They have also asked that the concerns/comments made by the Environmental Health Officer (reported above) be taken into consideration as well as those of local residents.

Conclusions

21. The application is seeking to create an animal crematorium at an existing farm. The main issues to consider in the determination of the application are: the location; highways and access issues; landscape and visual impact; flood risk; noise and odour and; comments from Lincolnshire Fire and Rescue.
22. The Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document identifies capacity gap shortfalls for specific waste types and contains criteria based policies that identify the types of location where the establishment of facilities to meet any such shortfalls would be supported. The Site Locations document expands upon the strategic policies contained within the Core Strategy and identifies specific locations and areas where such facilities will in particular be encouraged. Pet crematoria are not identified as a specific waste management facility within these documents, however, they are akin to waste management operations and so fall to the County Council to determine and so should be assessed against the policies contained within the Minerals and Waste Local Plan. Of relevance therefore is Policy W3 which sets out the spatial strategy for assessing new waste facilities within the County. The aim of the policy is to locate any new facilities close to the sources of waste, in and around the main urban areas. However, provision is also made for specific types of waste facility that may need to be located outside of identified urban areas and this includes small scale facilities. Small scale facilities are required to be assessed against the criteria set out in Policy W7.
23. The supporting text to Policy W7 lists the types of waste facilities and indicative tonnages/quantities that such facilities are expected to handle in order to be considered as small scale. Although pet/animal crematoria are not listed specifically, the supporting text to the policy does not preclude other types of waste facilities, if they are of a small scale. The tonnage that is anticipated to be handled by this facility would equate to approximately 735 kg per week or 38,000 kg / 38 tonnes per annum. This quantity is considered to be small especially when compared to the tonnages of other

types of facilities which Policy W7 references (i.e. End of Life Vehicle (ELV) facilities and metal recycling facilities where the indicative tonnage for each of these waste types can be between 500tpa to 9,000tpa). Given this I am satisfied that this development constitutes a small scale operation and so should be assessed against the criteria set out in that policy.

24. Policy W7 gives support to developments where there is a proven need to locate such a facility outside of the main urban areas; they accord with all relevant Development Management policies; be well-located to the arisings of the waste it would manage and; would be located on land which is existing or planned industrial/employment land.

Need and Location

25. Criterion (i) of Policy W7 requires there to be a proven need to locate small waste facilities outside of the main urban areas. The Core Strategy does not identify a specific capacity gap and therefore need for this type of development. However, the absence of an identified need for this type of development in the Plan does not necessarily mean that there is not a market need for such a facility.
26. In this case, whilst there are other such facilities in and around the locality this is a small scale operation and the business is therefore likely to serve a fairly localised market and rural customer base such as local vets and private individuals. In the future the applicant has also indicated that the facility could expand to accept larger animals such as horses and farm animals.
27. Given the rural location, this facility would therefore appear to be well located to serve its intended market. Despite the lack of evidence to support a proven quantitative need for such a facility, given its small scale nature and the type of market it is intended to serve I am satisfied that the siting of this facility in this location would be acceptable and so not would conflict with criteria (i) or (iii) of Policy W7.

Site Suitability

28. Criterion (iv) of Policy W7 requires small scale developments to be located on land which was previously developed or contaminated, existing or planned industrial/employment land or redundant agricultural and forestry buildings. The proposal site is a grassed area and classed as agriculture. Although the proposed development would not be utilising previously used agricultural buildings or land, it would be immediately adjacent to existing agricultural buildings and the farmyard, and parallel to the access track. The area is currently fenced and considered to be within the curtilage of the existing farm buildings and for this reason it is considered that it would not be contrary to the aims of criterion (iv) which seeks to utilise previously used sites and protect greenfield sites.

Other Development Management Policies

29. Criterion (ii) of Policy W7 requires proposals to accord with all relevant Development Management policies in the Plan. In this case the application must be assessed in relation to any impact on amenity in terms of transport movements and highway issues, visual, noise, dust and any impact on flood risk. Consideration is given to each of these in turn below.
30. Highways and Access – comments received through publicity have raised concerns in relation to the increased amount of traffic and the suitability of the highway and the access to the site from the highway. The application states that there would be an additional 16 vehicular movements per day, 4 of which would be vans transporting animal carcasses. It is not considered that this would be an unacceptable increase on the current situation and furthermore the Highways Officer (LCC) has not raised any objection or made any comments. It is therefore considered that the application would not be contrary to Policy DM14 of the Lincolnshire and Minerals Waste Local Plan.
31. Landscape and Visual Impact – the development would be located in flat and open countryside, with wide reaching views both into and from the site. The buildings, including the chimneys, would be visible from the highway and from the surrounding countryside. However, the scale and design of the proposed building, which would be a combination of a domestic style building and an agricultural barn building, grouped in close proximity to the existing farmhouse dwelling and existing agricultural buildings, would not be out of keeping with the landscape of the area. It is therefore considered that the development would not be contrary to Policies DM3 and DM6 and LP17 and LP26 of the Central Lincolnshire Core Strategy.
32. Noise - the development would be over 100m from the nearest sensitive receptor and the applicant has confirmed that all activities would take place within the building. It is considered that the processes involved would not constitute a significant amount of noise and would be within the range expected of agricultural activities. As discussed, the building would be close to existing agricultural buildings and the farmhouse and it is expected that any additional noise would not be significantly above the other activities currently taking place. The increase in vehicular movements of 16 per day, put forward by the applicant, would not be considered to significantly contribute to an unacceptable rise in noise levels. It is therefore considered that the development would not be contrary to Policy DM3 or LP26.
33. Odour - the main potential sources of odour would result from the storage of the carcasses and any odour related to the emissions. As confirmed by the applicant all storage, preparation and activities would take place within the building. The details submitted with the application, in relation to the incinerators, indicate that there would not be a significant amount of emissions or odour associated with the operation of the furnaces. The

Environmental Health Officer has not raised any objections or concerns, but commented that a condition should be included on any planning permission granted for the incinerators to be operated in accordance with the manufacturers specifications. It is therefore considered that the proposal would not be contrary to Policies DM3 or LP26.

34. Flood Risk and Drainage - the FRA undertaken as part of the application shows that the development, which is in Flood Zone 3, would be considered to be less vulnerable and therefore acceptable. The application states that a number of flood mitigation measures would be included as part of the development. Drainage is proposed to go to soakaway, but if this is shown to be unfeasible another method would be used and it is considered that the details for surface water drainage could be agreed by way of a condition. For these reasons it is not considered that the application would be contrary to DM15 and LP14.
35. Fire Issues - Lincolnshire Fire and Rescue initially objected to the application on the grounds that a fire hydrant should be provided. They have since confirmed their agreement to the provision of an alternative form of water supply if a hydrant is not feasible. The applicant has undertaken discussions with Lincolnshire Fire and Rescue to take water from the ditch that runs adjacent to the site, who have confirmed that they would have no objection to this. Consequently, it is considered that details for the supply of firefighting water could be agreed under a condition imposed on any permission granted. Lincolnshire Fire and Rescue also raised objection as to the width of the access road, which should be 3.7m, and highlighted the need for there to be sufficient turning space for their appliances. The applicant has since submitted an amended plan which increases the width of the access and allows for sufficient turning space.

Final Conclusions

36. The application is seeking permission for an animal crematorium. The development would be small scale, both in terms of size and throughput, and consequently it is considered that it would not have a negative impact in terms of traffic and amenities. In terms of the quantity and size and type of the animals to be cremated, this is determined by the size of the proposed incinerators which, as set out in the details received, would only be large enough for domestic pets and any intention to deal with larger animals would require an upgrade. It is therefore considered that the application would not be contrary to the relevant Policies in the Lincolnshire Minerals and Waste Local Plan and the Central Lincolnshire Core Strategy.
37. Human Rights Implications - The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

Approved Documents & Drawings

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
 - Planning application date stamped received 5 February 2018
 - Design and Access Statement date stamped received 19 April 2018
 - Planning and Environmental Statement date stamped received 23 February 2018
 - Drawing No 710.01, Location Plan date stamped 5 February 2018
 - Drawing No 710.02 Rev B, Proposed Plans date stamped received 5 April 2018

Pre-commencement Conditions

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted and approved in writing by the Waste Planning Authority.

The scheme shall:

- (a) provide details of how run off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- (b) provide details for the timetable and any phasing of implementation for the drainage scheme; and
- (c) provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The approved scheme shall be maintained in full accordance with the approved details for the lifetime of the development.

4. No external lighting shall be installed within the site unless details have first been submitted and approved in writing by the Waste Planning Authority. Any lighting installed shall thereafter be carried out in accordance with the approved details.
5. No development shall take place until details for the provision of water to be used for firefighting have been submitted to and agreed in writing with the Waste Planning Authority. The approved scheme shall be implemented in full for the duration of this development.

Site Operating Conditions

6. All animal carcasses shall be delivered and stored within the building. No preparation or storage of animals shall take place outside of the building at any time.
7. The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment dated December 2017 and received by the Waste Planning Authority on 5 February 2018. The plan shall be implemented in full for the duration of the development.
8. The incinerators must operate in accordance with the manufacturer's specifications as set out in Appendix A Addfield Petcrem Specification of the Planning and Environmental Statement date stamped 23 February 2018 for the duration of this development.
9. No operations, including delivery and dispatch of materials, shall be carried out except between the following hours:

08:00 to 18:00 hours Mondays to Fridays
08:00 to 13:00 hours Saturdays
Sundays, Bank and Public Holidays – no working.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.
3. To ensure surface and foul waters from the site are appropriately managed so as to not result in the pollution of the water environment and to reduce flood risk to the area.

- 4, 6 & 9
In the interests of the amenity of the area.

5. To ensure there is sufficient water available for firefighting purposes.
7. To reduce flood risk at the site and not to increase risk within the wider area.
8. To ensure that the emissions from the incinerators are in line with the expected emissions set out in the manufacturers specifications.

Appendix

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

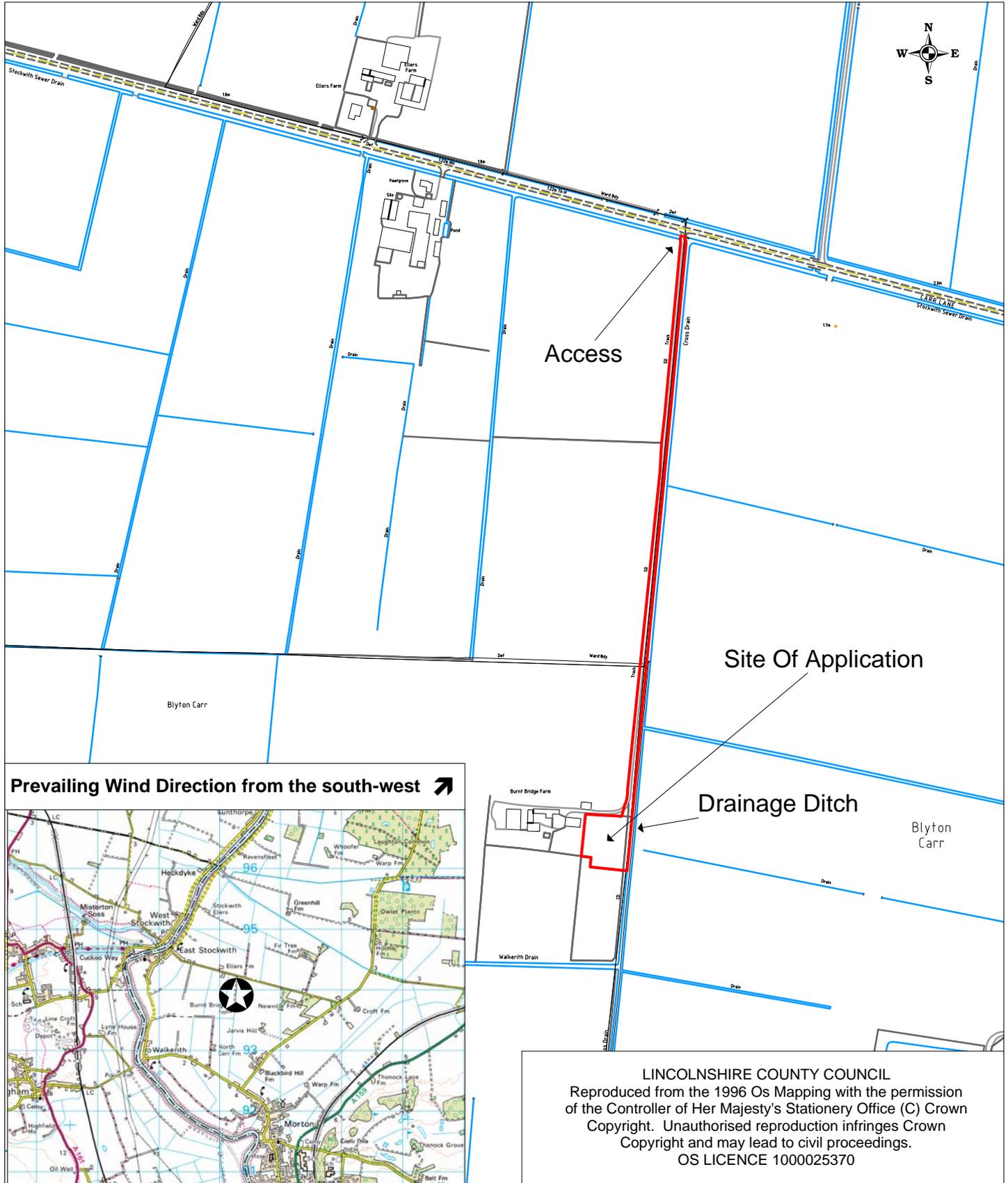
Background Papers

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

Document title	Where the document can be viewed
Planning Application File 137565	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Local Plan	Lincolnshire County Council Website www.lincolnshire.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL
 PLANNING AND REGULATION COMMITTEE 14 MAY 2018



Location:
 Burnt Bridge Farm
 Morton Carr
 Gainsborough

Description:
 To construct an animal crematorium, including the change of use of site from agricultural to sui-generis

Application No: 137565
Scale: 1:5000

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

Report to:	Planning and Regulation Committee
Date:	14 May 2018
Subject:	Outcome of Planning Appeal – Proposed Quarry, Gorse Lane, Denton, Grantham – S26/1611/15

Summary:

This report sets out 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 importation of sustainable inert fill to achieve a beneficial restoration of a proposed quarry located off Gorse Lane, Denton.

A copy of the Inspector's decision letter is attached as Appendix A.

Recommendation:

That the decision of the Planning Inspectorate is noted.

The Proposal and Decision

1. In May 2015 Mick George Limited submitted a planning application (ref: S26/1611/15) seeking permission for the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration on land located off Gorse Lane, Denton. The site is located approximately 3.8km from the south-western edge of Grantham, 800m south of the entrance to the village of Denton, 1.5km to the south-west of the village of Harlaxton and 1.5km to the north-west of the village of Wyville.
2. The proposal sought to extract 5.65 million tonnes of limestone from an extraction area covering 77 hectares and an overall site area of 104 hectares. The quarry would be worked on a phased basis, extracting about 200,000 tonnes of limestone per annum over a 30 year period and would be backfilled with inert waste, generally to pre-extraction contours, at an annual rate of about 65,000 to 70,000 cubic metres.
3. Most of the proposed working area also formed part of a much larger area of land that is covered by a historic mineral permission that allows for the winning and working of ironstone and the overlying limestone. The permission was granted in 1955 by the then Minister of Housing and Local Government and extended in 1958 and covers an area of approximately 900

hectares lying within the parishes of Denton, Harlaxton, Wyville, Stroxton and Great Ponton. Mineral extraction authorised by this permission ceased around 1974 however, under the provisions of the Environment Act 1995, the permission and site were registered as being dormant meaning that whilst there is an extant planning permission in place no minerals development may lawfully be carried out until an application for a new scheme of modern planning conditions (an 'Initial Review') has been submitted to and approved by the Minerals Planning Authority (MPA). Rather than seek to carry out such an Initial Review and reactivate this historic permission, the applicant offered to give up their rights to work that part of the historic permission for which they held an interest if permission were to be granted for the Gorse Lane proposal. The applicant argued that the 'swapping' of this one consent for another would offer an environmental benefit by removing an extant planning permission which, if reactivated, could potentially allow mineral development to take place over a much wider area.

4. Having carried out consultation on the application and after carefully considering the information and assessments that were undertaken as part of the application (including the applicants offer to rescind part of the historic permission) a report was brought to the Planning & Regulation Committee on 3 October 2016 where, in line with the Officer's recommendation, the application was unanimously refused.
5. The applicant subsequently made an appeal against the decision to refuse permission and a Public Inquiry was held on 16 to 27 January and 5 February 2018. At the Public Inquiry a Planning Inspector, appointed by the Secretary of State, heard evidence and representations by the applicant, an Officer from the County Council and a local action group known as Gorse Lane Action Group (GOLAG). Having considered the arguments and representations made by all parties during the course of the Public Inquiry the Inspector decided to find in favour of the Council and consequently dismissed the appeal.
6. A copy of the Inspector's decision is attached to this report as Appendix A.

RECOMMENDATIONS

That the contents of the report are noted.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Planning Inspectorate's Appeal Decision dated 26 March 2018

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 S26/1611/15	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln

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



Appeal Decision

Inquiry Held on 16-27 January and 5 February 2018

Site visit made on 25 January 2018

by Melvyn Middleton BA(Econ) DipTP Dip Mgmt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2018

Appeal Ref: APP/Q2500/W/17/3172131

Land at Gorse Lane, Denton, Lincolnshire, NG32 1AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mick George Ltd against the decision of Lincolnshire County Council.
- The application Ref S15/1611, dated 6 May 2015, was refused by notice dated 3 October 2015.
- The development proposed is the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site.

Decision

1. The appeal is dismissed

Background

2. The proposal would extract 5.65 million tonnes (mt) of limestone from a quarry extraction area covering 77 hectares (h) and an overall site area of 104 h. The quarry would be worked on a phased basis, extracting about 200,000 tonnes of limestone per annum over a 30 year period. It would be backfilled with inert waste, generally to pre-extraction contours, at an annual rate of about 65,000 to 70,000 metres (m)³.
3. Most of the proposed working area forms a part of an area of historic ironstone workings. Planning permissions were granted in 1955 by the then Minister of Housing and Local Government and extended in 1958 to win and work, by opencast methods, ironstone and any minerals overlying such ironstone. Lincolnshire limestone overlies the ironstone in this area. Mineral extraction, which never directly affected the appeal site, ceased around 1974. However, in the Review of Old Mining Permissions (ROMPs) undertaken under the provisions of the Environment Act 1995, such historic minerals consents were considered to be dormant. Nevertheless, the winning and working of the minerals, whilst subject to an extant planning permission, is not possible until activated by an 'initial review' through which modern conditions would be imposed, in accordance with the provisions of Schedule 13 of the 1995 Act.
4. The landowner began the 'initial review' process in 2012, by requesting a Scoping Direction under the Town and Country Planning (Environmental) Impact Assessment (England and Wales) Regulations 2011. A direction in 2012, issued by the Department for Communities and Local Government, detailed the information required to be dealt with in an Environmental

Statement, to accompany a proposed set of modern conditions, to be submitted by the landowner.

5. Subsequently the landowner agreed to grant an option to the Appellant, a minerals and waste operator based in Cambridgeshire, to work the minerals. The historic consents do not permit the importation of waste to the areas that they cover. The Appellant's business involves the movement of waste from construction sites, as well as the delivery of aggregate. A proposal that involves the importation and backfilling of inert waste, following the extraction of limestone, better suits the Appellant's business model than the mere extraction and transportation of limestone. Additionally, at the present time the historic permissions are only valid until 2042.
6. Consequently, the owner and the Appellant decided not to submit a set of modern conditions, to enable the historic permissions to be reactivated. Instead an application for planning permission to extract limestone, followed by the importation of suitable inert fill material, was submitted. The application relates to a minor part of the area subject to the Old Mining Permissions (OMPs), together with a small adjacent area. At the same time the landowner and other parties, who had a legal interest in parts of the area covered by the OMPs, offered to rescind those parts of the historic permissions over which they had control. This area amounts to 708 hectares. The entire OMPs area extends to more than 900 hectares.
7. Less than a quarter of the application site is not within an OMP area. However, an amendment to the proposal in 2016 provided a larger standoff area between the quarry and the Hill Top Farm complex, which are grade II Listed Buildings. Very little of the area now proposed to be excavated is not within the OMPs area.

Procedural Matters

8. It was agreed at the Inquiry that the site was in the parish of Denton, Lincolnshire and not Croxton Kerrial, Leicestershire and the majority of its area was closer to Denton than to Croxton Kerrial. Consequently, its address in the decision letter should be Gorse Lane, Denton, Lincolnshire.
9. As well as on an accompanied site visit on 25 January 2018, I visited the appeal site and its locality, as well as some of the surrounding area, unaccompanied, on 15 January and 5 February 2018.
10. Subsequent to the decision, the Council withdrew reason for refusal No.3, which concerned the impact of proposed woodland planting, between the quarry workings and Hill Top Farm, on the setting of the Listed Buildings. It does not oppose the proposal on any environmental ground and with the exception of South Kesteven District Council, neither do any of the statutory consultees.
11. Gorse Lane Quarry Action Group (GOLAG) was granted Rule 6 status and participated in the Inquiry on that basis. It represents sections of the local community and supports the County Council's case, which is based on the lack of need for the mineral extraction and capacity for further inert waste disposal, as well as its opposition to allowing the appeal as a substitution for the reactivation of the OMPs. In addition, GOLAG opposed the proposal because of potential hydrological and ecological risks, harm to the character of the

- landscape and impacts on agricultural production. Seven local residents also spoke against the proposal, introducing air and traffic pollution, lighting and effects upon the local economy as additional matters of concern.
12. The site's access proposals are shown on drawing ref: 10184/001 Rev.C and involve the construction of a road junction that directs traffic exiting the site to the right, onto Gorse Lane, close to the western boundary of the site and towards the A607 in Leicestershire. A condition would require drivers to turn right when exiting the site, reinforced by a directional sign to this effect at the site's exit. Highway improvement/widening works are also proposed between the site access and the A607. Lincolnshire and Leicestershire Highway Authorities support these aspects of the proposal and have raised no matters concerning the proposal's impact on the wider highway network. In the absence of substantive evidence to the contrary, I do not discuss these matters any further.
 13. The Appeal is accompanied by a signed Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 between the Appellant, persons with a legal interest in the land and Lincolnshire County Council. In this document the Appellant and the persons with a legal interest in the land agree, if planning permission is granted, not at any time to work or permit the working of land within their control, in accordance with the OMPs. They also agree not to concur in any application for determination of conditions to activate the OMPs pursuant to the Environment Act 1995.
 14. The Undertaking also requires the owner and developer to take all reasonable steps to ensure that heavy commercial vehicles (HCVs) enter and leave the site from or to the A607 to the west, to implement a nature conservation plan over an area of 29 hectares at Wealdmore Brook and Willowbed Plantation, to provide a permissive footpath within the parish of Harlaxton to enable public access to the Wealdmore Brook area and to establish a local liaison group.
 15. During the course of the Inquiry, the Appellant also offered to create a permissive footpath across land in its control, within the parish of Denton, between the north-eastern boundary of the Quarry at Stony Track and a point on the public footpath to the west of Denton Village and adjacent to the A607 and via Willowbed plantation. A signed Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 and on behalf of the Appellant and persons with an interest in the land affected, commits them to providing the permissive path within twelve months of the commencement of development.
 16. The restrictions on the movement of HCV's ensures that such vehicles using the site do not use the numerous minor roads in the area but access the primary highway network (A607) at the nearest point, to the benefit of pedestrians and other users thereon. The improvements to nature conservation would compensate for losses on site as a result of excavation and the new footpaths would help to mitigate any disturbance caused to pedestrians along the lanes and the bridleway adjacent to the site as a result of the quarry operations. The local liaison group would be a good-will gesture that nevertheless could have substantial communicative benefits for the quarry operator and the local community. I return to the matter of the OMPs land later.
 17. I am satisfied that the relevant measures comply with the provisions of Paragraph 204 of the *National Planning Policy Framework* (Framework). They

are necessary to make the development acceptable in planning terms and meet Regulation 122 of the *Community Infrastructure Levy Regulations* (CIL) 2010.

18. On the last morning of the Inquiry Mr Burford, an occupier of Hungerton Hall, submitted a letter on behalf of The Executors of the deceased owner of the Hungerton Estate. The letter criticises the Environmental Statement on the grounds that the Appellant failed to provide baseline data and an assessment that considered groundwater at the appeal site and groundwater from Hungerton Springs and suggesting that the assessment should not be postponed until after the grant of planning permission, if the appeal were to be allowed. It refers to decisions in the High Court and Court of Appeal¹ in support of its contention that proposed remediation measures could not be dealt with by way of a planning condition because this would eradicate the requirement to ensure that the environmental effects of the development should be considered as a part of the Environmental Impact Assessment (EIA). I return to this later.

Main Issues

19. From all that I have read seen and heard I consider the main issues to be:

Whether the proposal is in accordance with the Development Plan, in particular Policies M5, W1 and W6 of the Lincolnshire Minerals and Waste Plan (LMWP) 2016.

and if not

Whether there are any material considerations that when taken together and weighed against any disadvantages of the proposal, are sufficient to outweigh the presumption in favour of determining planning applications in accordance with the Development Plan.

Reasons

20. Paragraph 144 of the Framework says that when determining planning applications, decision makers should give great weight to the benefits of mineral extraction, including to the economy.
21. However, at paragraph 11 the Framework also reminds its readers that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise².

Planning Policy

22. The DP for the area now consists of the Lincolnshire Minerals and Waste Local Plan (LMWLP) and the South Kesteven Local Plan Core Strategy (SKLPCS) 2010. The LMWLP comes in two parts, a Core Strategy (CS) and Development Management Policies (DMP) document adopted in June 2016 and a Site Locations (SL) document adopted in December 2017. The Council referred me to a raft of policies in the CS document but in particular to Policies M5, W1 and W6. I have not been referred to any policies in the SL document. The MWLP covers a plan period until 2031. The Council also referred me to SKLPCS Policies EN1 and EN2. It was agreed that the South Kesteven Local Plan

¹ John Gillespie v First Secretary of State and Bellway Urban Renewal Southern, High Court ref: CO/3188/2002
Bellway Urban Renewal Southern v John Gillespie, Court of Appeal ref: C1/2003/0213.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Consultative Draft 2017 had not progressed sufficiently upon its road to adoption to be afforded any but minimal weight.

23. At paragraph 215 the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Given the recent adoption of the MWLP, following two rigorous examinations at which the Appellant participated, I have no reason to doubt that this plan was prepared in accordance with the requirements of the Framework and the National Planning Policy for Waste (NPPW).
24. The SKLPCS pre dates the Framework. SKLPCS Policy EN1 concerns the protection and enhancement of the character of the district and lists fourteen criteria against which all development proposals will be assessed. The Policy does not refer to the need to weigh the harm to such criteria against the benefits of the development and in this context should be given reduced weight. SKLPCS Policy EN2 seeks to reduce the risk of flooding. Planning permission will not normally be granted in areas identified as at risk from flooding from any source. The Policy refers extensively to Planning Policy Statement 25: *Development and Flood Risk*, which was subsequently superseded by Section 10 of the Framework. I consider this policy to be fully consistent with the Framework.

Need for the mineral

25. LMWLP Policy M5: *Limestone*, supports proposals for new limestone extraction sites provided that they meet a proven need that cannot be met by existing sites/sources and accord with other relevant policies in the plan. The supporting text suggests that there is an annual requirement for 0.62 mt of limestone and 11.62 mt over the lifetime of the plan. This, following the advice in paragraph 145 of the Framework, is based upon the extrapolation of a rolling average of 10 years sales data (2004-13) and other relevant local information.
26. 40.25mt of limestone reserves were identified, split between 13 quarries located over a wide area between Lincoln and Stamford. This represented a supply of nearly 65 years at the projected rate of sales. Following a Periodic Review of a quarry, the subject of an OMP, the overall reserves were subsequently reduced to 25.60 mt, which represented over 41 years. The Framework says that Minerals Planning Authorities should make provision for the maintenance of a crushed rock landbank of at least 10 years. It also says that they should participate in the operation of an Aggregate Working Party and take its advice into account when preparing their Aggregate Assessment. Lincolnshire County Council is a participating member of the East Midlands Aggregate Working Party.
27. The Appellant alleges that the forecast is too conservative, being biased by low annual sales during the recession and failing to give adequate weight to proposed future development projects. However, the East Midlands Aggregate Working Party's Annual Monitoring Report 2016 records that the rolling ten year average in Lincolnshire declined between 2013 and 2016 to 0.53 mt, providing 48 years supply. The Council argued that its continued reliance on 0.62 mt (17% higher than the rolling 10 year average contained in the East Midlands Aggregate Working Party's Annual Monitoring Report 2016) allowed flexibility for the anticipated increase in annual sales as a result of forecasted increases in construction work in the County.

28. The Appellant disagreed and suggested that 0.62 Mt would be inadequate to meet the projected construction needs of the County. It demonstrated a correlation, between aggregate sales and house building, based on regression analysis. Whilst the analysis shows a relationship between aggregate sales and housebuilding, it is perhaps too simplistic to assume that this relationship is direct, particularly as aggregate is used in a wide range of construction projects apart from housing.
29. Nevertheless, even if the Appellant's forecasts are correct, I am not persuaded that they justify a need for the release of additional reserves to meet future demand during the plan period, particularly as the plan is likely to have been reviewed before it ends. The Appellant's analysis forecasts average annual sales over the rest of the plan period to be 0.98 mt pa. Its analysis then suggests that on the assumption that outputs from existing quarries remain constant there will be an output deficit to meet potential sales demand by 2021.
30. However, this premise is unrealistic. Current output from Lincolnshire quarries is governed by demand, which is low by historic comparisons. As demand increases there is no evidence to suggest that output and sales from existing quarries would not correspondingly increase. Additionally there is no evidence to confirm that the three quarries that are not currently producing stone, one of which has recently undergone a ROMP and with a combined reserve of 3.63 mt, would remain closed until after that date. This tonnage is significantly more than would be quarried at Gorse Lane by 2031. Furthermore the current reserves could theoretically meet annual sales of 0.98mt for 26 years. The MWLP will no doubt have been reviewed a number of times by then.
31. The Appellant claims that there is an ongoing shortage of local rock aggregate production in the Cambridge/Peterborough/ Northampton areas and that the anticipated development related growth in these areas is likely to compound this. However, the evidence supporting this argument is somewhat anecdotal rather than empirical and far from comprehensive.
32. When consulting on its MWLP the Council contacted all of its neighbours under the Duty to Cooperate. None of them responded to the effect that because of the level of their reserves of crushed rock, they would be unable to meet future demand in the same way as in the past and requesting Lincolnshire to meet any anticipated shortfall.
33. The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (CPMWCS) was adopted in 2011 and planned for production until 2026. It is currently being reviewed with a 2020 anticipated adoption date. The 2017 Local Aggregate Assessment suggests that based on both the CS provision and the rolling average 2007-16, there is just under a ten year supply but based upon the average over the three years 2014-16 (0.41MT pa) only about 7 years. That document also suggests that due to the limited extent of the limestone outcrop within the County, no recently proposed new locations for limestone extraction have proved acceptable and that it may not be possible to make new allocations for limestone in the MWLP.
34. However, if that is the case, then the proper course of action is for the Mineral Planning Authorities to consult with their neighbours under the Duty to Cooperate to establish the most appropriate way to remedy the shortfall. Given the proximity of similar limestone within Northamptonshire and Rutland,

it is by no means certain that Lincolnshire in general and the appeal site (which is about 35 miles from Peterborough and nearly 70 miles from Cambridge) would be the most appropriate location where production should be increased to compensate for the anticipated shortfall in Cambridgeshire and Peterborough.

35. Despite the Appellant's arguments in the Examination forums, the LMWLP's CS and DMP have both been found sound by independent Inspectors within the last two years. The Northamptonshire MWLP was also found sound and adopted in May 2017. It requires 7.8 mt of crushed rock to be delivered between 2011 and 2031 at a rate of 0.39mt pa. The 2016 East Midlands Aggregate Working Party's Annual Monitoring report showed the 10 year sales average to be 0.33Mt, but the average over the last three years of that period was 0.39mt. However, even this output represents a landbank of over 40 years. In finding the plan sound, the Inspector referred to increased production from a site at Wakerley that had recently been granted planning permission and which is owned by the Appellant. Even if the Appellant's predictions of higher sales from Northamptonshire were to prevail, in response to shortages in Cambridgeshire and Peterborough or further increased demand locally, there would still be a generous land bank available within Northamptonshire from which to supply any increased demand.
36. There is little information before the Inquiry about the situation in Rutland, which is clearly a part of the aggregate jigsaw in the sub-region to the south of most of Lincolnshire.

Type 1 stone

37. Type 1 stone is aggregate that is resistant to frost shattering and is used in concrete production and road construction. Because of Lincolnshire limestone's comparatively poor resistance to frost shattering, at the present time, no quarry in Lincolnshire produces type 1 stone. Most likely this is why 25% of the aggregate used in Lincolnshire is imported into the County. The Appellant asserts that a quarry at Gorse Lane could produce marketable quantities of type 1 stone. In consequence the quarry would meet a proven need that cannot be met by an existing site/source.
38. However, the evidence to support this contention is far from scientific. A quantity of stone was dug from a former building stone quarry at the south-eastern corner of the site, taken to an Appellant's quarry near Peterborough, crushed and then transported to Lincoln for testing. There appears to have been no independent monitoring of the process prior to the laboratory testing. Furthermore the sample is from one corner of a 77 h site, a corner that had been historically selected as a source of building stone, presumably because of the localised hardness of the stone, despite its distance from the nearby villages. I agree with GOLAG that the subsequent testing of the samples from boreholes that was undertaken, is also not a scientific basis upon which reliable assumptions about the percentage of type 1 stone that could be extracted, from a quarry at Gorse Lane, can be based.
39. Whilst the potential was examined by the British Geological Association, its conclusion falls short of an endorsement of the Appellant's claims. Although in written evidence type 1 stone was estimated to represent between 30% and 35% of the total that would be quarried, only 25% of that in the tested sample from Jimmy Green's Quarry was found to be type 1. Whilst the Council's

assertion that at least 70% of the stone should be of type 1, for it to comply with the policy, is perhaps on the high side, I certainly agree that 25% would not justify an exception to the policy, particularly when there is no conclusive scientific proof that even this amount would be likely to be achieved throughout the life of the quarry.

40. In addition, whilst this quarry could be a sustainable way of supplying type 1 stone to Grantham and its surrounding area, the North Midlands magnesium limestone quarries, that have a proven record of supplying large quantities of type 1 stone, are nearly as close to the main Lincolnshire markets for the product, in the Greater Lincoln area, as would be a quarry at Gorse Lane. Consequently the transportation advantages of a supply from Denton would not be great. Supplying such stone from Gorse Lane to Greater Nottingham similarly has little sustainability advantage over the current supplies from Derbyshire and Leicestershire. Similarly although transported further, given the road distance, type 1 stone transported from Denton to Cambridgeshire and Peterborough is unlikely to have a lower carbon footprint than stone transported by rail from these areas.

Swap to reduce environmental damage

41. The benefits of allowing a swap under paragraph 5.43 of the CS, whereby an existing permission for a site, which is causing environmental damage, would be revoked in exchange for a new site with minimal environmental damage, do not apply to the appeal site. The OMPs have not caused environmental damage, for over 40 years and in any event there has been no meaningful assessment of the likely environmental damage that their reactivation under modern planning conditions would cause.
42. I conclude that the proposal does not accord with Policy M5: *Limestone* of the LMWLP.

Need for additional waste capacity

43. LMWLP Policy W1: *Future requirements for new waste facilities*, refers to the provision for new waste management facilities, through the SL document. They are to meet predicted capacity gaps for waste arisings in the County up to 2031, as presented in Table 9 of the document and subject to any new forecasts published in the Council's Annual Monitoring Reports.
44. Table 9 suggests a capacity gap for inert landfill before 2020, which by 2031 would have risen to nearly 150,000 tonnes per annum (tpa). However, there is a forecasted growth in non-hazardous capacity surplus, as a result of the diversion of substantial amounts of municipal and commercial and industrial waste to an energy from waste plant near Lincoln. By 2031 the plan expects the capacity surplus to be over 115,000 tpa. The Council argued at the CS Examination that since much of this surplus void would never be used for its originally intended purpose, then the capacity should be used to accommodate inert landfill.
45. Whilst I agree that the use of non-hazardous capacity that has been specifically prepared for inert fill disposal, would not be a good use of the facility, it is unlikely that all of the capacity in the larger voids would have been so prepared. It is also unlikely that all of these voids will now be filled with non-hazardous landfill in a reasonable period of time. In these circumstances, the

use of some of this capacity for inert landfill seems to me to be a logical and appropriate use of the resource. However, whether all of the inert landfill, not capable of being accommodated on specifically allocated sites, could be accommodated here is open to question and among other things depends on the overall amount requiring disposal, which was in dispute at the Examinations and still is.

46. Nevertheless, in his report at paragraph 44, the CS Inspector gives four reasons why he concluded that the provision of new capacity was not needed at that time. In addition to the surplus of non-hazardous landfill capacity, throughout the plan period and beyond, he also pointed to further increases in the rates for recycling construction and demolition waste and the related reduction in the inert landfill requirement to meet those waste streams. Additionally, the existence of inert landfill sites that were predicted to have capacity beyond the plan period, some of which could be brought forward to be used during the plan period, could create further capacity. He also referred to the ability to provide new waste capacity under Policy W6. He concluded that there was no need to make express provision for new landfill capacity in the plan. That conclusion was reaffirmed by the Inspector examining the SL plan only a few months ago.
47. As some of the data upon which the Waste Needs Assessment prepared in preparation for the CS dates from 2012, the Council updated the report using 2015 Waste Interrogator data, in preparation for the SL Examination in 2017. The revision shows a decline in the inert landfill capacity gap and a growth in non-hazardous landfill capacity surplus such that there would be a combined surplus of about 70,000 tpa in 2031. The evidence base that the CS waste analysis and examination debate was centred around is clearly still fit for purpose.
48. Nevertheless, the forecasting of future waste arisings is far from an exact science, that concerning inert waste being largely dependent upon the fluctuations of the economy and the construction industry, among other things. The amount requiring disposal is further complicated by changes in recycling rates, which the waste hierarchy seeks to increase. Whilst the Appellant has submitted evidence to support its case that there is an urgent need for new inert landfill capacity, as it did to the LP Examinations, I have seen nothing that convinces me that that I should dispute the conclusions of the DP Inspectors. Indeed, the evidence suggests that the availability of surplus non-hazardous waste capacity to accommodate future inert fill has increased rather than decreased. There is a possibility that additional capacity could be required before 2031 but such a requirement is unlikely in the short term. Any requirement would be picked up by the Council's Annual Monitoring Reports and could be accommodated by a review of the plan or as the CS Inspector suggested under the provisions of Policy W6.
49. Policy W6: *Landfill* says that planning permission will only be granted for new landfills provided that four criteria are met. It has not been demonstrated that the current capacity is insufficient to manage that waste arising in Lincolnshire or its equivalent, which requires disposal to landfill in the County, at the present time or in the immediate future. Nevertheless I accept that such additional capacity may possibly be required during the latter years of the plan period or in the years thereafter.

50. On balance the proposal would bring about long term improvements in the local landscape through the planting of additional native woodland, species rich native hedgerows (see below) and through the establishment of nature conservation management areas at Wealdmore Brook and Willowbed Plantation. There would also be new permissive footpaths created in both the parishes of Denton and Harlaxton, providing public access to the improved ecological resources and to facilitate increased enjoyment of the local countryside landscape.
51. However, the existence of a quarry for over thirty years, with its inevitable impact on the local landscape, regardless of the mitigation, needs to be weighed against this. Additionally, there is not comprehensive evidence, in the context of alternative sites that could accommodate inert waste, to be able to justify the excavation of a quarry, particularly when a need for the aggregate that it would produce has not been justified. Such a justification, if there is to be one, would come far more easily and be demonstrated more appropriately through the review of the MWLP.
52. The proposal nevertheless accords with all relevant Development Management and Restoration Policies set out in the plan. However, the existence of additional inert waste capacity, without a corresponding increase in inert waste, particularly in the short term, would impact on the amount of inert waste received at other sites and delay their restoration. Whether or not this would be significant is difficult to assess from the evidence before me.
53. I conclude that the proposal does not fully meet the criteria in Policy W6: *Landfill*, such that it should be given planning permission to meet a capacity shortage to manage inert landfill within Lincolnshire.
54. The Appellant referred to the landfill capacity of the Cambridgeshire/ Peterborough area and to Northamptonshire, claiming that there is insufficient capacity there and that this need should support a new quarry at the appeal site. However, the NMWLP was adopted less than a year ago. The examining Inspector found the assessed existing capacity for waste treatment to be inadequate and specifically asked the Council to provide an up-to-date assessment of permitted capacity for each waste stream. Modifications were subsequently made to the plan to incorporate this. They identified an inert waste disposal gap but also stated a preference for this to be used to support the restoration of committed or allocated mineral extraction sites, as opposed to alternative locations that would prejudice such restoration. Among others, the Appellant's quarry at Wakerley does not have planning permission for infilling and would benefit from this. The Inspector concluded that with the recommended changes, the Plan makes proper provision for waste to be managed.
55. The CPMWCS (2011) similarly requires inert waste that cannot be recycled to be used in a positive manner to restore sites. Its subsequent companion, Site Specific Proposals Development Plan Document, lists allocated mineral extraction sites, requiring restoration with inert landfill, to accommodate some of this need. Proposal 8.1.28 W1AB allocates Thornhaugh II Quarry for this purpose and indicates that it could accommodate 1.1 mt³ from 2014³. Parts of this quarry are leased to the Appellant, and whilst that part granted consent for inert fill,

³ See para 9 of Appeal ref:APP/J0540/A/12/2179541, Thornhaugh II Quarry, Leicester Road, Thornhaugh, Peterborough

following the 2013 appeal, is now nearing completion, most of the quarry is still awaiting restoration and could be available to accommodate some inert fill. Furthermore, the nearby Cooks Hole Quarry, also being worked (in part) by the Appellant, has substantial void capacity that may be able to accommodate inert waste as a part of a restoration proposal.

56. In such circumstances I do not accept that the inert waste needs of Cambridgeshire and Peterborough are so critical that capacity should be provided 35 miles or more from the waste sources and in advance of a thorough review through the DP process. In coming to this conclusion I note that the Council said at the Thornhaugh II Inquiry (para10) that there was unlikely to be over provision. I am also aware that there are environmental considerations that require mitigation at Thornhaugh II quarry and that these will increase costs. Nevertheless, as the Appellant points out, higher costs and gate charges are also likely at the Lincolnshire non-hazardous waste quarries. Despite likely higher costs/charges, in my judgement the restoration of these quarries is a far more sustainable option than the establishment of new quarries in an area where there is not a proven need for mineral extraction, simply to provide an alternative and less expensive location to dispose of inert waste.
57. I conclude that the proposal does not meet the requirement of Policy W1: *Future requirements for new waste facilities* of the LMWLP.

Environmental considerations

Hydrogeology

58. As part of the Environmental Impact Assessment, the Appellant constructed a hydrological conceptual model to determine the flow of groundwater from the site, to the north and south, to the Foston Beck and the Wyville Brook catchments respectively. It concluded that the Lincolnshire limestone was largely dry and underlayed by a relatively impermeable layer of mudstone (the Grantham formation); and that water percolating through the limestone flows off latterly through the limestone or at the level of the Grantham formation.
59. Additional work subsequently undertaken at the request of the Environment Agency suggested that parts of the Lincolnshire limestone may at times be saturated. The direction of flow is determined by the slope of the Grantham formation which has a ridge of high points below the site, towards its northern boundaries, so that water disperses in both directions. The analysis suggested that about 74% of the groundwater flows to the south-east, whilst some 26% flows in a north-westerly direction.
60. The removal of the limestone and its replacement with impermeable fill could upset this balance. Mitigation is proposed to replicate the flows during quarrying and after restoration, by installing surface drainage on the restored land and reintroducing the water into the limestone through a series of recharge trenches (for the southerly flows) and through storage ponds and drains (for the northerly flows). The Appellant pointed out that if excavation identified geological anomalies, which altered this balance, then the modelled proportions flowing north and south could be adjusted.
61. On consultation, the Environment Agency accepted this assessment and the proposed mitigation, with no overall formal criticism or objection. Despite

- subsequent questioning and representations from GOLAG it has maintained this position.
62. GOLAG claims that the hydrogeology is much more complex than the Appellant asserts and that its site investigations were inadequate. In particular it asserts that there is not a proper understanding of the impact that the faults on the site and their throws, or the probable localised absence of the Grantham formation, could have on the downward movement of water around the Grantham formation and into the permeable Northamptonshire sandstone (ironstone) below. If the limestone and sandstone are hydraulically connected to any extent then the model's assumptions, as to the movement of water through and off this site, may be inaccurate and the risks not fully understood. Without an accurate conceptual model and particularly in the context of the nearby ancient woodland, then it is not possible to design an effective mitigation scheme.
63. The geological map shows an absence of the Grantham formation between the exposed Lincolnshire limestone and Northamptonshire sandstone in the vicinity of Hungerton Hall and close to the site's south-eastern boundary. Other absences could well occur under the appeal site. Additionally I saw on my site visit that there were a number of springs in Willowbed plantation that appeared to be fed from the sandstone or even the relatively impervious Whitby mudstone below and not from the limestone. These considerations suggest that the hydrology of the site and its immediate surroundings may not be as simplistic as the Appellant's model suggests.
64. In most instances, as the Appellant asserts, the model's results could be adjusted and the mitigation amended as the quarrying advances and the actual nature of the groundwater movements becomes more certain. Water flowing to Foston Beck and supporting St Christopher's Well and the water features close to the former Denton Manor, as well as that supplying the Wyville Brook catchment as a whole, could no doubt be satisfactorily monitored and adjusted in this way. Providing the proportion of water falling on the site and travelling north or south is accurately assessed and replicated, both during quarrying and as a part of its restoration, then there should be no overall harm.
65. However, there is recently designated ancient woodland, immediately to the north of the site at Willowbed Plantation and close to the south-eastern corner of the site at Hungerton Wood. Springs feed both of these areas (albeit not continuously in the case of Hungerton Wood) and support localised groundwater dependent wetland habitats in the case of the former. Petrified springs are common in the water courses at Willowbed Plantation and there is also the potential for hillside flushes to exist there. Although none have been identified, the existence of priority habitats and/or species is a possibility. Whilst ancient woodlands are not Special Protection Areas, the Framework at paragraph 118 does say that planning permission should be refused for development resulting in the loss of ancient woodlands.
66. Quite clearly if the water regimes in these woodlands were to be seriously changed, such that they became much wetter or dryer, then the health and survival of the trees and other vegetation would be threatened. In this context, and given the proximity, it is important that the proportions of the water leaving the site and serving the springs that support the ecosystems in Willowbed Plantation are fully understood and not unduly disturbed, both at the excavation stage and following restoration. To do otherwise would risk upsetting the

- ecosystems that they support and could result in a failure to conserve and enhance the biodiversity of the ancient woodland, which is also clearly advocated by the Framework at paragraph 118.
67. However, Framework paragraph 118 only talks about planning permission being refused if significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated. There is no evidence to suggest that with accurate surveys that properly measure the groundwater leaving the site at a detailed level, particularly in the context of the various springs and a mitigation regime that maintained this throughout the life of the quarry and beyond, there would be any significant harm to the ecology of either ancient woodland from the development. Willowbed Plantation is in urgent need of substantial management, having a disproportionate amount of Sycamore in its tree composition and Cherry Laurel in the understorey. The Appellant proposes to implement conservation management schemes at Wealdmore Brook and Willowbed Plantation. This of itself would, in any event, improve the area's biodiversity and help to compensate for any unlikely harm to its ecology, should there be any.
68. My concerns about the baseline for hydrogeological monitoring could be covered by an appropriate condition. However, as the National Planning Policy Guidance (NPPG) says in its section on the use of planning conditions, conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. The Environment Agency through the Environmental Permitting regime is responsible for ensuring that alterations to ground and surface water flows, as a result of minerals development, do not have adverse impacts on the off-site water or ecological environments. Consequently, much of the detailed additional baseline and monitoring work suggested by GOLAG is the responsibility of the Environment Agency. It would consult Natural England as a part of the permitting application process.
69. Nevertheless, given my comments above, on the adequacy of the hydrological baseline assessment, in the context of the area's geology and ecology, as well as the observations of the Environment Agency, I consider it appropriate for a condition to require the existing hydrogeological assessment be reviewed and if necessary updated through more detailed and comprehensive surveys. This could also lead to the need for further mitigation.
70. Furthermore, the NPPG says that conditions that unnecessarily affect an applicant's ability to bring a development into use, or otherwise impact on the proper implementation of the planning permission should not be used. It also says that conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body, often fail the tests of reasonableness and enforceability.
71. Given the history of dialogue between the Appellant and Hungerton Estate and the confirmation by the executors of the Hungerton Estate⁴ that they are not in a position to confirm whether access to the Estate will be given in the future, I do not consider it appropriate to mandatory require the Appellant to undertake surveys in Hungerton Wood over which it has no control. An adequate baseline could be achieved through surveys and monitoring on the appeal site and particularly at its boundaries. The Environment Agency noted the ongoing discussions between the applicant and the Hungerton Estate, regarding flow

⁴ Document 38

- monitoring at Hungerton Springs, but pointed out that this is a private matter. Its opinion reinforces my conclusion.
72. The Environmental Statement, that the Hungerton Estate criticises, was accepted by the Council and subsequently reviewed on behalf of the Secretary of State. It was found to meet the minimum requirements of Schedule 4 of the Town and Country Planning EIA Regulations 2011. The Assessment was graded C on a scale of A-F. It was also accepted by the Environment Agency, which endorsed the Appellant's hydrogeological conceptual model and does not object in principle to that aspect of the proposal. Natural England, who has recently designated the two nearby ancient woodlands, has also not objected to the proposal.
73. Contrary to the assertions on behalf of the Hungerton Estate, the appellant did provide baseline data of the hydrology within and leaving the appeal site. A Hydrogeological Impact Assessment was undertaken and its results are contained within the Environmental Statement. It describes the existing hydrological and hydrogeological situation and considered the potential impacts of the development upon surface and groundwater resources. In response to the consultation, additional monitoring boreholes were subsequently installed in consultation with the Environment Agency and a supplementary report produced containing the results and findings of this additional work. Whilst I have reservations about certain elements of the survey and analysis undertaken as a part of that work, that does not undermine the legitimacy of the entire model. In my judgement any errors discovered, as a result of review work, could be accommodated through changes to the mitigation proposals, such that the water resources of the Estate emanating from the appeal site need not be affected.
74. Hungerton Springs themselves are not a permanent water feature and when they do flow, the stream that results disappears into a sink hole in less than 100 metres. In the context of the EIA regulations this cannot be considered to be important. The Appellant's assessments conclude that Hungerton Springs are ephemeral. Whilst the supplementary work suggests that parts of the Lincolnshire limestone is at least periodically saturated, in parts of the site close to Gorse Lane, it also finds that with appropriate mitigation, the extraction of limestone from the site is unlikely to impact on the base-flow volume or quality of ground and surface water flowing south from Gorse Lane.
75. The Environment Agency agreed with the original conclusions and following the supplementary work was still in general agreement with the overall findings and did not raise an objection. I have seen no evidence that leads me to find that the fundamental conclusion of the Environment Agency that water flows from the site could be assessed by on-site analysis, is wrong. In my judgement additional on-site surveys would be able to assess any variations to the original work, resulting from a more complex geology and any further appropriate mitigation could be advanced from the modified model.
76. Wyville Brook emerges from a spring about a kilometre from the appeal site. Providing the review of the site's hydrology is effectively undertaken and the existing flows from the appeal site to the limestone and sandstone strata south of Gorse Lane are replicated, then there would be no fundamental change to the water flowing southwards towards Wyville Brook and no impact on the Estate's overall water resources. This in my judgement is achievable and would in any event be monitored through the Environmental Permitting Regime by the Environment Agency.

77. The Court cases, to which I was referred¹, concern a failure to request an EIA and are not directly relevant to this appeal. An EIA was requested by the Council and a comprehensive ES was submitted by the Appellant, including a comprehensive hydrogeological assessment that was subsequently supplemented.
78. Whether or not the Appellant has made the correct assumptions about the amount of water held within the limestone as opposed to that flowing through cracks and fissures and into the sandstone or the extent to which the water table is above the base of the limestone in the southern parts of the site at certain times of the year, as suggested by the Environment Agency, is not fundamentally material; such additional water, were there to be any, is perfectly capable of being dealt with through the quarry dewatering scheme.
79. I conclude that subject to further base line hydrogeological assessment, the proposal would be in accordance with LMWLP Policy DM16 *Water Resources* and SKLPCS Policy EN2.

Ecology

80. The site is largely comprised of arable fields bounded by hedgerows, a number of them being species poor. There is no loss of woodland, indeed Wealdmore Brook and Willowbed Plantation would be improved through Conservation Management Schemes. The Woodland Trust does not object to the proposal. The poorer quality hedges would be removed and subsequently replaced by ones that are more species rich. These and the proposed field margins would provide improved habitats for the species of birds and mammals that frequent the site.
81. Calcareous grassland is to be established in a belt adjacent to the Drift, which is a Site of Special Scientific Interest that runs along the western boundary of the site. It would eventually more than double the extent of this habitat. No bat roosts were identified within the area to be worked and the badgers are not resident on the site. Natural England has not objected to the proposal. Overall there would eventually be significant ecological benefits if this proposal were to be implemented. The proposal would meet the requirements of LMWLP Policies DM8 *Nationally designated sites of Biodiversity and Geological Conservation Value* and DM9 *Local sites of Nature Conservation Value* and is in accordance with the appropriate part of SKLPCS Policy EN1.

Landscape

82. The site would be bounded by topsoil mounds along its eastern, western and southern boundaries. Woodland planting, supplemented by topsoil mounds and retained hedges, would extend along the northern part of the site, with the exception of the stretch between Willowbed Plantation and Waterworks Wood. When parts of Phase B are being quarried, machinery and the quarry face would at times be visible from locations to the north, in the Vale of Belvoir, including from its castle. However it was agreed at the Inquiry that if a temporary hedge were to be planted at the commencement of the site works, then it would be sufficiently established by the time quarrying began on the land to its east, to act as a screen for much of the activity in most of the views. Such a hedge could be made the subject of a condition.
83. The land rises to the east of the Drift towards the A607 from which there will inevitably be views of the appeal site throughout the life of the quarry. However,

these views are distant views from a busy road across fields bounded by hedgerows, which in summer would help to filter direct views of the appeal site and its activity from the road.

84. Strengthening of the boundary hedges along with the boundary screening would mitigate much but not all of the site's activity from pedestrian and equestrian users of Stony Track, Gorse Lane and the Drift. Only a relatively small part of the permitted area would be being worked or restored at any particular time. Consequently, the impact on these users and those on the A607, at any one particular point in time, would not be extensive. Two new footpaths are proposed to the north of the appeal site to help to mitigate this harm.
85. Whilst noting the observations of South Kesteven District Council, I agree with Mr Holiday's assessment that the overall effects on the landscape would be no more than temporarily moderate adverse, during the years of operation, reducing to minor adverse, in the years immediately following the final restoration, to be followed by an overall slight beneficial improvement, in succeeding years. I consider the proposal to be in accordance with the appropriate part of SKLPCS Policy EN1 and LMWLP Policy DM6 *Impact on Landscape*.

Agricultural land

86. Most of the land occupied by the proposed development is best and most versatile agricultural land. Whilst some would be taken out of production at any one period in time, a condition could limit it to no more than three sub-phases plus the processing, topsoil and water treatment areas. Most of the land would remain in agricultural use until required for quarrying and thereafter it would be restored to agricultural use. About 16 hectares would be used for woodland planting, ponds and other ecological features or separated from the main body of agricultural land by the proposed woodland, planted to screen Hill Top Farm from the development. Whether the latter area would be permanently lost from agricultural use is however speculation. Part of the thrust of the Government's 25 year Environmental Plan involves the improvement of the countryside's ecological assets and there would clearly be an eventual net overall gain in this context as a result of the appeal proposal. However, LMWLP Policy DM12 points out that development which includes significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that no reasonable alternative exists. The proposal clearly fails this policy test and for at least the duration of the operation it would have a negative impact on the use of best and most versatile agricultural land.

Heritage

87. Following the proposed open standoff and the screening woodland to Hill Top Farm, the County Council withdrew its objections on heritage grounds. Whilst the woodland backdrop will change the setting of the listed complex on its southern side, woodland is a significant part of the landscape character of this area. The proposed new planting would not appear out of place.
88. There is no evidence to suggest that the ponds at Denton Manor would be likely to become dry as a result of this proposal. I conclude that the development would not be harmful to the setting of heritage assets and is in accordance with LMWLP Policy DM4 *Historic Environment* as well as the appropriate part of SKLPCS Policy EN1.

Dust/Air quality

89. A small number of properties could be at risk from nuisance dust. However it can be controlled by mitigation and the adopting of appropriate standards through the Environmental Permitting regime.
90. The amount of dust that would be generated, would be far below the levels that would affect crop growth on the parts of the site in agricultural production, through effects on the stigmata of plants.
91. Real concern was raised about the increase to air pollution caused by an increased number of HCV's on the A607 and the impact of this on asthma sufferers. Whilst this is unfortunate, it is a classified road and a designated lorry route. The levels of atmospheric pollution are not such as to warrant action under the air quality regime and as such would not justify refusing planning permission. During the lifetime of a quarry, improved vehicle engine technology should see an overall reduction in such pollution.
92. I conclude that the proposal would be in accordance with LMWLP Policy DM3 *Quality of Life and Amenity*.

Other environmental considerations

93. Whilst there is likely to be security lighting, conditions could regulate its luminance and through a scheme, its location within the quarry as far as is practicable. There is no reason why an appropriate lighting scheme could not be designed that minimised light pollution from the site, such that it would not be harmful to nearby residents or contrary to the appropriate part of SKLPCS Policy EN1.

Economic considerations

94. Although this site would be in use for over 30 years, the screening mitigation is such that once fully operational there should be little direct impact on the adjacent roads and bridleway. At any one time only a comparatively small area would not be in agricultural use so that the actual impact would be very localised. A condition could prevent operations on Saturday afternoons, Sundays and Bank Holidays. In such circumstances I would not envisage the proposal adversely impacting upon the leisure activities of local residents or visitors or the viability of local businesses, to a meaningful extent.
95. The proposal would create 30 full time jobs, most of which would be sourced locally. It is estimated that it could infuse £2.5 m into the economy each year.

Other matter

96. Schedules 13 and 14 of the Environment Act 1995 established a regime for the Review of OMPs. Its purpose was to enable Minerals Planning Authorities (MPAs) to update them by imposing modern operating, restoration and aftercare conditions upon the site. A dormant site, which most of the appeal site is a part of, cannot recommence working until the MPA has agreed an updated scheme of planning conditions in line with modern environmental standards.
97. It is for the intended minerals operator to make the application for the MPA to impose conditions, accompanied by an ES. The operator specifies the proposed conditions in the first instance and the MPA either agrees to impose them or suggests alternatives. There is no power for the MPA to refuse to impose

- conditions. The NPPG also points out that new conditions, such as those which restrict the total quantity of mineral to be extracted, must not affect the economic viability of the operation. Consequently and contrary to GOLAG's assertions, it has no power to prevent the operations for which planning permission was originally granted from recommencing.
98. However, any condition which could be reasonably imposed on a new minerals permission may be imposed through the ROMP process and so it would be expected that a full set of modern conditions would be imposed. If the operator is dissatisfied with any of the conditions put forward by the MPA, then it has the right of appeal to the Secretary of State.
99. There was much evidence and discussion about the appellant's ability to reactivate the OMPs, with arguments about what had been historically worked and restored in the various parts of the very large area that they cover. Also debates about the likelihood or not of persons with an interest in the land giving their consent to work some of the minerals.
100. It is my view that in the context of this appeal, much of that was not really relevant to the appellant's assertion that as a fall-back position it could successfully request the MPA to assess and approve a new set of planning conditions that would enable it to work minerals within (a) part(s) of the OMPs area. Such a request for the reasons discussed below is likely to be focused. Although at para 208 the Minerals PPG says that "Environmental Statements must provide an up-to-date assessment of the likely significant environmental effects of the whole of the remaining permitted development over the lifetime of the permission(s)", if the scheme included a condition preventing mineral extraction from particular areas, there would be no purpose served in it being accompanied by a detailed EIA covering those areas. The need for a comprehensive EIA is therefore unlikely to be so onerous that it would have a bearing on a decision to reactive (a) part(s) of the OMPs.
101. The OMPs extend over an area of more than 900 hectares, with the Appellant having an interest in about 720 of these. Although there are parts that have been worked out and some of these have been fully restored, there are large areas, including the OMP part of the appeal site that have not been. Although the amounts of extractable limestone and ironstone varied, both the Appellant and GOLAG estimated that more than 21 mt of stone was available. About 85% of this is located in just three of the nine areas illustrated on the plan in Appendix 13 to Mr Gough's evidence. Ignoring the underlying ironstone, it is agreed that there is at least 18 mt of extractable limestone below areas 4, 8 and 9. To complete this extraction by 2042 would require annual sales of nearly 1 mt pa when the quarry was not being established or wound down. This is similar to the total annual demand for Lincolnshire limestone advanced by Mr Ratcliff on behalf of the Appellant and more than the lower amounts put forward by the Council or that currently being achieved.
102. There are currently ten producers of limestone within the County and another three dormant quarries capable of supplying the market during the plan period, some of them much closer to the main market in Greater Lincoln than is Denton. To suggest that the Appellant, no matter how comparatively efficient his operation might be, would capture this entire market is fanciful. The most likely scenario, if the appeal was to be dismissed and the Appellant's exploitation of the OMPs was a commercial proposition, without the ability to backfill with waste,

would be that a similar or larger part of area 4, than affected by the appeal proposal, would be extracted. If sales were sufficiently buoyant and time allowed, it would probably be followed by the eastern part of area 8. That is because these areas have the largest tonnages of extractable limestone from a single quarry area. They are also among the parts of the OMPs where quarrying has the least environmental impact. However, without the ability to backfill with inert waste I doubt the Appellant would have sufficient competitive edge to extract and sell limestone other than from area 4 by 2042 and even here total extraction by that date would be far from certain.

103. The issue then is whether the reactivation of the OMPs without quarry backfilling is likely to be a commercial proposition and would it be more environmentally damaging than allowing the appeal. The Council has not opposed this appeal on environmental grounds and has agreed an acceptable regime of modern conditions. Similar conditions could be imposed on a ROMP scheme. Consequently apart from the impact of the quarry face on the local landscape the impacts need not be any more harmful.
104. The final landscape in the immediate vicinity of the site would be somewhat different to that when the appeal scheme was completed. Without importation of some fill, there would be at least one permanent hole in the ground of a far greater depth than can be observed on the restored sites of the historic ironstone workings. In landscape terms an OMP operation is likely to be more damaging than the appeal scheme. However, in my view the long term presence of battered quarry faces need not be sufficiently harmful to be unacceptable in the areas that I have described. Even they could be screened by planting such that the long term impact on the wider landscape need not be harmful.
105. The Council asserted that the main driver of the Appellant's business in the context of company profit was landfill but produced no evidence to conclusively confirm this. Given that an important element in the recent rise in profits arises from an A14 contract, to where the Appellant is primarily providing large quantities of inert low grade fill, this cannot be totally correct. Additionally Mr Gough pointed out that the company had recently set up a concrete producing business that was also contributing to overall company profits.
106. The company does operate limestone quarries where no back filling is allowed, the one at Wakerley Northamptonshire being the most recent example. However, these quarries are closer to the Cambridge and Peterborough markets than is Gorse Lane and where the long term supply of local aggregate is less certain.
107. Additionally, although there are environmental disadvantages to the reactivation of the OMPs, particularly to the landscape, there are also negative sides to allowing the appeal, particularly in the context of aggregate production and quarry restoration. Unless there is a significant increase in demand for Lincolnshire limestone and a corresponding increase in the capacity required to deposit inert waste, then existing operational quarries within the County will take much longer to be extracted and restored than otherwise if the appeal is allowed. In such circumstances, the communities in which they are located would clearly have to suffer the disbenefits of quarrying activity for longer than currently anticipated. It is also likely, without increased overall demand for the aggregate, that the appeal quarry would take longer than the estimated 30 years to be

extracted and restored, whereas a ROMP scheme would currently have to be concluded by 2042.

108. The appeal proposal would import between 3.2 and 3.4 mt of inert waste to the site. The 2017 Waste needs Assessment estimated the County's inert waste arisings to be less than 500,000 tpa. The quarry could hypothetically meet the equivalent of the whole of Lincolnshire's needs for more than six years or about 30% in each year of the predicted 30 year life. Unless the inert waste needs change abruptly, then either other quarries will take significantly longer than predicted to be restored or the appeal site will take longer or both.
109. At the same time and as a part of its Regulation 22 Notice, the Council asked the Appellant to consider and demonstrate the possibility of restoring the site to a suitable profile and after use with a lower end landform and using a significantly lower volume of waste. However, apart from reducing the waste volume to facilitate changes to the post restoration drainage regime, there were no changes in the amount of waste proposed to be imported to the site, even though the Appellant claims that a suitable restoration could be achieved under a ROMP scheme and without any importation of waste. This does not suggest that the importation of waste is anything but a major component in the Appellant's business model for this site.
110. I agree with the Council that an intermediary scheme, which had significantly less imported fill, could secure a satisfactory long term landscape, albeit one with a different profile than that of today. Additionally I can see no reason why such a scheme should not recreate best and most versatile agricultural land.

Conclusion

111. The proposal would extract limestone and import inert waste in an area where there is clearly no immediate justification for increased capacity in either. It would also use a significant area of best and most versatile agricultural land. It does not meet the relevant exception criteria and consequently it is contrary to LMWLP Policies M5, W6 and DM12. I note the Appellant's arguments about the unreliable forecasts because of the influence of the recession in the data and its predictions about future need and production in neighbouring MPAs to the south. However, in my judgement and at this point in time, that evidence is not compelling and Lincolnshire has more than adequate approved limestone reserves and potential inert waste capacity to meet an abrupt increase in demand from within the County and in neighbouring authorities, for a number of years. Certainly sufficient to await an early review of the plan should the Appellant's overall predictions be correct.
112. Whilst the Framework says that decision makers should give great weight to the benefits of mineral extraction, including to the economy, in my judgement the current circumstances of limestone extraction in Lincolnshire are such that additional approved capacity would be of little benefit to its economy and certainly of insufficient weight to overturn the presumption in favour of determining planning applications in accordance with the Development Plan.
113. I am not persuaded that without an ability to deposit large quantities of waste in a quarry it would be very likely that the Appellant would seek to extract limestone in this area under a ROMP scheme. However, even if that course of action were likely, it seems to me that the consequences of the risk in term of the likely comparative harm are preferable to permitting a scheme that is

contrary to the current context of Lincolnshire's mineral and waste needs and one that could last well beyond 2042. Additionally, that alternative has little support locally, where the clear preference appears to be a reactivation of the OMPs, assuming that is a commercial option.

114. In such a scenario the Council could, at the appropriate time, review the benefits of improved restoration, in the context of the County's need for inert waste capacity, together with any requirement to accommodate some from nearby MPAs if requested to do so. If that review suggested a requirement greater than the current forecasts, then the ability to create an improved landscape at Gorse Lane, through the tipping of quantities of waste, could be objectively compared to the need for additional inert waste elsewhere in the County and in the context of the origin of the increased waste requirement. Through that process, any additional required capacity should be provided in the most appropriate location and after having considered all of the relevant factors.
115. For the reasons discussed above and having objectively taken account of all of the other matter raised, I therefore find that the appeal should be dismissed.

M Middleton

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Hardy Solicitor	Instructed by Richard Wills of Lincolnshire County Council
He called	
Marc Willis BSc, MA, MRTPI	Town Planner

FOR THE APPELLANT:

Andrew Fraser-Urquhart QC	Instructed by Jake Parker-Bishop of Sloan, Plumb, Wood LLP
He called	
Mark Rayers	BSP Consulting Ltd Transport Engineer
Leslie Jephson BEng, IoA	LF Acoustics Ltd Acoustic Engineer
Dr Paul Hardwick BSc, FGS	Enzygo Ltd Hydrologist
Dr Suzanne M Mansfield BSc, CIEEM, CMLI	FPCR Environment and Design Ltd Ecologist
Dr Hugh Datsun BSc, MIAQM	DustScanAQ Chartered Scientist
Helena Kelly BsC, MCIFA	The Environment Partnership (TEP) Ltd Heritage Conservationist
Gary Holliday BA, MPhil, CMLI	FPCR Environment and Design Ltd Landscape Architect
John Gough	Mick George Ltd Mineral Planner
Malcom S Ratcliffe MBA, MA, Bsc, MRICS, MRITPI	

FOR GORSE LANE QUARRY ACTION GROUP

Simon Curtin	Local Resident
He called	
Anthony Morigi BSc, CGeol, FGS	Local Resident Geologist
Jamie Blackwell BSc, MSc, CGeol, FGS	Groundwater Solutions Ltd Hydrologist
Simon Curtin Bsc	Local Resident Agricultural Scientist

INTERESTED PERSONS:

Daphne Carre	Resident of Denton
Hamish MacMillain	Assistant of Denton Council
Robin Pape	Resident of Denton Council
Jon Bell	Castle Cary Town Council and Ansford Parish Council
Kathy Ingram	Local Resident
Bob Adams	Castle Cary Town Council and Ansford Parish Council
Chris Burford	Resident of Denton Care for Cary

Care for Cary

Local resident

DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Jamie Blackwell's Inquiry Speaking Notes. Submitted by GOLAG.
- 2 Estimate of anticipated time to extract mineral from each sub-phase. Submitted by the Appellant.
- 3 Lincolnshire Local Aggregate Assessment 2018. Submitted by LCC.
- 4 Aggregate Limestone forecast. Submitted by the Appellant.
- 5 LCC's response to the Appellant's Aggregate Limestone forecast. Submitted by LCC.
- 6 East of England Aggregates Working Party, Annual Monitoring Report 2016. Submitted by LCC.
- 7 Cambridgeshire and Peterborough Minerals and Waste Development Plan, Local Aggregate Assessment 2017. Submitted by LCC.
- 8 Northamptonshire Local Aggregates Assessment 2016. Submitted by LCC.
- 9 Northamptonshire Minerals and Waste Local Plan 2017. Submitted by LCC.
- 10 Northamptonshire Minerals and Waste Local Plan 2017, Schedule of Main Modifications. Submitted by LCC.
- 11 Inspector's Report on the Examination of the Northamptonshire Minerals and Waste Local Plan Update. Submitted by LCC.
- 12 Northamptonshire Minerals and Waste Local Plan 2017, Adoption Report. Submitted by LCC.
- 13 Regional Capacity (limestone) update. Submitted by the Appellant.
- 14 Waste needs Assessment Update 2017. Submitted by the Appellant.
- 15 LCC's response to the Appellant's Waste needs Assessment Update 2017. Submitted by LCC.
- 16 Justification for the inclusion of Whisby Landfill in the WNA Update 2015. Submitted by LCC.
- 17 Lincolnshire landfill site updates. Submitted by the Appellant.
- 18 Appellant's note on LCC's additional evidence on crushed rock sales and waste needs in the Cambridgeshire/Peterborough/Northamptonshire sub region. Submitted by the Appellant.
- 19 Hughes Craven report supporting the request for the Scoping Opinion in relation to the ROMP. Submitted by GOLAG.
- 20 Agreed mineral volume estimates in the area which is the subject of the OMPs. Submitted by the Appellant.
- 21 Copy of a letter from John Gough to Marc Willis (22/08/17) covering various aspects of the ROMP proposal. Submitted by the Appellant.
- 22 Copy of an Email from Marc Willis to John Gough (10/11/17) about the re-use of previously worked areas for ancillary operations within the OMPs area. Submitted by the Appellant.
- 23 Agreed legal note on the ROMP regime. Submitted by the Appellant.
- 24 Emailed letter from Farrer and Co (2/02/18) re: the Environmental Impact Assessment in the context of Hungerton Springs. Submitted by Mr Burford.
- 25 Committee Report re: application to extract limestone and import fill material at Crabtree Road, Colsterworth, Lincolnshire. Submitted by the Appellant.

- 26 Committee Report re: application to extract limestone and restoration on land at Leicester Road, Wansford, Peterborough. Submitted by the Appellant.
- 27 Appeal Decision re: Thornhaugh II Quarry, Leicester Road, Thornhaugh, Peterborough. Submitted by the Appellant.
- 28 High Court decision: Bellway Urban Renewal Southern & Secretary of State v John Gillespie, ref Submitted by Farrer and Co.
- 29 Court of Appeal Judgement: Bellway Urban Renewal Southern v John Gillespie, ref C1/2003/0213. Submitted by Farrer and Co.
- 30 Court of Appeal judgement: Loader v Secretary of State for Communities and local Government & Ors. Submitted by the Appellant.
- 31 Court of Appeal judgement: Matthew Champion v North Norfolk District Council v Crisp Malting Group Ltd, Natural England, ref C1/2013/1410. Submitted by the Appellant.
- 32 Schedule of proposed planning conditions. Submitted by LCC.
- 33 GOLAG's comments on the schedule of proposed planning conditions.
- 34 Schedule of agreed planning conditions. Submitted by LCC.
- 35 Proposed revised condition re Hydrology (condition 40). Submitted by GOLAG.
- 36 Correspondence from Jake Parker-Bishop and Simon Curtin (30/01/18) to PINS about condition 40.
- 37 Correspondence from Marc Willis (09/02/14) to PINS about revised condition 40.
- 38 Correspondance from Sloan Wood Plumb (09/02/18) to PINS about revised condition 40.
- 39 Correspondance between PINS and Marc Willis (14&15/02/18).
- 40 Section 106 Planning Obligation re OMP's and other matters. Submitted by the Appellant.
- 41 Section 106 Planning Obligation by way of Unilateral Undertaking, re the provision of a permissive footpath from Stony Track to the A607. Submitted by the Appellant.
- 42 Schedule outlining the site visit route and the places to visit. Submitted by the Council.

PLANS SUBMITTED TO THE INQUIRY

- A Plan of Gorse Lane Quarry showing borehole sites. Submitted by the Appellant.
- B Geological map of the area in and around Willowbed Plantation. Submitted by the Appellant.
- C Plan showing Ancient Woodland at Hungerton Wood, submitted by the Council.
- D Plan showing proposed permissive footpath in Harlaxton Parish. Submitted by the Appellant.
- E Plan showing proposed permissive footpath in Denton Parish. Submitted by the Appellant.
- F Plan showing proposed Nature Conservation Management areas at Wealdmore Brook and Willowbed Plantation, with proposed permissive footpaths providing public access to them. Submitted by the Appellant.
- G Plan showing estimated limestone thicknesses within parts of the area

- H covered by the OMPs. Submitted by the Appellant.
- I Plan showing areas of historically worked out ironstone. Submitted by GOLAG.
- J Plan showing disputed parts of areas 2 and 3 concerning historic ironstone working. Submitted by the Appellant.
- Geological map showing areas of worked out ironstone. Submitted by GOLAG.

PHOTOGRAPHS SUBMITTED TO THE INQUIRY

- 1 Photographs of historic ironstone mining at Harlaxton. Submitted by GOLAG.
- 2 Photograph of an unfilled quarry restored to agriculture. Submitted by the Appellant.