



County Offices
Newland
Lincoln
LN1 1YL

24 May 2018

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 4 June 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), D Brailsford, L A Cawrey, 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 and M J Storer

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 4 JUNE 2018**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 14 May 2018	5 - 16
4.	Traffic Items	
4.1	Linwood B1202 and Great Limber A18 - Requests for Speed Limit Reduction	17 - 26
5.	County Matter Applications	
5.1	<p>Partially retrospective application to vary Condition 3 of planning permission N74/1238/12 to enable the tonnage of waste handled by the energy recovery/recycling and carpet recycling/polypropylene recovery operations to be increased from 65,000 tonnes to 260,000 tonnes per annum at Wilsford Heath Materials Recovery Facility, High Dike, Ancaster - JHG Planning Consultancy Ltd - 18/298/CCC</p> <p>To vary condition 2 of planning permission N74/1232/12 to enable the tonnage of waste plasterboard received at the site to be increased from 65,000 tonnes to 100,000 tonnes per annum at Wilsford Heath Materials Recovery Facility, High Dike, Ancaster - JHG Planning Consultancy Ltd - 18/299/CCC</p> <p>Partially retrospective application for the retention of a water storage tank, two residual materials storage compounds and proposed development of two additional residual materials storage compounds at Wilsford Heath Materials Recovery Facility, High Dike, Ancaster - JHG Planning Consultancy Ltd - 18/297/CCC</p>	27 - 64
5.2	To vary condition 28 of planning permission N47/66/0360/00. The proposed variation would amend the restoration details submitted and approved with the original planning application and further details submitted and approved 5 March 2003, at Norton Disney Quarry, Norton Disney - Cemex UK Operations Ltd - 18/0476/CCC	65 - 86

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

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**PLANNING AND REGULATION
COMMITTEE
14 MAY 2018**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

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

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

Officers in attendance:-

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

1 APOLOGIES/REPLACEMENT MEMBERS

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

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

2 DECLARATIONS OF COUNCILLORS' INTERESTS

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

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

RESOLVED

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

2
PLANNING AND REGULATION COMMITTEE
14 MAY 2018

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

RESOLVED

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

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

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

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

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

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

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

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

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

Amanda Suddaby, an objector, commented as follows:-

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

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

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

PLANNING AND REGULATION COMMITTEE**14 MAY 2018**

Paul Foster, the applicant, commented as follows:-

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

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

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

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

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

Officers responded to the comments made as follows:-

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

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

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

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

On a motion by Councillor D Brailsford, seconded by Councillor P A Skinner, it was –
RESOLVED (unanimous)

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

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

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

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

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

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

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

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

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

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

Elizabeth Williams, an objector, commented as follows:-

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

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

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

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

Paul Foster, the applicant, commented as follows:-

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

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

Officers responded to the comments as follows:-

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED (unanimous)

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

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

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

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

Jane Hill, an objector, commented as follows:-

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

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

No questions were asked by the Committee of the objector.

Jon Bayley, the applicant, commented as follows:-

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

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

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

RESOLVED (unanimous)

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

9 OTHER REPORTS

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

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

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

RESOLVED

That the decision of the Planning Inspectorate be noted.

The meeting closed at 1.00 pm

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Open Report on behalf of Richard Wills, Executive Director for Environment and Economy

Report to:	Planning and Regulation Committee
Date:	04 June 2018
Subject:	Linwood B1202 and Great Limber A18 - Requests for Speed Limit Reduction

Summary:

This report considers requests for the reduction of existing 40 mph speed limits to 30 mph at the above locations, shown at Appendix A. Investigations have indicated that these sites are 'Borderline Cases', as defined within the Council's Speed Limit Policy.

Recommendation(s):

That the Committee approves the reduction in speed limit at both locations so that the necessary consultation process to bring this into effect may be pursued.

1. Background

1.1 The County Council's Speed Limit Policy provides a means by which requests for speed limits can be assessed consistently throughout the county. The criteria by which a speed limit may be justified within a village location is based on the number of units of development along a road and the level of limit is determined by the mean speed of traffic travelling along it.

1.2 However, having carried out an assessment, a Borderline Case may be identified and is defined within the policy at 4.1 and 4.2 as follows:

4.1 During the assessment process, at locations where the length and number of development units fronting the road under review is within 20% of that required, then this is classed as a Borderline Case.

4.2 At locations where the mean speed data falls within +/- 3mph of Table 3 (Mean Speeds), then this is classed as a Borderline Case.

Where the above applies a report is submitted to the Planning and Regulation Committee for consideration.

1.3 In the case of both Linwood and Great Limber a 40 mph speed limit is already in place and it will therefore be the results of speed surveys which identify them as Borderline Cases.

2. Existing Conditions

- 2.1 Linwood B1202: A 40 mph speed limit is currently in force as shown at Appendix B. Speed survey equipment at the two locations shown measured mean speeds of 31 and 35 mph. Reported injury accidents over the last 5 years amount to 1 serious and 7 slight incidents.
- 2.2 Great Limber A18: A 40 mph limit is currently in force as shown at Appendix C. Speed survey equipment was installed at the three locations indicated as shown which measured mean speeds at 36 and 35 mph around the centre of the village, and 38 mph further eastwards on leaving the village. There have been 6 reported injury accidents over the last 5 years, 4 of which were slight and two serious.

3. Proposals

- 3.1 At Linwood the average mean traffic speed lies within 3 mph of the level required to justify a 30 mph speed limit, as specified in Table 3 from the policy:

Table 3

Mean Speed	Limit
< 33 mph	30 mph
33 - 43 mph	40 mph
< 43 mph	50 mph

It can therefore be considered as a Borderline Case and the Committee may approve the initiation of the speed limit order process by which the existing 40 mph speed limit can be reduced to 30 mph. A plan indicating the extent of the 30 mph limit suggested is shown at Appendix D.

- 3.2 The local Member for the area is in full support of this speed limit reduction.
- 3.3 At the A18 through Great Limber, mean speeds measured near the village centre lie within 3 mph of the level required to justify a 30 mph speed limit as specified in Table 3 above, and again may be considered as a Borderline Case requiring the approval of this Committee. A plan indicating the suggested extent of the existing 40 mph limit to be reduced to 30 mph is shown at Appendix E.

The Local Member supports a speed limit reduction but has concerns that a lower limit may encourage on street parking.

Conclusion

Under the normal criteria set out in the Council's Speed Limit Policy these two locations would not be considered eligible for a reduction in speed limit. As Borderline Cases however the Planning and Regulation Committee can approve a departure from the criteria where appropriate.

Consultation

a) Have Risks and Impact Analysis been carried out??

b) Risks and Impact Analysis

Appendices

These are listed below and attached at the back of the report	
Appendix A	Linwood B1202 and Great Limber A18 - Requests for speed limit reduction.
Appendix B	Linwood B1202: Existing conditions.
Appendix C	Great Limber A18: Existing conditions.
Appendix D	Linwood B1202: Suggested extent of speed limit reduction.
Appendix E	Great Limber A18: Suggested extent of speed limit reduction.

Background Papers

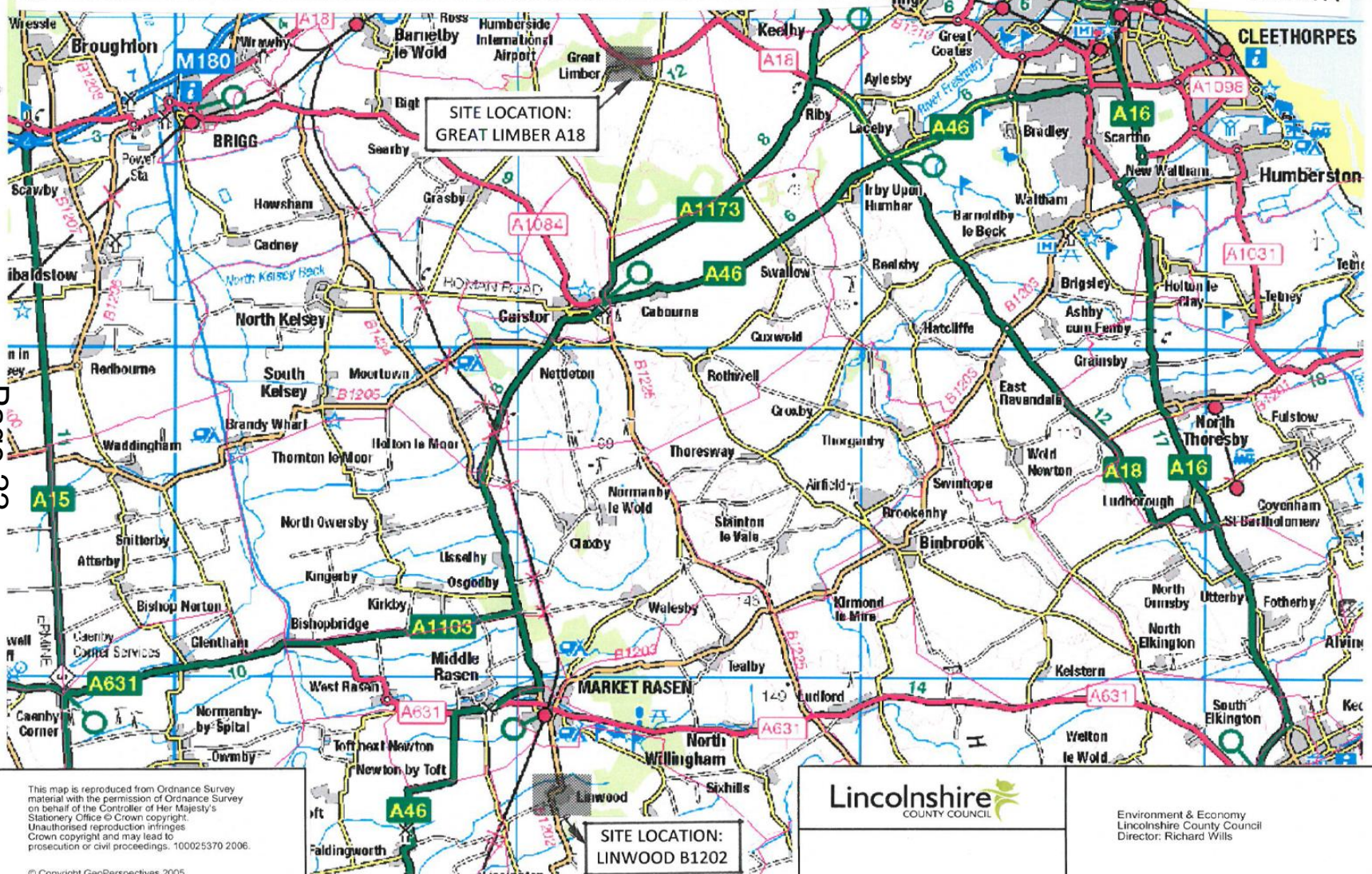
This report was written by Jeanne Gibson, who can be contacted on 01522 782070 or jeanne.gibson@lincolnshire.gov.uk.

Planning and Regulation Committee – 4 June 2018

Linwood B1202 and Great Limber A18
Requests for Speed Limit Reduction

LINWOOD B1202 AND GREAT LIMBER A18 – REQUESTS FOR SPEED LIMIT REDUCTION

APPENDIX A



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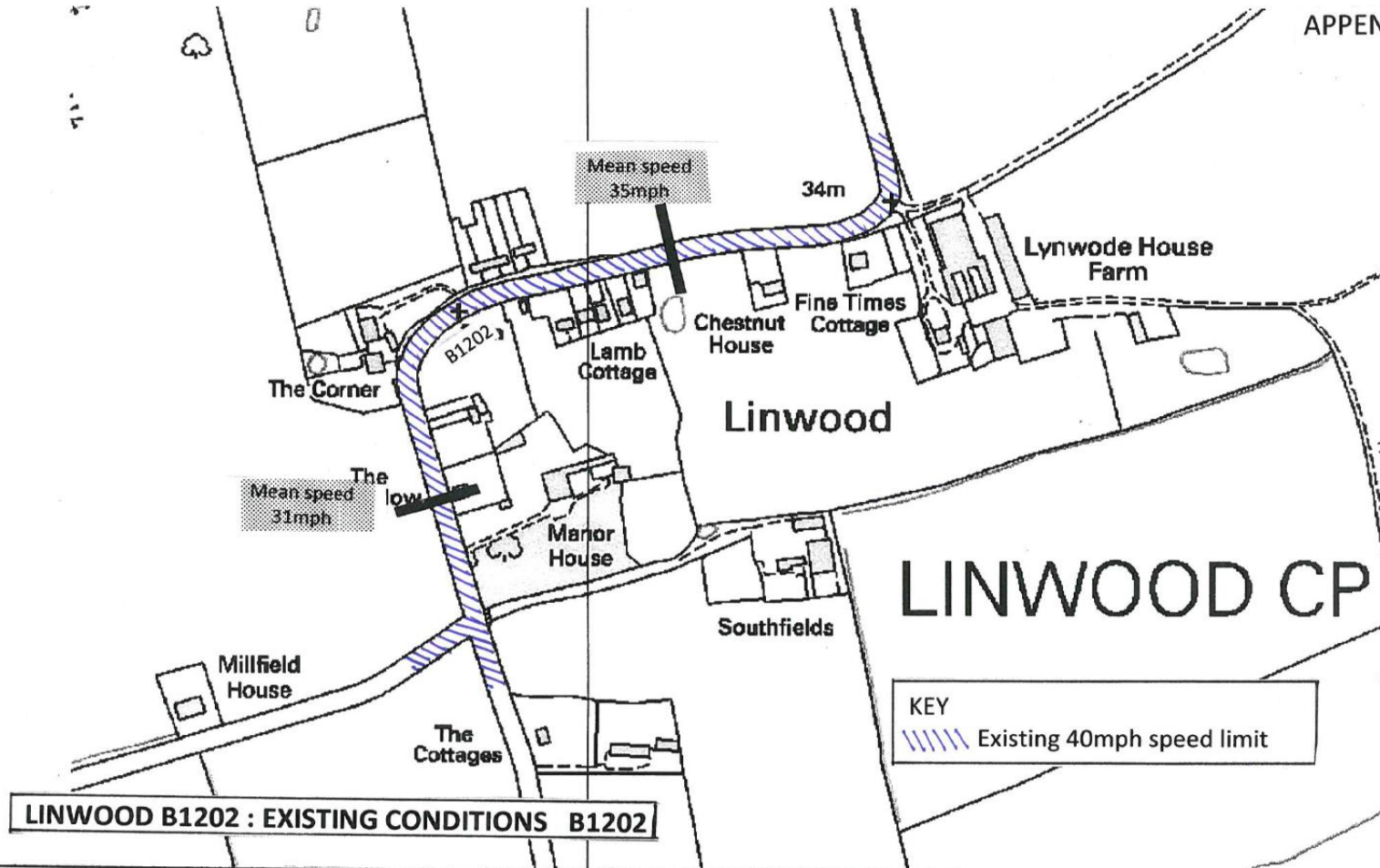
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GREAT LIMBER A18

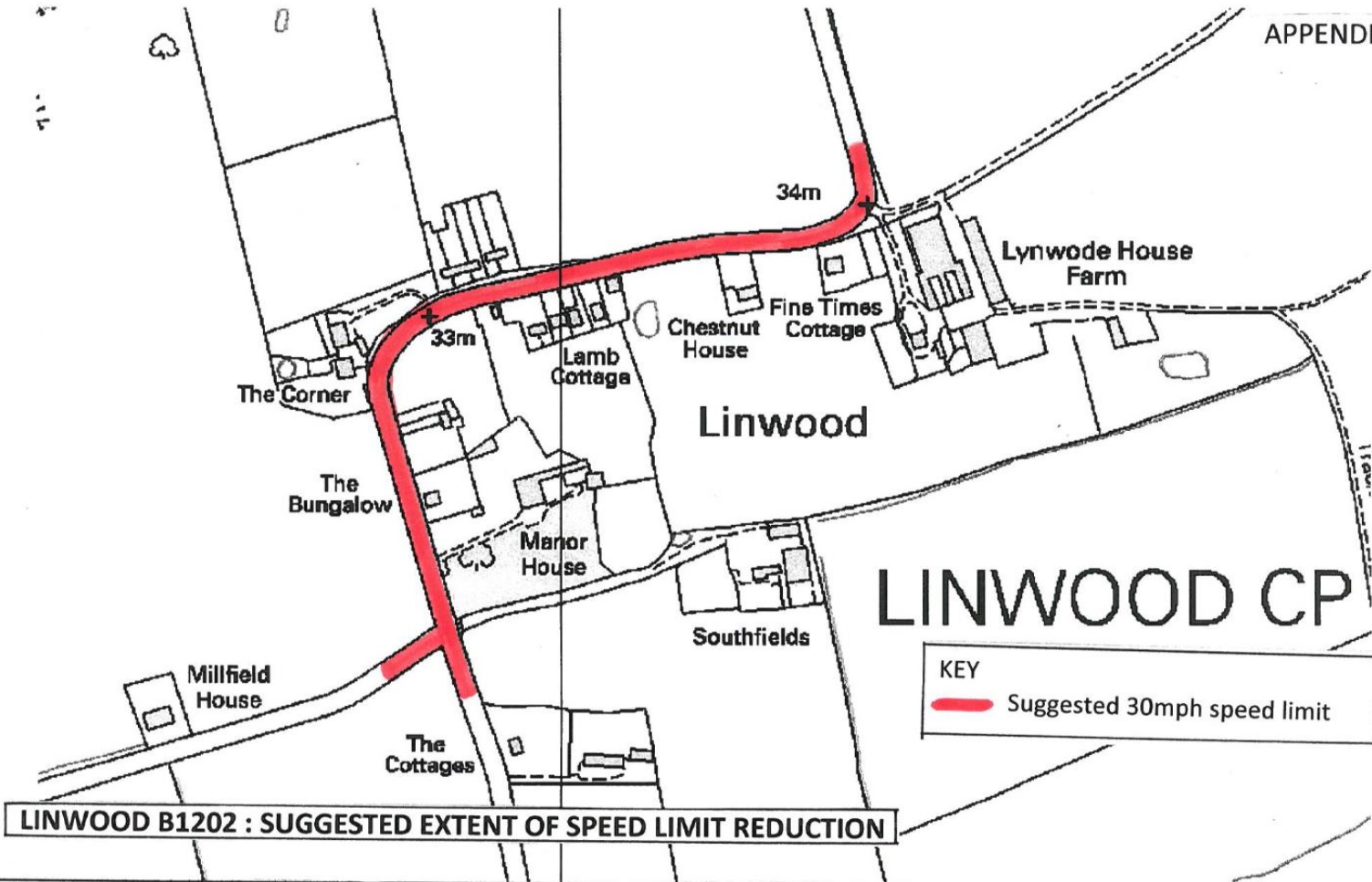
SITE LOCATION:
LINWOOD B1202

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Lincolnshire
COUNTY COUNCIL

Environment & Economy
Lincolnshire County Council
Director: Richard Wills

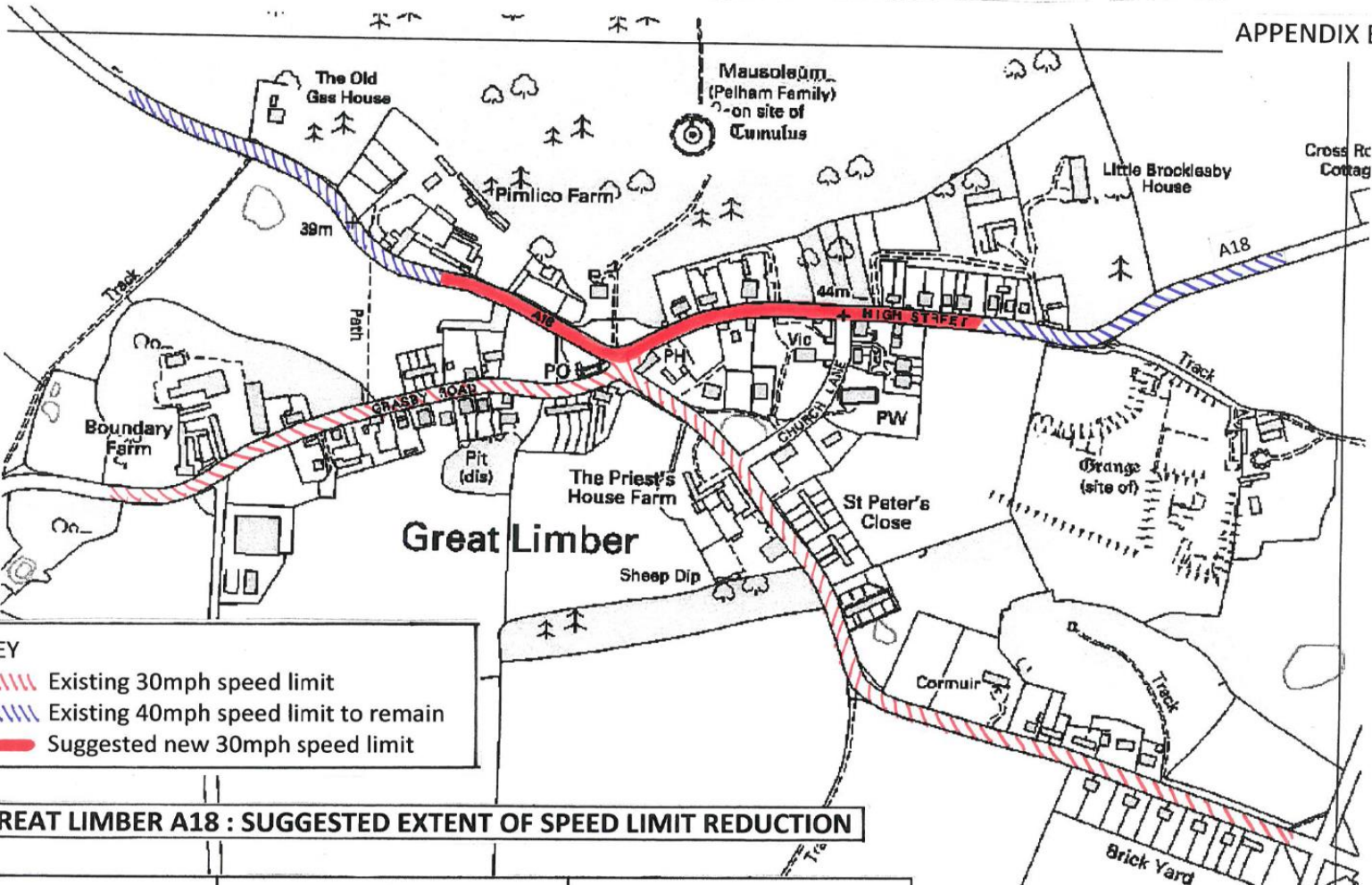




Lincolnshire
 COUNTY COUNCIL

Environment & Economy
 Lincolnshire County Council
 Director: Richard Wills

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KEY

- Existing 30mph speed limit
- Existing 40mph speed limit to remain
- Suggested new 30mph speed limit

GREAT LIMBER A18 : SUGGESTED EXTENT OF SPEED LIMIT REDUCTION

<p>Lincolnshire COUNTY COUNCIL</p>	<p>Environment & Economy Lincolnshire County Council Director: Richard Wills</p>	<p>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100025370 2006.</p> <p>© Copyright GeoPerspectives 2005</p>
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**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

<p>Report to:</p> <p>Date:</p> <p>Subject:</p>	<p>Planning and Regulation Committee</p> <p>4 June 2018</p> <p>County Matter Applications</p> <p>18/0298/CCC – Partially retrospective application to vary Condition 3 of planning permission N74/1238/12 to enable the tonnage of waste handled by the energy recovery/recycling and carpet recycling/polypropylene recovery operations to be increased from 65,000 tonnes to 260,000 tonnes per annum.</p> <p>18/0299/CCC – To vary condition 2 of planning permission N74/1232/12 to enable the tonnage of waste plasterboard received at the site to be increased from 65,000 tonnes to 100,000 tonnes per annum.</p> <p>18/0297/CCC – Partially retrospective application for the retention of a water storage tank, two residual materials storage compounds and proposed development of two additional residual materials storage compounds.</p>
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Summary:

This report deals with three concurrent applications that have been made by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy Ltd) for proposals which relate to the existing Wilsford Heath Waste Management Complex, High Dike, Ancaster, Grantham, Lincolnshire, NG32 3PY.

18/0298/CCC (hereafter referred to as Application 1) – this is a part retrospective application which is seeking to vary Condition 3 attached to planning permission N74/1238/12 to enable the permitted tonnage of waste materials to increase from 65,000 tonnes per year to 260,000 tonnes per year. This increase in tonnage would only relate to the operations and waste types associated with planning permission N74/1238/12 which allows a range of wastes to be processed which currently broadly comprise of approximately 10,000 tonnes of municipal waste, 15,000 tonnes of construction, demolition and excavation waste and 40,000 tonnes of commercial and industrial waste per year.

18/0299/CCC (hereafter referred to as Application 2) – this application is seeking planning permission to vary condition 2 attached to planning permission N74/1232/12 to enable the tonnage of waste plasterboard received at the site to increase from 65,000 tonnes to 100,000 tonnes per annum.

18/0297/CCC (hereafter referred to as Application 3) – this application is partially retrospective and is seeking planning permission for the retention of a water storage tank, two residual materials storage compounds and the proposed development of two additional residual materials storage compounds.

The Wilsford Heath complex is currently permitted to handle/process up to 130,000 tonnes of wastes per annum (as limited by permissions N74/1232/12 and N74/1238/12). If the above applications are permitted the overall tonnage for all wastes would increase to 360,000 tonnes per annum. This represents a net increase of 230,000 tonnes per annum above that is currently consented.

All three applications are subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Statement has been submitted which assesses the potential impacts of all the proposals along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.

The key issues to be assessed in consideration of these proposals are whether the proposed increased and intensified waste throughputs can be appropriately managed within the site and an assessment of any potential adverse environmental and amenity impacts arising from the proposed increased waste throughput either in isolation or cumulatively.

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. Mid UK Recycling Ltd's Wilsford Heath Waste Management complex is a substantial facility which handles and processes a range of different waste streams. The waste management facility was first established in 2010 when planning permission was granted for the change of use of the former largescale hangar type buildings associated with the nearby RAF Barkston airfield/base for waste management uses. Since 2010 a number of planning permissions have been granted which have resulted in the erection of a number of similar large-scale buildings and expansion of the waste management operations carried out within the site. All of these previous permissions have fallen within the original lateral footprint of the former main complex which covers an area of approximately 10 hectares and now comprises of a total of 11 buildings. Conditions attached to the permissions currently restrict the tonnage of wastes permitted to be accepted and handled at the site to a combined total of 130,000 tonnes per annum.

2. In 2015 the applicant submitted two planning applications which sought to extend and expand the waste management complex into agricultural land lying to the north of the site and, similar to the current proposals, to increase the permitted throughput of the site so that it could handle up to 350,000 tonnes per annum. These applications were reported to the Planning & Regulation Committee meeting on the 25 July 2016.
3. The proposed lateral extension did not accord with the spatial and locational approach promoted by both the Lincolnshire Minerals and Waste Local Plan and Central Lincolnshire Local Plan. Consequently, the application that sought permission to extend the footprint of the site was refused (ref: N74/1453/15). The concurrent application (ref: N74/1446/15) was also refused because the proposed increased tonnages had, in part, been proposed to be processed and stored within a lateral extension area. Consequently, without the lateral expansion, the applicant was unable to demonstrate that the proposed increased tonnages could be appropriately managed and accommodated within the footprint of the existing waste management complex.
4. Following the refusal of these previous applications, the applicant is again seeking permission to increase the tonnages permitted to be handled/processed by the site. This time however all wastes would be handled/processed within the footprint of the existing complex and so does not rely on any proposed lateral expansion. As well as the proposed tonnage increase, retrospective planning permission is also being sought to regularise some water storage tanks and waste storage bays as well as permission to build additional bays within the site to support the expanded facility.

The Application(s)

5. This report deals with three concurrent applications that have been made by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy Ltd) for proposals which relate to the existing Wilsford Heath Waste Management Complex, High Dike, Ancaster, Grantham, Lincolnshire, NG32 3PY.
6. The portfolio of planning applications seek to facilitate an intensification of the established waste processing, storage and transfer operations. The site is currently permitted to accept a combined total of 130,000 tonnes of wastes per annum - 65,000 tonnes of mixed recyclable wastes and 65,000 tonnes of waste plasterboard. The applications are seeking permission to increase the permitted tonnage to a combined total of 360,000 tonnes per annum – 260,000 tonnes of mixed recyclable wastes and 100,000 tonnes of waste plasterboard. This would represent a net increase of 230,000 tonnes over and above that currently permitted. The increase in tonnage sought by these applications is, however, partly retrospective as the site is already accepting around 245,000 tonnes of waste per annum – this being around 185,000 tonnes of dry mixed recyclable and 60,000 tonnes of waste plasterboard. The applications therefore seek to regularise the current exceedance of the permitted tonnages and enable a further intensification

and increase in the overall permitted tonnages through a variation of conditions attached to existing permissions and through the construction of additional storage bays and infrastructure to support such an expanded facility.

7. A summary of the main elements and proposals subject of each application is set out in turn below.

Application 1: 18/0298/CCC – Variation of condition to increase permitted tonnage of wastes from 65,000 to 260,000 tonnes per annum

8. This is a part retrospective application that is seeking to vary Condition 3 attached to planning permission N74/1238/12 to enable the permitted tonnage of waste materials to increase from 65,000 tonnes per year to 260,000 tonnes per year. The proposed increase in tonnage would only relate to the operations and waste types associated with planning permission N74/1238/12 which, when first granted, was broadly envisaged to comprise of approximately 10,000 tonnes of municipal waste, 15,000 tonnes of construction, demolition and excavation waste and 40,000 tonnes of commercial and industrial waste per year.
9. Since planning permission was first granted there has been an intensification of the processing, storage and transfer operations associated with this use and a greater volume of wastes are now accepted at the site. The applicant states that around 185,000 tonnes of wastes are therefore now being received and handled as part of this operation and this therefore represents an increase of 120,000 tonnes above that currently consented by the existing permission. This increase is stated to be because of an increased demand and an expanding customer base meaning that a large proportion of the non-recyclable mixed wastes handled are now being baled and sold for use as a Refuse Derived Fuel (RDF) and Solid Replacement Fuel (SRF). The applicant expects the demand for RDF/SRF to continue and so is seeking permission to increase the overall tonnage of wastes handled as part of this operation to 260,000 tonnes per annum. It is anticipated that around 230,000 tonnes of this total would be processed and recovered into RDF/SRF products or separated into graded plastics, paper and metals for transfer and use elsewhere, with the remaining 30,000 tonnes per annum being associated with the permitted polypropylene/carpet recycling operations.
10. No changes are proposed to the plant/equipment or operations already associated with these operations and the site would continue to operate on a 24 hour/7 days per week basis. The delivery and dispatch of materials would however be restricted to between 06:00 and 19:00 hours Monday to Friday and 08:00 and 16:00 hours on weekends and Bank/Public Holidays.
11. Finally, the permitted 65,000 tonnes per annum operation requires 110 employees whereas the expanded operations require a further 148 staff. As the operations have already intensified and so are part retrospective, approximately 116 of these additional jobs have already been created. The

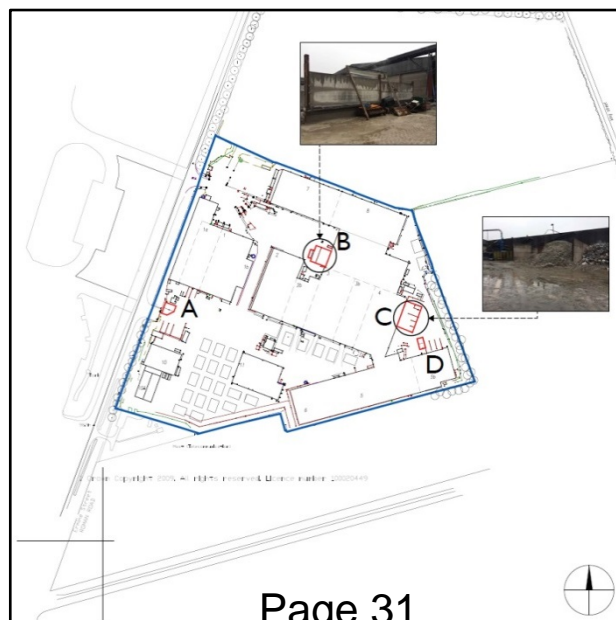
proposed further intensification would however require a further 32 staff and thus bring the total of employees associated with this use to 258 employees. If the increased tonnage is not permitted however the site would only require 120 staff and so this would result in a significant loss of both existing and future employment opportunities.

Application 2: 18/0299/CCC - Variation of condition to increase permitted tonnage of wastes from 65,000 to 100,000 tonnes per annum

12. This application is seeking planning permission to vary condition 2 attached to planning permission N74/1232/12 to enable the tonnage of waste plasterboard received at the site to increase from 65,000 tonnes to 100,000 tonnes per annum. At present the plasterboard recycling operation receives approximately 60,000 tonnes of material per annum and processes this to produce a range of products used in farming, manufacturing industries and the cement industry.
13. The applicant is seeking to increase the permitted tonnage in order to address the needs of a growing customer base and enable them to provide a greater range of gypsum products to the market. No changes are proposed to the plant/equipment or operations already associated with these operations and the site would continue to operate on a 24 hour/7 days per week basis. The delivery and dispatch of materials would also continue to be restricted to between 06:00 and 19:00 hours Monday to Friday and 08:00 and 16:00 hours on weekends and Bank/Public Holidays.
14. Finally, the existing operation currently employs 10 full time staff and a further 12 staff would be required if the increase in tonnage is permitted. This would therefore create employment for a total 22 employees.

Application 3: 18/0297/CCC – Proposed additional and retention of existing storage bays and water tank

15. This application is partially retrospective and is seeking planning permission for the retention of a water storage tank, two residual materials storage compounds and the proposed development of two additional residual materials storage compounds.



16. The open storage compounds are used to store residual waste materials processed at the site. The compounds are located in 4 areas within the site which (for the purposes of this application) are referred to as Compounds A, B, C and D.

Compound A - is located close the sites western boundary between Buildings 1A and Building 10 and is used to store residual wood wastes (e.g. broken pallets). The compound is currently constructed from temporary concrete barriers but it is proposed to replace this with two bays constructed using steel posts and concrete panelled walls. One of the bays would be 12m long by 6m wide with the other being 6m long by 6m wide. The walls of each bay would 4m high. The wood within these bays would be temporarily stored prior to their transfer off-site for further treatment/processing elsewhere.



Compound A

Compound B - has already been constructed and is located near centrally within the complex and used to store residual fines from the adjacent materials recovery operations. The compound comprises of two bays which have been constructed using steel posts and concrete panelled walls. Each of the bays are 6m long by 6m wide and have 4m high walls.



Compound B

Compounds C & D - are located within the eastern confines of the site close to Buildings 5A and 5B. Compound C has already been constructed and comprises of four storage bays that are used to temporarily store residual fines and metals. Compound D is currently a temporary bay constructed using re-appropriated steel but would be replaced with two purpose built bays that would be used for the storage of metals. Like the bays proposed elsewhere, these would each be constructed using steel posts and concrete panels walls and be 6m long by 6m wide and have 4m high walls.



Compound C



Compound D

17. The existing water storage tank is positioned horizontally next to Compound B and is approximately 9.43m long by 3.07m wide by 4m high. The tank is used to hold water that can be used in the event of a fire and is not directly necessary to support the proposed intensified use of the site now being proposed. This tank was originally included within the planning application that was refused in 2016 and so the applicant is now seeking to regularise this element of the development as part of this application.



Water Tank

Environmental Statement

18. An Environmental Statement (ES) has been produced and submitted to jointly cover all three applications before the Committee today. Due to the intrinsic linkages between the various applications, the ES assesses the potential impacts associated with all the various proposals and sets out the findings and any mitigation measures to be implemented as part of the developments.
19. The Environmental Statement (ES) is considered to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The contents of the ES can be summarised as follows:

Chapter 1 - provides a brief introduction to the three applications and sets out the legislative framework and basis for the Environmental Statement.

Chapter 2 - gives background and context for the application and includes a description of the overall site, the site's planning history, an outline of the proposed development and operations sought by the applications and a description of the alternatives to the proposal(s) considered by the applicant. This chapter also sets out what pre-application consultation/engagement was carried out prior to the submission of this application.

Chapter 3 - sets out the planning policy context and contains an appraisal of the proposals against the National Planning Policy Framework (2012), National Planning Policy for Waste (2014), Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (2016) and Central Lincolnshire Local Plan (2017).

Chapter 4 explains that assessments have been carried out in order to analyse the potential environmental impacts of the proposed developments. The assessments undertaken contain a description of the potential impacts and how any identified impacts are to be minimised or mitigated (e.g. through planning conditions or adoption of specific mitigation measures/works). A summary of the findings is set out in Chapters 5 to 8 of the ES and, where relevant and necessary, detailed technical assessments support each chapter. A summary of each of these chapters/topics is given below:

Chapter 5: Landscape and Visual Impact (LVIA) – this chapter considers the physical and visual impact of the development upon the landscape and identified receptors. The LVIA focuses solely on the additional compounds and structures proposed by Application 3 as the other planning applications (i.e. Applications 1 to 2) do not seek additions to the existing built form or scale of the site and therefore would have no additional landscape or visual impact.

The waste management complex itself has been a presence within the landscape for decades although its use has changed from its original association with the adjacent airfield to a warehouse and waste

management complex. Additional buildings and structures have been constructed on the site in recent years and whilst these have changed its physical and visual appearance those changes have been deemed acceptable. The additional compounds and water tank essentially occupy four separate areas of land lying within the footprint of the existing established waste management complex. The ES states that the scale and visual prominence of these would therefore be limited to the immediate confines of the site and not impact upon the wider landscape character area. As the compounds and water storage tank would not be readily perceptible beyond the immediate confines of the site they are assessed as not likely to have any significant adverse visual or landscape impacts in the short, medium or long-term. No mitigating measures are therefore considered necessary.

Chapter 6: Traffic & Access – this chapter is supported by a Transport Assessment (TA) which contains details of both the existing daily traffic generation as well as the potential increased traffic generation arising as a result of the proposed intensified use of the site.

The TA confirms that the site is already receiving approximately 245,000 tonnes of recyclable waste (e.g. approximately 185,000 of mixed wastes and 60,000 tonnes waste plasterboard) which exceeds the 130,000 tonnes per annum permitted by existing planning permissions. When operating at its permitted capacity of 130,000 tonnes per annum, vehicle movements to the site would have averaged around 242 two-way movements per day / 1,210 per week (all classes). As the site is already operating in exceedance of this permitted capacity, vehicle numbers at present average 460 two-way movements per day / 2,300 per week (all classes). The TA estimates that the expanded/intensified facility operating at a maximum capacity of 360,000 tonnes per annum would create an average 598 two-way vehicle movements per day / 2,990 per week (all classes).

In order to help minimise any impacts on the local highway network and to improve road safety along the B6403 (High Dike) and the site's existing entrance, the applicant has proposed that highway improvement works be carried out to create a 'right hand turning lane'. In order to mitigate the impact of increased employee vehicular movements a Travel Plan strategy would be implemented and incentives promoted to encourage all staff to car share wherever possible and also the uses of communal transport options in order to reduce the number of individual journeys. Overall it is concluded that the development would not have any significant adverse impact upon the capacity and safety of the local highway network.

Chapter 7: Noise – this chapter is supported by a Noise Assessment. The assessment identifies three noise sensitive locations/receptors around the site and compares the noise levels currently experienced at these locations with those that are predicted to arise from the proposed intensified use. The sensitive receptors/locations are a Scout Camp located to the north of the site and residential properties located to the south (Wilsford Heath Farm) and east (Valley Farm).

As the site operates on a 24/7 basis, the assessment compares existing noise levels arising from the site/waste management operations with those predicted to arise during both the daytime and night-time periods. The assessment also considers potential intensified noise impacts associated with traffic but in this regard focuses on the daytime period only as HGV and delivery times are governed by more restrictive hours of operation.

The assessment concludes that, for site operations, the difference in noise experienced at the sensitive receptors would be small with levels increasing by +0.4 and 0.9dB during the daytime period. During the night-time, the level would remain unchanged or increase by +0.7dB. Noise attributable to traffic is predicted to increase to no more than 1dB. Given this the assessment concludes that any increased noise arising from the proposed intensified use and resulting traffic movements would be negligible. Therefore the developments would not have any significant adverse impacts in the short, medium or long-term and no mitigating measures are therefore considered necessary.

Chapter 8: Nature Conservation and Air Quality – this chapter considers the potential impacts of the intensified use and proposed highway improvements promoted as part of the application(s) upon nearby designated sites of ecological value and any protected species. The proposed highway improvement works would alter the road layout at the site entrance and affect roadside verges. The roadside verges on the western and eastern side of the area proposed to be affected are designated as a non-statutory Local Wildlife Site (Copper Hill to Lonthorpe Verges) as they contain rich calcareous grassland flora.

The ecological assessment confirms that, with the exception of the highway improvement works, the intensification of the operations within the existing complex would be very unlikely to have any adverse impacts on protected species and adjacent statutory and non-statutory sites.

The proposed highway improvement works would affect the road layout however the works would not directly impact on the designated section of the eastern roadside verge. The works would however result in the direct loss of a section of the western roadside verge and part of the hedgerow associated with this verge. The section of verge that would be lost however has been surveyed and comprises of mainly rough grassland and would not meet the required criteria for designation as a Local Wildlife Site. Similarly, the section of hedgerow that would be lost would not meet the criteria to qualify as 'important' and is small in scale and so the impact of its loss considered to be low and of local scale. The ecological assessment nevertheless recommends that any impacts arising from the improvement works could be mitigated through replacement planting and active management of the roadside verges. With such mitigation measures in place the impacts of the development(s) are assessed as being negligible.

Finally, in respect of air quality impacts, the assessment acknowledges that increased levels of vehicular traffic could result in changes to localised vehicle emissions and that those emissions and pollutants could in turn impact upon the locally designated sites and habitats. The impacts of any such increases however are difficult to model or assess and there is no accurate mechanism or critical threshold to identify when adverse effects would arise. The ES acknowledges this deficiency but also recognises that some of the best examples of calcareous grassland within the County exist along main roads which are heavily trafficked. This therefore suggests that calcareous grassland within roadside verges can tolerate high levels of vehicle emissions. Given the current condition of the verges around the complex, even if traffic movements were to increase as a result of the site operating at a maximum throughput of 360,0000 tonnes per annum, it is suggested that this would be unlikely to have any detrimental impact on the calcareous grassland surrounding the site.

Chapter 9 - this chapter gives a brief overview of the main findings of the ES in an easily understandable and accessible format.

Site and Surroundings

20. The existing Wilsford Heath waste management complex covers an area of approximately 10 hectares and comprises of 11 primary buildings augmented by a number of ancillary structures. The buildings house a range of waste management operations/uses.
21. The site is accessed off the B6403 (High Dike) which joins the A52 to the south towards Grantham and the A153 towards Ancaster to the north. The village of Ancaster is situated approximately 1.5km to the north of the site and there are relatively few sensitive receptors in the locality with no dwellings being located within 400m of the site. Approximately 240 metres to the north of the application site lies the Copper Hill Site of Special Scientific Interest (SSSI) which is designated because of its geological importance and associated flora and fauna however this would be unaffected by this proposal.





22. To the west of the complex lies RAF Barkston Heath which is a flight training centre. To the north, beyond an agricultural field, lies a wooded area which forms part of a Scout Camp which is used periodically throughout the year by the Grantham & District Scout Association.

Main Planning Considerations

National Guidance

23. 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. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 14 (Sustainable Development) states that there is a presumption in favour of sustainable development and therefore proposals that accord with the development plan should be approved (unless material considerations indicate otherwise).

Paragraph 17 (Core Planning Principles) sets out 12 core land-use planning principles that should underpin both plan-making and decision-taking.

Paragraphs 32 to 35 (Transport) seeks to secure sustainable modes of transport and provide safe and suitable access to sites. Development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment and decisions should take account of whether, amongst other things, safe and suitable access to the site can be achieved for all people.

Paragraph 103 (Flood Risk) states that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment and following the application of the Sequential and Exception Tests.

Paragraph 109 (Natural and Local Environment) states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimise impacts on biodiversity and prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 120 (Pollution and Health) states that planning decisions should ensure that new development is appropriate for its location and that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the areas or proposed development to adverse effects from pollution, should be taken into account.

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

Paragraph 123 (Noise and Quality of Life) states that planning decisions should aim to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions.

Paragraphs 128 to 141 (Heritage Assets) seeks to ensure that any heritage assets associated with development sites are appropriately addressed and sets out the need to protect these assets wherever possible.

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

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

Paragraphs 215 and 216 (Status of Local Plans and Policies) advises what weight should be given to relevant policies in existing and emerging local plans according to their degree of consistency with the NPPF and their stage of preparation (i.e. the closer the policies in the plan to the policies in the NPPF the greater the weight that may be given).

24. National Planning Policy for Waste (NPPW) (October 2014) sets out detailed national waste planning policies and is a material consideration in the determination of planning applications. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals.

Local Plan Context

25. Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (June 2016) - the key policies of relevance in this case are:

Policy W1 (Future Requirements for New Waste Facilities) states that the County Council will, through the Site Locations document, identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County up to and including 2031.

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

Policy 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.

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.

Policy DM6 (Impact on Landscape) states that planning permission will be granted for mineral and waste development 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.

Policy DM8 (Nationally Designated Sites of Biodiversity and Geological Conservation Value) seeks to safeguard Sites of Special Scientific Interest, National Nature Reserves and irreplaceable habitats from inappropriate minerals and waste development.

Policy DM9 (Local Sites of Biodiversity Conservation Value) seeks to safeguard locally designated sites (including Local Wildlife Sites, Sites of Nature Conservation Value, County Wildlife Sites, etc) from inappropriate minerals and waste development.

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

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

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

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

26. Central Lincolnshire Local Plan (CLLP) (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 LP5 (Delivering Prosperity and Jobs) lends support to proposals which assist in the delivery of economic prosperity and job growth to the

area. The expansion of existing businesses which are currently located in areas outside allocated employment sites will be supported where:

- existing buildings are reused;
- they do not conflict with neighbouring land uses;
- they will not impact unacceptably on the local and/or strategic highway network;
- and the proposal would not have an adverse impact on the character and appearance of the area.

Policy LP12 (Infrastructure) states that planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development. Consideration must also be given to the likely timing of infrastructure provision and as such, development may need to be phased either spatially or in time to ensure the provision of infrastructure in a timely manner. Conditions or a planning obligation may be used to secure this phasing arrangement.

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

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

Policy LP20 (Green Infrastructure Network) lends support to proposals that maintain and improve the green infrastructure network in Central Lincolnshire by enhancing, creating and managing multifunctional green space within and around settlements that are well connected to each other and the wider countryside. Proposals that cause loss or harm to this network will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts. Where adverse impacts on green infrastructure are unavoidable, development will only be permitted if suitable mitigation measures for the network are provided.

Policy LP21 (Biodiversity and Geodiversity) seeks to direct all development proposals protect, manage and enhance statutory and non-statutory designated sites by minimising impacts.

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

Policy LP55 (Development in Hamlets and the Countryside) Part E non-residential development which specifies criteria that should be addressed to allow support including proximity to existing established business, would not conflict with neighbouring uses and size and scale commensurate with the proposed use.

Results of Consultation and Publicity

27. (a) Caythorpe & Frieston Parish Council (nearby Parish) – reiterated their concerns regarding the increase in the volume of HGV traffic travelling throughout their villages. It is stated that this increased traffic places an intolerable strain on the local highways, damaging roads and verges and increase the risks to public safety. It is added that as the County Council is financially strapped at this time there is little or no money being spent on the already deteriorating road infrastructure. Should the County Council be minded to approve these applications then consideration should be given to securing a S106 Planning Obligation to control road traffic to A roads only and for continuing maintenance of the highway.
- (b) Natural England – confirmed they have no objection to the three applications. The proposed amendments sought by these applications would be unlikely to have significantly different impacts on the natural environment than the original development.
- (c) Lincolnshire Wildlife Trust - has commented that their primary concern is the impact of the proposed highway improvement works upon the roadside verges along High Dyke which are designated as a Local Wildlife Site (Copper Hill to Londonthorpe Verges). The proposed improvement works would result in the direct loss of around 350m of the existing verge. Although patchy in quality along its length, the verges have been designated due to the frequent occurrence of species rich grassland and, even where sections are species poor, offer high ecological value as they allow the movement of associated wildlife.

LWT note that the ecological survey undertaken shows that the stretch of verge that would be lost is of low species diversity. If the improvements are deemed necessary for safe traffic management and road user safety, they would not be in a position to object. However, if the works are to be undertaken then the extent of these works should be restricted only to that as indicatively identified within the application. Furthermore, mitigation and compensation measures should be secured to deliver net biodiversity gains. This would comprise of the creation and management of the restored western roadside verges (following completion of the works) and active management of the existing eastern roadside verge running alongside the waste management complex. Recommendations and advice regarding management techniques and regimes to be utilised have been provided in their response.

- (d) Public Rights of Way Officer (Lincolnshire County Council) – has confirmed that they have no comments or observations to make in relation to these proposals.

- (e) Environment Agency – no objection to Applications 1 & 2 but has requested that the applicant's attention be drawn to the need to amend the sites Environmental Permit should permission be granted. This advice can be appropriately dealt with by way of an Informative.

In relation to Application 3, no objection has been raised but it is requested that a condition be imposed to secure details relating to surface water drainage from the storage bays and that prevents the infiltration of surface waters to the ground.

- (f) Highway & Lead Local Flood Authority (Lincolnshire County Council) – has no objection to the proposed increase in tonnages and resultant traffic movements to and from the site. The impacts arising from these applications would not be so severe that planning permission should be withheld or refused on highway safety or traffic capacity grounds. However, in the interests of reducing the likelihood of vehicle collisions on the B6403 (High Dyke), as the number of vehicles waiting to turn right would increase, it is requested that the proposed highway improvement works be secured should these applications be permitted.
- (g) Grantham and District Scout Association – has confirmed that as the new developments and changes proposed are within the existing site, in principle, they have no objection to the applications. The following comments/observations are however also made and it is requested that these be taken into account (summarised):

- Delivery hours – concerns that traffic has been seen entering and leaving the site outside the hours permitted. The Scout Association refer to the hours being 0700 to 1800 hours weekdays and 0800 to 1600 hours* at weekends and Bank Holidays and requests that these be reinforced and repeated on any new permission granted.

*the hours cited by the Scout Association are incorrect and the permitted hours are 0600 to 1800 hours weekdays and 0800 to 1600 hours weekends and Bank Holidays. These were amended and approved in July 2016.

- Litter – there are problems with litter escaping the site and this appears to be because the buildings have openings and open doors. Surely this is a breach of planning conditions or if not can something be done to address this?
- Wheelwash – there is always a significant amount of dust and debris on the highway which is not attributable to the nearby quarry. It was assumed there was an existing requirement for a wheelwash at the site but if not one should be considered.

28. The following persons/bodies were notified/consulted on the application but no comments/responses had been received by the time this report was prepared:

Local County Council Member, Councillor A Hagues
Adjoining County Council Member, Councillor R Wootten
Wilsford Parish Council
Barkston and Syston Parish Council (adjoining Parish)
Ancaster Parish Council (nearby Parish)
Carlton Scroop Parish Council (nearby Parish)
Fulbeck Parish Council (nearby Parish)
Historic Environment (Lincolnshire County Council)
Environmental Health (North Kesteven District Council)
Environmental Health (South Kesteven District Council)
Lincolnshire Fire and Rescue
Anglian Water Services Ltd

29. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 8 March 2018) and letters of notification were sent to the nearest neighbouring residents. No representations had been received as a result of this publicity/notification within the statutory consultation period or by the time this report was prepared.

District Council's Observations / Recommendations

30. North Kesteven District Council – in relation to Applications 1 & 2, the impacts associated with the proposed increase in tonnages would largely be restricted to within the confines of the existing site but there would be an associated increase in vehicle movements. The application(s) propose a range of mitigation measures including the provision of a right turn land from the B6403 (High Dyke). The Council therefore requests that a condition be imposed on any permission granted which would secure these works and that any previously imposed conditions relating to hours of operation be carried across onto any new permission issued.

The Council has confirmed that they have no comments/observations to make in relation to Application 3.

31. South Kesteven District Council (adjoining Authority) – were consulted on 27 February 2018 but no response/comments had been received within the statutory consultation period or by the time this report was prepared.

Conclusions

32. The main issues to be considered in the determination of these applications are:
- the need for additional waste treatment capacity, and;
 - whether the proposed increased tonnages proposed by Applications 1 & 2 and the additional storage compounds and water tank proposed by Application 3 can be carried out without having significant adverse environmental or amenity impacts, principally in visual terms and secondly in terms of surface water management.

Need for additional waste treatment capacity

33. Materials recovery/recycling operations process and screen waste materials which can either be recycled elsewhere or processed/recovered to marketable products. Such facilities therefore help to move the management of wastes up the waste hierarchy and reduce the overall quantity of wastes that may otherwise go to landfill. The NPPF and NPPW support the development of such facilities and similarly Policy W1 of the CSDMP supports proposals for new waste management facilities where these are necessary to meet an identified capacity gap for wastes arising in the County.
34. In this case, the CSDMP confirms that there is need to establish mixed waste recycling facilities that are capable of managing local authority controlled wastes (LACW), commercial and industrial wastes (C&I) and agricultural wastes not only to meet an existing shortfall in treatment capacity (circa 75,000 tonnes per annum) but also a predicted increased capacity gap (circa 172,250 tonnes) by 2031. Table 10 of the CSDMP consequently confirms that in order to meet this identified capacity gap a number of facilities will be required during the plan period. Assuming an annual capacity of 75,000 tonnes per new facility, the CSDMP indicates that a total of three such facilities (or equivalent capacity) would be required in the short-term with additional facilities/capacity required by 2020 and 2031. Although the CSDMP indicates that three such facilities are required, this does not preclude the establishment of fewer facilities which could have a higher annual capacity or conversely an increased number of smaller facilities with lower annual capacities where such sites are acceptable both in locational and environmental/amenity terms.
35. Similar to the applications in 2016, the current applications propose to increase the annual throughput and permitted tonnages of wastes that can be handled by, and within the footprint of, the existing MRF complex. Applications 1 & 2 would together increase the overall annual treatment capacity of the complex to 360,000 tonnes per annum which is a net increase of 230,000 tonnes per annum over that currently consented. If approved the site would therefore help to address the identified capacity gap for mixed LACW and C&I waste streams in the short-term and also contribute towards addressing the predicted capacity gap which is identified by 2020. The increased handling capacity would therefore support the objectives of Policies W1 and DM2 of the CSDMP.
36. Notwithstanding the above, in order to be considered acceptable, the proposals must also demonstrate compliance with the other relevant policies as contained within the Development Plan. This includes demonstrating that the intensified operations (and any associated external impacts such as increased traffic, etc) along with the additional compounds and infrastructure proposed to support this intensified use, could be conducted without resulting in unacceptable adverse environmental and amenity impacts.

Environmental and Amenity Considerations

Landscape & Visual

37. Applications 1 and 2 would amend conditions attached to the existing planning permission(s) and would not directly result in any change to the physical form or appearance of the existing complex. However, the additional storage compounds and water tank (subject of Application 3) are required in order to support the increased tonnage of waste that Applications 1 and 2 propose and also introduce new structures and built features within the main complex. As a result, all three applications/proposals have the potential to give rise to increased landscape and visual impacts either directly or indirectly and on their own or when considered cumulatively with the existing site. Having assessed the application(s) however, I am satisfied that given their positioning within the site, design and size these new structures would largely not be visible from views outside of the site. Conditions could be imposed to ensure that materials/wastes stockpiled within these bays are restricted to heights consistent with the height of the concrete walls (e.g. 4m). This would further reduce the risk that the bays and wastes handled by the site would have any noticeable external impact upon the surrounding landscape. I am therefore satisfied that from a landscape and visual perspective, the proposed increased tonnages (Applications 1 and 2) and the existing and proposed additional compounds and the water tank (Application 3) would not have any adverse impact on the surrounding area or amenity of nearby users (including from the adjacent Scout Camp) and therefore would accord with the objectives of CSDMP Policies DM3 and DM6 and CLLP Policies LP17 and LP26.

Traffic & Access

38. The increased tonnages sought by Applications 1 & 2 would increase traffic movements to and from the site. When the Wilsford complex was first granted permission traffic movements were assessed on the basis of the site handling 130,000 tonnes per annum however as the tonnages of wastes handled at the site have increased in recent years so too has the frequency and number of vehicles travelling to and from the site. This intensification has led to concerns from Parish Councils in and around the area about the high volume of traffic and its impacts on the condition of the highway network and the safety and amenity of other road users and residents. Most of these concerns and objections have come from the Parish Councils that are located closer to the applicants other site at Caythorpe and are made on the grounds that this development could lead to further increases in traffic between the sites and along the A607 which is already heavily trafficked. The Scout Association has also suggested that HGV's travel and access the site outside of the permitted hours of operation and so any breaches should be addressed and reinforced. They have also suggested that a wheelwash should be installed at the site.
39. It is accepted that traffic movements have intensified and would continue to increase if Applications 1 & 2 are granted, however, whilst the above

objections and concerns are noted, the Highways Officer has raised no objections to these applications. The Highways Officer has considered the information contained within the Transport Assessment and is satisfied that the additional traffic could be safely accommodated within the network and would not have an unacceptable adverse impact in terms of its function or safety. The proposed improvements to the sites entrance are also welcomed and would create a safer turning arrangement on the High Dike and so further reduce the risk of accidents and delays to other road users. As such these are supported and it is recommended that they be secured if permission is granted.

40. Representations have been received which recommend that a wheelwash be provided at the site and that a S106 Planning Obligation be secured to restrict traffic routes to and from the site and for monies to be paid to maintain and repair the highway network. With regard traffic routeing, the applicant would continue to direct traffic towards the A607 and so traffic flows would increase along this stretch of road. The A607 is however an A classified road and so forms part of the strategic road network which is the most suitable and preferred route for such traffic. Given this I do not consider it reasonable or necessary to impose a routeing restriction in this case. Like other road users, traffic is free and able to travel on the highway network at any time, however, the hours of operation governing when HGV traffic can actually enter the site would remain unchanged from those already permitted. Existing conditions and controls would therefore remain in place to minimise the impacts of traffic on the immediate locality and should breaches of these be identified and demonstrated appropriate enforcement action can be taken. Additionally, it is also not usually appropriate to secure monies for general maintenance of the wider highway network as this is the responsibility of the Highway Authority. The proposed highway improvements would take place within the boundaries of the existing maintainable highway and so would not extend the network itself. Finally, whilst the Parish Council has been suggested that a wheelwash be secured, I also do not consider this to be necessary. Although there have been incidences of mud and debris being found along High Dyke in the past, given the nature and type of wastes accepted at the site and the fact the surfaces around the complex are largely hard surfaced, this is unlikely to have arisen from the proposal site. Instead any debris and mud is more likely to have been sourced from the nearby quarry and/or farm traffic and so any breaches of conditions associated with those developments can be enforced rather than place an unnecessary or burdensome requirement on the applicant in this case. Therefore, it is not recommended that a wheelwash be secured should permission be granted.
41. Overall, having considered the representations received, the location of the site and the nature of the local highway network, I am satisfied that the proposed increased traffic arising from these applications would not have a significant adverse impact on the function or safety of the local highway network or have an adverse impact upon the amenity of local residents such to warrant the refusal of the applications. Furthermore, the proposed improvements to the highway at the site entrance are welcomed and so

should be secured in order to provide betterment and further reduce the risk to other road users and so it is recommended that these be secured as part of any permission granted. Subject to this I am satisfied that the development would be acceptable and would not be contrary to CSDMP Policies DM3 and DM14 and CLLP Policies LP5 and LP12.

Noise

42. No changes are proposed to the plant and equipment used to handle, process and transfer wastes handled at the site and all processing operations would continue to take place within the buildings as authorised. The noise assessment submitted as part of the ES has demonstrated that any increases in noise as a consequence of the proposed intensified use and resulting traffic movements would be negligible and therefore would not have any significant adverse impacts on the surrounding area or nearby sensitive receptors. I am therefore satisfied that the proposals accord with the objectives of CSDMP DM3 and CLLP Policies LP26 and LP55.

Nature Conservation

43. The main ecological impact of these proposals would be the direct loss of part of the roadside verge and hedgerow which lies outside and opposite the existing site entrance. The roadside verges along High Dyke are designated as a Local Wildlife Site and around 350m of the verge would be lost as a consequence of the proposed highway improvement works. Although the verges have been locally designated due to the presence of calcareous grass species, the survey work carried out in support of the application has demonstrated that the section of verge that would be lost is of poor quality. Similarly, the small section of hedgerow that would be lost would not meet the criteria to qualify as important. Whilst the permanent loss of these features is regrettable I am satisfied that, on balance, the benefits the proposed highway improvement works would secure in terms of improved highway safety and function would justify and outweigh the impacts arising from the loss of these features. Mitigation and compensation nevertheless have been proposed by the applicant and are supported by the Lincolnshire Wildlife Trust which, subject to be secured, I am satisfied would off-set the impacts and deliver net biodiversity gains and therefore would not be contrary to the objectives of CSDMP Policies DM8 and DM9 and CLLP Policies LP20 and LP21.

Drainage

44. The compounds have/are to be constructed on the existing impermeable hardstanding areas within the site. Surface water run-off from the compounds is/would be managed via the existing systems supporting the site. In the case of the existing Compounds B and C, surface water run-off is directed towards an existing sealed drainage system. Surface water run-off from the proposed Compounds A and D would be discharged to an existing soakaway system. Despite the information presented in the application, the Environment Agency has asked that further details of the

surface water drainage arrangements be secured by way of condition as they have concerns that the waste materials stored within the compounds could still potentially pose a pollution risk to the water environment if run-off is not appropriately managed. It is therefore recommended that a condition be imposed to secure further details of these in order to ensure that the development does not have an adverse impact on the underlying water environment. Subject to this the development would not conflict nor compromise CSDMP Policies DM15 and DM16 and CLLP Policy LP14.

Human Rights Implications

45. 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.

Final Conclusions

46. I am satisfied that having taken into consideration the information contained within the application and supporting Environmental Statement; the comments received through consultation and publicity, and; having assessed the proposals against the relevant policies contained within the Lincolnshire Minerals and Waste Local Plan and Central Lincolnshire Local Plan; the proposed additional wastes and intensified operations could be appropriately carried out and managed without giving rise to any significant adverse environmental and amenity impacts such that planning permission should be refused. Therefore it is recommended that conditions planning permission be granted for all 3 applications/proposals.
47. In respect of Applications 1 and 2, 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 notices be issued with a comprehensive set of conditions which recite (where relevant) and/or update the conditions that were originally attached to the relevant planning permissions.

RECOMMENDATIONS

It is recommended that:

A. 18/0298/CCC (Application 1) – Variation of condition to increase permitted tonnage of wastes from 65,000 to 260,000 tonnes per annum

That planning permission be granted subject to the conditions as set out in Appendix B.

B. 18/0299/CCC (Application 2) – Variation of condition to increase permitted tonnage of wastes from 65,000 to 100,000 tonnes per annum

That planning permission be granted subject to the conditions as set out in Appendix C.

C. 18/0297/CCC (Application 3) – Proposed additional and retention of existing storage bays and water tank

That planning permission be granted subject to the conditions as set out in Appendix D.

D. This report forms part of the Council's Statement pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which requires the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 30(1)(d) the Council must make available for public inspection a statement which contains:

- the reasoned conclusion of the Council on the significant effects of the development on the environment, taking into account an examination of the environmental information;
- any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
- a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset likely significant adverse effects on the environment;
- any monitoring measures considered appropriate by the Council;
- the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
- a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed;
- information regarding the right to challenge the validity of the decision and the procedures for doing so.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	Draft decision notice and conditions relating to application 18/0298/CCC
Appendix C	Draft decision notice and conditions relating to application 18/0299/CCC
Appendix D	Draft decision notice and conditions relating to application 18/0297/CCC

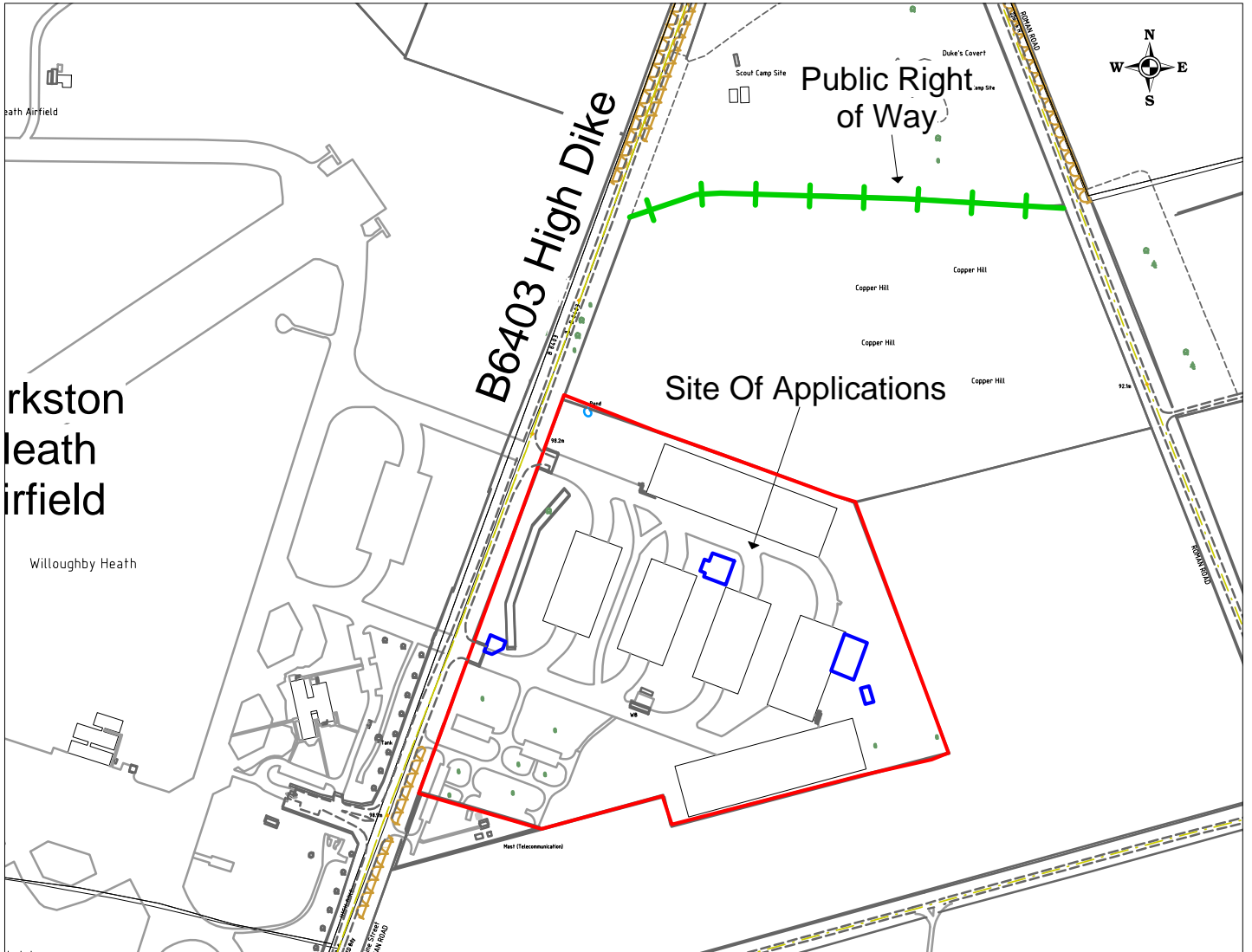
Background Papers

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

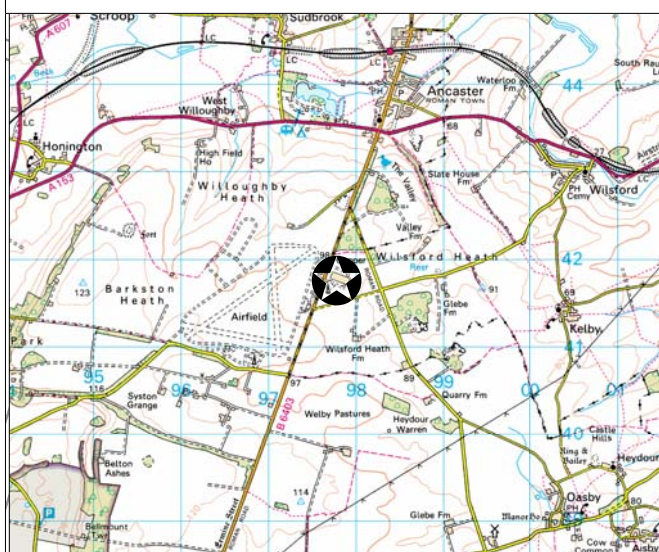
Document title	Where the document can be viewed
Planning Application File	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan	Lincolnshire County Council website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan	https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/

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

LINCOLNSHIRE COUNTY COUNCIL
PLANNING AND REGULATION COMMITTEE 4 JUNE 2018



Prevailing Wind Direction from the south-west ↗



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<p>Location: Wilsford Heath Materials Recovery Facility High Dike Ancaster</p>	<p>Description: See Committee Report</p>
<p>Application Nos: 18/0297/CCC 18/0298/CCC 18/0299/CCC</p>	
<p>Scale: 1:5000</p>	
<p>Page 54</p>	

18/0298/CCC – Partially retrospective application to vary Condition 3 of planning permission N74/1238/12 to enable the tonnage of waste handled by the energy recovery/recycling and carpet recycling/polypropylene recovery operations to be increased from 65,000 tonnes to 260,000 tonnes per annum

1.
 - (a) 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 N74/1238/12 (as amended by permission N74/1452/15) has been implemented and therefore commenced.
 - (b) The development hereby permitted shall only be carried out in accordance with the following documents and plans, unless otherwise agreed in writing with the Waste Planning Authority (WPA), or where modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
 - a) Environmental Statement (dated November 2012 ref: JHG/039/11) as amended by the details contained within the application and Environmental Statement (dated January 2018 ref: JHG/048/16);
 - b) F2772-01 "Site Plan" (received 9 February 2018);
 - c) F2772-03 "Site Plan" (received 9 February 2018);
 - b) F2244-A1-01d "Proposed Site Plan & Survey Site Plan" (received 24 June 2013);
 - c) F2244-A1-02D "Proposal Drawing – SHED 9 & SHED 3b infill" (received 24 June 2013);
 - d) F2244-A1-03D "Proposal Drawing – 5a, Eastern Substation & Residual Metal Storage area" (received 24 June 2013);
 - e) F2244-A1-04D "Proposal Drawing – 1a & 1b" (received 24 June 2013);
 - f) F2244-A1-05d "Proposal Drawing – Dust Extraction System, Western Substation, Intake Substation and Bund" (received 24 June 2013);
 - g) F2244-A1-06D "Proposal Drawing – Sheds 10 & 11" (received 24 June 2013); and
 - h) F2244-07A "Proposal Drawing – portacabin (office) & smoking shelter" (received 24 June 2013).
2. A total of no more than 260,000 tonnes per calendar year of material shall be brought to the site as shown within the red line boundary on Drawing No. F2244-A1-01d "Proposed Site Plan & Survey Site Plan" (received 24 June 2013) for the purposes of the development hereby permitted. All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority on request.

3. Only the site entrance shown within the red line boundary on Drawing No. F2244-A1-01d "Proposed Site Plan & Survey Site Plan" (received 24 June 2013) shall be used in relation to the development hereby permitted. This access shall remain clear of obstruction at all times.
4. The visibility splays at the site entrance shall be kept free of all obstacles exceeding 0.6 metres in height at all times.
5. Except where permitted by other planning permissions, no external storage shall take place anywhere within the red line boundary on F2772-03 'Site Plan' (received 8 February 2018) or Drawing No. F2244-A1-01d "Proposed Site Plan & Survey Site Plan" (received 24 June 2013).
6. No activities associated with the tipping or sorting of materials shall be undertaken outside the buildings or ancillary open storage compounds at any time.
7. No additional lighting shall be installed without the approval of the Waste Planning Authority.
8. The delivery of materials in relation to the development hereby permitted shall only be carried out between the following hours:

06:00 and 19:00 Mondays to Fridays and
08:00 and 16:00 Saturdays, Sundays and Bank Holidays.
9. The dust suppressant measures detailed in the Environmental Statement dated November 2012 (originally approved as part of planning permission N74/1238/12) shall be implemented in full and shall be retained and used at all times the use hereby approved is operational.
10. The Travel Plan Strategy contained within Appendix 3 of the Transport Statement dated 31 January 2018 (contained within the Environmental Statement dated January 2018 ref: JHG/048/16) shall be implemented immediately and reviewed annually from the date of this permission. Any amendments to the Travel Plan Strategy as a result of the review shall thereafter be implemented.
11. The fire hydrant and sprinkler systems previously approved by the Waste Planning Authority as confirmed by the 'Approval of details reserved by condition(s)' decision notice dated 26 February 2014 (originally approved pursuant to condition 14 of planning permission N74/1238/12) shall be retained and continue to be available for use by this development.
12. The development shall be carried out in accordance with the mitigation measures set out in the approved Environmental Statement(s) insofar as they are not otherwise implemented by the other conditions attached to this permission.

Reasons

1. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended) and to define the permission and ensure the development is implemented in all respects in accordance with the approved details.
2. For the avoidance of doubt and to correspond with the waste feedstock materials and quantities for which planning permission was applied for.
- 3 & 4. In the interests of highway safety.
- 5 to 9. To protect the amenity of the area.
10. To ensure that access to the site is sustainable and reduces dependency on the car.
11. To ensure that appropriate firefighting measures are available at the site.
12. To ensure that the development is carried out in accordance with the principles of mitigation set out in the Environmental Statement in order to minimise the environmental effects of the development.

Informative

- i) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

18/0299/CCC – To vary condition 2 of planning permission N74/1232/12 to enable the tonnage of waste plasterboard received at the site to be increased from 65,000 tonnes to 100,000 tonnes per annum.

1.
 - (a) 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 originally subject of planning permission N74/1232/12 (as amended by permission N74/1450/15) has been implemented and therefore commenced.
 - (b) The development hereby permitted shall only be carried out in accordance with the following documents and plans unless otherwise agreed in writing with the Waste Planning Authority (WPA), or where modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
 - a) Environmental Statement (dated November 2012 ref: JHG/039/11) as amended by the details contained within the application and Environmental Statement (dated January 2018 ref: JHG/048/16);
 - b) F2772-01 "Site Plan" (received 9 February 2018);
 - c) F2772-02 "Site Plan" (received 9 February 2018);
 - d) F2224-A1-01D "Proposals Site Plan, Intake Substation & Bund Section" (originally received 21 November 2012);
 - e) F2224-A1-02C "Proposal Site Plan, Intake substation & Bund Section" (originally received 14 November 2012).
2.
 - (a) No more than 65,000 tonnes per calendar year of plasterboard shall be brought to the site (as shown within the red line boundary on Drawing No. F2224-A1-01D "Proposals Site Plan, Intake Substation & Bund Section") until highway improvement works to provide a ghost island/right hand turn lane into the site have first be carried out and completed to the satisfaction of the Highway Authority. Thereafter the permitted tonnage of plasterboard may increase to that cited in Condition 2(b). All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority on request.*
 - (b) Subject to, and following compliance with, Condition 2(a) no more than 100,000 tonnes per calendar year of plasterboard shall be brought to the site (as shown within the red line boundary on Drawing No. F2224-A1-01D "Proposals Site Plan, Intake Substation & Bund Section"). All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority on request.

*See Informative for more advice

3. Only the site entrance shown within the red line boundary on Drawing No. F2224-A1-01D "Proposals Site Plan, Intake Substation & Bund Section" shall be used in relation to the development hereby permitted. This access shall remain clear of obstruction at all times.
4. The visibility splays at the site entrance shall be kept free of all obstacles exceeding 0.6 metres in height at all times.
5. Except where permitted by separate planning permissions, no external storage shall take place anywhere within the red line boundary on F2772-01 "Site Plan" (received 9 February 2018).
6. No activities associated with the tipping or sorting of materials shall be undertaken outside the buildings or ancillary open storage compounds at any time.
7. No additional lighting shall be installed without the approval of the Waste Planning Authority.
8. The delivery of materials in relation to the development hereby permitted shall only be carried out between the following hours:

06:00 and 19:00 Mondays to Fridays and
08:00 and 16:00 Saturdays, Sundays and Bank Holidays.
9. The dust suppressant measures detailed in the Environmental Statement dated November 2012 shall be implemented in all buildings associated with the plasterboard recycling operation hereby permitted and shall be retained and used at all times the use hereby approved is operational.
10. The Travel Plan Strategy contained within Appendix 3 of the Transport Statement dated 31 January 2018 (contained within the Environmental Statement dated January 2018 ref: JHG/048/16) shall be implemented immediately and reviewed annually from the date of this permission. Any amendments to the Travel Plan Strategy as a result of the review shall thereafter be implemented.
11. The fire hydrant and sprinkler systems previously approved by the Waste Planning Authority as confirmed by the 'Approval of details reserved by condition(s)' decision notice dated 26 February 2014 (originally approved pursuant to condition 14 of planning permission N74/1238/12) shall be retained and continue to be available for use by this development.
12. The development shall be carried out in accordance with the mitigation measures set out in the approved Environmental Statement(s) insofar as they are not otherwise implemented by the other conditions attached to this permission.

Reasons

1. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended) and to define the permission and ensure the development is implemented in all respects in accordance with the approved details.
2. For the avoidance of doubt and to correspond with the waste feedstock materials and quantities for which planning permission was applied for.
- 3 & 4. In the interests of highway safety.
- 5 to 9. To protect the amenity of the area.
10. To ensure that access to the site is sustainable and reduces dependency on the car.
11. To ensure that appropriate firefighting measures are available at the site.
12. To ensure that the development is carried out in accordance with the principles of mitigation set out in the Environmental Statement in order to minimise the environmental effects of the development.

Informative(s)

- i) Condition 2b – The highway improvement works will require separate approval under Section 278 of the Highways Act 1980 (as amended). Further information on how to contact the Council can be found on our website - <https://www.lincolnshire.gov.uk/transport-and-roads/strategy-policy-and-licences/control-of-new-development-affecting-the-highway/design-and-construction-guidance/working-on-the-existing-highway-section-278/88482.article>
- ii) The developers attention is drawn to the advice and information contained in the letter from Lincolnshire Wildlife Trust dated 28 March 2018.
- iii) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The

detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

18/0297/CCC – Partially retrospective application for the retention of a water storage tank, two residual materials storage compounds and proposed development of two additional residual materials storage compounds.

1. 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:
 - a) Environmental Statement (dated January 2018 ref: JHG/048/16);
 - b) F2754-01A "Proposal Drawing" (received 9 February 2018).
2. The construction of Compounds A and D (as shown on Drawing No. F2754-01A "Proposal Drawing") shall not take place until further details of how surface waters from those areas would be treated and managed have first been submitted to and approved in writing by the Waste Planning Authority. The details shall include either a drainage scheme and risk assessment to show there is a negligible risk posed to groundwater should waters be disposed via soakaway (as indicated within the application) or that they would be discharged to a sealed drainage system. The development shall be implemented in accordance with the approved details for the life of operations on site.*

*See Informative for more information
3. The height of stacked materials within Compounds A, B, C and D as identified on approved Drawing No. F2754–01A shall not exceed the height of the bay walls within which they are stored.

Reasons

1. For the avoidance of doubt and to define the permission and ensure the development is implemented in all respects in accordance with the approved details.
2. As requested by the Environment Agency as surface water discharge from the waste storage areas is trade effluent which cannot be discharged via soakaway without an appropriate level of treatment. Further details are therefore required to demonstrate that these pose no risk to groundwater.
3. To minimise the visual impact of the development in the interests of visual amenity.

Informatives

- i) Condition 2 - The developer's attention is drawn to the advice and information contained in the letter from Environment Agency dated 21 March 2018.

- ii) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

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

Report to:	Planning and Regulation Committee
Date:	4 June 2018
Subject:	County Matter Application - 18/0476/CCC

Summary:

Planning permission is sought by Cemex UK Operations Ltd to vary condition 28 of planning permission N47/66/0360/00 at Norton Disney Quarry, Norton Disney. The proposed variation would amend the restoration details submitted and approved with the original planning application and further details submitted and approved 5 March 2003.

The amended restoration of the plant site and silt lagoons of the former Norton Disney Quarry proposes the creation of a mosaic of habitats including smaller water bodies, marginal planting, wet woodland and heathland. The establishment of permissive paths for public access and the long term management of the site was previously secured through a Section 106 Planning Obligation that was drawn up when the final extraction area of the Quarry (known as Low Wood) was approved in February 2007 (ref: N47/0449/06). Due to the proposed amendments to the restoration scheme now sought, a Deed of Variation to the Section 106 Planning Obligation would also be required in order to ensure that the proposed amendments would not compromise the terms of the existing Planning Obligation.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. Planning permission reference number N.47 & 66/534/88 dated 23 October 1995 was granted to move the plant site from the former Thurlby Quarry to a new site located to the west of Swinderby Road, Norton Disney and to permit the extraction of sand and gravel. This planning permission represented the opening of Norton Disney Quarry. A further planning permission (ref: N47/66/0360/00) was granted 3 February 2003 to extract sand and gravel at Tonge's Farm to the east of Swinderby Road, as an extension to Norton Disney Quarry with restoration to a landscaped lake.

The application for Tonge's Farm included the plant site and a conveyor route and the silt lagoons became ancillary mining land and a restoration scheme was approved. This planning permission was subject to a total of 31 conditions.

2. Condition 28 states:

'Prior to the commencement of development a revised scheme and programme of restoration shall be submitted for the written approval of the Director of Highways and Planning pursuant to conditions 24 and 28 of planning permission reference number N.47 & 66/534/88 dated 23 October 1995. Such scheme and programme shall:

- *Increase the nature conservation potential of the site covered by that planning permission by utilising the additional silt which will be produced by virtue of this planning permission;*
- *Provide for the retention of the screening bunds constructed pursuant to that planning permission until after the completion of extraction operations at the site covered by this planning permission; and*
- *Set out a programme for the removal of the plant site and buildings and for the restoration of the area covered by that planning permission'.*

3. Planning permission for the final area of sand and gravel extraction at Norton Disney Quarry was secured on 26 February 2007 to the north of Tonge's Farm, known as Norton Low Wood (ref: N47/0449/06). The decision was supported by a Section 106 Planning Obligation which encompassed all previous extraction areas and the plant site. This included a restoration master plan that provided access to the proposed fishing lakes and wildlife areas through the provision of a permissive footpath.

The Application

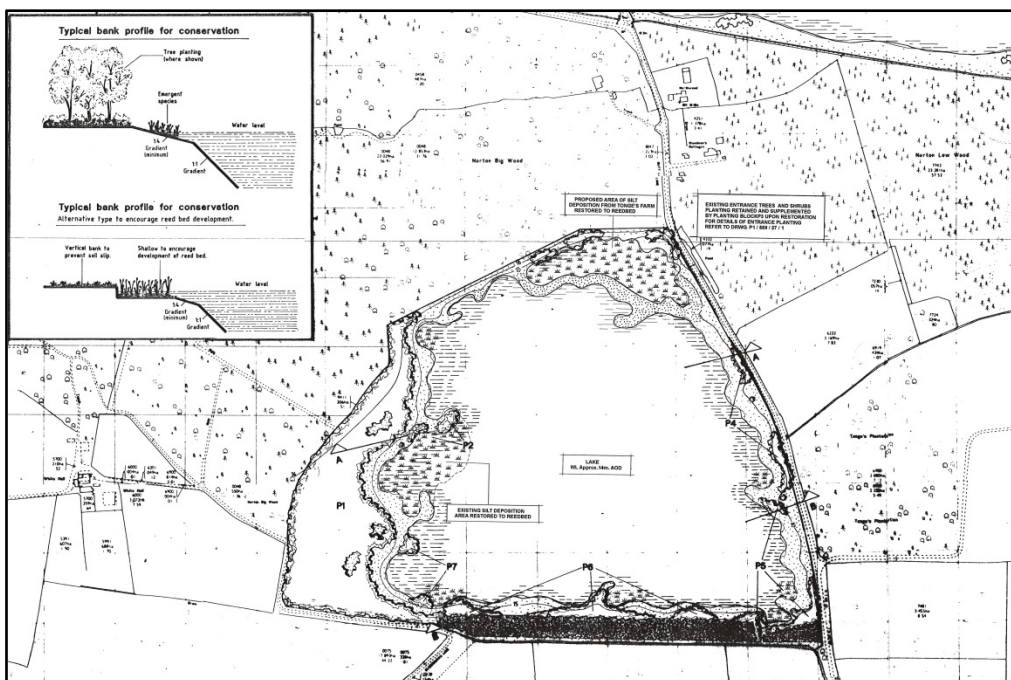
4. Planning permission is now sought to vary the approved restoration scheme previously approved pursuant to Condition 28 of permission N47/66/0360/00 which reiterated the provision for restoration required in planning permission ref: N.47 & 66/534/88 at Norton Disney Quarry, Swinderby Road, Norton Disney LN6 9QH.
5. Following the cessation of mineral extraction at the quarry and the opening of a new quarry at the Former RAF Swinderby, the operator of both sites (Cemex UK Operations Ltd) carried out a review of the required restoration scheme for the former plant site and the associated silt lagoon.
6. The majority of the buildings and structures associated with the plant site and the conveyor, that transported the 'as raised mineral' from Tonge's Farm and Norton Low Wood, have been removed and the final phase of extraction of minerals at the plant site has been carried out. The approved restoration scheme only took into consideration the availability of restoration material contained within the perimeter and internal bunds, the silt arising from the extraction of Tonge's Farm and the assumption that all available mineral

below the plant site would be extracted. Following the grant of planning permission for Norton Low Wood the lagoon received a significant deposit of silt over and above that originally anticipated and also the grant of planning permission for the Former Swinderby Airfield resulted in a decision not to fully extract the mineral below the plant site area. As a consequence there was an excess of material, over and above that originally estimated, available for restoration purposes. It is therefore proposed that the restored lake would be considerably smaller than that earlier approved and that there would be an opportunity to increase the nature conservation potential of the site through the creation of a mosaic of habitats. As part of the revised restoration proposals it was also considered expedient to create a number of smaller waterbodies and marsh areas so as to reduce the sites attractiveness to flocking water fowl thus not presenting a significant threat to aviation safety.

7. Notwithstanding the requirement to utilise all the materials contained in the perimeter bunds it was further identified that approximately 300 metres of the western perimeter bund, having been in place and undisturbed for at least two decades, had become self-vegetated with woodland species and so had largely become part of the adjacent Killbuck Plantation and Norton Bigwood (Ancient Woodland and a designated Lincolnshire Wildlife Site). Therefore rather than remove this, the applicant is instead proposing that this now be retained as part of the revised restoration proposals.

Revised Proposals

8. The existing approved restoration scheme (Plan 1) was to create a single large water body representing 70% of the area, with marginal reed beds and emergent species such as willow. Tree planting was also proposed to be carried out in blocks to supplement the advanced planting carried out during 1987-1988 the largest block being to the south west of the site.



Plan 1 – Approved restoration scheme

9. The advanced planting was predominantly to the southern perimeter of the site (Photograph 1) and intended to screen views from Norton Disney village. This area of planting is now approximately 30 years of age and well established.



Photograph 1 – Conveyor route causeway and advance planting along southern boundary

10. The applicant has confirmed that the proposed variation to the restoration scheme (Plan 2) would to create the following habitats:
- Conservation grassland - both acid and wet would be created throughout the site dependent on the final ground levels and proximity to standing water;
 - The retention of two areas where sand and gravel has been exposed but not removed as these provide suitable habitat for invertebrates, reptiles and ground nesting birds. These areas would be enhanced to create an acid grassland mosaic;
 - Wet woodland (ref: P3) – this would be planted in proximity to the wetland ponds and surrounding marshland on the area formally occupied by the plant site, along the route of the former haul road and adjacent to Norton Bigwood and the retained western bund;
 - The retained pond and self-generated wetland mosaic including self-sown trees, to the south of the former plant site would be linked to two larger lakes located to the east by areas of woodland shrub planting (ref: P2);
 - The largest block of woodland planting would be carried out in the south west corner of the site (ref: P1) with further planting linking the

established perimeter planting along the southern boundary to the retained western perimeter bund and Norton Bigwood beyond;

- Four smaller areas of woodland planting would be carried out in the area that formed the entrance to the plant site (refs: P4 and P5). An area of planting adjacent to the cross-over point from Tonge's Farm (ref: P6) would also extend the mature perimeter planting into the site as would another area (ref: P7) which would supplement the mature planting in the south east corner of the site;
- The concrete haul road (Photograph 2) would be removed completely as would the tarmac bell mouth forming the entrance to the plant site. This would be replaced with a kerbed entrance mounted with a field gate to allow vehicular access to carry out maintenance and aftercare as required by Clause 2 of the S106 Planning Obligation which provides for the Long Term Management of the whole of Norton Disney Quarry.



Photograph 2 – Concrete haul road

- All areas along the margins of the water bodies, including the causeway separating the larger water bodies to the east (Photograph 1) of the site

would be allowed to continue to naturally vegetate either as reed bed or wet woodland.



Plan 2 – Proposed restoration scheme

11. With the exception of the western perimeter bund, which would be retained, all the soils in the perimeter bunds would be distributed across the site and graded to produce the landform necessary to support the habitats above.

Planting Schedule

12. All trees and shrubs are native with Oak being the predominant tree species and hazel, hawthorn and blackthorn being the main shrub species. The following table lists the proposed Planting Schedule of trees and shrubs identifying the locations illustrated in Plan 2 above:

	P1	P2	P3	P4	P5	P6	P7	Total
Total Trees	1,610	120	600	15	10	30	260	2,645
Total Shrubs	690	1080	600	60	30	120	75	2655
Total	2,300	1,200	1,200	75	40	150	335	5,300

13. The planting would be carried out in November to March and would be maintained in accordance with a programme that has already been secured as part of details approved pursuant to Condition 31 of planning permission ref: N47/66/0360/00 and the Section 106 Planning Obligation.

14. The open areas of grassland would be sown with a variety of Fescue species, Dogtail, Bent, Grass species, Cocksfoot, Birds Foot Trefoil, Yorkshire Fog, Clover and Foxtail at a rate of 3g per square metre.

15. The revised restoration proposals would provide for the restoration of the plant site and silt lagoons and represents the final stage of the restoration of the whole quarry. The restored site would still be accessible to members of the public by way of a permissive footpath that has already been secured through the Section 106 Planning Obligation relating to planning permission ref: N47/0449/06. However, as the restoration scheme for the site is also reflected within the existing Section 106 Planning Obligation, if this proposed amendment is to be approved then a Deed of Variation would need to be secured to ensure that the proposed changes are accommodated and covered by the same terms and obligations as the other areas of the site and wider restoration scheme.

Site and Surroundings

16. The site is located 10 kilometres southwest of Lincoln and approximately 400 metres north of Norton Disney, the site lies within the Witham Valley Country Park.
17. The nearest residential property is located approximately 100 metres from the entrance to the site. The former plant site was located to the north west of the original quarry, which is roughly triangular in shape. The boundary to the north and west of the site is adjacent to Norton Bigwood (Ancient Woodland and Local Wildlife Site), the eastern boundary is along Swinderby Road and the southern boundary is adjacent to open arable farmland.
18. The site is surrounded by a soil bund between 3 and 5 metres in height with established perimeter screen planting external to the bunds. The site is effectively screened from external distant views in all directions. There is some visibility into the site from Norton Bigwood (adjacent), now used for natural burials.

Main Planning Considerations

National Guidance

19. 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 109 to 125 – seeks to conserve and enhance the natural environment; prevent unacceptable risks from pollution and protect general amenity;

Paragraphs 186 to 192 - decision-taking should be approached in a positive way to foster the delivery of sustainable development and 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;

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).

20. 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.
21. 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 168 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Local Plan Context

22. 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 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 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 should protect, and wherever possible, enhance soils.

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

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.

Policy R3 (Restoration of Sand and Gravel Operations within Areas of Search) specifically Trent Valley (south west of Lincoln within the Witham Valley Country Park): creation of habitats (particularly wetland, grazing marsh and wet woodland) to enhance local nature conservation and biodiversity value; provision of improved public access including links to surrounding green infrastructure; and the development of additional recreational facilities.

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

Policy LP20 (Green Infrastructure Network) seeks to maintain and improve the green infrastructure network in Central Lincolnshire by enhancing, creating and managing multifunctional green space around settlements that are well connected to each other and the wider countryside. Identifying Strategic Green Corridors, Green Infrastructure Zones (24 Stapleford Wooded Vales) and Mosaic Heath Wet Wood Opportunity Areas

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

Policy LP23 (Local Green Space and other Important Open Space) identifies areas of Local Green Space that will be protected from development in line with the NPPF in this instance the area of advance planting to the southern perimeter of the site now given the status of Primary Use Natural and Semi-Natural Greenspace.

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

24. (a) Norton Disney Parish Council – have no objection to the variation of species of trees planted or any other variation in that sphere. They support the complete extraction of the concrete road, however, the proposed retention of the western bund, which would take away the natural topography of the area is viewed as a 'relic' of the areas' 'industrial past' which the Parish is keen to avoid.
- (b) Environment Agency (EA) – have no objection but requested that an Informative be attached to any permission granted which advises the applicant that they may need to vary the existing Environmental Permit ref: EPR/VP3095/A001.
- (c) Highways & Lead Flood Authority Officer (Lincolnshire County Council) - does not wish to object to this planning application.
- (d) MOD Safeguarding (RAF Waddington) – has no safeguarding objections.

- (e) Lincolnshire Wildlife Trust – generally supports the revised restoration plan but has requested that an Informative be attached relating to recommended seed suppliers, wild flower species and grassland management.
- (f) Arboricultural Officer (Lincolnshire County Council) – has no objection to the proposal.
- (g) The following bodies/persons were also consulted on the application on 5 April 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 M Overton as a member of the Planning and Regulation Committee reserves her position until the meeting

North Kesteven District Council EHO

Countryside Officer (Lincolnshire County Council)

Forestry Commission

Woodland Trust

25. The application has been publicised by two notices posted at the site entrance and the entrance to Tonge's Farm extraction area and in the local press (Lincolnshire Echo on Thursday 12 April 2018). Ten letters of notification were also sent to the nearest neighbouring residents. Representations have been received from four residential properties in the local area as a result of this publicity/notification which contain objections on the following grounds (summarised below):

- Totally opposed to this application;
- The bunds should not be retained because they obscure the view;
- The bunds contain topsoil and seed stock which should be spread to assist in return to natural environment;
- The bunds are not a natural feature of this rural landscape and are alien industrial in character;
- Opposed to the removal of any bunds visible from the adjacent roads; and
- The soils from the bunds should be spread evenly on the lakeside to promote summer grazing opportunities that would enhance future sustainability.

District Council's Observations

26. North Kesteven District Council – does not wish to make any observations in respect of the proposal.

Conclusions

27. The development authorised by the original planning permission N47/66/0360/00 was granted 3 February 2003. This permission has been

lawfully implemented and the development commenced. This 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.

28. The applicant is seeking to vary condition 28 of planning permission N47/66/0360/00 to amend the approved restoration scheme at Norton Disney Quarry, Norton Disney. Having carried out a review of the approved restoration scheme the operator identified a number of issues which would prevent the site from being restored in accordance with the currently approved scheme. These issues have partly arisen as a consequence of the quarry firstly extending into Norton Low Wood, and secondly, as a result of a decision not to fully extract the sand and gravel within the plant site area once the buildings and structures had been removed. The amount of silt deposited in the lagoon adjacent to the plant site (following the extraction at Norton Low Wood) together with the unexcavated mineral at the plant site area left in situ, has consequently resulted in an excess of restoration materials available. As a result it is no longer possible to restore the site to a single lake covering 70% of the area and so revised proposals have been put together which would provide an alternative design for this area of the site.
29. The revised proposal would restore the site to a greater range of habitats thus resulting in biodiversity gain and contributing to enhancing the surrounding landscape. A number of objections have been received indicating that the retention of the perimeter bunds would be an unacceptable visual impact on the landscape of the area and that the soils within the bunds should be used in the restoration. With the exception of part of the western bund, which has already naturally revegetated with woodland species over a period of 20 years, all the perimeter and internal bunds will be removed and the soils used to create a mainly level landform with some undulations towards the centre of the site. With regards to the western bund being considered an 'industrial relic' and an 'unnatural feature' in the landscape, the proposal to plant 1,610 trees in area P1 that includes the bund will further soften any visual impact and the removal of the western bund would represent the loss of an established woodland edge habitat.
30. Rather than the approved single large waterbody, the existing ponds and wetland areas to the west of the site would be retained to create a mosaic of wet woodland, acid and wet conservation grassland, open sandy/shingle areas and marginal reedbeds. The larger waterbody to the east and south of the site has been divided in two by the former route of the conveyor from the extraction area of Tonge's Farm leaving a naturally vegetated causeway that would be allowed to develop into a reed bed. The margins of this waterbody have and would be allowed to continue to be, naturally colonised as a succession of reed beds and wet woodland (predominantly willow species).
31. Given the proximity of the site to Norton Bigwood (Ancient Woodland and LWS) the predominant habitat across the site would be wet woodland with

the planting of 5,300 trees and shrubs. To the south and southeast of the site would be areas of tree planting to create an enhanced corridor of trees to link the mature advance planting, now identified in the Central Lincolnshire Local Plan as Primary Use Natural and Semi-Natural Greenspace, to Norton Bigwood to the west and Tonge's Farm and Tonge's Plantation to the east.

32. Lincolnshire Wildlife Trust has requested that a condition be attached to secure twice yearly cutting and clearing of the grassland as part of the 5 year management plan and that an Informative be attached requiring the applicant to source the seed mixes from a supplier with Flora Locale accreditation to ensure local provenance. The grassland management plan proposed by Lincolnshire Wildlife Trust has already been secured as part of the Long Term Management Plan approved pursuant to a clause in the Section 106 Planning Obligation dated 26 February 2007 and it is not considered necessary to attach a condition in this instance.
33. Having reviewed the revised proposals I am satisfied that the proposed revised restoration scheme fulfils the aims and objectives of the NPPF and Policies DM1, DM2, DM6, DM11, R1, R2 and R3 contained within the CSDMP (2016) and do not conflict with nor compromise the Policies LP1, LP2, LP17, LP20, LP21, LP23 and LP26 of the CLLP (2017) that seek sustainable development through the effective and efficient use of land, by creating accessible green infrastructure that enhances both the landscape and biodiversity of the area.
34. Notwithstanding the appropriateness of the proposed revised restoration scheme, there is an existing Section 106 Planning Obligation which places a requirement on the operator to provide a permissive footpath within the site in accordance with the currently approved restoration scheme. The currently approved route of this permissive footpath would be changed as a result of these revised proposals and so as a consequence a Deed of Variation would need to be secured in order to amend the existing Section 106 Planning Obligation. Therefore if the Committee is minded to approve this application this would need to be secured before any decision can be issued.

Final Conclusions

35. 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 and necessary) the conditions that were originally included and attached to the previous planning permission.
36. 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:

- A. The applicant and all other persons with an interest in the land, entering into a Deed of Variation to amend the existing S106 Planning Obligation dated 26 February 2007 so as to secure a new route for the permissive footpath and the Long Term Management of the former Norton Disney Quarry.
- B. Subject to the completion of the Deed of Variation referred to above, the Executive Director of Environment and Economy be authorised to grant planning permission subject to the conditions and reasons set out below.
 - 1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission W97/131925/14 has been implemented and therefore commenced.
 - 2. No topsoil, subsoil or overburden shall be removed from the site.
 - 3. No material shall be imported to achieve restoration of the site.

Scheme of working

- 4. The site shall be worked strictly in accordance with the details set out in Chapter 5 of the Environmental Statement and drawing numbers P1/1306/7(i)-(ix) received by the Mineral Planning Authority on 15 March 2000 except as may be modified by other conditions of this planning permission or as may otherwise be agreed in writing with the Mineral Planning Authority. No extraction shall take place outside the extraction boundary shown on drawing number P1/1306/6.

Access

- 5. All access to the plant site shall be via the access roadway to Swinderby Road constructed under planning permission N.47 & 66/534/88 granted 23 October 1995 and all access to Tonge's Farm and Norton Low Wood shall be via the access to Swinderby Road constructed under planning permission N/47/66/0360/00.
- 6. No vehicles authorised by this planning permission shall use the southern access to Tonge's Farm onto Swinderby Road shown on drawing number P1/1306/6.

Soil Movement/Storage

7. The soil storage and placement shall be implemented in full and carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 9 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003).
8. The soil bunds shall be maintained in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 10 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003).

Hours of Operation

9. Except with the prior written approval of the Mineral Planning Authority no operations authorised or required by this planning permission shall be carried out outside the following times:

0700 hours to 1800 hours Monday to Friday

0700 hours to 1200 hours Saturday

and no such operations shall be carried out on Sunday or Public Holidays.

Outside of these times the access gates to the site shall be locked shut.

Stockpiles

10. No stockpiles of material shall be created within the site other than the Plant Site Compound indicated on drawing number P1/1306/1/1 unless otherwise agreed in writing by the Mineral Planning Authority. All stockpiles within the Plant Site Compound shall accord with the details agreed under condition 22 of planning permission reference N.47 & 66/534/88 granted on 23 October 1995.

Noise

11. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers.
12. All pumps employed on site shall be housed in acoustic enclosures in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 14 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003).
13. All reversing vehicles shall be operated in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 15 of planning permission N/47/66/0360/00 (as set out in the decision letter

dated 5 March 2003) and the arrangements shall be maintained throughout the duration of the development.

14. Except during periods of soil reinstatement the level of noise at the locations identified in Schedule 1 of Appendix (V) of the Environmental Statement arising from the operations on the site shall not exceed the relevant criterion limit specified in the schedule. During the periods of soil replacement noise levels arising from such operations shall not exceed 70dB (LAeq) (1 hour) at those locations and shall not exceed a total of 8 weeks in any 12 month period.
15. The scheme of noise monitoring shall be implemented in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 17 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003) and the arrangements shall be maintained throughout the duration of the development.

Dust

16. The scheme of measures for the suppression of dust in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 18 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003) and shall be implemented in full throughout the duration of the development.

Wheel Cleaning

17. No vehicles or plant shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway. (was condition 21)

Water Protection and Pollution

18. Any fuel, oil, lubricant and other potential pollutants shall be handled on site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable in suitable tanks and containers which shall be house in an area surrounded by bund walls of sufficient height and construction as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should bent downwards into the bund.

Lighting

19. No additional lighting shall be installed on site unless otherwise agreed in writing by the Mineral Planning Authority.

Protected Species

20. The scheme of ecology shall be carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 24 of planning permission N/47/66/0360/00 (as set out in the decision letters dated 5 March 2003 and 1 October 2003) and the mitigation/compensation measures shall be implemented in full and maintained throughout the duration of the development.

Landscaping and Tree Planting

21. The scheme of tree planting in Tonge's Plantation shall be carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 25 of planning permission N/47/66/0360/00 (as set out in the decision letters dated 5 March 2003 and 11 March 2003).
22. The existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped, topped or removed other than those identified in the approved scheme of working or by condition number 19 of this permission. Any such vegetation removed without consent, dying, being severely damaged or becoming severely diseased as a result of operations permitted by this planning permission shall be replaced with trees or bushes of such size as may be specified by the Mineral Planning Authority in the planting season immediately following any such occurrences.

Restoration

23. The bank profiles of the lakes shall be constructed in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 27 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003) and the site shall be progressively restored in accordance with drawing number P1/1306/8/1.
24. The plant site and silt lagoons shall be fully restored in accordance with the details listed in Document Ref: AW/559/P1 'Submission of revised restoration scheme pursuant to condition 28 (of planning permission N/47/66/0360/00)' date stamped received 3 April 2018 and Document Ref: AW/559/P1 'Submission of revised restoration scheme pursuant to condition 28' date stamped received 23 April 2018 and Drawing No. P1/559/15/13 'Final Restoration Plan: Plant Site' date stamped received 3 April 2018.
25. The aftercare scheme shall be implemented in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 29 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003).

Maintenance Period of Tree/Shrub Planting

26. All tree/shrub planting undertaken pursuant to conditions of this planning permission shall be subject to a ten year maintenance period during which all losses shall be replaced in the first planting season after they occur.

Reasons

1. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).
2. To ensure that resources are available for the restoration of the site.
3. For the avoidance of doubt as to the scope of the permission.
4. To ensure the development is carried out in accordance with the application as approved and to enable the MPA to adequately control the development.
- 5 6 & 17
In the interests of highway safety and safeguarding the local environment.
- 7 & 8
To protect the soils and ensure the progressive restoration of the site.
- 9, 10, 11, 12, 13, 14, 16 & 19
To protect the amenity of local residents.
15. To enable the MPA to adequately control the development.
18. To minimise risk of pollution of watercourses and the groundwater.
20. To minimise/mitigate against any adverse impacts on bats.
21. To comply with Section 197 of the Town and Country Planning Act 1990 (as amended) and in the interests of amenity and wildlife conservation.
22. In the interests of amenity and wildlife conservation.
23. To enable the MPA to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use.
24. To ensure that the area worked under planning permission N.47 & 66/534/88 dated 23 October 1995 is restored to a condition capable of beneficial use.
25. To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended) to ensure the restored land is correctly husbanded and to bring the land to the standard required for amenity use.
26. To ensure the successful implementation of the tree planting.

Informatives

Attention is drawn to:

- i) Letter from English Nature dated 20 June 2000;
- ii) Letter from the Environment Agency dated 19 February 2002 and letter Ref: AN/2018/127283/01-L01 dated 02 May 2018; and
- iii) Representation from Lincolnshire Wildlife Trust dated 26 April 2018.

Appendix

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

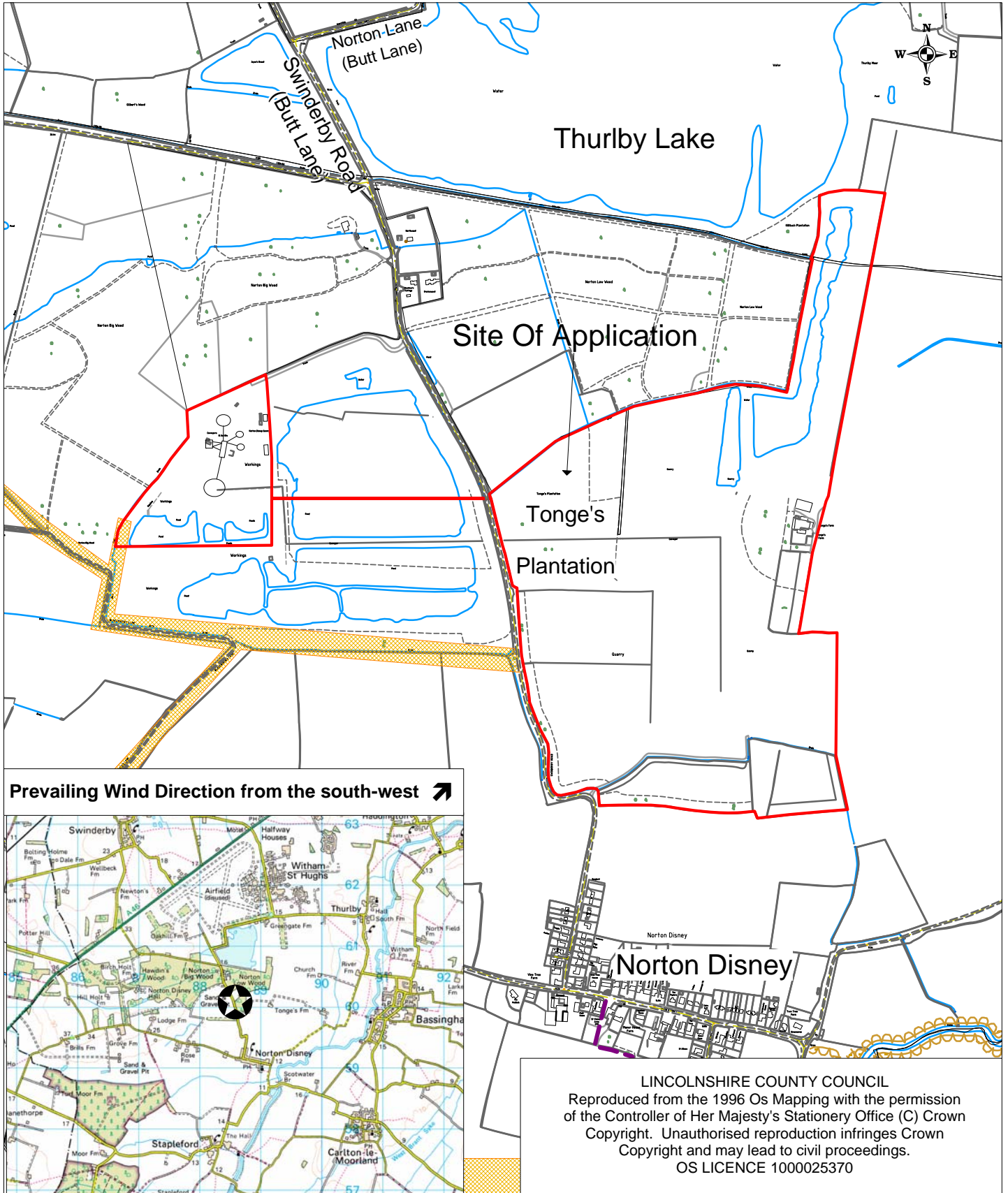
Background Papers

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 18/0476/CCC	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 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/centrallincolnshire/local-plan/

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 4 JUNE 2018



Location:
 Norton Disney Quarry
 Norton Disney

Description:
 To vary condition 28 of planning permission
 N47/66/0360/00

Application No: 18/0476/CCC
Scale: 1:10,000

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