



County Offices  
Newland  
Lincoln  
LN1 1YL

22 June 2018

**Planning and Regulation Committee**

A meeting of the Planning and Regulation Committee will be held on **Monday, 2 July 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, S R Kirk, D McNally, Mrs M J Overton MBE, N H Pepper, Mrs A M Newton, R B Parker, R P H Reid, S P Roe, P A Skinner, H Spratt and M J Storer



**PLANNING AND REGULATION COMMITTEE AGENDA  
MONDAY, 2 JULY 2018**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
1.	<b>Apologies/replacement members</b>	
2.	<b>Declarations of Members' Interests</b>	
3.	<b>Minutes of the previous meeting of the Planning and Regulation Committee held on 4 June 2018</b>	5 - 12
4.	<b>Traffic Item</b>	
4.1	<b>Revised CCTV Trial Experimental Amendment Order</b>	13 - 18
4.2	<b>Traffic Regulation Orders - Progress Review</b>	19 - 24
5.	<b>County Developments</b>	
5.1	<b>To vary condition 2 of planning permission S12/1294/17 to increase the permitted tonnage of waste from 20,000 tonnes per annum to 40,000 tonnes per annum at Blue Sky Plastics Ltd, South Fen Road, Bourne - Blue Sky Plastics Ltd - S18/0643</b>	25 - 44
5.2	<b>Planning Enforcement Prosecution</b>	45 - 48

Democratic Services Officer Contact Details

Name: **Steve Blagg**

Direct Dial **01522 553788**

E Mail Address [steve.blagg@lincolnshire.gov.uk](mailto:steve.blagg@lincolnshire.gov.uk)

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

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

Contact details set out above.

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[www.lincolnshire.gov.uk/committeerecords](http://www.lincolnshire.gov.uk/committeerecords)

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**PLANNING AND REGULATION  
COMMITTEE  
4 JUNE 2018**

**PRESENT: COUNCILLOR T R ASHTON (VICE-CHAIRMAN)**

Councillors D Brailsford, L A Cawrey, Mrs P Cooper, D McNally, Mrs A M Newton, Mrs M J Overton MBE, R B Parker, N H Pepper, S P Roe, P A Skinner and M J Storer

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Paul Little (Highway Asset Manager), Neil McBride (Planning Manager), Marc Willis (Applications Team Leader) and Mandy Withington (Solicitor)

**11 APOLOGIES/REPLACEMENT MEMBERS**

Apologies for absence were received from Councillors I G Fleetwood, S R Kirk and H Spratt.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillors Mrs P Cooper in place of Councillors H Spratt, for this meeting only and Councillor R B Parker in place of Councillor Mrs J E Killey, until further notice.

**12 DECLARATIONS OF MEMBERS' INTERESTS**

The Chairman declared that all members of the Committee had been lobbied in connection with the request to reduce the 40mph speed limit to 30mph speed limit for safety reasons at Linwood (minute 15).

Councillor L A Cawrey requested that a note should be made in the minutes that she knew the originator of the correspondence in connection with a request to reduce the speed limit at Linwood and had not discussed the matter with the originator and therefore would take part in the discussion and voting thereon (minute 15).

Councillor D McNally requested that a note should be made in the minutes that he was the Executive Support Councillor for Commercial and Environmental Management and would withdraw from the meeting when the planning application was discussed as the applicant had a contract with the Council (minute 16).

13 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 14 MAY 2018

The Chairman stated that an amended set of minutes had been circulated to Members before the meeting.

## RESOLVED

That the minutes of the previous meeting of the Committee held on 14 May 2018, be approved as a correct record and signed by the Chairman subject to "Councillor H Spratt" being added to the list of apologies and the word "not" being added after the word "and" in minute 6, bullet point 7.

14 TRAFFIC ITEMS15 LINWOOD B1202 AND GREAT LIMBER A18 - REQUESTS FOR SPEED LIMIT REDUCTION

The Committee received a report in connection with requests to reduce the existing 40 mph speed limits to 30 mph at Linwood B1202 and Greater Limber A18.

The report detailed the existing conditions and the proposals. Officers stated that both local Members supported the proposed reductions in the speed limits.

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

- What time of the year were the surveys carried out? Officers stated that the survey for Linwood was carried out in November 2017 and for Great Limber October 2017. The Member noted that neither dates were during the peak motorbike season.
- Enforcement of the 30mph speed limits would be an issue.
- The current speed limits through Great Limber varied over a short distance which affected the driving experience for drivers.
- What were the reasons for the request to reduce the speed limit? Officers stated that there were many reasons for the request to reduce the speed limit including speed and accidents
- Had officers considered extending the 30 mph speed limit in Great Limber as residential properties existed on both sides of the road? Officers explained the process of implementing a speed limit and in this case it was proposed to slow traffic down before the 30 mph limit commenced.
- What accidents had taken place in Linwood to justify the imposition of a speed limit? Officers stated that various accidents had taken place in Linwood.
- The safety of residents was more important than what a driver experienced.

On a motion by Councillor D Brailsford, seconded by Councillor L A Cawrey, it was –

RESOLVED (11 votes for, 0 votes against and 1 abstention)

That a reduction in the speed limit in Linwood and Great Limber as detailed in the report be approved so that the necessary consultation process to bring this into effect may be pursued.

16 COUNTY MATTER APPLICATIONS

17 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 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 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

Mr O Grundy, representing the applicant, commented as follows:-

- The proposed developments sought an additional 230,000 tonnes per annum of recyclable waste to be received and processed.
- The Materials Recovery Facility had recently transitioned to a 'just in time' system of product supply, which meant that production of Solid Replacement Fuel (SRF) and other recycled materials was timed to coincide with scheduled deliveries. This minimised the need for large scale stockpiling of baled fuel and gypsum products. Two new SRF product storage areas had been constructed and these provided sufficient space to accommodate an additional 1900+ SRF bales. These measures would allow the proposed increased tonnages of waste plasterboard and dry mixed recyclable materials to be amply accommodated within the established facility. The Environment Agency had now granted the site a permit for the processing of up to 360,000 tonnes of material per annum.
- An environmental impact assessment had been submitted and the intensification of operations would not have any adverse impact upon the surrounding area. Traffic flow along the local highway network would increase by approximately 140 trips per day. It was proposed to provide a right turn lane within the section of High Dike Road adjoining the site access and to introduce travel planning measures.

**PLANNING AND REGULATION COMMITTEE****4 JUNE 2018**

- 44 jobs would be created. Should planning permission be refused, the company would need to make redundancies to remain commercially viable. Planning permission would have a significant positive impact upon the local economy.
- It was important to support developments that addressed the management of waste streams. The applications would allow an increased quantity of waste to be processed within an established facility. This reduced the need for further waste management development upon outlying sites. The proposals were sustainable and compliant with all relevant planning policy.

Oliver Grundy's responses to questions included:-

- A wheel wash had not been provided on the site because the site handled dry waste and a good system of cleanliness was maintained on the site. Mud on the road came from agricultural traffic as there were a number of farms in the area.
- The RDF comprised polymer compounds including rigid plastics and hydrocarbons and there was a growing demand for this for fuel.
- With regard to operating the "just in time" or increasing the storage capacity of the site he stated that the applicant was increasing the capacity of the site and maximising the existing space as there were not any designated areas for storage on site at the moment.
- An explanation was given of how the mini-bus service for employees would work.

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

- The planning conditions did not specify when the right turning facility would be installed and in view of the damage already caused to the verge near the applicant's site this condition needed to be implemented as soon as possible. Officers stated that the works would be secured through a S278 Agreement and a condition had been recommended as part of planning application No. 18/0299/CCC. Officers stated that as the application was retrospective it was difficult to impose an enforceable condition that would require the works to be completed sooner. However, a condition was recommended that would restrict any increase in activity until the necessary highway works had been completed.
- Warning signs on the B6403 (High Dike Road) were needed in advance of the applicant's site because traffic travelled fast on this road. Officers stated that any signs could potentially be considered and installed as part of the S278 Agreement.

An amendment was moved by Councillor Mrs M J Overton MBE, seconded by Councillor T R Ashton, that a condition to secure the highway improvement works to provide a ghost island/right hand turn lane into the site recommended for application No. 18/0299/CCC should also apply to application No. 18/0298/CCC. This was unanimously agreed.

The substantive motion was moved by Councillor Mrs M J Overton MBE, seconded by Councillor P Skinner, it was –



RESOLVED (unanimous)

(a) That, in respect of application No. 18/0298/CCC (Application 1) planning permission be granted subject to the conditions detailed in Appendix B of the report and an additional condition that highway improvement works to provide a ghost island/right hand turn lane into the site required to be carried out and completed for application No. 18/0299/CCC should also apply to application No. 18/0298/CCC to ensure that these highway works were carried out as soon as possible.

(b) That, in respect of application No. 18/0299/CCC (Application No. 2), planning permission be granted subject to the conditions detailed in Appendix C of the report.

(c) That, in respect of planning application No. 18/0297/CCC (Application 3), planning permission be granted subject to the conditions detailed in Appendix D of the report.

(d) That 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 as detailed in the report.

18 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

Parish Councillor Terry Johnson, who was against certain aspects of the application, commented as follows:-

- Norton Disney had lived with the Gravel Industry for some 20+ years and had wanted to see good quality restoration. Overall, Cemex was endeavouring to meet the village's expectations and supported most of the issues they raised in their application. The Parish Council did not agree to the retention of the bund on the western boundary, which Cemex sought to retain.
- The bund was never intended as a permanent structure but as a store of topsoil to be spread on the restored site to assist regeneration. The bund was covered with bracken and in some places saplings but in the winter months it appeared as a formidable structure and was out of keeping in a Country Park.
- The applicant had suggested the bund was well developed as a habitat and should be retained.
- The Parish Council believed that all the bunds had developed in a similar manner although there was no suggestion the others were to be retained, only this one. Cemex now believed this bund was surplus to their requirements and to leave it in place would provide them with a cheaper restoration.
- The applicant reported they had an abundance of silt that they needed to dispose of and it was not clear what they intended to do with this silt but it was unlikely that it would be used to create shallows in the lake. The silt was being

mixed with some topsoil's and spread throughout the site and work in relation to this had been ongoing for several days and desert conditions were being created.

- Silt was not a good growing medium. If the intention was to regenerate grasses, which could be used for summer grazing/hay making, a richer proportion of organic material would do this better and promote sustainability.
- Norton Disney was proud to have been included within the boundaries of the Witham Country Park and there were numerous commercial, historic and leisure type developments that fitted into a Park environment. The Lancaster Bomber Sculpture at Brills Farm in celebration of the RAF was due to start in the near future.
- The Parish Council hoped for restoration of the highest standard where vestiges of the Industrial era were much in the past and therefore requested that the bund was removed and the soil used to assist regeneration as it was intended.

Parish Councillor Terry Johnson in response to a question from the Committee stated that he had not given any consideration to maintenance of the bunds, considered it an eyesore and hoped to see it removed.

Joe Weller spoke in favour of the retention of the bund and commented as follows:-

- He owned White Hall Farm which whose boundary met Norton Disney quarry. He ran a small working Farm and Equestrian Business.
- His colleague, Jonathan Wilkinson, owned the woodland adjacent to the western bund which he managed commercially as Norton Disney Timber.
- Since the original plans for the Quarry restoration were set out 20 years ago much had changed ecologically on the western portion of the bund.
- It had a flourishing environment and it would be an ecological tragedy to destroy something that had taken the last 20 years to mature.
- The western bund formed a natural boundary to the restoration site acting as a feature in its own right and also incorporated an increase in tree planting in the specific area of the western bund.
- The restoration quarry managers had stated that they had more than enough topsoil to complete the restoration without the use of the western bund.
- The retention of the western bund would leave a natural and ecologically thriving boundary which would enhance the overall restoration.
- With the exception of the Parish Council none of the other professional bodies had any objection to this variation.

Joe Weller in response to questions from the Committee stated that by "natural" environment this included, amongst others, self-seeded oaks and wild animals and enhanced an already environmentally mature area. With regard to maintenance of the bund the bund already comprised mature flora.

Comments by the Committee and the responses of officers included:-

- What area was covered by the bund? Officers explained the area and geographical location of the bund and stated that it was not required for restoration purposes.
- More information was required about the bund including a photograph of it to allow the Committee to make a decision.
- It was noted that neither the Woodland Trust nor the Wildlife Trust had objected to the retention of the bund.
- It was noted that there were trees both in front and behind the bund and if the bund was removed these trees would also have to be removed. Officers agreed that the trees would need to be removed.
- The bund blended in to the landscape.

A motion by Councillor Mrs M J Overton to defer consideration of the application for more information about the bund was not supported.

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

RESOLVED (11 votes for, 0 votes against and 1 abstention)

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) The completion of the Deed of Variation referred to in (a), above, the Executive Director of Environment and Economy be authorised to grant planning permission subject to the conditions and reasons detailed in the report.

The meeting closed at 12.00 pm

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>02 July 2018</b>
Subject:	<b>Revised CCTV Trial Experimental Amendment Order</b>

**Summary:**

This report outlines an objection and comment relating to the Experimental Traffic Order for mandatory school keep clear markings, currently in force at various locations, and requests consideration of the introduction of a further Experimental Order incorporating a further amendment to the exemptions in place.

**Recommendation(s):**

The Members of the Planning and Regulation Committee:

1. Consider the objection and comment relating to the current Experimental Order in force.
2. Approve a further Experimental Order to bring into effect an amendment to the LCC (Prohibition and Restriction of waiting and loading and Parking Places) (Civil Enforcement and Consolidation) Order 2012.

**1. Background**

- 1.1 In 2016, as part of a strategy to improve pedestrian safety, the Highways and Transportation Scrutiny Committee approved a pilot CCTV enforcement scheme to be used in the enforcement of school keep clear markings outside a number of schools around the county. To enable enforcement of the markings an experimental traffic order to amend the LCC (Prohibition and Restriction of waiting and loading and parking places) (Civil Enforcement and Consolidation) Order 2012, was introduced on 30 January 2017.

1.2 Response

One objection was received from a parent concerned that in order to get to two separate schools in the area they needed to drop off their child within the area of the school keep clear markings in order to get to the next school on time to drop off a second child.

A comment was received from a bus company concerned that during school finish and start times when congestion and on street parking is high, the school keep clear markings are the only available place to drop off and pick up school children safely. They remark that some schools have provision for buses to park in the highway by means of dedicated parking bays.

### 1.3 Comments

The purpose of restricting the presence of vehicles on school keep clear markings is to promote visibility for both drivers and pedestrians in the vicinity of school entrances and therefore improve safety.

As regards the comment made by the bus company, this highlights an issue which has arisen as a result of the introduction of the CCTV trial. The 2012 Order referred to above contains an exemption for school buses to stop or wait on a carriageway identified as a clearway, which includes mandatory school keep clear markings (see extract at APPENDIX A: Section 3-22.3). However the purpose of the clearway is to restrict vehicles from stopping and parking in the area around a school entrance where there will be a high concentration of pedestrians, and allowing buses to do so compromises that aim.

### 1.4 Proposal

Bearing in mind the above it is proposed to suspend the exemption for school buses by the introduction of a further experimental order, the effect of which will be to enable enforcement of the school keep clear markings for all vehicles, including buses.

Should this order be approved then a review of parking restrictions will take place at sites where bus drop off and pick up is required with a view to introducing measures to provide for this where feasible.

## 2. Conclusion

The trial has demonstrated that the CCTV vehicle when present is an effective tool in the regulation of traffic congestion around schools and when on site has been effective in deterring inconsiderate parking. When the vehicle is not on site however, inconsiderate parking does unfortunately return on a regular basis. It has raised public awareness and perception of the purpose and presence of restrictions outside schools, and their enforcement. The amendment proposed will further enhance the safety benefits already accrued by the effective enforcement of school keep clear markings via CCTV.

## 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	Extract from LCC (Prohibition and Restriction of Waiting and Loading and Parking Places) (Civil Enforcement and Consolidation) Order 2012

## Background Papers

This report was written by Jeanne Gibson, who can be contacted on 01522 782070 or [jeanne.gibson@lincolnshire.gov.uk](mailto:jeanne.gibson@lincolnshire.gov.uk).

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**LINCOLNSHIRE COUNTY COUNCIL**  
**(PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING PLACES)**  
**(CIVIL ENFORCEMENT AND CONSOLIDATION) ORDER 2012**

THE LINCOLNSHIRE COUNTY COUNCIL in exercise of its powers under Sections 1, 2(1) and (2), 3, 4, 5, 32, 35, 45, 46, 49, 53, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended and the Traffic Management Act 2004 (the Act of 2004) and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order.

**SECTION 1 – PRELIMINARY**

**Citation and commencement**

1. This Order shall come into operation on **30 November 2012** and may be cited as the Lincolnshire County Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Civil Enforcement and Consolidation) Order 2012.
2. The Lincolnshire County Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Civil Enforcement and Consolidation) Order 2012 Plans including the key (the "Plans") are incorporated into this Order.

**Interpretation**

3. In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

"County Council" means Lincolnshire County Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the County Council for the purposes of any function under the provisions of this Order;

"District Council" means the District Council for that administrative area"

"approved timing point" is a location where a public service vehicle may wait to ensure adherence to a published timetable or local service registration and includes departure and terminal points, provided that the location and the service(s) have been approved in writing by the Highway Authority as subject to amendment in writing by the Highway Authority;

"business user" means a person who occupies or is employed at premises the postal address of which is in any street or part of a street described in Schedule 1 and who uses such premises for non-residential purposes;

"cycle lane" means a length of road specified in this Order as a cycle lane and bounded by delineating road markings as prescribed under the Traffic Signs Regulations and General Directions 2002 ;

### **SECTION 3 – CLEARWAYS, URBAN CLEARWAYS AND SCHOOL KEEP CLEAR**

21. Save as provided in Article 22 of this Order no person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any vehicle to stop or wait on any of the main carriageways forming part of the lengths of roads identified as clearways, urban clearways or school keep clear areas on the plans attached to this Order.
- 22.1 Nothing in Article 21 of this Order shall apply so as to prevent any vehicle to stop or wait on any main carriageway identified as clearways, urban clearways or school keep clear areas on the plans attached to this Order for so long as may be necessary to enable the vehicle if it cannot be used for such purpose without waiting on that carriageway, to be used in connection:
- (i) with the removal of any obstruction or potential obstruction to traffic;
  - (ii) with the provisions contained within Article 13 (c), 13(d), 13(f) and 13(g) of this Order; and
  - (iii) to enable a public service vehicle to stop or wait on any main carriageway identified on the plans attached to this Order for as long as may be necessary to enable a person to board or alight from the vehicle at any recognised stopping place;
- 22.2 Notwithstanding any exemption contained in paragraph (1) of this Article, the person in control of a vehicle stopping or waiting on any of the lengths of road identified as clearways, urban clearways or school keep clear areas on the plans attached to this Order, shall move the vehicle on the instructions of a Police Constable in uniform or Civil Enforcement Officer whenever such moving may be reasonably necessary for the purpose of preventing obstruction.
- 22.3 Nothing in Article 21 of this Order shall apply so as to prevent a School Bus as defined in Section 46(3) of the Public Passenger Vehicles Act 1981 and being used to provide free school transport to stop or wait on any main carriageway identified as clearways, urban clearways or school keep clear areas on the plans attached to this Order :
- 22.4 No person shall cause or permit any vehicle to wait on any verge or lay-by immediately adjacent to a main carriageway identified on the plans attached to this order for the purpose of selling goods from that vehicle unless the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is affected.

## Regulatory and Other Committee

<b>Open Report on behalf of Richard Wills, Executive Director for Environment and Economy</b>
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Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>02 JULY 2018</b>
Subject:	<b>Traffic Regulation Orders – Progress Review</b>

**Summary:**

This report informs the Committee of the position on all current Traffic Regulation Orders (Appendix A - B) and petitions received since the last Report (Appendix C).

**Recommendation(s):**

That the report be received and the receipt of petitions be noted.

**Background**

N/A

**Conclusion**

N/A

**Consultation**

**a) Has Risks and Impact Analysis been carried Out?**

N/A

**b) Risk and Impact Analysis?**

N/A

**Appendices**

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

Appendix A	List of Traffic Regulations Orders
Appendix B	Explanatory Note on the Temporary Suspension of Traffic Regulation Order Reviews

Appendix C	Petitions that have been received since the last report
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**5. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report

This report was written by Jeanne Gibson who can be contacted on 01522 782070 or [highways@lincolnshire.gov.uk](mailto:highways@lincolnshire.gov.uk).

**APPENDIX A**

<b>PARISH</b>	<b>LOCATION</b>	<b>TYPE</b>	<b>PREVIOUS POSITION</b>	<b>PRESENT POSITION</b>
Countywide	Various Locations	Experimental School Keep Clear	Objections to be reviewed.	See report to this meeting
Anderby Creek	Village Roads	Waiting Restrictions	Advert 07/02/18 – 07/03/18	Operative date to be arranged
Boston	Church Lane	Loading Bay	Objections to be reviewed	As previous
Boston	London Road	Toucan Crossing	Operative date to be arranged	As previous
Brandon	Village Road	40mph Speed Limit	Consulting	Operative date to be arranged
Brant Broughton	High Street	30mph Speed Limit Extension	Consulting	Operative 25/06/18
Carlton Scroop	A607	50pmh Speed Limit extension	Consulting	Operative 25/06/18
Dunholme	Lincoln Road	30mph Speed Limit Extension	Consulting	As previous
Foston	Main Street	Stopping Up of Highway	Consulting	As previous
Gainsborough	Beaumont Street	Pedestrian Crossing	Operative date to be arranged	As previous
Holbeach	Spalding Road	30mph Speed Limit Extension	Consulting	Operative date to be arranged
Horncastle	West Street / Bridge Street	Waiting/Loading Restrictions	Operative date to be arranged	As previous
Horncastle	West Street	Waiting Restriction	Operative date to be arranged	As previous
Lincoln	Road off East/west Link	Waiting Restrictions	Consulting	As previous
Lincoln	Greetwell Place	Removal of Residents Parking Bay	Consulting	Objections to be reviewed
Lincoln	Minster Yard	Stopping Up Order	Consulting	As previous
Lincoln	Waterside South	Experimental Restricted Parking Zone	Objections to be reviewed	As previous
Lincoln	Wragby Road	Waiting Restrictions	Operative date to be arranged	Operative 26/03/18
Market Deeping	Willoughby Avenue	Waiting Restrictions	Consulting	As previous
Nettleham	A46	50mph Speed Limit Extension	Consulting	As previous
Ruskington	Holme Lane	Waiting Restrictions	Advert 07/03/18 – 04/04/18	As previous
Skegness	A52	40mph Speed Limit	Operative date to be arranged	As previous
Skegness	A52	Footway / Cycleway Conversion	Operative date to be arranged	As previous

<b>PARISH</b>	<b>LOCATION</b>	<b>TYPE</b>	<b>PREVIOUS POSITION</b>	<b>PRESENT POSITION</b>
Skegness	North Parade	Waiting Restrictions	Operative date to be arranged	As previous
Stamford	High Street St Martins	Waiting Restrictions		Consulting
Trusthorpe	Sutton Road	Experimental Prohibition of Driving	Operative date to be arranged	Operative 27/04/18
Waddington	A607	40mph Speed Limit Extension	Consulting	As previous

## Appendix B

### **Explanatory Note on the Temporary Suspension of Traffic Order Regulations Reviews**

In November 2015 the Portfolio Holder agreed to a temporary suspension of Traffic Regulation Orders (TROs) progression.

Work on TROs is currently only initiated in the following circumstances:

- a. TROs that were in progress at the start of December 2015.
- b. TROs required as a result of collision investigation by Lincolnshire Road Safety Partnership.
- c. TROs required to facilitate and progress new developments

## APPENDIX C

The following petitions have been received since the last report. They have been acknowledged and will be dealt with in the normal manner.

<b>PARISH</b>	<b>LOCATION</b>	<b>PETITION FOR</b>
Bourne	Various Locations	School Traffic and Parking Problems



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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>2 July 2018</b>
Subject:	<b>County Matter Application - S18/0643</b>

**Summary:** Planning permission is sought by Blue Sky Plastics Ltd (Agent: GP Planning Ltd) to vary condition 2 of planning permission S12/1294/17 to increase the permitted tonnage of waste from 20,000 tonnes per annum to 40,000 tonnes per annum at Blue Sky Plastics Ltd, South Fen Road, Bourne, PE10 0DN.

The proposal would not involve any increase in the operating area of the site and there is no proposal to increase operating hours, the existing waste processing operations or the plant and machinery currently used. As a result there would be no significant adverse impacts in terms of noise, smell and emissions or visual impact arising from this proposal. The proposed increase in annual throughput would however result in an increase in vehicular movements to and from the site. This increase represents a doubling from an average of 6 two-way movements to 12 two-way movements per day.

**Recommendation:**

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

### Background

1. Retrospective planning permission was granted on 3 November 2014 to use the site at Blue Sky Plastics, South Fen Road, Bourne for waste recycling operations (ref: S12/0601/14). As part of this permission the operator was required to provide two passing places along South Fen Lane and details of these were subsequently approved. Since that application three further Section 73 applications have been made which sought to vary conditions attached to the permission. One of these proposed to increase the stockpile heights from 3m to 6m (ref: S12/1153/15) however this application was refused on the grounds of unacceptable visual impact. Two applications (refs: S12/3525/15 and S12/3525/15) were submitted and subsequently approved which amended the previously approved details relating to the highway passing places and to reorganise the storage of material on site. A further planning permission was granted on 21 September 2017 (ref:

S12/1294/17) which approved a revised location for one of the passing places along South Fen Lane. The passing places along South Fen Lane have now been constructed in accordance with these details and are in place.

### The Application

2. Planning permission is being sought to vary condition 2 of planning permission S12/1294/17 so as to increase the permitted tonnage of waste from 20,000 tonnes per annum to 40,000 tonnes per annum at Blue Sky Plastics Ltd, South Fen Road, Bourne. Condition 2 and reason cited for its imposition currently read as follows:

*The maximum quantity of materials brought to the site shall not exceed 20,000 tonnes per annum. All materials to be brought to the site shall be weighed at a weighbridge within the site. Weighbridge records shall be retained for at least two years and available for inspection by the Waste Planning Authority on request.*

*Reason: To ensure that the scale of the operation and the number of associated traffic movements are kept within the range put forward by the applicant.*

3. The operation currently processes up to 20,000 tonnes per annum of mixed plastics, a large proportion of which are sourced from Waste Electrical and Electronic Equipment (WEEE) waste. The waste is brought to the site in 25 tonne heavy goods vehicles (HGVs). Following a visual inspection to remove any contaminated material, the plastic is shredded and any contaminated elements are stored separately prior to being removed from site. The material is then put through a second shredder and reduced to approximately 30mm in size and any ferrous metals are separated and taken off site. The plastic is passed through a number of air systems in order to separate the light fractions and washed and reduced again to 10mm in size. Further air systems are in place to remove the remaining light materials such as wood and rubber.
4. The site operating hours would continue to be 07:00-17:00 hours on Monday to Friday and 07:00-12:00 hours on Saturday, with no working on Sundays and Bank Holidays. Similarly, it is not proposed to increase the number of employees, which is currently 30 and there is no proposal to increase the permitted height of the stockpiles which are 3m. The applicant states that the existing plant and equipment has not been operating at full capacity and there would be an intensification of the processes, using the existing equipment, which would enable the proposed increase in volume of material to be processed and exported off site.
5. The existing waste facility generates an average of 6 two-way HGV movements per day (3 in and 3 out) and the application states that the proposed increase in wastes would result in a doubling of the number of

vehicular movements - resulting in 12 two-way HGV movements per day (6 in and 6 out).

6. A Technical Note, examining the highway and traffic issues associated with the proposed increase in traffic movements was submitted with the application. The main findings of this are summarised:
  - The Highway Impact Statement that supported the original application (ref: S12/0601/14), identified the potential number of two-way HGV movements as being between 2 (1 in and 1 out) and 16 (8 in and 8 out) per day. In order to assess the potential impacts of the development on a worse-case scenario the higher figure of 16 two-way movements was therefore applied.
  - Since the original permission was granted, site practices have changed and HGVs no longer leave the site empty and instead leave the site with finished product. This 'back-loading' is a more efficient practice and therefore whilst the development had originally assumed HGV movements would typically be 16 two-way movements (8 in and 8 out) per day, in practice they are typically 6 two-way movements per day (3 in and 3 out).
  - The proposed doubling of throughput to 40,000 tonnes per annum, along with the continued practice of 'back-hauling', would double existing traffic movements thus increasing HGV movements to a typical average of 12 two-way movements (6 in and 6 out) per day. This would therefore be below the amount of traffic movements that was assumed when the original application was first assessed.
  - Staff numbers would remain unchanged at 30 and it has been confirmed that the majority of staff (80%) would continue to travel to/from the site via bus with the remaining 20% by car. As such no increase in traffic movements associated with private cars/staff would arise as a result of this proposal.
  - Further to the construction of the passing bays along South Fen Road, in view of the negligible increase in traffic associated with the proposals, it is considered that no further off-site improvements should be necessary.

#### Site and Surroundings

7. The Blue Sky Plastics site is approximately 4km to the east of Bourne town centre and is accessed directly from South Fen Road. The surrounding land is flat, agricultural farm land interspersed with farm buildings and dwellings and there is an electricity pylon to the south of the site. South Fen Road is characterised by a variety of uses including modern factory units, horticultural and agricultural units as well as residential properties, the nearest of which is approximately 600m to the west of the site.
8. The site is a maximum of approximately 210m long and 115m wide, with a total area of approximately 2.16ha. To the west and south the site is surrounded by agricultural land, it is bound by South Fen Road to the north beyond which is agricultural land. To the east of the site is a scrapyard. Within the site the main processing buildings are situated within the western

portion, the site offices are in the north eastern corner adjacent to the weighbridge and the materials are stockpiled at various locations within the southern segment of the site. The site is bound by a cream concrete panelled fence which is between 3m-4m high. Outside of this fence is a combination of planting. The Macmillan Way public footpath is approximately 700m to the south of the site at its nearest point.



## Main Planning Considerations

### National Guidance

9. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning

consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 28 promotes a positive approach to supporting the rural economy.

Paragraph 32 states that developments that generate significant amounts of vehicle movements should be supported by a Transport Statement or Assessment.

Paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution.

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

Paragraph 186 indicates that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 requires planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

Paragraph 215 of the National Planning Policy Framework (NPPF) (March 2012) states that following 12 months since the publication of the Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the Framework the greater the weight that can be given).

10. National Planning Policy for Waste (October 2014) sets out the governments ambition to work towards a more sustainable and efficient approach to resource use and management, Paragraph 7 and Appendix B - Locational Criteria are relevant to this proposal. Of relevance to this application are considerations relating to traffic and access and amenity.

#### Local Plans

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

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

Policy W3 (Spatial Strategy for New Waste Facilities) states proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the main urban areas and include Lincoln, Bourne, Boston, Gainsborough and Skegness, amongst other towns.

Policy W4 (Locational Criteria for New Waste Facilities in and around main urban areas) states that proposals for new waste facilities, including extensions to existing waste facilities, in and around the main urban areas set out in Policy W3 will be permitted provided they would be located on:

- previously developed and/or contaminated land; or
- existing or planned industrial/employment land and buildings; or
- land already in waste management use; or
- sites allocated in the Site Locations Document.

Proposals must accord with all relevant Development Management Policies set out in the Plan:

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

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

to occupants of nearby dwellings and other sensitive receptors.

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

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

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

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

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

12. South Kesteven Core Strategy (2010) – the following policies are of relevance to the proposal:

Policy EN1 (Protection and Enhancement of the Character of the District), sets out a number of criteria against which all development proposals are required to be assessed. Relevant criteria include: statutory, national and local designations of landscape features, including natural and historic assets; local distinctiveness and sense of place; the condition of the landscape; biodiversity and ecological networks within the landscape; public access to and community value of the landscape; remoteness and tranquillity; visual intrusion and impact on controlled waters.

Policy E1 (Employment Development), states that within the rural areas new employment development that meets a local need will generally be supported within local service centres, providing that the proposals will not have an adverse impact on the character and setting of the village, or negatively impact on neighbouring land uses through visual, noise, traffic or pollution impacts. Also outside Local Service Centres, rural diversification proposals will be supported where it can be demonstrated that it is necessary to meet the needs of farming, forestry, recreation, tourism or other enterprises and has an essential requirement for a rural location. Such proposals would need to demonstrate that they will help to support or regenerate a sustainable rural economy.

The South Kesteven Proposed Submissions Local Plan 2011-2036 is currently out to consultation and as such any Policies in the Plan carry limited weight in the determination of this application however, the following emerging Policies are of relevance:

#### E4: Expansion of Existing Businesses

The expansion of existing businesses will be supported, provided that:

- a. existing buildings are re-used where possible;

- b. vacant land on existing employment sites is first considered;
- c. the expansion does not conflict with neighbouring land uses;
- d. the expansion will not impact unacceptably on the local and/or strategic highway network; and
- e. the proposal will not have an adverse impact on the character and appearance of the area and/or the amenities of neighbouring occupiers.

#### EN1: Landscape Character

Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. In assessing the impact of proposed development on the Landscape, relevant Landscape Character Appraisals should be considered, including those produced to inform the Local Plan and Neighbourhood Plans. Consideration should also be given to the Capacity and Limits to Growth Studies produced for Grantham and Stamford and the Points of the Compass Assessments prepared for the Larger Villages.

#### Results of Consultation and Publicity

13. (a) Local County Council Member, Councillor Reid - questions how the extra usage and weight on the road can be justified as only essential maintenance is given, as it does not meet the criteria with the County Council for proper foundation repair that has been promised to residents for at least 2/3 years.
- (b) Bourne Town Council - has no objection to the proposal provided that the business complies with their operating hours, deals with the issues of traffic flows on South Fen Road and does not use West Street and Abbey Road whilst the town await Lincolnshire County Council to impose a weight limit. The Town Council voiced their concern with the junction between Cherry Holt Road and South Fen Road and turning lorries.
- (c) Highway & Lead Local Flood Authority – has commented that the proposal to increase the tonnage from 20,000 tonnes to 40,000 tonnes would result in an increase in HGVs from around eight per day to 16 per day associated with the site. The site is one of several sites located along South Fen Road and so generates a proportion of the local traffic. The proposed small increase in traffic movements arising from this proposal cannot be considered severe as is required in the NPPF if a proposed development is to be refused permission for highway reasons.

Although the condition of some parts of South Fen Road is poor (e.g. with unevenness caused by localised subsidence and ground movements, pot holes and edge collapsing) this cannot be directly attributed to existing vehicle movements and is primarily due to localised ground conditions.



Previous planning consents for this site have secured and resulted in the provision of two passing places on South Fen Road and these are considered sufficient to accommodate the small increase in additional traffic arising from this proposal. Therefore no other planning obligations or highway improvement works associated with this proposal would be required or justified.

Consequently, having given due regard to the appropriate local and national planning policy guidance (in particular the NPPF) the Highway Authority has concluded that the proposed development is acceptable.

- (d) Environment Agency – made the following comments, the existing Environmental Permit allows the company to accept 75,000 tonnes per annum, which includes hazardous and non- hazardous waste streams, primarily waste electrical and electronic equipment (WEEE). The Fire Prevention Plan (FPP) is a requirement of their Permit and, as yet, has not been formally approved. The company would need to demonstrate in their FPP how the proposed increased waste volume would be managed to ensure that the requirements of the FPP guidance are met.
- (e) Public Rights of Way Officer (LCC) - does not wish to make any comments or observations.

14. The following organisations and individuals were notified/consulted on 22 March 2018 but had not replied within the statutory consultation period or by the time this report was prepared:

Environmental Health Officer (SKDC)  
Lincolnshire Fire and Rescue  
Public Health (LCC)  
Tree Officer (LCC)  
Pipelines Agency

15. The application was publicised by site notices placed near to the site and in the local press (Lincolnshire Echo on 24 May 2018). Notification letters were also sent to individual neighbouring properties. Fifteen letters of objection have been received as a result of this notification/publicity. A summary of the main points and comments received are summarised as follows:

- South Fen Road has achieved national recognition as one of the worst roads in the country and is unable to cope with the current heavy haulage, let alone an increases in lorries. Has any consideration been given for the increase in lorries on the road and the continued damage to an already terrible road?
- Although originally a tiny by-road, South Fen Road is heavily used by agricultural traffic and a large number of lorries serving the household recycling centre but more importantly the Blue Sky Plastics recycling plant and the Riddles Industrial Scrapyard. The traffic associated with

these sites is probably the main cause of the roads extreme degradation coupled with lack of maintenance. As well as affecting the road surface, lorries have destroyed the edges so cars cannot draw off to let them pass and in places the road has sunk and also risen.

- Pot holes on the road are so big they cannot be avoided and in February 2018 a film crew recorded 190 pot holes.
- There should be a widening of the road and hardstanding areas (that can be swept due to the proximity of the scrapyards) for the current number of lorries before any increase is considered. Lorries frequently use the verges and private entrances as passing places, with the two passing places being ignored.
- Stress levels on the bridges over the Counter Drain and the River Glen should also be checked as they were built before such large vehicles were using them. Furthermore there is a lack of visibility on the Glen River bridge which needs to be addressed particularly in view of the head on collision on 16 April 2018.
- Lorries queue and block the road especially in the morning before they open the gate and also wait overnight, leading to further disintegration of the road.
- Residents have to allow extra time for journeys and there is no safe route to get to Bourne, Stamford, Peterborough and no increase in lorries should be permitted until proper road infrastructure is put in place.
- There is an unsighted sharp bend by Windmill Farm with lorries driving on the wrong side of the road.
- There should be a speed limit due to the increase of personnel vehicles using the road and speeding when leaving at 5pm.
- Fire safety measures and a fire risk assessment is required as the site is located next to a recycling metal business, which has had previous fire incidents.
- Pollution - many fragments and pieces fall from lorries and a number do not have net protection which leads to litter along the banks and especially the bridge. This debris and the dirty state of the road results in punctures to vehicles. Debris is also blown from the premises and into residents gardens air testing is also required.
- A green screen with trees to hide the buildings would be appreciated - as it stands now the site resembles a concentration camp.
- There is noise, including at night, and black smoke currently coming from the site.
- The area is an eyesore in a beautiful area of fenland countryside and wildlife.
- Concerns in relation to the current housing prices.
- The plans do not give enough detail in terms of impact on local residents.

#### District Council's Recommendations

16. South Kesteven District Council - has no objection in principle, however, the increase in the amount of wastes to be stored and processed on site is considered to be likely to lead to additional vehicle movements. Notwithstanding the information provided within the application, having

regard to the physical state of South Fen Road, the District Council recommends that improvement works such as provision of additional passing places be considered.

17. It is further recommended that adequate measures be put in place to ensure that the proposal does not lead to unacceptable levels of noise and odour pollution. A Fire Prevention Plan should therefore be put in place as a pre-commencement condition in order to protect the lives and properties of neighbours. Finally, the issues raised by Bourne Town Council, as well as issues raised by local residents should also be considered and addressed.

## Conclusions

18. The application is seeking to vary condition 2 of planning permission S12/1394/17 to double the amount of waste material permitted to be handled at the site from 20,000 tonnes per annum to 40,000 tonnes per annum. The acceptability of a waste facility in this location has previously been established, what now needs to be considered is whether an increase in the amount of material would result in a negative impact in terms of an associated increase in vehicular movements and any impact in terms of noise and other amenity issues.

## Vehicular Movements

19. As discussed, the application states that the proposed doubling of waste coming into the site would result in a similar proportional increase in vehicular movements - from 6 two-way movements per day to 12 two-way movements per day. A number of responses received through the consultation process have raised concerns in relation to the current condition of the road and the impact any increase in vehicular movements would have. These comments are noted and it is accepted that South Fen Road is in a poor state of repair with parts of the carriageway having sunk and a significant number of large pot holes being present along its length. The verges of the road have also fallen away which further contributes to the narrowness of the highway which, in places, makes it difficult for two vehicles passing.
20. Whilst the existing condition of the highway is poor, the proposed increase in vehicular two-way movements from 6 to 12 movements would still be below the number that the development was first assessed against when the original application was approved (e.g. 16 two-way movements). As stated by the Highways Officer, it is considered that the proposed additional movements would not lead to any significant deterioration of the road. The main reason for the poor state of the road is due to the underlying ground conditions in the area, principally localised subsidence and ground movements, which cannot be directly attributed to the vehicular movements associated with Blue Sky Plastics. In relation to South Kesteven District's comments requiring additional passing places, the Highways Officer has confirmed that the two places constructed as a condition of the original application and which were informed by the highways technical assessment,

are satisfactory and would be sufficient to accommodate any increase in vehicular numbers. Consequently, whilst the objections of local residents are noted and it is accepted that the condition of the highway is not ideal, the proposed increase in vehicular numbers would not be such that it is considered unacceptable in highway terms and therefore justification for refusal. The proposal would not therefore conflict with Policies DM13 and DM14 of the Lincolnshire Minerals and Waste Local Plan, Policy E1 of the South Kesteven Core Strategy or Policies E4 and EN1 of the emerging South Kesteven Local Plan all of which seek to ensure there is adequate highway capacity and that traffic would not have a detrimental impact on amenity.

### Visual Amenity

21. The waste management facility is existing and the visual impacts of the facility have previously been considered and accepted. There is no proposal for additional buildings, plant or any increase in stockpile heights. Therefore, it is considered that the appearance of the site and the resulting views towards the site would not alter as a result of the proposal to increase the volume of material coming into the site. Consequently the application would not be contrary to Policies DM3 and DM6 of the Lincolnshire Minerals and Waste Local Plan and Policy EN1 and E1 of the South Kesteven Core Strategy and Policies E4 and EN1 of the emerging South Kesteven Local Plan, all of which seek to protect and enhance landscape and visual amenity.

### Noise

22. Potential sources of noise would be from an increase in vehicular trips or from an intensification of the use of the machinery. All vehicular journeys would continue to take place within existing operating hours (i.e. 07:00-17:00 hours Monday to Friday and 07:00-12:00 hours Saturdays). The increased number of vehicular movements is considered to be modest and would not have a significant impact in the local area in terms of noise. The other potential source of noise would be from the intensification of the use of plant and machinery at the site however, this machinery is operated within existing buildings and would continue to be operated within the permitted operating times. It is therefore considered that there would be no significant detrimental impact in relation to noise as a result of an increase in the volume of material being processed at the site and consequently the application would not be contrary to Policy DM3 of the Lincolnshire Minerals and Waste Local Plan and Policy EN1 and E1 of the South Kesteven Core Strategy and Policies E4 and EN1 of the emerging South Kesteven Local Plan, which seek to protect amenity including any potential negative impact from noise on the environment.

### Other Issues

23. Debris on South Fen Road from the lorries and litter blown from the site was raised as a concern during the consultation process. Following enforcement

action taken by the Waste Planning Authority, the stockpile heights have continued to decrease and are within the permitted 3m height. It is therefore expected that this will assist in reducing windblown litter and debris. In relation to debris that is potentially falling from the lorries, it is considered that a condition requiring lorries to be sheeted on exiting the site would assist in achieving a reduction in the amount of litter on the highway.

### Fire Prevention Plan

24. A Fire Prevention Plan (FPP) is a requirement of the current planning permission S12/1294/17, and it is also a requirement of the Environmental Permit. To date, the applicant has not submitted an FPP for approval and the applicant has confirmed that they are in continuing discussions with the Environment Agency to produce a final plan. It is therefore proposed that a condition is imposed on any planning permission granted requiring a FPP to be submitted.

### Human Rights Implications

25. 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 Conclusion

26. The application is not proposing any change to the site itself, to change operating hours, or any increase in stockpile heights. The most significant change would be in relation to vehicular movements which would double that which current access the site. When the original application was considered it was assessed on the basis that there would be 16 two-way vehicular movements per day however due to more efficient working practices, in practice the number of movements currently associated with the site is 6 two-way movements per day. This proposal would double these to 12 two-way movements and whilst this is a doubling of existing movements it is still below that which the development has been accepted. Whilst the poor condition of South Fen Road is acknowledged the Highways Officer has confirmed that the proposed increase in traffic would not be ground to justify the refusal of this application. It is therefore considered that the application would not be contrary to Policies DM3, DM6, DM13 and DM14 of the Lincolnshire Minerals and Waste Local Plan and Policies EN1 and E1 of the South Kesteven Core Strategy.
27. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which consolidates and (where relevant)

recites the conditions which were attached to the previous planning permissions. It is also recommended that additional conditions be imposed to secure the sheeting of lorries and revised conditions be imposed which would prevent the proposed increase in tonnage sought by the application until a Fire Prevention Plan has been submitted and approved.

## RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the details set out in the original application and supporting documents received on 21 February 2014 and the accompanying plans (as set out below) except where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions:
  - Site Layout Plan - GPP/BSP/BVoC/15/03 rev 6 (received 25 February 2016)
  - (7) General Storage Elevations - GPP/BSP/B/13/04 rev 1
  - Office Elevations - GPP/BSP/B/13/05 rev 1
  - (8) Shredding Building Elevations - GPP/BSP/B/13/06 rev 1; (6) WEEE Processing Building Elevations - GPP/BSP/B/13/07 rev 1
  - (5) Shredder/Eddy Building Elevations - GPP/BSP/B/13/08 rev 1
  - (2, 3, 4) Extrusion, Processing & Separation Building Elevations - GPP/BSP/B/13/09 rev 1
  - Highways Impact Statement (September 2014)
  - Technical Note (February 2018)
2. (a) No more than 20,000 tonnes of materials shall be brought and processed at the site per annum until a Fire Prevention Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The plan shall reflect the proposed increase of annual tonnage to 40,000 tonnes per annum and once approved shall be fully implemented in accordance with the approved details.  
  
(b) Subject to, and following compliance with Condition 2(a), no more than 40,000 tonnes of materials shall be brought and processed at the site per annum. All materials to be brought to the site shall be weighed at a weighbridge within the site. Weighbridge records shall be retained for at least two years and available for inspection by the Waste Planning Authority on request.
3. No material other than Waste Electrical and Electronic Equipment (WEEE) and waste plastics shall be imported to, deposited, processed or stored at the site.
4. Any material contained within deliveries to the site which falls outside of those permitted by condition 3 above, shall, within 24 hours of such delivery,

be moved to a quarantine area and stored in a designated covered skip prior to removal from the site. Removal of such waste from the site shall be no later than one week of delivery of the non-permitted waste.

5. The surface water drainage scheme as set out in the Flood Risk Assessment Revision D dated 29 May 2014 and received by the Waste Planning Authority on July 2014 shall continue to be implemented in full.
6. No material stockpiled or stored within the site shall exceed 3m in height.
7.
  - (i) The landscaping scheme on the western boundary of the site shall continue to be implemented and maintained in accordance with the specification and details that were previously submitted and approved by the Waste Planning Authority as referenced and set out in the decision letter dated 10 March 2015 (originally approved pursuant to Condition 7(i) of planning permission S12/0601/14).
  - (ii) The site entrance shall continue to be maintained in accordance with the details that were previously submitted and approved by the Waste Planning Authority as referenced and set out in the decision letter dated 10 March 2015 (originally approved pursuant to Condition 7(ii) of planning permission S12/0601/14).
  - (iii) The colour of the silos shall be maintained as goose wing grey (BS10A05) in accordance with the details that were previously submitted and approved by the Waste Planning Authority as referenced and set out in the decision letter dated 10 March 2015 (originally approved pursuant to Condition (iii) of planning permission S12/0601/14).
8. No operations related to the waste recycling facility, including delivery and dispatch of waste, shall be carried out except between the following hours:  
  
07:00 to 17:00 hours Mondays to Fridays  
07:00 to 12:00 hours Saturdays  
Sundays, Bank and Public Holidays – no working
9. From the date of this permission the operator shall maintain records of waste imports and exports to/from the waste recycling facility including details of relevant weight and type of waste being imported or exported. The operator shall make these records available to the Waste Planning Authority within 28 days of a written request.
10. All loaded vehicles exiting the site shall be fully sheeted.

The reasons for the conditions are:

1. To ensure the development is carried out in accordance with the details submitted.

2. To ensure that the scale of the operation is restricted until such time a Fire Management Plan has been secured and to ensure that the throughput of the site, and associated traffic movements, are kept within the range put forward by the applicant.
3. To control pollution at the site.
4. To prevent pollution of soil and groundwater resources.
5. To reduce the risk of flooding at the site.
- 6, 7 & 8  
In the interests of the amenity of the area.
9. To enable the Waste Planning Authority to plan for future waste sites within the County.
10. To reduce the amount of debris and litter in the surrounding environment.

### **Appendices**

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.

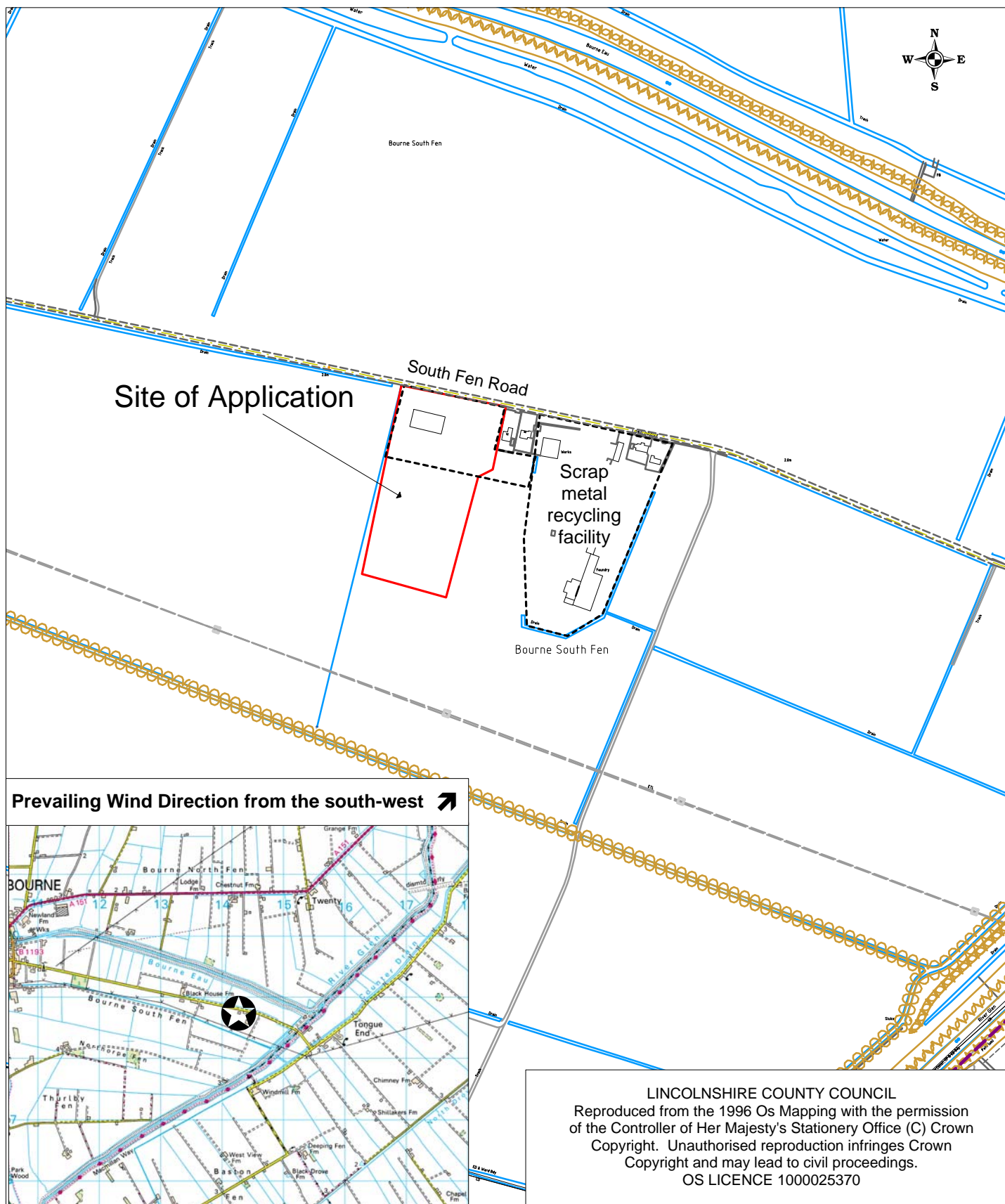
Document title	Where the document can be viewed
Planning Application File PL/0034/18	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012) National Planning Policy Waste (2014)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) (2016)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk/">http://www.lincolnshire.gov.uk/</a>
South Kesteven Local Plan (2010)	South Kesteven District Council website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

This report was written by Sandra Barron, who can be contacted on 01522 782070 or [dev\\_pcg@lincolnshire.gov.uk](mailto:dev_pcg@lincolnshire.gov.uk)



# LINCOLNSHIRE COUNTY COUNCIL

## PLANNING AND REGULATION COMMITTEE 2 JULY 2018



**Location:**

Blue Sky Plastics  
 South Fen Road  
 Bourne

**Application No:** S18/0643

**Scale:** 1:5000

**Description:**

To vary condition 2 of planning permission S12/1294/17 to increase the permitted tonnage from 20,000 tonnes per annum to 40,000 tonnes per annum

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>2 July 2018</b>
Subject:	<b>Planning Enforcement Prosecution</b>

**Summary:**

This report gives details of a joint prosecution taken out by Lincolnshire County Council and the Environment Agency under the Town and Country Planning Act and the Environmental Protection Act. The offences were carried out at a waste recycling facility at Barkston Heath, Wilsford, Lincolnshire. As a direct result of storage of wastes at the site in breach of a planning condition, a serious fire occurred in July 2015 resulting in a significant environmental incident, road closures and warnings to local residents to keep windows and doors closed. On 24 July 2017 the Defendants pleaded guilty to a total of two environmental charges and three planning charges. Sentencing took place on 07 June 2018 at Lincoln Crown Court. MidUK Recycling Ltd was fined £100,000 and ordered to pay costs of £50,000. In sentencing the Judge took into account that MidUK Recycling Ltd agreed to pay the Council's Fire and Rescue service costs of £230,000 for attending and managing the fire. No separate penalties were awarded against the Managing Director Christopher Mountain or the landowner MC Mountain and Son Ltd who had also pleaded guilty.

**Recommendation:**

That the Report is noted.

**The Report**

1. MidUK Recycling Ltd operates a large recycling facility at Barkston Heath, Wilsford near Ancaster. The land is owned separately by MC Mountain and Sons Ltd. Mowbray Christopher Mountain is a director of both companies. These three are the Defendants in the prosecution.
2. Planning permission for the site was granted by the County Council in 2012 and allows a moderate amount of baled and wrapped wastes to be stored externally on a designated area and, at that time, to a maximum height of 3.5m. The operator is not allowed to store loose wastes or unwrapped wastes externally or outside the designated area. However, during a routine monitoring inspection in April 2014 it was noted that stockpiles of both wrapped and unwrapped baled wastes were being stored at various

unauthorised locations around the site and stacked to a height of over 8 metres. There was also a stockpile of several hundred tonnes of loose, mainly carpet wastes, stored externally. There were no appropriate fire breaks between the largest stockpiles of wastes. The operator was told to remove the wastes that were stored outside the designated area; to reduce heights of waste to 3.5 metres; and to remove the loose wastes. A deadline of 06 May 2014 was given for the works to be carried out.

3. A follow-up inspection on 22 May 2014 found that the operator had not complied with the requirements of the Council and had continued to deposit wastes in breach of the planning permission and increasing the stockpiles. The Council issued a planning Enforcement Notice for a Breach of Condition, copies of which were served on both the operator and landowner on 09 July 2014. The deadline to remove wastes and store wastes in accordance with the planning condition was 05 September 2014. Under the Town and Country Planning Act both the operator and the landowner are liable for compliance with planning enforcement notices.
4. On 05 August 2014 the operator submitted proposals to remedy the planning breach and gave an assurance he would comply with the Enforcement Notice. It was agreed that the operator would be given an extension until 31 January 2015 to comply with the Notice to avoid further action. This deadline was later revised to 31 March 2015 following further representations by the operator. The Council informed the operator that this was the final deadline and no further extension would be given.
5. In the meantime, and notwithstanding that the Enforcement Notice was in place, and notwithstanding that an agreement and assurance to remove the wastes had already been made, on 23 February 2015 the operator submitted a retrospective planning application for temporary storage of the wastes on site, which if granted, would have nullified parts of the Enforcement Notice and would have allowed him to continue storing the wastes in the unauthorized manner detailed above. However, the application was refused on 14 May 2015.
6. As wastes continued to be stored in non-compliance with the Enforcement Notice, evidence for a prosecution was gathered. On 18 May 2015 the operator was requested to attend at a PACE (Police and Criminal Evidence Act) interview to answer questions relating to the then alleged failure to comply with the Enforcement Notice which could result in him being prosecuted. Following the interview a decision was made to prosecute.
7. Wastes continued to be stored in non-compliance with the Notice and whilst the prosecution file was being prepared, a serious fire broke out at the site at 0150 hours on 07 July 2015. According to the fire officer the seat of the fire was within the unauthorized unbaled/loose waste located within a corral-type structure made up of waste bales which then quickly spread to the adjacent baled waste stockpiles and a warehouse building. Lincolnshire Fire and Rescue Service attended. Due to the smoke and potential hazards, Lincolnshire Highways closed the High Dyke Road for several

days. Fire-fighting water had to be sourced from amenity/fishing lakes at Woodland Waters in Ancaster. Warnings were issued to local residents in Ancaster to keep doors and windows closed. Lincolnshire Fire and Rescue were in full-time attendance at the site from the early hours of 07 July 2015 until 1145hours on 13 July 2015. The costs incurred by the Fire and Rescue Service attending the fire was in the region of £230,000. It is these costs that the Council successfully recovered through the legal action. Several thousand tonnes of baled wastes and hundreds of tonnes of carpet waste were burned in the fire. The fire also spread to one of the warehouse buildings which was gutted.

8. The Council prepared charges under both Planning and Environmental legislation. The persons charged were the operator, the landowner, and Christopher Mountain personally. It is drawn to the attention of Members that under section 222 of the Local Government Act 1972 a local authority can prosecute in any legal proceedings where it considers it expedient for the promotion or protection of the interests of the inhabitants of their area. The Council also considered it expedient to prosecute Christopher Mountain personally as a Director. It was considered that it was appropriate to bring charges under both Planning and Environmental legislation having regard to the circumstances this matter.
9. Following the charges being laid by the County Council, the Environment Agency also laid charges in respect of environmental offences relating to the storage of waste materials and the subsequent fire. All of the charges were subsequently heard under one joint prosecution brought by the County Council and the Environment Agency.
10. At a hearing at Lincoln Crown Court on 20 June 2016 the Defendants pleaded not guilty to all charges. The Defendants also challenged the prosecution proceedings as an abuse of process claiming duplication of charges by the two separate regulatory authorities. This challenge was later dropped and the case proceeded to submission of pleas.
11. At Lincoln Crown Court on 24 July 2017 MidUK Recycling Ltd, MC Mountain and Son Ltd and Mowbray Christopher Mountain, pleaded guilty to a total of five charges.
12. At sentencing at Lincoln Crown Court on 07 June 2018 the Judge, HHJ Pini stated that the company should have taken the excess waste materials to landfill as the lesser of two evils – the greater evil being the fire. He stated that "*the culpability here is properly characterised as reckless and not just negligence*". He imposed the following fines and costs:

MidUK Recycling Ltd (Operator): Fine £100,000  
Legal costs awarded jointly to LCC and EA: £50,000

MC Mountain and Son Ltd (Landowner): No separate penalty

Mowbray Christopher Mountain (Director): No separate penalty

MidUK Ltd agreed to pay the following sum in compensation to the County Council's Fire and Rescue Service: £230,000

13. The total amount to be paid by MidUK Recycling Ltd is £380,000.

## RECOMMENDATIONS

That the Report is noted.

### 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
Enforcement Investigation and prosecution files reference INV/011/2014	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
Transcript of Judgment by HHJ Pini 07 June 2018 (30 pages)	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX

This report was written by Tim Collis, who can be contacted on 01522 554847 or [dev\\_planningenforcement@lincolnshire.gov.uk](mailto:dev_planningenforcement@lincolnshire.gov.uk)