



County Offices
Newland
Lincoln
LN1 1YL

23 November 2018

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 3 December 2018 at 10.30 am in Council Chamber - County Offices, Newland, Lincoln Lincs LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in black ink that reads 'Keith Ireland'.

Keith Ireland
Chief Executive

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 P Cooper, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner, H Spratt, M J Storer and C L Strange

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 3 DECEMBER 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 5 November 2018	5 - 8
4.	Traffic Items	
4.1	Manthorpe Village A607 - Request for a Speed Limit Reduction	9 - 18
4.2	Waterside South, Lincoln - Proposed Restricted Parking Zone and Changes to Parking and Loading Restrictions	19 - 26
5.	County Matter Applications	
5.1	Retrospective application for the temporary installation of six site security and welfare cabins, four water bowzers, generator and associated facilities at Land north-west of Biscathorpe House, Biscathorpe, Louth - Egdon Resources UK Limited (Agent: Barton Willmore LLP) - N/059/02114/18	27 - 42
5.2	Prior Notification Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 under Schedule 2, Part 17, Class KA for the drilling of groundwater monitoring boreholes at Land off High Street, Biscathorpe, Louth - Egdon Resources UK Ltd (Agent: Barton Willmore LLP) - PL/0124/18	43 - 50

Democratic Services Officer Contact Details

Name: **Steve Blagg**

Direct Dial **01522 553788**

E Mail Address 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.

All papers for council meetings are available on:
www.lincolnshire.gov.uk/committeerecords



**PLANNING AND REGULATION
COMMITTEE
5 NOVEMBER 2018**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner and C L Strange

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Andy Gutherson (County Commissioner for Economy and Place), Neil McBride (Planning Manager), Marc Willis (Applications Team Leader) and Mandy Withington (Solicitor)

47 APOLOGIES/REPLACEMENT MEMBERS

An apology for absence was received from Councillor H Spratt.

48 DECLARATIONS OF MEMBERS' INTERESTS

No declarations of interests were made at this stage of the meeting.

**49 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 1 OCTOBER 2018**

RESOLVED

That the minutes of the previous meeting held on 1 October 2018, be agreed as a correct record and signed by the Chairman.

50 TRAFFIC ITEMS

51 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report in connection with the current position of all current Traffic Regulation Orders and petitions received since the last report to the Committee. It was noted that no petitions had been received.

RESOLVED

That the report be noted.

2
PLANNING AND REGULATION COMMITTEE
5 NOVEMBER 2018

52 COUNTY MATTER APPLICATIONS

53 FOR RETENTION OF A SITE INCLUDING COMPOUNDS AND FIXED
PLANT FOR THE PROCESSING, STORAGE AND DISTRIBUTION OF
RECYCLABLE AGGREGATE DERIVED FROM CONSTRUCTION AND
DEMOLITION WASTE AT MID UK RECYCLING LTD, CAYTHORPE
HEATH LANE, CAYTHORPE, GRANTHAM, NG32 3EW - S18/1714

(Note: 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 that he would abstain on voting on this matter).

Since the publication of the report further responses to consultation had been received from Caythorpe and Freiston Parish Council, Lincolnshire Fire and Rescue together with a response from the Planning Manager to the responses detailed in the update which had been circulated to the Committee and published on the Council's website.

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

- Concern was expressed about increased traffic on the local highway from the additional transport of the processed aggregate. Officers stated that the proposal to process 15,000 tonnes was already included in the 200,000 tonnes of mixed loads already handled at the site. Therefore, there would not be any increase in traffic as a result of this retrospective application.
- The applicant needed to give an assurance that a dust management scheme would be installed within the required time as was required by Condition 1 (i) of the permission S16/2458. Officers drew the Committee's attention to the Condition in connection with a "Dust Management Plan" in the recommendations detailed in the report.
- Officers explained the applicant's proposals for the bulking up of different sizes of materials for transport which might require the use of larger vehicles for transportation purposes.

On a motion by Councillor I G Fleetwood, seconded by Councillor Mrs A M Newton, it was –

RESOLVED (12 votes for, 0 votes against and 1 abstention)

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

54 COUNTY COUNCIL DEVELOPMENTS

55 TO CARRY OUT IMPROVEMENT WORKS INCLUDING THE RESURFACING AND DEVELOPMENT OF THE OVERSPILL CAR PARK, REMODELLING OF THE EXISTING ROUNDABOUT AND RESURFACING OF THE CARRIAGEWAY AND ITS DRAINAGE SYSTEM AT OVERFLOW CAR PARK & ROUNDABOUT, OFF SANDY LANE, ANDERBY CREEK, SKEGNESS, PE24 5XX - N/089/01901/18/3

(Note: 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 that he would abstain on voting on this matter).

Since the publication of the report a further 15 letters of representation and a petition signed by 94 people had been received as detailed in the update which had been circulated to the Committee and published on the Council's website.

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

- It was difficult to distinguish the palm leaf design of the roundabout highlighted in the representations received. Officers explained that the works proposed in the application would improve car parking for visitors, described the material to be used for the car park and access for vehicles would be improved if the design of the current roundabout was changed.
- Had there been any previous complaints about the state of the roundabout? Officers stated that they were not aware of any complaints before the receipt of this application.
- Parking was very difficult in this area especially during the summer months and there were more caravans and residents living in the area now compared to the 1930s when the Palm Hall Dance Hall existed. Officers stated that Anderby Creek had many visitors especially during the summer months and the proposals would improve the current parking provision.
- Those residents who had submitted representations for the retention of the roundabout should have applied for its conservation earlier.
- It was suggested that a plaque could be installed to show that this was the site of the former Palm Hall Dance Hall. Officers stated that this suggestion should not be captured by a planning condition and that Countryside Services should be requested to discuss this possibility with residents to see if a plaque could be installed and the information the plaque should contain.
- With regard to the installation of a plaque it was suggested that Anderby Parish Council could also take action on this matter.
- The roundabout did not seem to be well maintained as the verge kerbing surrounding the roundabout was missing in places.

On a motion by Councillor D Brailsford, seconded by Councillor T R Ashton, it was –

RESOLVED (12 votes for, 0 votes against and 1 abstention)

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

4
PLANNING AND REGULATION COMMITTEE
5 NOVEMBER 2018

The meeting closed at 11.07 am

Open Report on behalf of Keith Ireland, Chief Executive

Report to:	Planning and Regulation Committee
Date:	3 December 2018
Subject:	Manthorpe Village A607 - Request for a Speed Limit Reduction

Summary:

This report considers a request for the reduction of the existing 40mph speed limit to 30mph at the above location, shown at Appendix A. Investigations have indicated that this site is a 'Borderline Case', as defined within the Council's Speed Limit Policy.

Recommendation(s):

That the Members of the Committee approve the reduction in speed limit proposed so that the necessary consultation process to bring this into effect may be pursued.

1. Background

- 1.1 Lincolnshire County Council is currently pursuing the introduction of a 50mph speed limit on the A607 from Barkston village southwards for approximately 3.1km to where the existing 50mph speed limit stops just to the north of Manthorpe village.
- 1.2 During the consultation phase for this proposal, a local South Kesteven Ward Councillor requested that the existing 40mph speed limit on Low Road, Manthorpe be looked at with a view to reducing the limit to 30mph.
- 1.3 LCC has since looked at this request as well as the surrounding area including the A607 High Road which runs north to south almost parallel with Low Road. A week long speed limit survey was also carried out on the A607 in the centre of Manthorpe village to determine the mean speeds here.
- 1.4 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.

- 1.5 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.

- 1.6 Where the above applies a report is submitted to the Planning & Regulation Committee for consideration.
- 1.7 In the case of Manthorpe village a 40mph speed limit is already in place and it will therefore be the results of the speed survey which identify it as a Borderline Case.

1.8 Existing Conditions

On the A607 High Road and Low Road, Manthorpe, a 40mph limit is currently in force as shown at Appendix B. There is a 50mph to the north of the limit starting by Manthorpe Church, and a 30mph speed limit to the south coming into Grantham Town starting by the Longcliffe Road junction.

- 1.9 Speed survey equipment was installed in late September / early October 2018 on the A607 High Road at the location shown on Appendix B which measured mean speed at 35mph. The summary of the speed limit results can be seen on Appendix C.
- 1.10 Investigations have shown that there was one slight accident in the area under consideration in the last five years.
- 1.11 High Road is a fairly busy built-up road with an average weekday daily flow of 11000 vehicles. Low Road is a much quieter and narrower residential area which is accessed via High Road.

1.12 Proposals

On the A607 High Road the average mean traffic speed lies within 3mph of the level required to justify a 30mph 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

- 1.13 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 40mph speed limit can be reduced to 30mph. A plan indicating the extent of the 30mph limit suggested is shown at Appendix B.

- 1.14 The local Member is in support of the proposal. However they have suggested also that beyond the proposed 30mph speed limit extension a 40mph limit could be introduced to replace the current 50mph limit beyond the junction with Belton Lane.

2. Conclusion

Under the normal criteria set out in the Council's speed limit policy this location would not be considered eligible for a reduction in speed limit. As a Borderline Case however the Planning and Regulation Committee can approve a departure from the criteria where appropriate.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Overview plan - A607 Manthorpe
Appendix B	Details of the speed limit proposals
Appendix C	Speed survey results

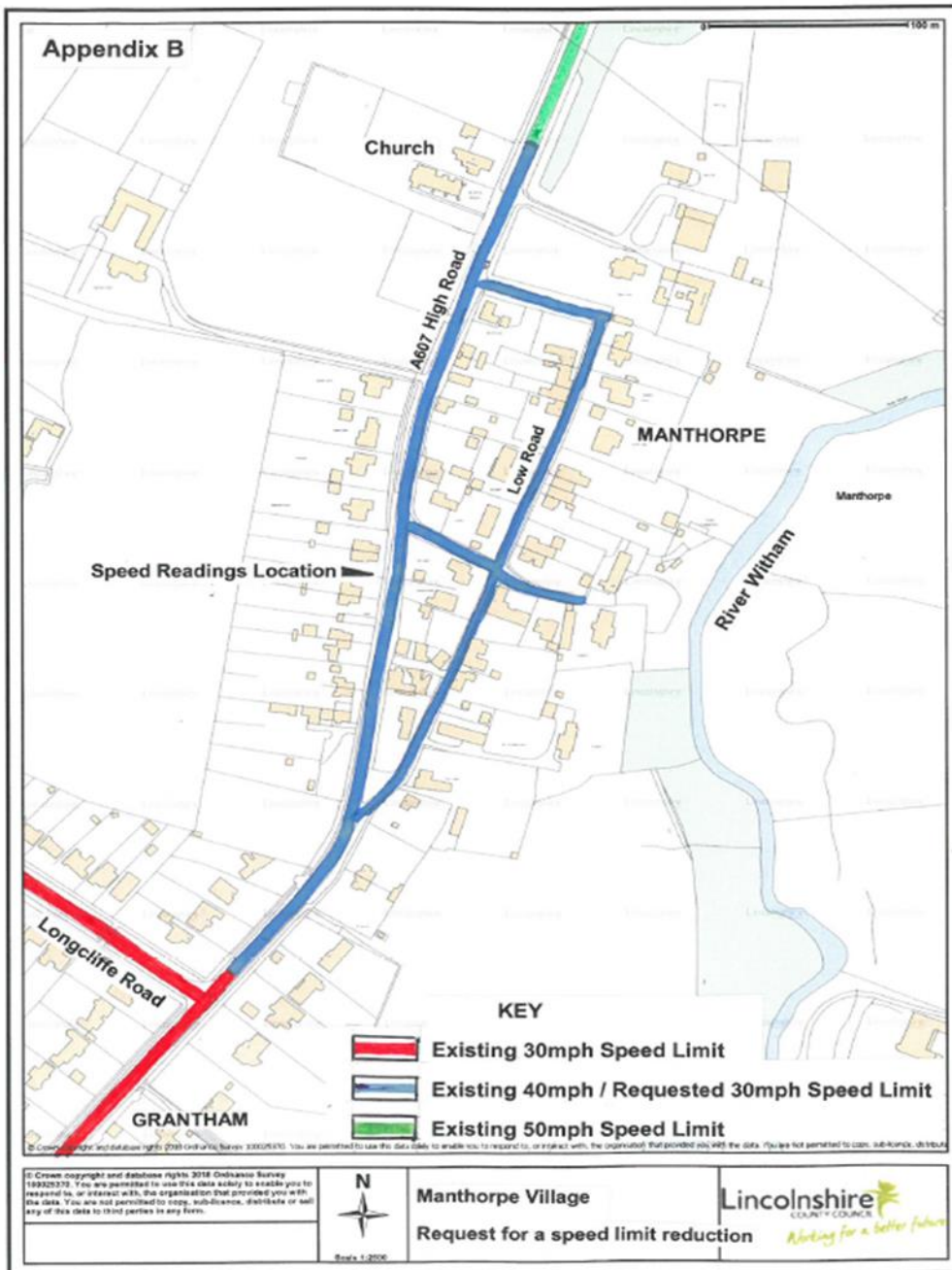
Background Papers

This report was written by 01522 782070 or bryan.gault@lincolnshire.gov.uk.

This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank

CLASSIFIER SUMMARY RESULTS SHEET for 24 HOURS,VOLUME & SPEED 85%ile									
SITE NAME:		A607 MANTHORPE							
ATC LOCATION:		ATTACHED TO LAMP POST NO4							
DAY/DATE	DIRECTION 1 00.00 to 24.00			DIRECTION 2 00.00 to 24.00			COMBINED TOTALS		
SEPT/OCT 2018	SOUTHBOUND>GRANTHAM			NORTHBOUND>BELTON			00.00 to 24.00 00.00 to 24.00		
	Total volume	Mean	85%ile	Total volume	Mean	85%ile	Total volume	Mean	85%ile
WEDS 26	5681	35	39	5554	36	41	11235	35.5	40
THURS 27	5430	35	40	5475	36	40	10905	35.5	40
FRI 28	5506	35	40	5828	36	41	11334	35.5	40.5
SAT 29	4941	36	40	4917	36	41	9858	36	40.5
SUN 30	4328	35	39	3845	36	41	8173	35.5	40
MON 1	5555	35	39	5277	36	40	10832	35.5	39.5
TUES 2	5295	34	39	5547	35	40	10842	34.5	39.5
TOTALS									
CHANNEL AVERAGES	5248.0	35.0	39.4	5206.1	36	40.6	10454.1	35.4	40.0
WEEKDAY AVERAGE	5493.4	34.8	39.4	5536.2	35.8	40.4	11029.6	35.3	39.9
COMBINED DIRECTION TOTALS									
WEEKDAY AVERAGE	(ALL VEHs)	11030							
WEEKDAY AVERAGE	Mean Speed	35							
WEEKDAY AVERAGE	85%ile	40							



VIEW SOUTHBOUND TOWARDS GRANTHAM

CLASSIFIER SUMMARY RESULTS SHEET - 24 HOUR TRAFFIC FLOWS							
SITE NAME:		A607 MANTHORPE					
ATC LOCATION:		ATTACHED TO LAMP POST NO4					
DAY/DATE	DIRECTION 1 00.00 to 24.00		DIRECTION 2 00.00 to 24.00		COMBINED TOTALS		
SEPT/OCT 2018	SOUTHBOUND>GRANTHAM		NORTHBOUND>BELTON		00.00 to 24.00		00.00 to 24.00
	TOTAL VEH	COMM/HGV	TOTAL VEH	COMM/HGV	TOTAL VEH	COMM/HGV	
WEDS 26	5681	185	5554	182	11235		367
THURS 27	5430	213	5475	205	10905		418
FRI 28	5506	155	5828	185	11334		340
SAT 29	4941	52	4917	65	9858		117
SUN 30	4328	50	3845	41	8173		91
MON 1	5555	204	5277	218	10832		422
TUES 2	5295	194	5547	242	10842		436
TOTALS							
CHANNEL AVERAGES	5248.0	150.4	5206.1	162.6	10454.1		313.0
WEEKDAY AVERAGE	5493.4	150.2	5536.2	206.4	11029.6		356.6
COMBINED DIRECTION TOTALS							
WEEK-DAY AVERAGE	(ALL VEHs)	11030					
WEEK-DAY AVERAGE	HGV	397					
Technical Service Partnership: LINCOLN LABORATORY							



VIEW NORTHBOUND TOWARDS BELTON

Appendix C

This page is intentionally left blank

Open Report on behalf of Keith Ireland, Chief Executive

Report to:	Planning and Regulation Committee
Date:	3 December 2018
Subject:	Waterside South, Lincoln - Proposed Restricted Parking Zone and Changes to Parking and Loading Restrictions

Summary:

This report details objections received to an experimental traffic regulation order brought into effect in July 2017 at Waterside South in the area of City Square, Lincoln. It imposes a restriction on parking throughout the area, except where bays are provided for disabled parking and for loading / unloading by goods vehicles.

Recommendation(s):

That the Committee agrees that the objections be overruled and the restrictions imposed by the experimental order be made permanent.

1. Background

1.1 Waterside South is accessed by vehicles off the north bound section of the A15, Melville Street and runs westwards to City Square and beyond to the rear of Boots and Wilko's. It is subject to high pedestrian flows with linkage to the north of the River Witham via Mayfield Bridge. Following redevelopment in the Cornhill area some of the Central Market provision operates from City Square and other activities and events regularly take place here (general location plan is at Appendix A).

1.2 The permanent traffic regulation orders in place at Waterside South are:
No waiting at any time restriction
Prohibition of driving except for loading before 10am and after 4pm (loading permitted all day for vehicles >1.5T).

1.3 During the last few years the number of vehicles parked in this area has steadily increased as Blue Badge holders may park on double yellow lines for up to 3 hours. In theory the prohibition of driving order should restrict access by all vehicles less than 1.5T in weight between 10am and 4pm. However violation of this 'moving' offence occurred routinely owing to lack of enforcement by the police, a situation which is unlikely to change given

police priorities at this time. This being the case Blue Badge holders regularly accessed Waterside South to park throughout the day which began to disrupt access for vehicles delivering to local businesses, increase the likelihood of conflict between vehicles and pedestrian activity, and gave the area the general appearance of a car park.

- 1.4 Early in 2017 formal requests were received from local businesses, the Lincoln Business Improvement Group and from the City of Lincoln Council for the existing traffic order in Waterside South to be investigated with a view to reclaiming the area as a safe, pedestrian friendly environment as opposed to an area accommodating large numbers of moving and parked vehicles. In addition the negative impact of parking on access to businesses for deliveries would need to be addressed.

1.5 **Proposal**

On 18 July 2017 an experimental order was implemented as illustrated at Appendix B and was advertised on site for a period of six months. This brought into effect a restriction throughout the area on parking and loading except for those vehicles entitled to park in the bays marked for disabled parking and for loading by goods vehicles, including the cul-de-sac to the rear of Boots and Wilco's. The prohibition of driving restriction was revoked as part of this order.

1.6 **Consultation**

The consultation process for this experimental order took place in June 2017. The local Member and District Councillors were contacted for their input, along with the emergency services, the City of Lincoln Council, Lincoln BIG and all businesses and premises in the area. Additionally a number of groups representing the disabled and elderly were consulted.

1.7 **Objections**

No objections were received to the proposals from those individuals and organisations included in the consultation exercise but twelve were received from members of the public following public advertisement. A common theme of the comments raised cited the lack of alternative parking provision for Blue Badge holders in this area of the City as justification for retaining on street parking at Waterside South. The provision of a 4 space bay for disabled parking was viewed as unfair to Blue Badge holders and would act as a deterrent to shopping in Lincoln. Some objectors believe the disabled bay is located too far from City Square and that it should be extended to replace some of the proposed loading bay on Waterside South.

- 1.8 All the objections to the order were received during August 2017 and none have been received since that time. One letter of support had been received.
- 1.9 No objections have been received to the proposed loading facilities provided at Waterside South and in the cul-de-sac, or to the revocation of the prohibition of driving restrictions.

1.10 Comments

As part of the design of this scheme an option to allow disabled parking in Waterside South at certain times was considered. However, those pursuing change in the area were concerned that retaining parking here at any time would still compromise the aims of any revised restrictions. The proposals reflect this by restricting parking to specific areas away from City Square. This serves to improve public safety by reducing the potential for conflict between pedestrians and vehicles, and removes obstruction into the area by larger and emergency vehicles. In terms of the environment this will be enhanced by the reduction in traffic flow and numbers of parked vehicles which in turn will support recent investment and redevelopment in neighbouring Cornhill and at the Central Market, part of ongoing works to regenerate the City Centre.

1.11 Objectors are concerned about the loss of parking at this location. However on street parking bays are available nearby on Thorngate, Saltergate and in Free School Lane and at other locations within the City Centre. The new Central Car Park has a pedestrian link to Sincil Street and provides 39 spaces for Blue Badge holders on the ground and first floors. There is a charge for use of this car park but a dispensation for Blue Badge holders is in place.

1.12 The revocation of the prohibition of driving restrictions on Waterside South has not attracted adverse comment and it can be observed on site that the reduction in on street parking provision has resulted in a significant drop in the numbers of vehicles driving through the area. The location of the disabled parking bay allows Blue Badge holders to see on entering from Melville Street if space is available to park and if not, they can then safely manoeuvre out of Waterside South away from the high numbers of pedestrians in the vicinity of City Square. Additionally, the removal of this restriction on access is beneficial to the Police who will no longer be required to enforce it.

2. Conclusion

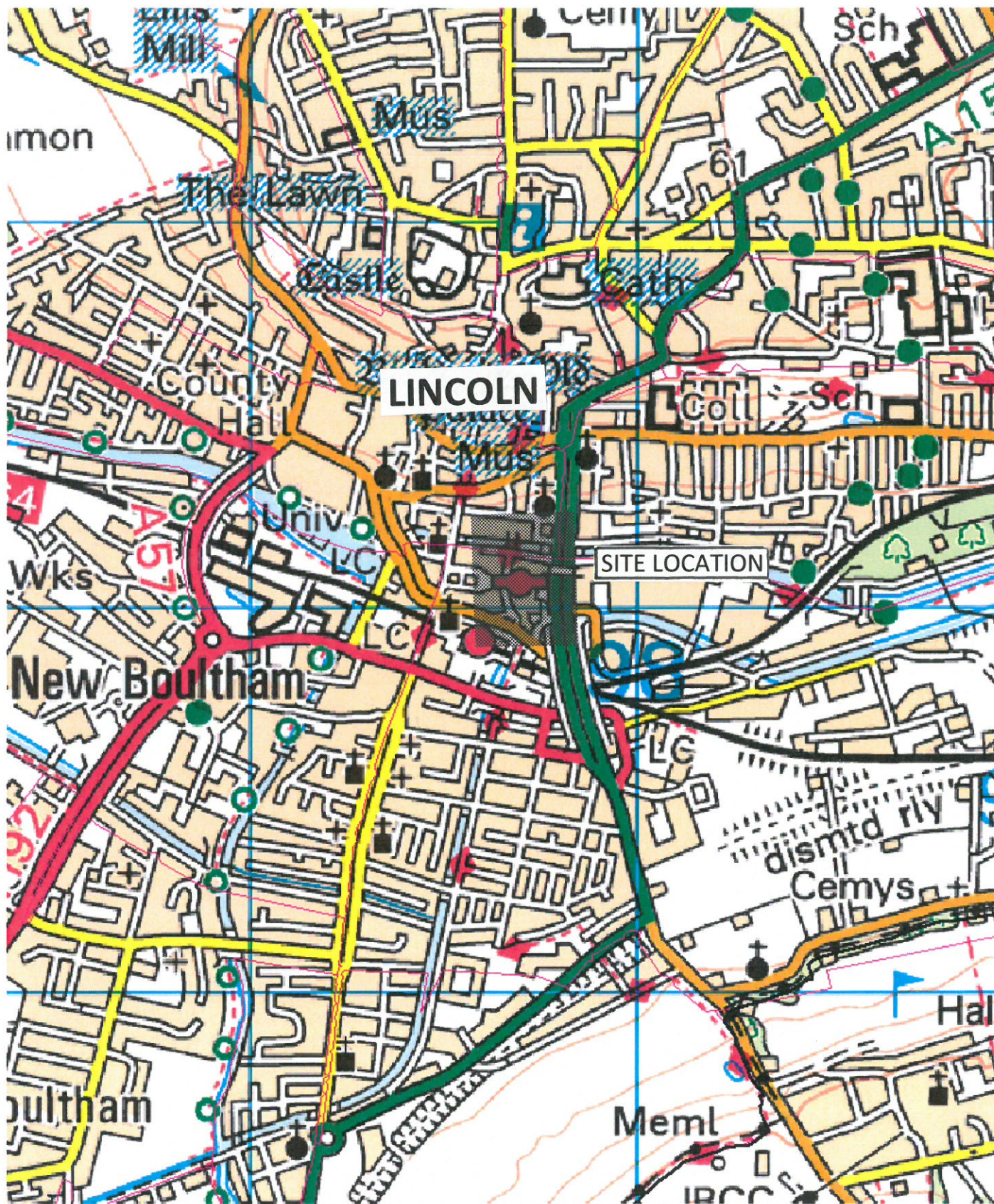
This experimental traffic order has been in place for 16 months and the benefits it has brought to the area are clear in terms of reduced traffic movements and on street parking. Vehicular access is maintained at all times for deliveries to businesses and emergency vehicles and whilst the concerns of Blue Badge holders is noted, alternative provision for disabled parking is available nearby.

Appendices

These are listed below and attached at the back of the report	
Appendix A	General Location Plan
Appendix B	Detail of Experimental Traffic Order

Background Papers

This report was written by 01522 782070 or jeanne.gibson@lincolnshire.gov.uk.



Lincolnshire COUNTY COUNCIL







Environment and Economy
Lincolnshire County Council
Director: Richard Wills

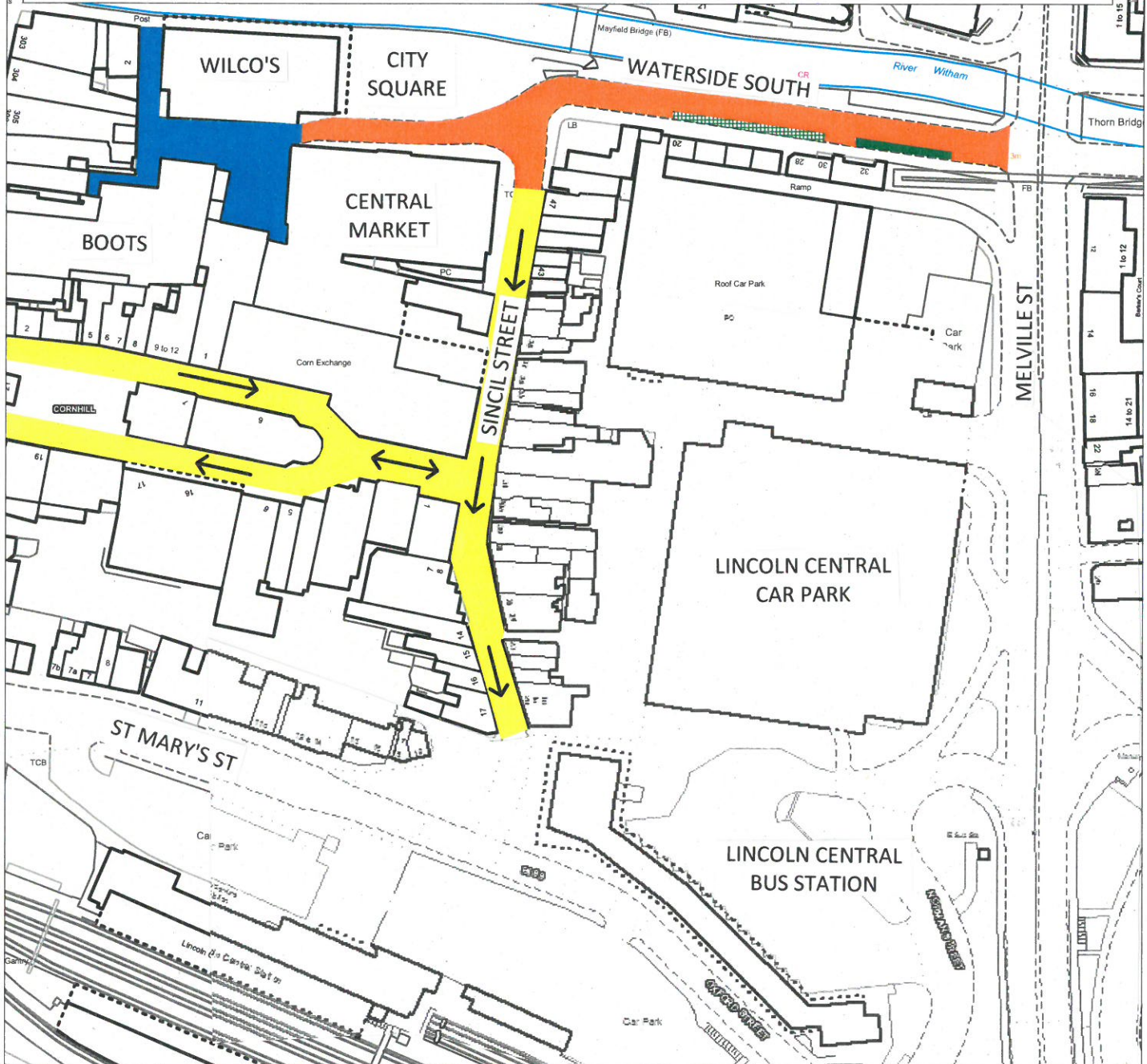
WATERSIDE SOUTH, LINCOLN – PROPOSED RESTRICTED PARKING
ZONE AND CHANGES TO PARKING AND LOADING RESTRICTIONS

Crown Copyright
O.S. licence no.
LA076732/2012

This page is intentionally left blank

KEY

-  Existing no parking restriction at any time and prohibition of driving except for loading before 10am and after 4pm
-  Existing One Way traffic flow
-  Proposed extent of restricted zone (No parking or loading at any time, except in signed bays)
-  Proposed 'Goods vehicles loading only' area 10am to 4pm
-  Proposed disabled parking bay (3 hours)
-  Proposed 'Goods vehicle loading only' bay



**Lincolnshire
County Council**

Environment and Economy
Lincolnshire County Council
Director: Richard Wills

**WATERSIDE SOUTH, LINCOLN – PROPOSED RESTRICTED PARKING
ZONE AND CHANGES TO PARKING AND LOADING RESTRICTIONS**

Crown Copyright
O.S. licence no.
LA076732/2012

This page is intentionally left blank

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

Report to:	Planning and Regulation Committee
Date:	3 December 2018
Subject:	County Matter Application - N/059/02114/18

Summary:

Retrospective planning permission is sought by Egdon Resources UK Limited (Agent: Barton Willmore LLP) for the temporary installation of six site security and welfare cabins, four water bowzers, a generator and associated facilities at land north-west of Biscathorpe House, Biscathorpe.

The applicant considered it to be prudent to increase security at the site during the construction of the exploratory well site and its access road (subject of planning permission N/059/00531/18). As a result, additional security and welfare facilities have been installed on land close to the well site which is close to the grain store and concrete yards used by Biscathorpe Farm. The applicant is seeking retrospective permission to retain the compound and units for a period of eight weeks until the exploratory well site and access road have been completed.

Recommendation:

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

Background

1. Following a site visit in May 2018, the Planning and Regulation Committee resolved to grant planning permission (reference: N/059/00531/18) to allow an extension to the end date for the completion of the drilling of an exploratory borehole for conventional hydrocarbons, production testing and evaluation at land off High Street, Biscathorpe. The application contained details for the construction of a new access track; temporary well site; stationing of portable cabins for the storage of equipment and for staff office accommodation, and; drilling of an exploratory borehole, carrying out of production tests and extend the retention of cabins for welfare of employees and to ensure the security of the site until the end of the production test period.

The Application

2. Retrospective planning permission is sought by Egdon Resources UK Ltd (Agent: Barton Willmore) for the temporary installation of six site security and welfare cabins, four water bowzers, a generator and associated facilities at land north-west of Biscathorpe House, Biscathorpe.
3. The applicant and their security consultants have been in discussions with Lincolnshire Police about the current and future operations to be carried out at the site (as permitted by planning permission N/059/00531/18). As a result of these discussions, and given the potential threat of protestors gaining access to the site, the applicant considered it to be prudent to increase the security at the site and so to provide additional security and welfare facilities during the Phase 1 construction period – i.e. whilst the exploratory well site and access road are under construction.
4. As the Phase 1 works are already being undertaken, the applicant felt it was necessary to install the cabins immediately and therefore notified the Planning Department that these were to be brought onto site on 1 October 2018. Although the cabins were therefore brought to site without having first sought planning permission the applicant states this was necessary as they have a duty of care to ensure the safety of specialist operatives and to protect plant and equipment at the site. Consequently, the applicant is now seeking retrospective permission to retain the cabins onsite for a period of eight weeks after which the units would be removed or transferred into the boundaries of the exploratory well site (as permitted by the terms of planning permission reference: N/059/00531/18).
5. The security compound and units are located on an existing area of concrete hardstanding which has previously been used in association with agricultural operations of Biscathorpe Farm. The modular security and welfare facilities are as follows:
 - 1 x security office measuring 3.6 metres in length by 2.7 metres wide and 2.4 metres in height;
 - 2 x canteens each measuring 7.2 metres in length by 2.7 metres wide and 2.4 metres in height;
 - 1 x four berth sleeper unit measuring 6.3 metres in length and 2.7 metres wide. This unit would be mounted on struts giving an overall height of 3.3 metres;
 - 1 x two berth sleeper unit measuring 4.8 metres in length and 2.7 metres wide. This unit would be mounted on struts giving an overall height of 3.3 metres;
 - 1 x toilet block measuring 3.6 metres in length and 2.7 metres wide. This unit would be mounted on struts giving an overall height of 3.45 metres;
 - 4 x water bowzers; and
 - 1 x generator and associated infrastructure.

6. Surface water run-off from the concrete pad would be unchanged - with these being allowed to naturally percolate into the land. The generator and associated infrastructure are self-bunded units in accordance with the manufacturers' specifications and therefore prevent any risk of pollution risk from leaks, etc.
7. The sleeper units and toilet blocks are accessed by steps and each surmounts an effluent tank. Water would be brought to site by tanker and foul waste would be removed from site by tanker to licensed waste treatment sites. A total of eight tanker movements would be associated with these services. The security team would be a maximum of six personnel who would drive light vehicles to patrol and access the site.



Site Layout

8. There are no proposals to install external lighting and the generator is a packaged 'silenced' unit that would run continuously. The generator produces a typical sound power output not exceeding 90dB(A) a level already assessed and approved in respect of Phases 2 and 3 of planning permission reference: N/059/00531/18. The only potential source of impact on air quality would be the diesel generator located more than 200 metres from the nearest residential property.
9. The applicant acknowledges that the site lies within the Lincolnshire Wolds AONB however there are no nature conservation designations within two kilometres of the site and although there are a number of sites of historic assets within the surrounding landscape, no groundworks are to be carried out and as a consequence no archaeological scheme of work is necessary in this case.
10. The security and welfare facilities have already been installed and when removed these would be taken off site via the access road that is currently under construction and associated with the exploratory well site. The route

to and from the site would be via the A157, B1225, Doddington Road and to Biscathorpe.

Site and Surroundings

11. The application site lies approximately 250 metres to the north west of the hamlet of Biscathorpe and 13 kilometres west of Louth. The site covers an area of 0.2 hectares which includes the existing agricultural access road being 200 metres in length. The security and welfare facilities are located 40 metres to the north east of the exploratory wellsite permitted by permission N/059/00531/18.



Access road from publicly maintained highway

12. Immediately to the south east of the site is an agricultural grain store standing to a height of approximately 10 metres and with a footprint of 652.5 metres square. This agricultural building, together with a plantation of mature trees, wholly screen views into the site from east, Biscathorpe hamlet and the nearest residential properties. To the north and west the site

is not visible from any public viewpoints, given the undulating nature of the surrounding landscape.



Site within agricultural yard

13. To the south west of the application site is the Belmont mast and other associated communication equipment.
14. The character of the surrounding landscape is undulating farmland that has located within it, four Scheduled Monuments. Within the valley to the north east of the application site is the location of the medieval village of Biscathorpe and the Grade II* listed Church of St Helen. The River Bain runs through this valley meandering north to south.

Main Planning Considerations

National Guidance

15. The National Planning Policy Framework (July 2018) (NPPF) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 13 – presumption in favour of sustainable development and core principles;

Paragraphs 38 to 50 – confirm that the planning system is a plan-led system and that application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Local Planning Authorities shall also apply a presumption in favour of sustainable development. It also confirms the position regarding the status of existing and emerging Local Plans and their policies and that due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with the NPPF and their stage of advancement to adoption;

Paragraphs 54 to 55 – advises on the use of planning conditions and states these should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development;

Paragraphs 155 to 165 – meeting the challenge of flood risk;

Paragraphs 170 to 183 – seeks to conserve and enhance the natural environment; prevent unacceptable risks from pollution and protect general amenity, prevent adverse impacts as a result of noise pollution;

Paragraphs 184 to 202 – requires that the significance of heritage assets is taken into consideration, including any impacts on their settings. Significance can be harmed or lost through alteration or destruction of heritage or development within its setting. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal;

Paragraphs 203 to 209 – facilitating the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts.

16. 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.

Local Plan Context

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

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

- Minerals and Waste – Locations which reduce distances travelled by HCVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.

- Minerals – encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new/enhanced biodiversity levels/habitats as part of the restoration proposals to provide carbon sinks and/or better connected ecological networks, and; encourage the most efficient use of primary minerals.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc).

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

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

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

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

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

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

Policy DM15 (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.

18. East Lindsey Local Plan Core Strategy (ELLPCS) (2018) - the key policies of relevance in this case are as summarised:

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

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

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

Policy SP16 (Inland Flood Risk) states that all development must show how it proposed to provide adequate surface and foul water disposal and surface water connections should only be made in exceptional circumstances.

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

Policy SP24 (Biodiversity and Geodiversity) states that proposals should seek to protect and enhance the biodiversity and geodiversity value of land and minimise fragmentation and maximise opportunities for connection between natural habitats. Where adverse impacts are demonstrated to be unavoidable damage is kept to a minimum and appropriate mitigation, compensation or enhancement of the site.

Results of Consultation and Publicity

19. (a) Highway and Lead Local Flood Authority (Lincolnshire County Council) – does not wish to object to this planning permission.
- (b) Historic England – do not wish to offer any comment.
- (c) Natural England – considers that the proposed development will not have significant adverse impacts on protected landscapes and has no objection. An informative has been provided in respect of protected species and other natural environment issues.

- (d) Historic Environment Officer (Lincolnshire County Council) – confirms that no archaeological impact required.
- (e) Environment Agency – has no objection in respect of the development, as submitted.
- (f) Donington on Bain Parish Council – have confirmed that comments will be available before the date of the meeting.
20. The following bodies/persons were consulted on 25 October 2018 but no response or comments had been received within the statutory consultation period or by the time this report was prepared. Any responses received after the publication of this report will be provided in an Update to the Committee before the item is debated:
- Local County Council Member, Councillor H Marfleet
 Adjacent Local County Council Member, Councillor P Bradwell
 Gayton le Wold Parish Council
 Gayton le Marsh Parish Council
 Burgh on Bain Parish Council
 South Willingham Parish Council
 Environmental Health Officer (East Lindsey District Council)
 Lincolnshire Wildlife Trust
 Wolds Countryside Officer (Lincolnshire County Council)
 Public Rights of Way (Lincolnshire County Council)
 Lincolnshire Police (Oil and Gas)
 Campaign for Rural England
 Ramblers Association
 Anglian Water Services Limited
21. The application has been publicised by four site notices posted at:
- i) The site access onto publicly maintained highway Biscathorpe;
 - ii) The footpath way marker Gayton le Wold;
 - iii) Donnington on Bain footpath way marker by the church; and
 - iv) The junction of Donnington Road with Biscathorpe Road.
22. The application was also advertised in the local press (Lincolnshire Echo on 1 November 2018) and six letters of notification were sent to the nearest neighbouring residents. Five representations had been received by the time this report was written, which contain comments/objections on the following grounds (summarised below).
- Egdon have a record of shortcuts and environmental damage;
 - Planning permission should be refused on the grounds that the laws of environmental protection will be flouted;
 - No need for extra security as protests peaceful and unthreatening. Police should not be wasting time and taxpayers money;
 - Planning permission already granted for security cabins;

- Do not want companies like Egdon operating in our AONB or anywhere else in the county;

District Council's Recommendations

23. East Lindsey District Council consider that although development in the Lincolnshire Wolds AONB would cause harm to the landscape character and the setting of the Church of St Helen it also the view of the Council that this development would bring national benefits and in this instance the proposal is temporary. Subject to appropriate conditions are imposed in respect of highways, ecology, noise, drainage and site clearance the Council does not object to the application as proposed.

Conclusions

24. Retrospective planning permission is sought for the temporary installation of six site security and welfare cabins, four water bowsers, a generator and associated facilities at land north-west of Biscathorpe House, Biscathorpe.
25. The applicant is seeking permission to retain the security and welfare compound at the site for a period of eight weeks. The security compound would be retained until the exploratory well site (currently under construction in accordance with planning permission N/059/00531/18) has been completed and the security and welfare cabins approved as part of that permission erected within the well site boundary.
26. The security and welfare compound subject of this application is close to the exploratory well site and is accessed via an existing road from the publicly maintained highway which leads to the grain store and concrete yards used by Biscathorpe Farm.
27. The application site is screened from publicly accessible views by the topography of the surrounding countryside, plantations of mature trees and the large grain store at the site. Given the level of screening the cabins and compound do not have any adverse visual impact on the landscape and Lincolnshire Wolds Area of Outstanding Natural Beauty. The self-contained modular units did not require any groundwork's to be undertaken when they were installed and as a consequence have had no impact on any potential underlying archaeology and/or heritage assets including the setting of any Scheduled Monuments. The compound and units would be retained for a temporary period and all associated infrastructure would then be removed from the site once Phase 1 of the exploratory well site has been completed.
28. Consideration has been given to the protection of ground and surface water and as a consequence the foul wastes arising from the modular units would be removed from site for disposal/treatment at a licensed site. The diesel generator and associated infrastructure are bunded in accordance with manufacturers' specifications and surface water run-off would be unchanged from the existing situation - that being natural percolation.

29. The only source of continuous noise and emissions would be associated with the diesel generator that produces a sound power output not exceeding 90dB(A) - a level already assessed and approved in respect of Phases 2 and 3 of planning permission reference: N/059/00531/18. I am therefore satisfied that the noise and emissions from the generator would be acceptable and given their temporary nature would be unlikely to impact upon the nearest residential property in addition, no external lighting is required at the site and so this would also minimise any adverse visual impacts on the surrounding area particularly during the night-time period.
30. Having assessed the application, I am therefore satisfied that given its position within a well screened location the structures would not be visible from views outside of the site. Additionally as the modular units did not require groundworks at the time of their installation they have had no impact on underlying archaeology and the development does not have any adverse environmental impacts relating to water resources or air quality. Planning conditions can be imposed to ensure that noise levels are restricted, that no external lighting is installed and that the hours of operation for the demobilisation of the site are consistent with those of the exploratory wellsite it services. Subject to these conditions the development would accord with the objectives of CSDMP Policies DM2, DM3, DM4, DM5, DM6, DM9 and DM15 and Policies SP10, SP11, SP16, SP23 and SP24 of the ELLPCS that seeks to protect the historic environment, biodiversity, landscape and minimise adverse impacts on residential amenity.

Transport

31. The units are already installed and on site and therefore the impacts of the vehicular movements associated with this phase of the development have not been assessed. The applicant has indicated that the removal of the security and welfare compound would be via the access road that is currently under construction and associated with the exploratory well site. There would however be a small number of heavy vehicular movements associated with the tankering in of fresh water and the removal of wastes from the security compound and these would use the access road that serves the grain store. All other vehicle movements would comprise of light vehicles used by security personnel. The Highways Officer considers that the development is acceptable and a condition could be imposed to restrict access to the site for the demobilisation of the site following the construction of the exploratory well site. Subject to this condition I am satisfied that the proposal would not have a significant adverse impacts on the highway network or highway safety and would not be contrary to CSDMP Policies DM3 and DM14 and ELLPCS SP10 which seeks to protect amenity of the local area.

Overall conclusions

32. This application seeks to regulate development that has been carried out without having first sought planning permission. Comments received from the public have consequently requested that the application be refused as

this proposal has flouted planning rules. Whilst these views and comments are noted, it is not a criminal offence to carry out development without having first sought permission. However any development carried out without permission does need authorisation if it is to be retained and so the applicant has made an application seeking to regularise and retain the compound for an eight week period. This application must therefore be considered on its merits and its acceptability in planning terms (e.g. whether the retention of the proposed development would be acceptable).

33. In this case, the proposal does not seek to intensify the exploration operations and is only required to provide welfare facilities and a secure environment for the personnel carrying out the approved wellsite construction. Overall I am satisfied that the applicant has provided a clear explanation of the reasons for taking the action to erect the compound without first seeking planning approval and given the time limited nature for the retention of the security and welfare compound, any effects would be temporary and reversible. As a consequence the retention of security and welfare compound would accord with the relevant policies cited and identified within the Lincolnshire Minerals and Waste Local Plan (2016) and East Lindsey Local Plan Core Strategy (2018).

Human Rights Implications

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

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The use of the development hereby permitted shall cease and the site shall be cleared and re-instated to its former state by 31 January 2019.

Reason: For avoidance of doubt.

2. The development hereby permitted shall be retained in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission:

- Planning Application Form (date stamped received 10 October 2018);
- Document Reference: 20058/A5/P7/PF/SO – 'Planning Statement' (date stamped received 10 October 2018);
- Drawing No: ZG-ER-BISC2-TCC-PA-01 – 'Temporary Construction Compound Location Plan' (date stamped received 10 October 2018);

- Drawing No: ZG-ER-BISC2-TCC-PA-02 REV 2 – 'Temporary Construction Compound Indicative Layout Plan' (date stamped received 16 October 2018);
- Drawing No: ZG-ER-BISC2-TCC-PA-03 REV 2 – 'Temporary Construction Compound Indicative Floor Space Plan' (date stamped received 19 October 2018); and
- Drawing No: ZG-ER-BISC2-TCC-PA-04 – 'Temporary Construction Compound Access Plan' (date stamped received 10 October 2018).

Reason: To ensure that the development is retained in all respects in accordance with the approved details.

3. No HCV's required to remove the cabins and associated infrastructure shall access or egress the site via the route identified in Drawing No: ZG-ER-BISC2-TCC-PA-04 – 'Temporary Construction Compound Access Plan' (date stamped received 10 October 2018).
4. Demobilisation of the site identified in Drawing No: ZG-ER-BISC2-TCC-PA-01 – 'Temporary Construction Compound Location Plan' (date stamped received 10 October 2018) shall only be carried out during the following hours:
 - Monday to Saturdays 07:00 to 19:00 hours; and
 - No demobilisation shall occur on Sundays, Bank Holidays and Public Holidays.
5. Noise levels as a result of the development hereby permitted measured at a height of 1.5 metres at the boundary of the nearest residential property shall not exceed 50dB LAeq, 1 hour.
6. No external lighting shall be installed.

Reasons: In the interests of the amenity of the area.

Informatives

Attention is drawn to Natural England letter reference: 263093 dated 9 November 2018 which directs the operators to the general advice on the consideration of protected species and other natural environment issues provided at Annex A.

Appendix

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

Background Papers

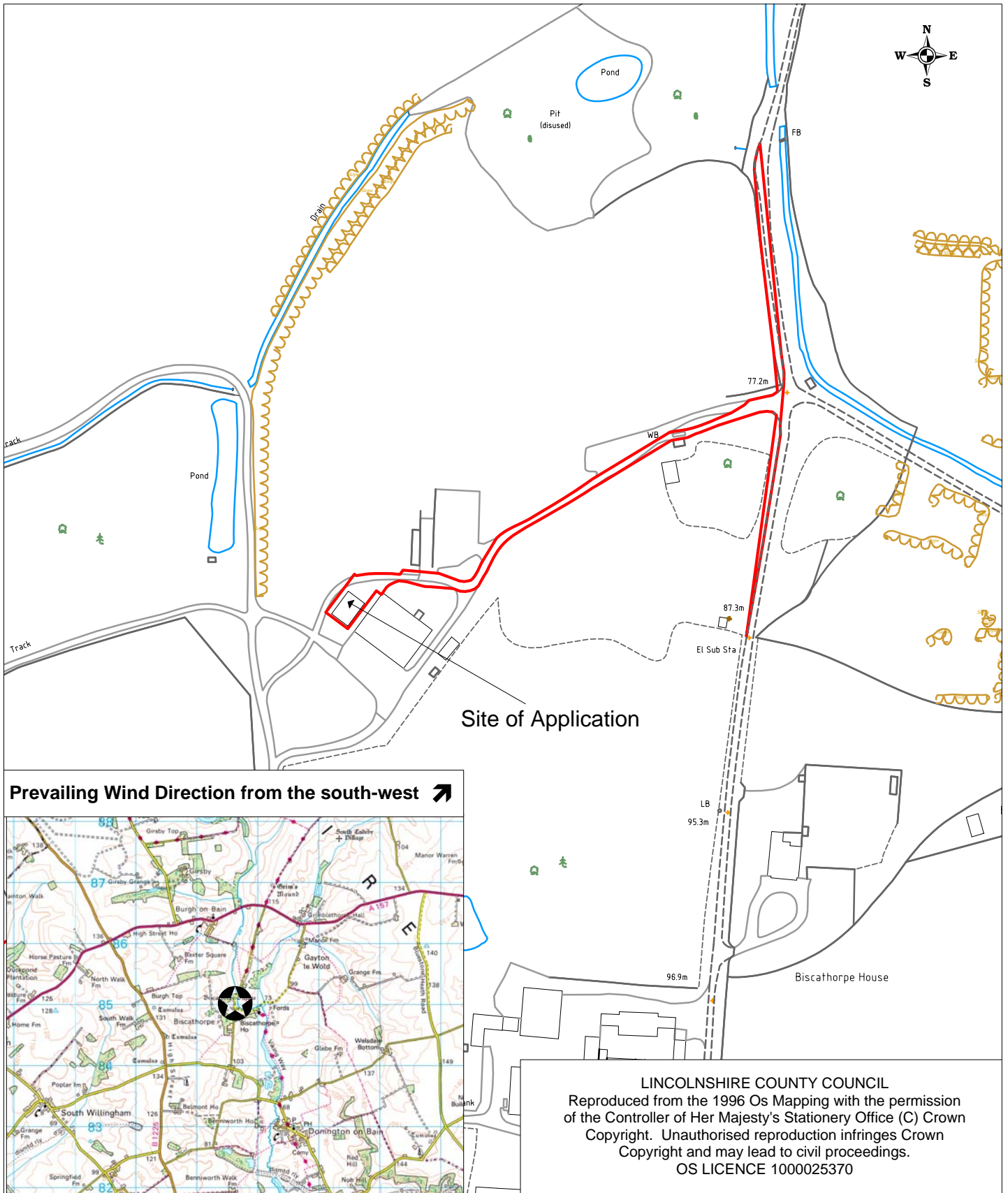
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files N/059/02114/18 N/059/00531/18	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2018) National Planning Policy Guidance (2014)	The Government's website www.gov.uk
Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan Core Strategy (2018)	East Lindsey District Council website www.e-lindsey.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 3 DECEMBER 2018



Location:
 Land north-west of Biscathorpe
 House, Biscathorpe

Description:
 Retrospective application for the temporary installation
 of six site security and welfare cabins, four water
 bowzers, generator and associated facilities

Application No: N/059/02114/18
Scale: 1:2500

This page is intentionally left blank

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

Report to:	Planning and Regulation Committee
Date:	3 December 2018
Subject:	Prior Notification received under the provisions of Schedule 2, Part 17, Class KA of the Town & Country Planning (General Permitted Development) (England) Order 2016 (as amended) – PL/0124/18

Summary:

In accordance with the provisions of Schedule 2, Part 17, Class KA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, Egdon Resources UK Ltd (Agent: Barton Willmore) has notified the Mineral Planning Authority of its intention to drill preparatory groundwater monitoring boreholes associated with the petroleum exploration operations at land off High Street, Biscathorpe.

The information submitted in support of this notification identifies what works are proposed to be carried out and confirms that these fall within the limitations and conditions set out in Class KA of the Order. Whilst representations and objections have been received from members of the public and the site is located in the Lincolnshire Wolds AONB, Officers are satisfied that, in this case, it is not expedient or necessary to make a direction under Article 5 and therefore restrict these permitted development rights.

Recommendation:

That the applicant be informed that the Mineral Planning Authority will not be issuing a direction under Article 5 of the Town & Country Planning (General Permitted Development) (England) Order 2016 (as amended) and that the proposed groundwater monitoring boreholes are permitted development so can be carried out in accordance with the conditions set out under Class KA of the Order.

Background

1. Schedule 2, Part 17 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (the GPDO) provides a mechanism by which certain activities associated with mining and mineral exploration can be carried out without the need to make a planning

application. In this instance Class KA relates specifically to petroleum exploration and states that the following is permitted development:

"Development on any land consisting of the drilling of boreholes for the purposes of –

- (a) carrying out groundwater monitoring;*
- (b) carrying out seismic monitoring; or*
- (c) locating and appraising the condition of mines,*

which is preparatory to potential petroleum exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those drilling, monitoring, or locating and appraising operations".

2. Whilst the above operations/uses are deemed to be permitted development the GPDO does impose certain restrictions on those activities and requires the developer to first notify the Mineral Planning Authority (MPA) of any proposed works before these can be undertaken. Restrictions within the GPDO that are of relevance in this case are that:
 - (a) the developer must previously notify the MPA in writing of its intention to carry out the development and specify the nature and location of the development; and
 - (b) the developer must not carry out the proposed works until at least 28 days have passed since the MPA received notification or, if earlier, have had confirmation from the MPA that a direction is not to be issued to prevent such works (under Article 5 of the GPDO); and
 - (c) any structure assembled or provided must not exceed 15 metres in height.
3. The GPDO also states that where development is permitted under Class KA this is subject to certain standard conditions. The standard conditions specified within the GPDO that are of relevance in this case are as follows:
 - (a) that the development is carried out in accordance with the details that supported the notification served on the MPA, unless the MPA has agreed otherwise in writing;
 - (b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage trees unless this is detailed and referred to in the information supporting the notification served on the MPA;
 - (c) within a period of 28 days from operations ceasing, unless the MPA has agreed otherwise in writing –
 - (i) any structure and waste material arising from other development so permitted is removed from the land;
 - (ii) any borehole is adequately sealed;

- (iii) the surface of the land is levelled and any topsoil replaced as the uppermost layer; and
- (iv) the land is, so far as practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting;
- (d) the developer notifies the Environment Agency and the relevant drinking water supplier undertaker in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification;
- (f) the development ceases no later than a date which is 24 months after the elapse of the 28 day notification period.

The Development

4. Planning permission (reference: N/059/00531/18) was granted May 2018 to allow an extension to the end date for the completion of drilling of an exploratory borehole for conventional hydrocarbons at land off High Street, Biscathorpe. On 5 November 2018, in accordance with the provisions of Schedule 2, Part 17, Class KA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, the applicant notified the Mineral Planning Authority of its intention to drill preparatory groundwater monitoring boreholes associated with the petroleum exploration operations (authorised by permission N/059/00531/18).
5. The information supporting this prior notification confirms that the boreholes would be drilled at three locations around the perimeter of the permitted exploratory well site to a depth not exceeding six metres. The boreholes would be retained to monitor ground water quality during the exploratory drilling operations and these would not extend beyond a period of 24 months. The exploratory well site has already been surveyed by an archaeological consultant and this concluded that there would be no archaeological impact associated with the installation of the well site and also these groundwater monitoring boreholes.
6. Following the cessation of the exploratory operations, and in accordance with the conditions of Class KA, the applicant has confirmed that within 28 days of those operations ceasing the boreholes would be sealed. The applicant has also confirmed that the Environment Agency and Anglian Water (the drinking water supplier) have both been notified of the intention to carry out the specified works in accordance with the requirements of the GPDO.
7. There is no requirement for the MPA to carry out public consultation on this prior notification as the operations are deemed to be permitted development (unless they do not exceed the specified restrictions). Despite this, as the notification is publicised on our on-line planning register (i.e. website) a number of residents in the area have submitted representations stating that they object to the drilling of groundwater monitoring boreholes at the site. At

the time of writing this report a total of seven such representations have been received.

Conclusions

8. The applicant has notified the MPA of its intention to carry out works as permitted under the provisions of Schedule 2, Part 17, Class KA of the GPDO. The information submitted in support of this notification identifies what works are proposed to be carried out and confirms that these fall within the limitations and conditions set out in the GPDO.
9. Under the provisions of the GPDO, the MPA is only required to consider whether or not the proposed operations fall within the parameters of Class KA or, should they wish to prevent any operations taking place, make a direction under Article 5 of the GPDO so as to restrict the rights otherwise permitted. Such a direction should only be made where an MPA is satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because:
 - (a) the land on which the development is to be carried out is within
 - (i) a National Park;
 - (ii) an area of outstanding natural beauty;
 - (iii) a site of archaeological interest and the operation to be carried out is not one which is exempt;
 - (iv) a site of special scientific interest; or
 - (v) the Broads;
 - (b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a Grade I listed building;
 - (c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
 - (d) the development would endanger aircraft using a nearby aerodrome.
10. In this case, whilst representations and objections have been received from members of the public and the site is located in the Lincolnshire Wolds AONB, the operations and boreholes would conform to the limitations and conditions as set out in the GPDO. The boreholes would not affect an archaeologically sensitive site and I am satisfied that they would not cause serious detriment to the amenity of the area or a Grade I listed building, endanger a nearby aerodrome or cause serious nuisance to nearby residents. The developer has complied with the requirements of the GPDO, including serving notice on both the Environment Agency and Anglian Water, and therefore I am satisfied that it is not expedient or necessary for the MPA to make a direction under Article 5 in this case.

11. In light of the above, the requirements of Class KA of the GPDO have been met and the proposed groundwater boreholes would be drilled, monitored and, following cessation of the exploratory operations at the well site, be sealed and the land re-instated as required by the conditions of Class KA.

Recommendation

It is recommended that:

- (a) the applicant be informed that the Mineral Planning Authority will not be issuing a direction under Article 5 of the Town & Country Planning (General Permitted Development) (England) Order 2016 (as amended) as the proposed groundwater monitoring boreholes constitute permitted development as granted under the provisions of Schedule 2, Part 17, Class KA; and
- (b) that the development be carried out in accordance with the details as described and set out in the prior notification received 5 November 2018 and subject to the following conditions (as specified by Class KA):
 - 1. The development ceases no later than a date 24 months after the date of this decision.
 - 2. Within a period of 28 days from operations ceasing:
 - (i) any structure permitted by this decision and any waste material arising from other development so permitted is removed from the land;
 - (ii) any borehole is adequately sealed;
 - (iii) the surface of the land is levelled and any topsoil replaced as the uppermost layer; and
 - (iv) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting.

Appendix

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

Background Papers

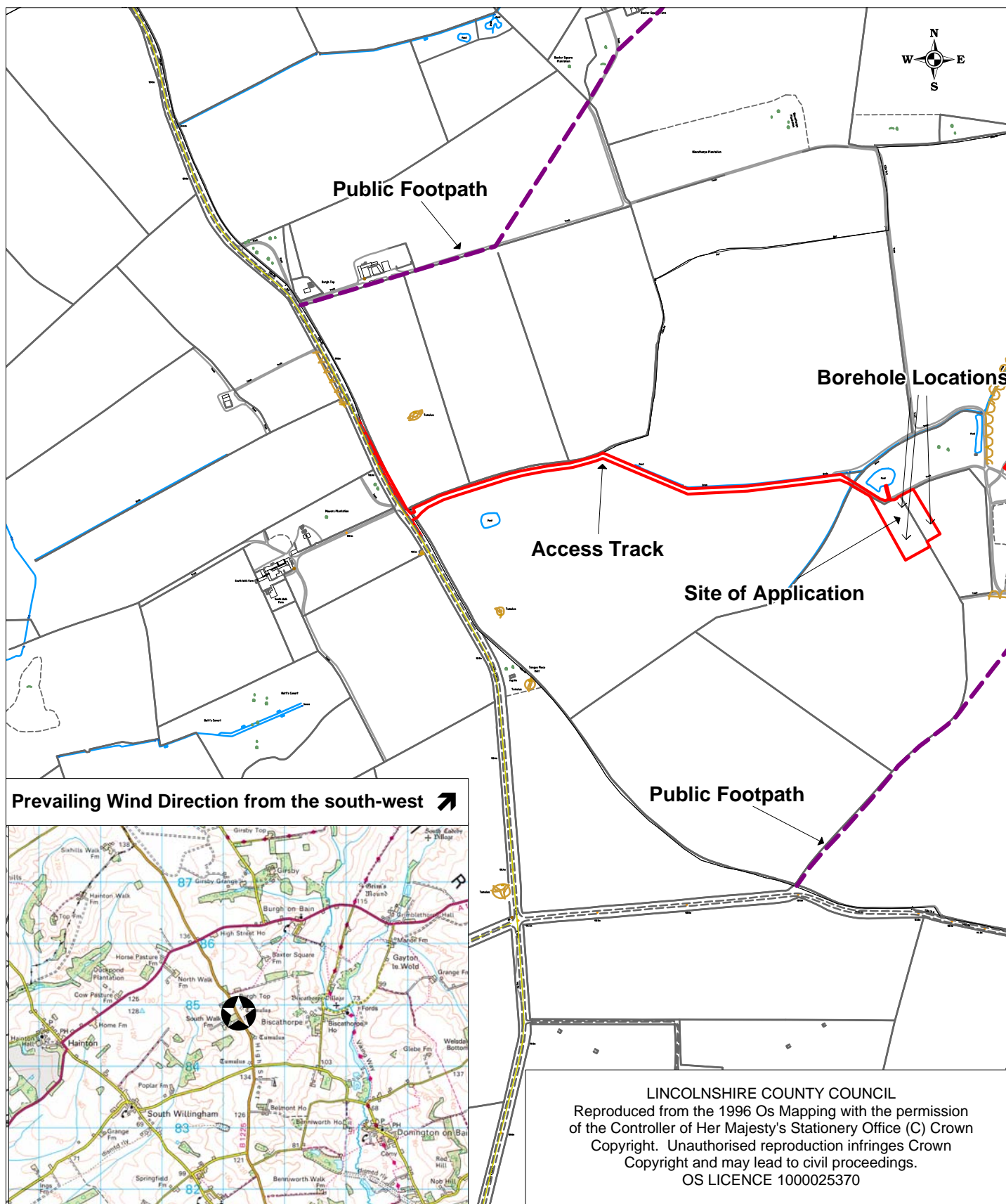
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Prior Notification File - PL/0124/18	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
The Town and Country Planning (General Permitted Development) (England) Order 2016 (as amended)	The Government's website www.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 3 DECEMBER 2018



Location:
 Land off High Street,
 Biscathorpe, Louth

Description:
 For the drilling of groundwater monitoring
 boreholes

Application No: PL/0124/18
Scale: 1:10000

This page is intentionally left blank