



County Offices  
Newland  
Lincoln  
LN1 1YL

27 August 2020

**In accordance with the powers granted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 this will be a virtual meeting.**

**Planning and Regulation Committee**

A meeting of the Planning and Regulation Committee will be held on **Monday, 7 September 2020 at 10.30 am as a Virtual - Online Meeting via Microsoft Teams** for the transaction of business set out on the attached Agenda.

Access to the meeting is as follows:

Members of the Planning and Regulation Committee and officers of the County Council supporting the meeting will access the meeting via Microsoft Teams.

Members of the public and the press may access the meeting via the following link: <https://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=138&MId=5595&Ver=4> where a live feed will be made available on the day of the meeting.

Yours sincerely

A handwritten signature in black ink that reads 'Debbie Barnes'.

Debbie Barnes OBE  
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, R P H Reid, S P Roe, P A Skinner, H Spratt and M J Storer



**PLANNING AND REGULATION COMMITTEE AGENDA  
MONDAY, 7 SEPTEMBER 2020**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
<b>1.</b>	<b>Apologies/replacement members</b>	
<b>2.</b>	<b>Declarations of Members' Interests</b>	
<b>3.</b>	<b>Minutes of the previous meeting of the Planning and Regulation Committee held on 6 July 2020</b>	5 - 12
<b>4.</b>	<b>Traffic Items</b>	
4.1	<b>Martin Moor B1189 - Proposed 40 mph speed limit</b>	13 - 18
4.2	<b>Great Limber A18 - Proposed 30 mph Speed Limit</b>	19 - 26
4.3	<b>Langrick B1192 and Sturton by Stow B1241 - Proposed 40 mph speed limits</b>	27 - 38
4.4	<b>Skellingthorpe, Lincoln Road - Proposed 40 mph speed limit</b>	39 - 44
4.5	<b>East Keal A16 - Proposed 30 mph speed limit</b>	45 - 52
4.6	<b>Claythorpe, Rectory Lane, School Lane and Main Street - Proposed Waiting Restrictions</b>	53 - 60
<b>5.</b>	<b>County Matter Applications</b>	
5.1	<b>To vary condition 1 of planning permission 139426 to extend the period to restore the site at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen - Egdon Resources Ltd (Agent AECOM Ltd) - 141306</b>	61 - 80
5.2	<b>To vary condition 1 of planning permission 139434 to extend the period to restore the site at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen - Egdon Resources Ltd (Agent AECOM Ltd) - 141307</b>	81 - 94
5.3	<b>For the proposed use of land for waste recycling to produce soil, soil substitutes and aggregate and siting of two modular office / welfare units at land At South Fen Road, Bourne - Bourne Skip Hire (Agent: Barker Storey Matthews) - S20/0905</b>	95 - 114

Democratic Services Officer Contact Details

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

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

Contact details set out above.

All papers for council meetings are available on:

<https://www.lincolnshire.gov.uk/council-business/search-committee-records>



**PLANNING AND REGULATION  
COMMITTEE  
6 JULY 2020**

**PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)**

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

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Head of Planning), Martha Rees (Solicitor), Marc Willis (Applications Team Manager) and Jeanne Gibson (Programme Leader: Minor Works and Traffic)

1 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors Mrs A M Newton and Mrs J E Killey.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, she had appointed Councillor P Cooper to the Committee, in place of the late Councillor C L Strange, until further notice and Councillors Mrs A Austin and R Renshaw in place of Councillors Mrs A M Newton and Mrs J E Killey, respectively, for this meeting only.

2 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interests made at this stage of the meeting.

3 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 2 MARCH 2020

RESOLVED

That the minutes of the previous meeting of the Committee held on 2 March 2020, be agreed as a correct record and signed by the Chairman.

4 MINUTES OF THE SITE VISIT TO A16/B1166 RADAR JUNCTION, A16/B1040 JUNCTION, CROWLAND HELD ON 13 MARCH 2020

The minutes of the site visit to the A16/B1166 Radar Junction, A16/B1040 Junction, Crowland, held on 13 March 2020 were received by the Committee. The Chairman stated that only those Members who had attended the site visit on 13 March, would be able to participate in the debate and voting on the accuracy of the minutes.

**PLANNING AND REGULATION COMMITTEE  
6 JULY 2020**

RESOLVED (Councillors T Ashton, Mrs A M Austin, L A Cawrey, I G Fleetwood, N H Pepper, D McNally and S P Roe voting only)

That the minutes of the site visit to Crowland on the 13 March 2020, be accepted as a correct record.

5 TRAFFIC ITEMS

6 CROWLAND - PROPOSED EXPERIMENTAL TRAFFIC ORDER TO PROHIBIT TRAFFIC MOVEMENTS : A16/B1166 RADAR JUNCTION, A16/B1040 JUNCTION AND A16 SOUTHBOUND LAYBY

Further to the site visit held on 9 March 2020, the Committee received a supplementary report to the one discussed at the Committee on 2 March 2020. The proposals involved the introduction of a number of restrictions on the movement of traffic at the A16/B1166 Radar and the A16/B1040 junctions, with the intention of implementing them on a trial basis by way of an experimental traffic regulation order. Officers had responded, in the report, to questions raised by Members at the site visit in connection with the following matters:-

- The feasibility of the introduction of a speed limit reduction in the vicinity of Radar Junction;
- The impact on and costs relating to any adjustments required to the existing speed camera arrangement in the area should the speed limit be reduced; and
- An update on the estimated cost of the construction of a roundabout at the intersection of the A16 with the B1166.

Comments by Members included:-

- The proposal to introduce an experimental traffic regulation order to restrict certain traffic movements at these junctions was not supported.
- A proposal to reduce the speed limit approaching both junctions was supported as detailed in the report.
- The local Member, Councillor N H Pepper, stated that he had not been lobbied in connection with this item prior to this meeting but that prior to the meeting of the Committee on 2 March he had been lobbied by the public every day objecting to the proposed experimental traffic order. He stated that since the awful accident statistics a few years ago at these junctions the accident record of late had improved considerably. He supported a reduction in the speed limit approaching Radar junction and also requested that the signage and road markings both here and at the B1040 junction should be refreshed and reassessed if possible.
- Both junction crossings should be closed in the interests of safety.
- There should be fewer road markings as the current ones were confusing and if road markings were required they should be made as simple as possible.

On a motion by Councillor T Ashton, seconded by Councillor L A Cawrey, it was –

RESOLVED (Councillors T Ashton, Mrs A M Austin, L A Cawrey, I G Fleetwood, D McNally, N H Pepper and S P Roe only allowed to vote)

- (a) That the proposed experimental traffic regulation order be abandoned.
- (b) That officers investigate a potential speed limit reduction as detailed in the report and examine the refreshing of signage and road markings for both the B1166 and B1040 junctions and reassess the current layout.

7 LINCOLN A15 SOUTH PARK AVENUE - PROPOSED 30MPH SPEED LIMIT EXTENSION

(Note: Councillor L A Cawrey requested that a note should be made in the minutes that she would abstain from this item in her capacity as the Executive Support Councillor for Culture and Emergency Services)

The Committee received a report in connection with a request for the existing 40mph speed limit at South Park Avenue, Lincoln should be reduced to 30mph. Investigations had indicated that this site might be considered a 'Borderline Case' as defined within the Council's Speed Limit Policy.

Members supported the proposed introduction of a 30mph speed limit as detailed in the report it being noted that it would help to improve air quality and that there were two schools located in the area.

On a motion by Councillor Mrs M J Overton MBE, seconded by Councillor S Roe, it was –

RESOLVED (unanimous)

That the proposed reduction in the speed limit be approved, as detailed in the report, to enable the necessary consultation process to bring the order into effect may be pursued.

8 GAINSBOROUGH, MORTON ROAD - PROPOSED WAITING RESTRICTIONS

The Committee received a report in connection with objections to a proposal for a traffic regulation order to introduce various parking restrictions at Morton Road, Gainsborough. The order was necessary to address the effects of on street parking on the local highway when buses transporting pupils to the Queen Elizabeth High School needed to wait in the area.

The report outlined the objections received and the comments of officers on the objections.

On a motion by Councillor I G Fleetwood, seconded by Councillor D McNally, it was –

RESOLVED (unanimous)

**4**  
**PLANNING AND REGULATION COMMITTEE**  
**6 JULY 2020**

That the objections be overruled and the order as advertised be introduced.

**9**      **CAYTHORPE, HIGH STREET - PROPOSED WAITING RESTRICTIONS**

The Committee received a report in connection with objections received to proposed waiting restrictions and bus stop clearways on Caythorpe High Street to improve access for the local bus service and general traffic flow through the village, particularly at school start and finish times.

The report outlined details of the objections received and the response of officers to the objections.

On a motion by Councillor R P H Reid, seconded by Councillor Mrs M J Overton MBE, it was –

RESOLVED (unanimous)

That the objections be overruled and that the public advertisement of the proposals be approved.

**10**      **WRAGBY A158 HORNCastle ROAD - PROPOSED PUFFIN CROSSING FACILITY**

The Committee received a report in connection with the results of a pedestrian crossing survey carried out in response to a request for a pedestrian crossing facility in Wragby at the location shown at Appendix B in the report.

Officers stated that the A158 through Wragby formed part of the strategic route corridor between Lincoln and Skegness known as the Lincolnshire Coastal Highway illustrated at Appendix A in the report. A request was received in 2018 for a formal crossing facility to be introduced on this route where a School Crossing Patrol currently operated at Horncastle Road, just to the east of its junction with Silver Street.

Following consideration of the criteria detailed in the Pedestrian Crossing Policy it was moved by Councillor I G Fleetwood, seconded by Councillor D McNally and

RESOLVED (unanimous)

That the installation of a Puffin Crossing where a School Crossing Patrol currently operates at Horncastle Road, just to the east of its junction with Silver Street, Wragby, be approved.



11 COUNTY MATTER APPLICATIONS

12 APPLICATION FOR THE DETERMINATION OF NEW (UPDATED) CONDITIONS TO WHICH A MINERAL SITE IS TO BE SUBJECT (LAND SUBJECT TO THE MINISTER OF HOUSING AND LOCAL GOVERNMENT DECISION LETTERS DATED 10 SEPTEMBER AND 21 AUGUST 1961 - REFERENCE DA9 AND DA11) AT PROPOSED SKILLINGTON QUARRY, LAND TO THE EAST AND WEST OF SKILLINGTON ROAD, COLSTERWORTH - ROBERT DOUGHTY CONSULTANCY LTD - S18/2237

Cllr Caroline Hainsworth, Chairperson of Colsterworth and District Parish Council, spoke against the application and commented as follows:-

- Asked the Committee whether it was content that this application would withstand a legal challenge.
- This application was controversial and had caused a great deal of concern to residents which were well documented in a public meeting and formal representations.
- The fundamental objection was that there was no established need to quarry limestone in either quantity or of the quality from this application and this was in direct contravention of the Authority's own Mineral and Waste Plan (2016) and Lincolnshire Aggregate Assessment 2018.
- It was not sufficiently clear why this framework had specifically not been given the same "due weight" as the other National Policy Frameworks, current legislation, Local Plans, Neighbourhood Plans, etc.
- It was not considered "appropriate or acceptable" that this framework had been ruled out when considering modern day standards and it was hoped that the Committee were satisfied that their own Mineral and Waste Plan should be legitimately excluded from the review?
- We believed that the leases/permissions expired several years ago, and the ROMP should be rescinded. Had the Committee had sight of the original permission letters or at very least had assurances as to who holds the current and legitimate government licence for extraction from the areas in question so that this stood up to any legal challenge.
- The content of a S106 Agreement should be agreed through the consultation period of the planning application with the relevant parties and planning officer and most specifically include the Parish Council. It was of particular concern that the Authority had not recommended this bearing in mind these were in place at operations such as South Witham. We understood that this was the only way conditions such as a Traffic Management plan could be enforced; it was therefore our contention that this Parish had been denied that opportunity.
- We had hoped that with a commercial operation lasting 22 plus years we would have had at least entered into discussions that would offer some benefit to the community assets and amenities through a S106 Agreement. I understand that this could be recommended by Committee.
- Whilst the applicant had withdrawn areas DA9 and DA11 from this application the Committee was asked to ensure that the area east of the Skillington Road

was properly and legally “struck out” so that it was clear that the properties within 15 metres of the “red line” and the Old Railway line Nature Trail were no longer at risk.

- The report before you had made assumptions that there was no “fear and intimidation” from the traffic issues; I could assure that this was not what was being experienced on the ground. The Committee was urged to review the proposed traffic plan in the officer’s report (reference chapter 11) for all areas (not just the entrance and exit to the site and immediate rural lanes) to minimise the impact.

A Member sought clarity about the enforcement of a Traffic Management Plan by a S106 Agreement. Caroline Hainsworth stated that it was her understanding that a S106 Agreement would allow the County Council to enforce and monitor a Traffic Management Plan.

Robert Doughty, representing the applicant, indicated that he did not have a prepared speech but was prepared to respond to any questions by Members. There were no questions asked by Members.

Robert Doughty in response to the comments about a Traffic Management Plan stated that while no Plan was required to be submitted condition 30 in the recommendations in the report set out the parameters of any final Traffic Management Plan and would form part of any planning conditions which were just as enforceable as any S106 Agreement.

Officers reiterated their previous comments that the absence of an objection from the Council's Highways' officers or Highways England meant there was no justification or basis for seeking to restrict traffic from using routes in the area. Where routeing restrictions were necessary, such as at South Witham quarry site, these had been secured via a S106 Agreement. However, in this case the proposed routes were all deemed suitable and so a S106 Agreement was not necessary.

Comments and questions by Members and the responses of officers included:-

- The concerns of residents were understood, however, permission for the extraction of minerals had been given many years ago.
- Concern was expressed on highway safety if HGVs going south had to cross the A1 using the Crabtree Road access. There had been some very serious accidents, including fatalities, at a similar crossing further north on the A1 at Great Ponton. Officers stated that both Highways England and the local Highways Authority had no objections to the routeing of vehicles either on the local highway network or access to the A1. Officers stated that the Transport Management Plan could be examined to advise HGVs going south to use the B676 to the Colsterworth junction which had suitable access to the A1. Officers added that any Traffic Management Plan would give preferred routes and would not prevent the use of either Crabtree Road or the Colsterworth routes.
- How was it proposed to enforce the clearance of mud on the road? Officers stated that this was covered by conditions in the report.

- What was the timescale for the completion of the scheme as the decision made to approve this application had been made 60 years ago and there had been many changes to the area, including new housing? Officers stated that the timescale for the completion of the scheme was governed by legislation with an end date of 2042.
- How was it proposed to restore the site? Officers stated that the importation of material to restore the site was not allowed and it was proposed to restore the site to low level agricultural use.

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

RESOLVED (12 for 0 against and 1 abstention)

- (a) That the amended schedule of conditions, as submitted on 3 June 2020, and detailed in the report, be approved.
- (b) That this report forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environment Impact Assessment) Regulations 2011 which requires the Council to make available for public inspection specified information regarding the decision. Pursuant to Regulation 24 (1)(c) the Council must make available for public inspection a statement which contains:
  - Content of decision and any conditions attached to it;
  - Main reasons and considerations on which decision is based, including if relevant, information about the participation of the public;
  - A description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effect of the development, information recording the right to challenge the validity of the decision and procedure for doing so.

The meeting closed at 12.10 pm

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**Open Report on behalf of Andy Gutherson, Executive Director of Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>07 September 2020</b>
Subject:	<b>Martin Moor B1189 - Proposed 40 mph speed limit</b>

**Summary:**

This report considers a request from a local business for the introduction of a new 40 mph speed limit on the B1189 through Martin Moor. Investigations have indicated that this site may be considered a "Borderline Case", as defined within the Council's Speed Limit Policy.

**Recommendation(s):**

The Committee approves the proposed speed limit so that the necessary consultation process to bring it into effect may be pursued.

**Background**

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.

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

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

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

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

An assessment of development at Martin Moor indicates that the introduction of a speed limit can be justified against the policy. The level of limit imposed is determined by the mean speed of traffic and this has been measured at 44 mph at

the location highlighted at Appendix A. This lies within 3 mph of the level required to justify a 40 mph speed limit, as specified in Table 3 from the policy:

**Table 3**

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

This can therefore be considered as a Borderline Case and the Committee may approve the initiation of the speed limit order process to reduce the current 60 mph speed limit to 40 mph. A plan indicating the extent of the 40 mph limit suggested is shown as Appendix B.

### Conclusion

Under the normal criteria set out in the speed limit policy this location would qualify for 50 mph speed limit. However as a Borderline Case the Planning and Regulation Committee may approve a departure from the criteria where appropriate and approve a reduction to a 40 mph limit at this location.

### Consultation

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

No

**b) Risks and Impact Analysis**

n/a

No consultation has taken place at this stage.

### Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location and existing conditions
Appendix B	Proposed 40 mph speed limit

### Background Papers

Document title	Where the document can be viewed
Speed survey result	Katie Fraser, Place Directorate katie.fraser@lincolnshire.gov.uk

This report was written by, who can be contacted on 01522 782070 or katie.fraser@lincolnshire.gov.uk.

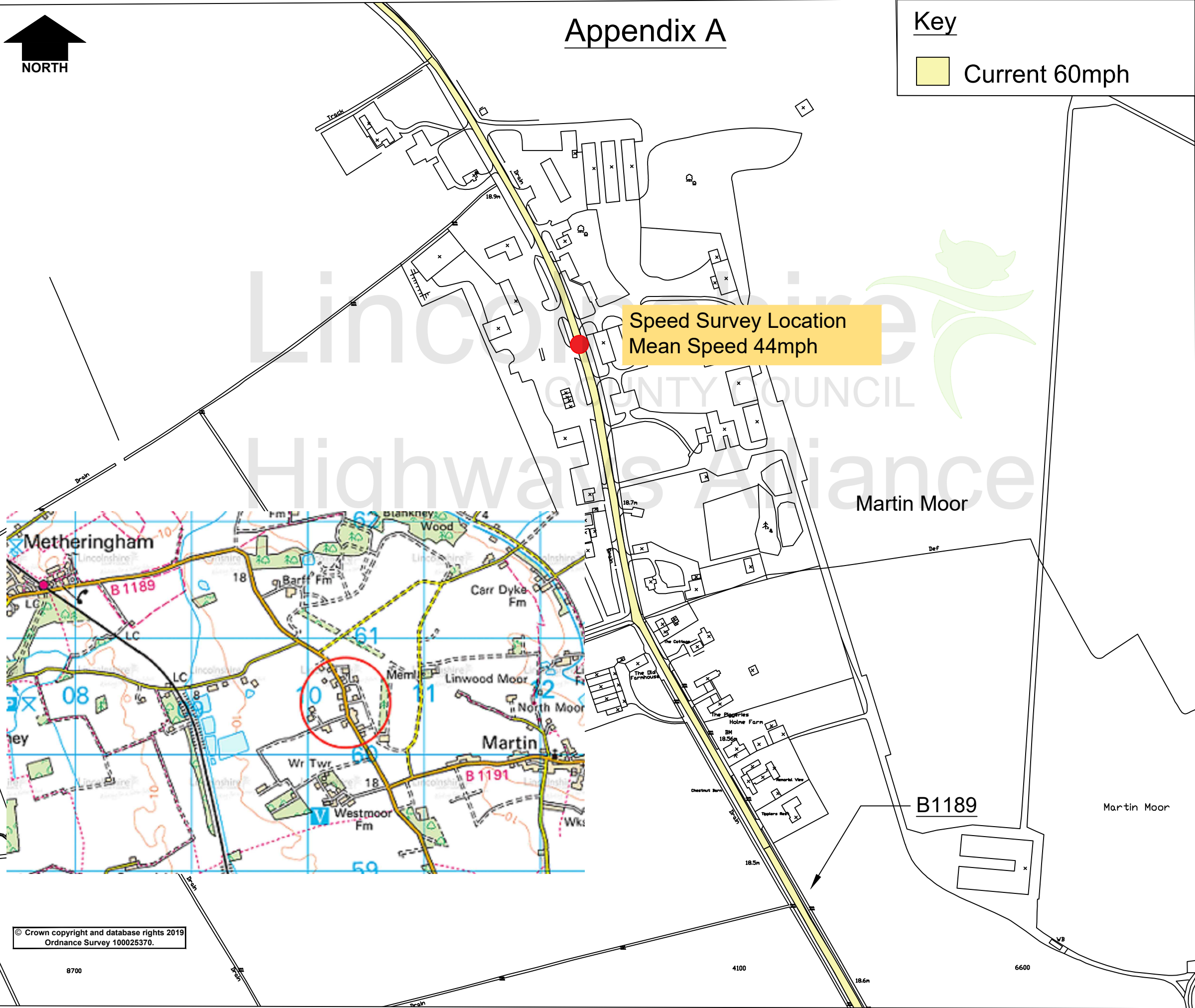
# Appendix A



**Key**

Current 60mph

**Speed Survey Location**  
Mean Speed 44mph



Page 15

Rev.	Description	Drawn	Ch'kd	Auth	Date
Project <b>B1189 Martin Moor</b>					
Status		Project No. 077			
Drawing Title <b>B1189 Martin Moor - Existing conditions</b>					
Scale <b>NTS</b>	Drawn	KF		Date 18/02/20	
	Ch'kd	NG		Date 18/02/20	
	Auth			Traced	
Drawing No. <b>H/KF/077/004</b>					Rev. <b>0</b>

**Lincolnshire**  
COUNTY COUNCIL

**Highways Alliance**

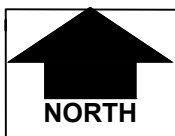
Lancaster House, 36 Orchard Street,  
Lincoln, LN1 1XX

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Ordnance Survey 100025370.

Apr 28, 2020 - 4:51 pm X:\Common\Traffic Regulation Orders\Schemes Master Folder\DO NOT CHANGE\001-200\077 B1189 Speed Review\CAD\Current Speed Limit.dwg

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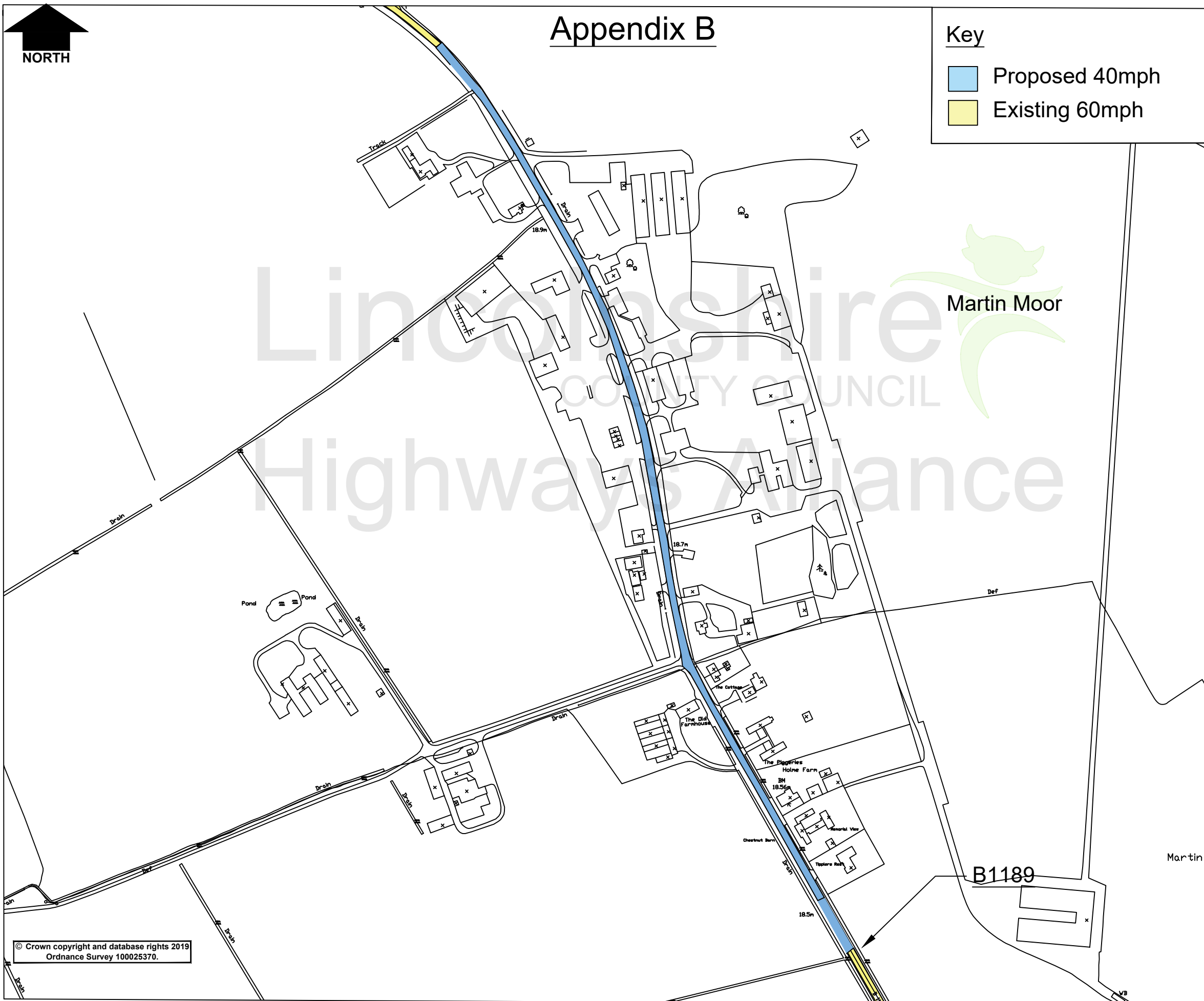




# Appendix B

## Key

- Proposed 40mph
- Existing 60mph



Martin Moor

B1189

Martin

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Ordnance Survey 100025370.

Rev.	Description	Drawn	Ch'kd	Auth	Date
Project <b>B1189 Martin Moor</b>					
Status		Project No. <b>077</b>			
Drawing Title <b>B1189 Martin Moor - Proposed 40mph speed limit</b>					
Scale <b>NTS</b>	Drawn	KF		Date <b>July 20</b>	
	Ch'kd			Date	
	Auth			Traced	
Drawing No. <b>H/KF/077/004</b>					Rev. <b>0</b>
<p><b>Lincolnshire</b> COUNTY COUNCIL <b>Highways Alliance</b></p> <p>Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX</p>					

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**Open Report on behalf of Andy Gutherson, Executive Director of Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>07 September 2020</b>
Subject:	<b>Great Limber A18 - Proposed 30 mph Speed Limit</b>

**Summary:**

This report considers objections received to the public advertisement relating to the above proposal, the extent of which is shown at Appendix B.

**Recommendation(s):**

That the Committee overrules the objections and the Order as advertised is confirmed and introduced.

**Background**

1.1 Following a request from Great Limber Parish Council for the existing 40 mph speed limit on the A18 to be reduced to 30 mph, three speed surveys were carried out at various locations within the village in October 2017. The plan at Appendix B indicates these sites and the mean speed of traffic measured at each. The mean speeds confirmed that a length of 30 mph speed limit as shown could be approved as a borderline case in accordance with the speed limit policy. The matter was therefore brought to this Committee on 4 June 2018 where approval for the statutory consultation was agreed and this was initiated in July 2019.

1.2 Three objections to the extent of 30 mph limit proposed were received, including one from the Parish Council. Each suggested an extension to the proposed 30 mph limit further out of the village and also extensions to the existing 40 mph limits in both directions. A further report detailing these was brought to this Committee on 13 January 2020.

1.3 The following comments were made in respect to the objections.

- Owing to lack of frontage development on the outskirts of the village and beyond, extensions to the existing 40 mph limits have been assessed separately as rural limits as defined in the policy. There have been three reported accidents in total along the lengths 2.5 km to the east and 0.5 km to the west respectively. However the criteria has not been met and I regret therefore that this request cannot be progressed at this time.

- The speed limit policy is designed to promote speed limits in built up areas where more activity on the highway is generated, or in rural areas where accidents have been reported. The majority of drivers adjust their speed in accordance with road conditions and it is for this reason that speed limits are not used to reduce speed at such locations unless they are employed as part of an accident reduction scheme. At Great Limber the bends on the approaches to the village are highlighted to drivers by warning signage, and street lighting is in place on both approaches beyond the existing 40 limit termination points.

1.4 As any further extension to the proposed 30 mph limit cannot be justified against the policy the recommendation in this second report was that the objections were overruled to allow the proposal to be publicly advertised. This was approved and advertisement took place in February.

### 1.5 Further Objections

Further objections have been received during the advertisement period. These request that the volume of traffic using the A18 and the presence of a conservation area and listed buildings along the route should be taken into account. It remains a source of concern that the length proposed for a 30 mph limit cannot be extended further out of the village and that this will be a missed opportunity to reduce traffic accidents.

### 1.6 Comments

The criteria for built up areas in the speed limit policy does not account for traffic flows, or the presence of listed buildings and conservation areas. Whilst the rationale behind the refusal to extend the 30 mph limit further than is proposed may be difficult to comprehend, our policy reflects government guidance whereby the level of any speed limit imposed on a road is determined by the mean speed of traffic using it. In the case of the A18 through Great Limber these speeds were measured above that required for a 30 mph limit but as a borderline case this Committee was able to give approval for an order to be pursued, and the extent proposed is the maximum that can be justified against the policy. .

## **Conclusion**

The 30 mph speed limit as proposed is compliant with the policy criteria and the location of its terminal points on the approaches to the village centre ensure its impact is concentrated within this area. No reported injury accidents have been logged on the A18 through Great Limber since 2017

The presence of warning signage, double white line systems, enhanced road markings and street lighting within the remaining 40 mph limits provides drivers with sufficient warning to adjust their speed accordingly in order to negotiate forthcoming changes in road layout.

## Consultation

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

No

### b) Risks and Impact Analysis

n/a

3.1 Consultation for this proposal included the local Member and District Councillors, the police, Lincolnshire Fire and Rescue, EMAS, Great Limber Parish Council, West Lindsey District Council, Road Haulage Association, Freight Transport Association, Bus service Stagecoach and Sherwood Travel, Transport Services.

## Appendices

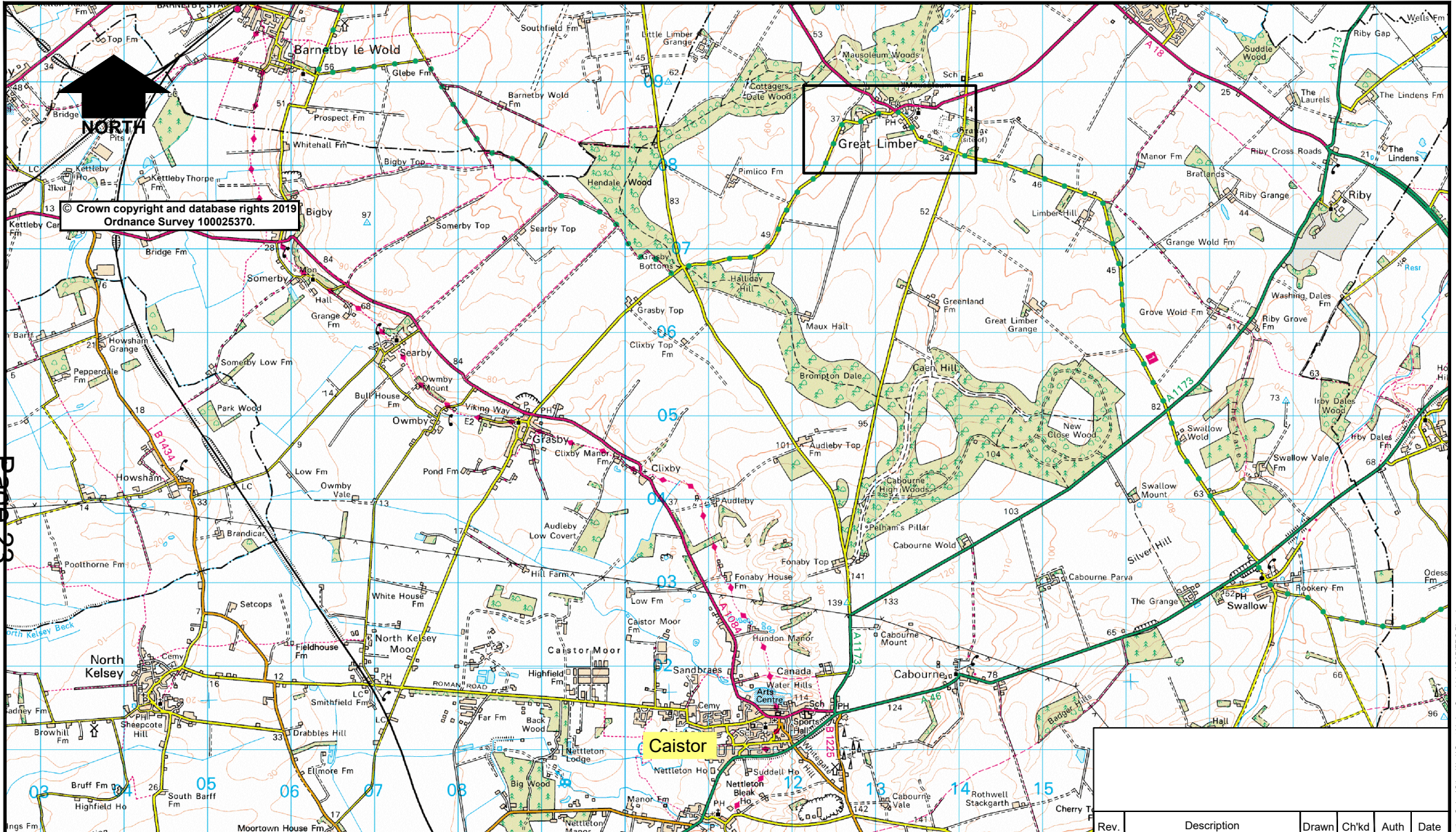
These are listed below and attached at the back of the report	
Appendix A	Site location plan
Appendix B	Plan of proposed 30 mph speed limit

## Background Papers

Document title	Where the document can be viewed
Speed survey information and letters of objection	Jeanne Gibson, Place Directorate, jeanne.gibson@lincolnshire.gov.uk

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  
**Highways Alliance**

Lancaster House, 36 Orchard Street, Lincoln, LN1 1YZ

Project **A18 Great Limber Proposed 30mph Speed Limit**

Status Project No. **GLSL**

Drawing Title **Appendix A**

Drawing No. **H/JE/GLSL/001**

Rev.	Description	Drawn	Ch'kd	Auth	Date
		JE			12.19
		JG			12.19
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**Key**

- Existing 30mph limit
- Existing 40mph limit
- Proposed 30mph limit

**Lincolnshire**  
COUNTY COUNCIL  
**Highways Alliance**  
Lancaster House, 36 Orchard Street, Lincoln, LN1 1YZ

Project: **A18 Great Limber Proposed 30mph Speed Limit**

Status: Project No. **GLSL**

Drawing Title: **Appendix B**

Drawing No. **H/JE/GLSL/002**

Rev.	Description	Drawn	Ch'kd	Auth	Date
		JE			12.19
		JG			12.19
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**Open Report on behalf of Andy Gutherson, Executive Director of Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>07 September 2020</b>
Subject:	<b>Langrick B1192 and Sturton by Stow B1241 - Proposed 40 mph speed limits</b>

**Summary:**

This report considers requests for the reduction of existing 50 mph speed limits to 40 mph at the above locations, shown at Appendices B and D. Investigations have indicated that these sites are "Borderline Cases", as defined within the Council's Speed Limit Policy.

**Recommendation(s):**

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

**Background**

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 rural 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.

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

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

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

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

In the case of both Langrick and Sturton by Stow a 50 mph speed limit is already in place and it will therefore be the results of speed surveys which identify them as Borderline Cases.

Langrick B1192: A 50 mph speed limit is currently in force as shown at Appendix A. Speed surveys at the two locations highlighted measured mean speeds of 43 and 44 mph. Our accident data indicates that over the last five years one fatal and 4 slight reported injury accidents have occurred within this area,.

Sturton by Stow B1241: A 50 mph speed limit is currently in force as shown at Appendix C. A speed survey at the location shown measured a mean speed of 44 mph. There have been no reported injury accidents here during the last five years.

The level of limit imposed is determined by the mean speed of traffic which has been measured at 44mph at the locations highlighted at Appendices A and C. This lies within 3mph of the level required to justify a 40mph 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

These can therefore be considered as Borderline Cases and the Committee may approve the initiation of the speed limit order process to reduce the current 50 mph speed limits to 40 mph. A plan indicating the extent of the 40 mph limit proposed at each location is shown at Appendices B and D.

### Conclusion

Under the normal criteria set out in the speed limit policy these sites would qualify for 50 mph speed limit. However as Borderline Cases the Planning and Regulation Committee may approve a departure from the criteria where appropriate and approve a reduction to a 40 mph limit at both these locations.

### Consultation

Not applicable at this stage.

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

No

#### b) Risks and Impact Analysis

n/a

## Appendices

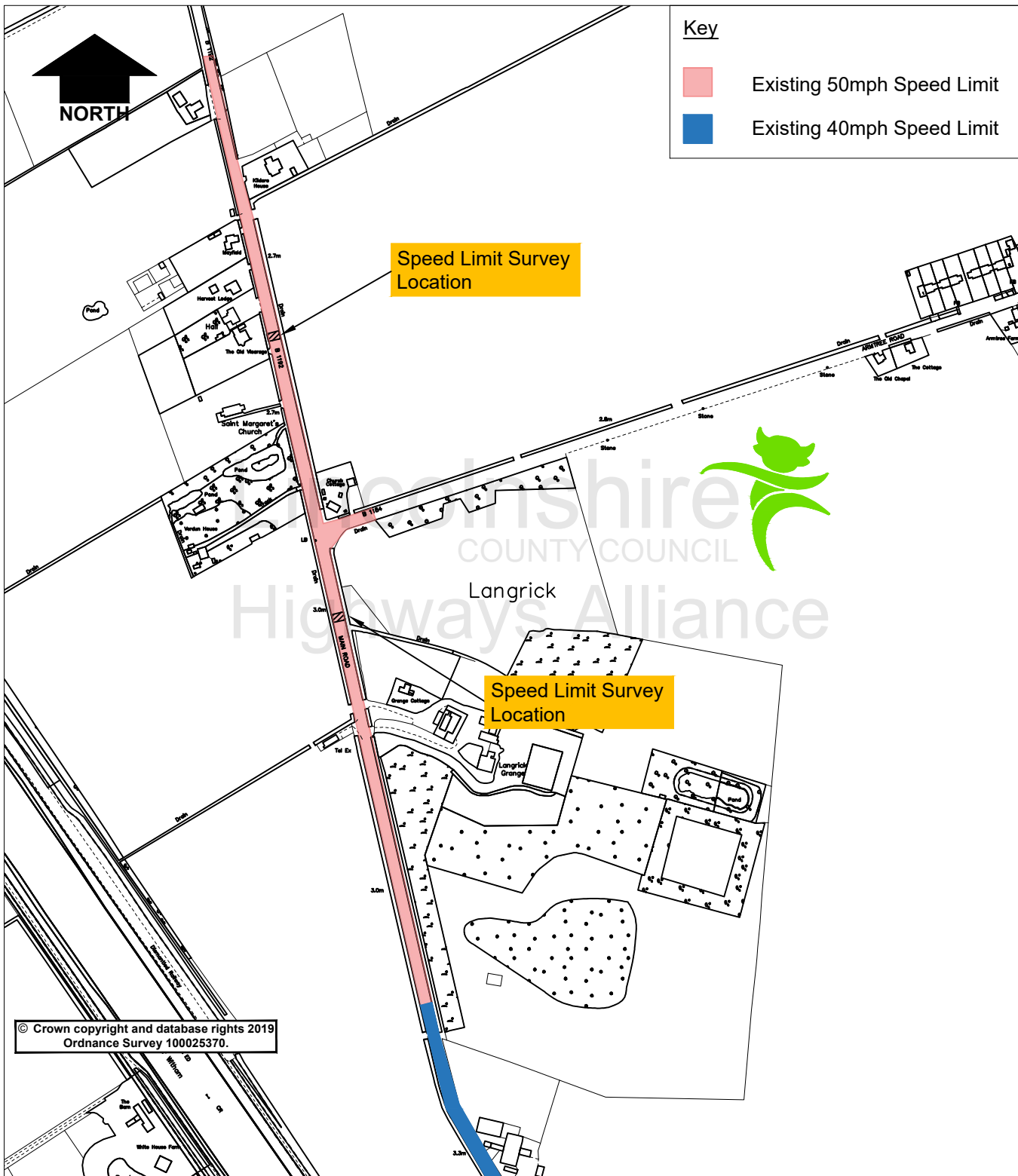
These are listed below and attached at the back of the report	
Appendix A	Site location and existing conditions - Langrick
Appendix B	Proposed Speed Limit - Langrick
Appendix C	Site location and existing conditions - Sturton by Stow
Appendix D	Proposed Speed Limit - Sturton by Stow

## Background Papers

Document title	Where the document can be viewed
Speed survey results	Jamie Earls, Place Directorate, jamie.earls@lincolnshire.gov.uk

This report was written by Jamie Earls, who can be contacted on 01522 782070 or jamie.earls@lincolnshire.gov.uk.


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Key	
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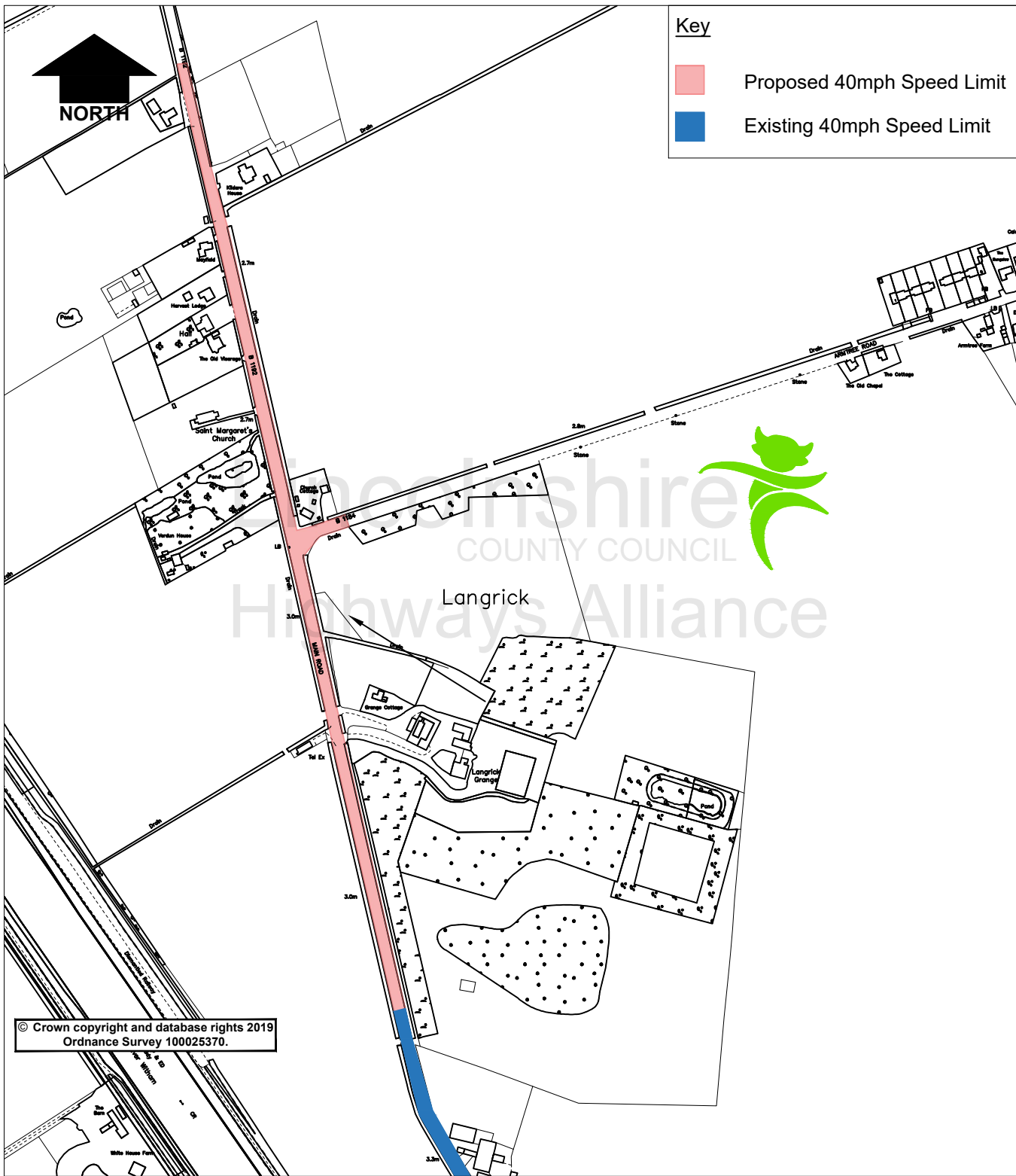
Lancaster House  
36 Orchard Street  
Lincoln  
LN1 1XX

Rev.	Description	Drawn	Ch'kd	Auth	Date
	B1192/B1184 Langrick Speed Surveys	JE			06/20
	Status	Project No.	Auth	Traced	
		063			
	Drawing Title	Scale			
	Appendix A	NTS @A4			
	Drawing No.	Rev.			
	H/JE/063/002	0			

Jun 29 2020 - 10:55am G:\common\Traffic Regulation Orders\Schemes Master Folder\DO NOT CHANGE\001-20\063 B1193 B1184 Speed Limit Review\CAD\Appendix A.dwg

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**Key**

- Proposed 40mph Speed Limit
- Existing 40mph Speed Limit

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Rev.	Description	Drawn	Ch'kd	Auth	Date
	Project	B1192/B1184 Langrick Speed Surveys		JE	06/20
	Status	063			
	Drawing Title	Appendix B			NTS @A4
	Drawing No.	H/JE/063/003			0

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To Stow

STURTON ROAD

Speed Survey Location

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To Sturton

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**Key**

- Existing 30mph Speed Limit
- Existing 40mph Speed Limit
- Existing 50mph Speed Limit

Rev.	Description	Drawn	Ch'kd	Auth	Date
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Project		B1241 Sturton to Stow Speed Limit Review		Drawn	Date
				JE	06.20

Status	Project No.	Auth	Traced
	118		

Drawing Title	Scale
Appendix C	NTS @A4

Drawing No.	Rev.
H/JE/118/002	0

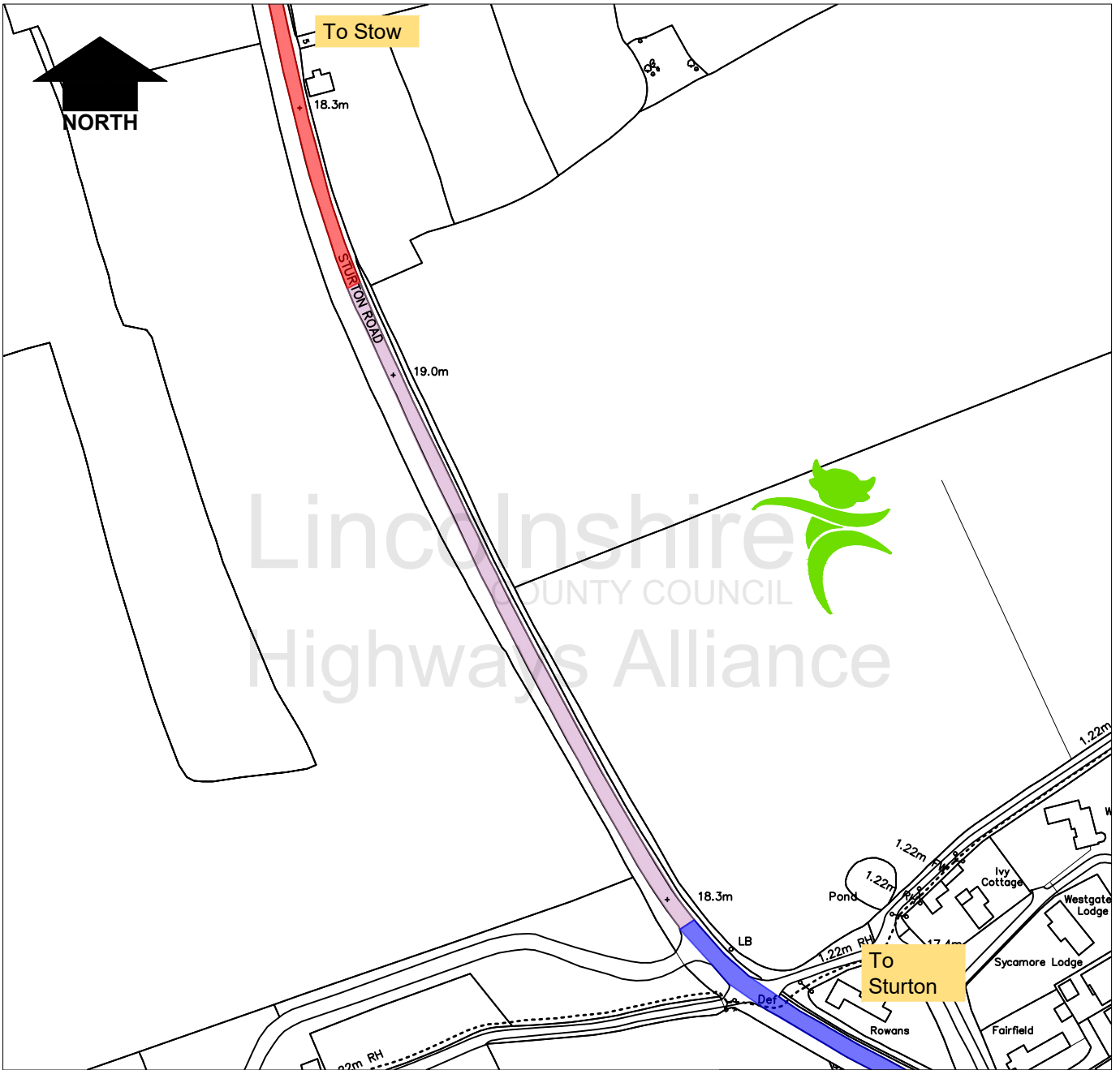
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**Key**

- Existing 30mph Speed Limit
- Existing 40mph Speed Limit
- Proposed 40mph Speed Limit

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Rev.	Description	Drawn	Ch'kd	Auth	Date
	Project B1241 Sturton to Stow Speed Limit Review		Drawn		Date
		JE			06.20
		Ch'kd			Date
	Status	Project No.	Auth		Traced
		118			
	Drawing Title				Scale
	Appendix D				NTS @A4
	Drawing No.				Rev.
	H/JE/118/003				0

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### Open Report on behalf of Andy Gutherson, Executive Director of Place

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>07 September 2020</b>
Subject:	<b>Skellingthorpe, Lincoln Road - Proposed 40 mph speed limit</b>

#### **Summary:**

This report considers a request for the reduction of the existing 60 mph speed limit to 40 mph at the above location, shown at Appendix B. Investigations have indicated that this site is a "Borderline Case", as defined within the Council's Speed Limit Policy.

#### **Recommendation(s):**

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

#### **Background**

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 rural 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.

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

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

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

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

In the case of Lincoln Road the national speed limit applies. However speed surveys at the locations shown at Appendix A measured mean speeds of 44 mph

which lies within 3mph of the level required to justify a 40mph 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

This can therefore be considered as a Borderline Case and the Committee may approve the initiation of the speed limit order process to reduce the current 60 mph speed limit to 40 mph. A plan indicating the extent of the 40 mph limit suggested is shown at Appendix B.

### **Conclusion**

Under the normal criteria set out in the speed limit policy this location would qualify for 50 mph speed limit. However as a border line case the Planning and Regulation Committee may approve a departure from the criteria where appropriate and approve a reduction to a 40 mph limit at this location.

### **Consultation**

Not required at this stage.

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

No

#### **b) Risks and Impact Analysis**

n/a

### **Appendices**

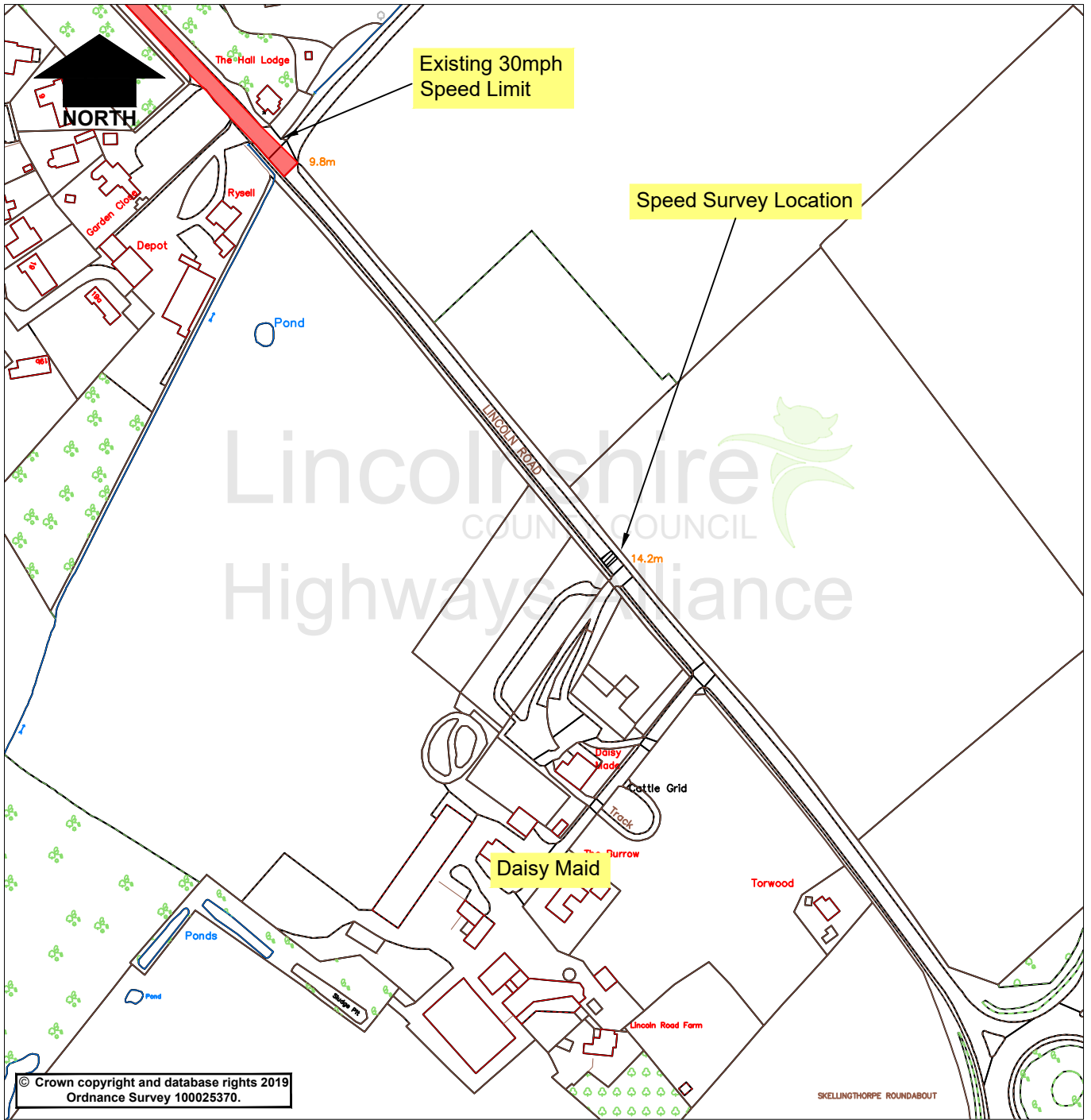
These are listed below and attached at the back of the report	
Appendix A	Site location and existing conditions
Appendix B	Proposed Speed Limit

### **Background Papers**

Document title	Where the document can be viewed
Speed Survey Results	Jamie Earls, Place Directorate, jamie.earls@lincolnshire.gov.uk

This report was written by Jamie Earls, who can be contacted on 01522 782070 or jamie.earls@lincolnshire.gov.uk





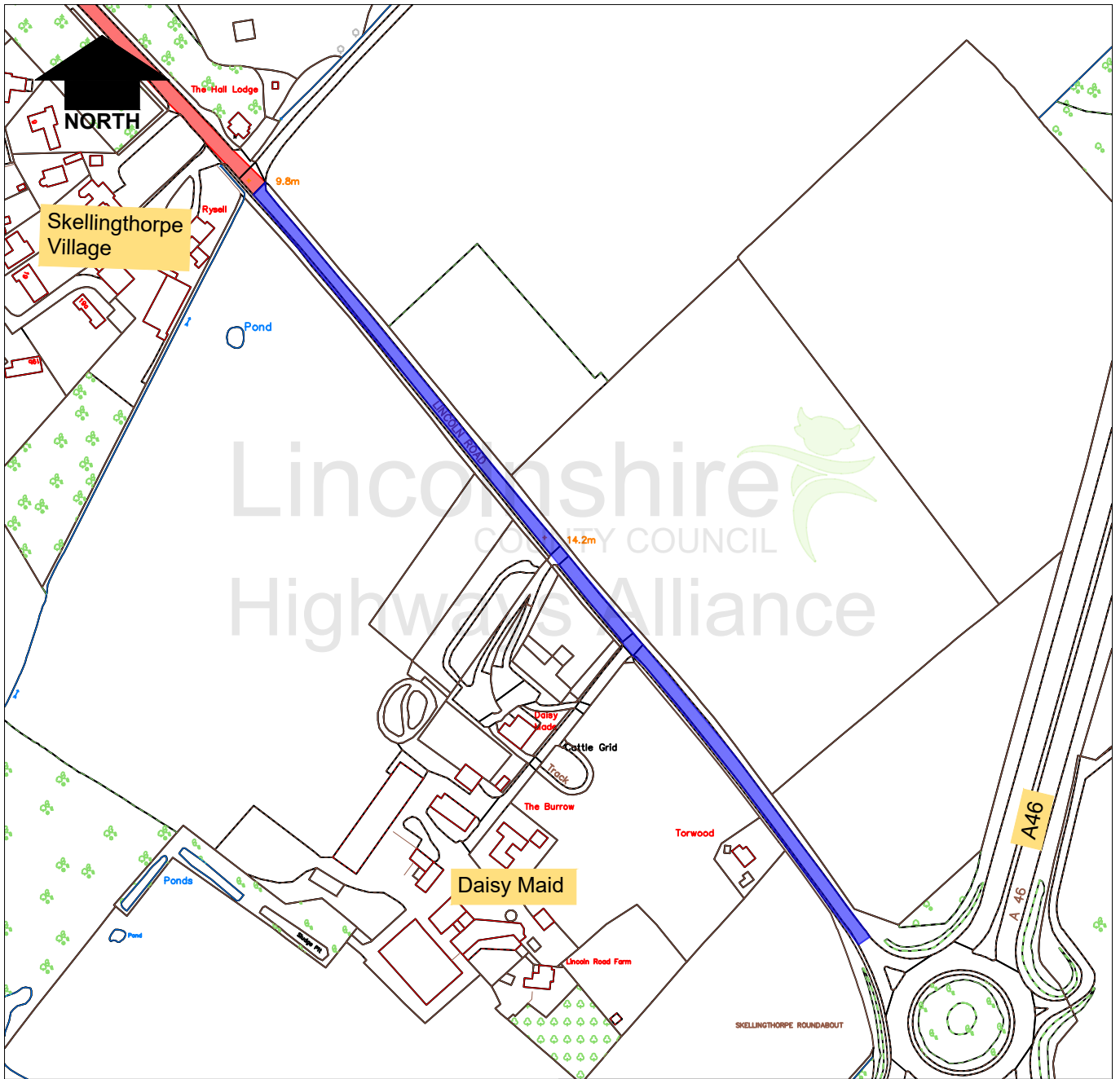
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Rev.	Description	Drawn	Ch'kd	Auth	Date
	Lincoln Road Speed Limit Review	JE			01/07
Status	Project No.	Auth	Traced		
	105				
Drawing Title				Scale	
Appendix A - Existing Conditions				NTS @A4	
Drawing No.				Rev.	
H/JE/105/002				0	

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**Key**

- Existing 30mph Speed Limit
- Proposed 40mph Speed Limit

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Rev.	Description	Drawn	Ch'kd	Auth	Date
	Lincoln Road Speed Limit Review	JE			07/20
	105				
Appendix B - Proposed Speed Limit					NTS @A4
H/JE/105/003					0

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**Open Report on behalf of Andy Gutherson, Executive Director of Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>07 September 2020</b>
Subject:	<b>East Keal A16 - Proposed 30 mph speed limit</b>

**Summary:**

This report considers a request from East Keal Parish Council for the existing 40mph speed limit on the A16 through East Keal to be reduced to 30mph. Investigations have indicated that this site may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy.

**Recommendation(s):**

That the Committee approves the reduction in speed limit proposed so that the necessary consultation process to bring it into effect may be pursued.

**1. Background**

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

1.2 Following an assessment of a site however a borderline case may be identified and is defined within the policy at 4.1 and 4.2 as follows:

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

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

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

1.3 In the case of East Keal a 40mph speed limit is already in place (see Appendix A) and it will therefore be the results of speed surveys which will confirm the level of limit which may be imposed.

Speed survey equipment located at three sites measured mean speeds of 36mph to the north of the village, 31mph in the centre and 37mph on the western approach to the village as shown at Appendix B. There have been 3 reported injury accidents over the last five years within the proposed speed limit reduction, one fatal, one serious and one slight. An advisory 20mph speed limit is in place with enhanced warning signage in advance of the sharp bend to the south of the village.

1.4 The average of the mean traffic speeds measured along the length surveyed is 34 mph which 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

It can therefore be considered as a Borderline Case and the Committee may approve the initiation of the speed limit order process whereby a section of the existing 40mph speed limit can be reduced to 30mph. A plan indicating the extent of the 30mph limit proposed is shown at Appendix B. It is noted that the mean speed at the southern end of the village lies within the range for a 40mph. However the proposed 30mph limit extends beyond this point to incorporate the advisory 20mph limit signage and therefore promotes the reduction in vehicle speed required at this point.

## 2. Conclusion

Under the normal criteria set out in the Council's speed limit policy the A16 through East Keal 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.

## 3. Consultation

Not required at this stage.

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

No

### b) Risks and Impact Analysis

n/a

## Appendices

These are listed below and attached at the back of the report	
Appendix A	Site Location and existing speed limits
Appendix B	Proposed 30mph speed limit and survey locations

## Background Papers

### Objections

Document title	Where the document can be viewed
Speed survey results	Tina Featherstone, Place Directorate, tina.featherstone@lincolnshire.gov.uk

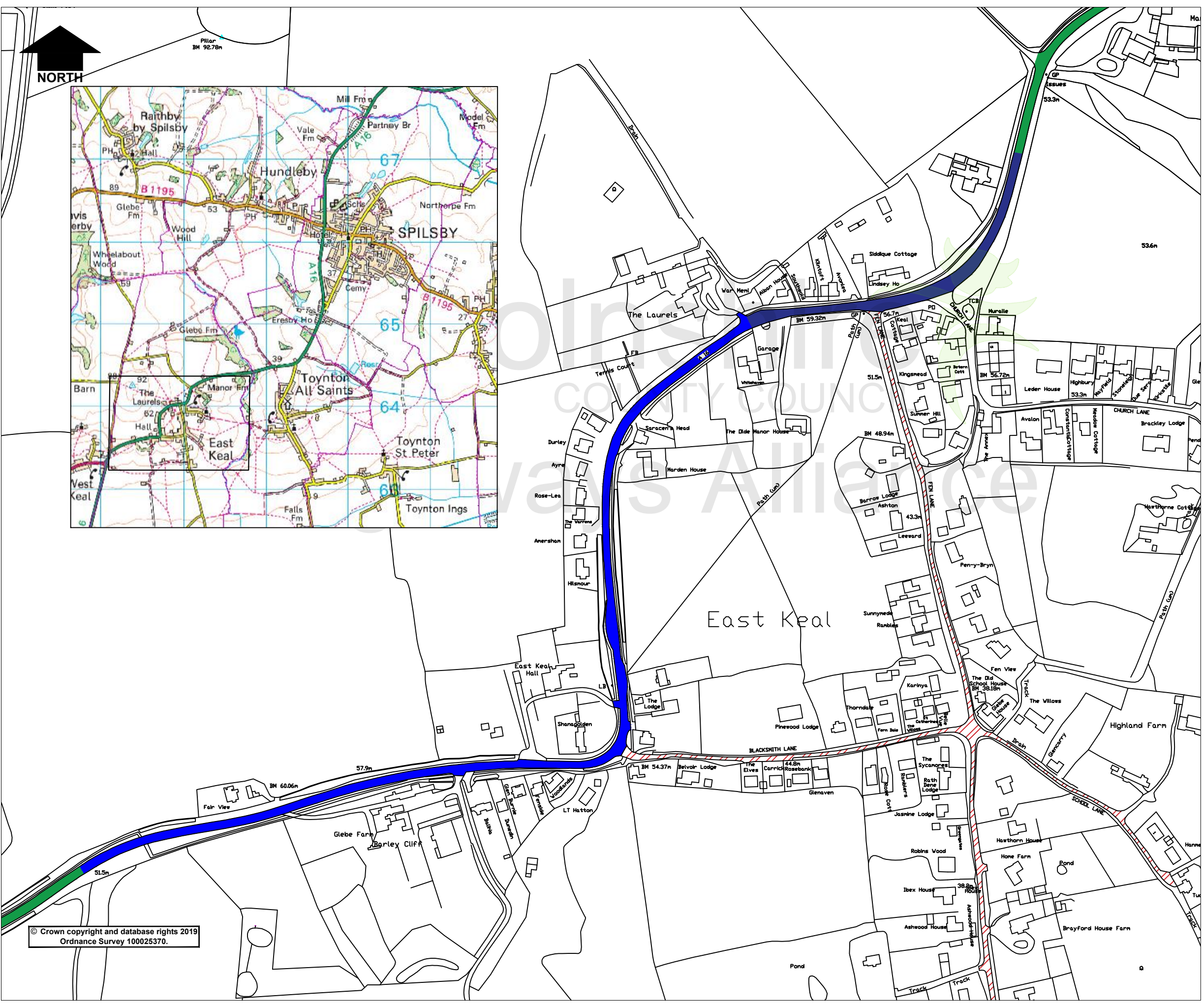
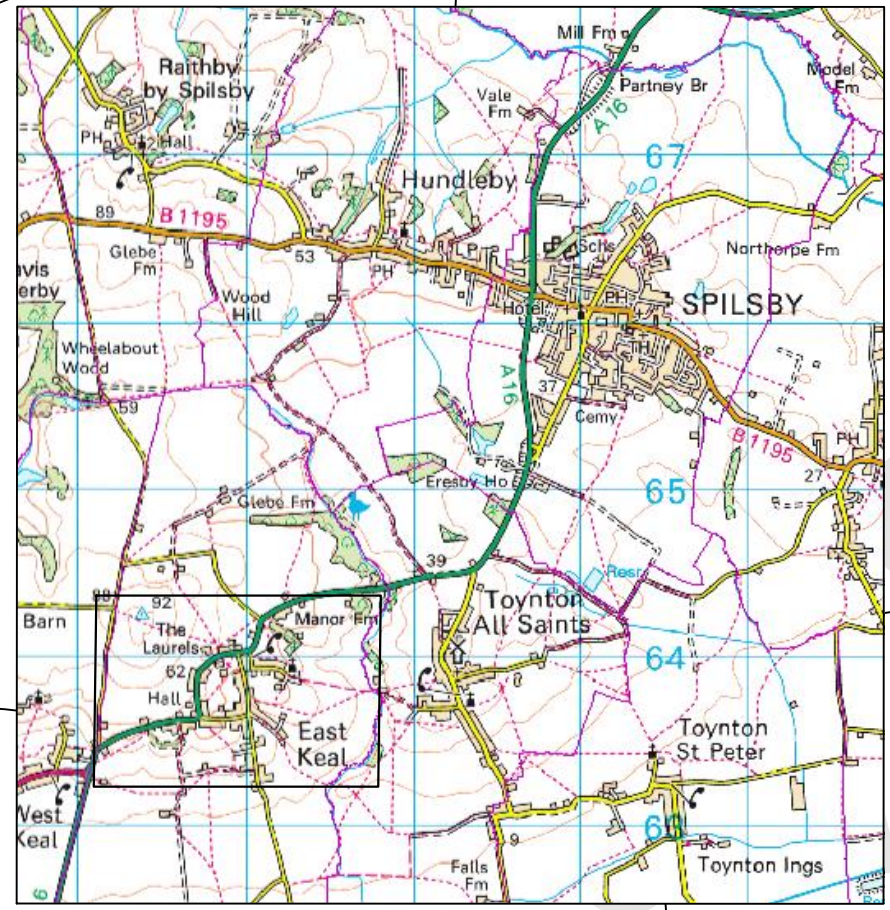
This report was written by Tina Featherstone, who can be contacted on 01522 782070 or [tina.featherstone@lincolnshire.gov.uk](mailto:tina.featherstone@lincolnshire.gov.uk).

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Pillar  
BM 92.78m



Key	
	Existing 30mph
	Existing 40mph
	Existing 50mph

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Rev.	Description	Drawn	Ch'kd	Auth	Date
Project <b>East Keal - A16 Existing Speed Limit</b>					
Status Project No.					
Drawing Title <b>Appendix A Site Location</b>					
Scale <b>NTS</b>		Drawn TF	Date Jan 20		
		Ch'kd JG	Date April 20		
Drawing No.		Traced		Rev. <b>0</b>	

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Apr 29 2020 - 7:40am © Common Traffic Regulation Schemes Master Folder DO NOT CHANGE 001-200033 A16 East Keal Reduction to 30mph/CAD/CAD.dwg

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Pillar  
BM 92.78m  
Mardon Hill

**Key**

- Proposed 30mph
- Existing 30mph
- Existing 40mph
- Existing 50mph

Mean Speed 31mph

Mean Speed 36mph

Advance warning signs for bend in both directions with advisory 'max speed 20mph'

Mean Speed 37mph

East Keal

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Rev.	Description	Drawn	Ch'kd	Auth	Date
Project: <b>East Keal - A16 Proposed 30mph Speed Limit</b>					
Status: Project No.					
Drawing Title: <b>Appendix B</b>					
Scale: <b>NTS</b>		Drawn: <b>TF</b>		Date: <b>Jan 20</b>	
Drawing No.				Rev. <b>0</b>	

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**Open Report on behalf of Andy Gutherson, Executive Director of Place**

Report to:	<b>Planning &amp; Regulation Committee</b>
Date:	<b>07 September 2020</b>
Subject:	<b>Claypole, Rectory Lane, School Lane and Main Street - Proposed Waiting Restrictions</b>

**Summary:**

This report considers objections to waiting restrictions proposed at the above location following statutory consultation carried out last year and public advertisement earlier this year.

**Recommendation(s):**

That the Committee approves the public advertisement of the amended proposals as shown at Appendix B.

## **1. Background**

1.1 A request was received for restrictions on parking to be considered in the vicinity of the school and on Main Street at Claypole. The school is situated off Rectory Lane and School Lane which form a loop to the north of Main Street. The width of these roads varies between 5.0 and 5.5 metres. The roads are residential with the majority of properties having off street parking. An advisory school keep clear marking is in place opposite the school. Investigations indicate that indiscriminate on street parking on these streets restricts visibility and access for pedestrians and can disrupt the flow of through traffic. Similarly, along the more narrow sections of Main Street, parking can obstruct traffic flow. The initial proposals sought to mitigate the effect of parking on these streets by installing double yellow lines to improve visibility at a number of junctions and to restrict parking where the carriageways reduce in width. A clearway marking and bus stand are also proposed adjacent to the school.

1.2 These proposals, shown at Appendix A, were subject to statutory consultation last year and were advertised last March.

### **Objections**

1.3 Objections were received from a number of residents who raised concerns that the restrictions proposed were either too extensive and would affect residents

adversely by restricting parking for them and their visitors, or that they were insufficient and should be applied on both sides of School Lane and Rectory Lane, and over a greater length on Main Street. Several believe that removing on street parking will result in higher traffic speeds and suggestions relating to a 20mph speed limit, traffic calming, one way orders and permit parking have been put forward as alternative measures.

It should be noted that five comments in support of the proposals have also been received.

## **Comments**

1.4 The scheme as originally proposed aims to retain a level of on street parking which will be of benefit to residents and manage parking associated with the school and it includes a wider area in order to mitigate the impact of vehicles displaced by the restrictions. A full time restriction is favoured as no traffic signs will be needed so it is less obtrusive, requiring road markings only. Additionally double yellow lines tend to be self-enforcing which is an important consideration in remote areas where enforcement will not be as regular as in urban locations. Concerns relating to traffic speed are noted. The presence of parked vehicles has the effect of reducing speed however owing to a driver's perceived level of risk being raised. For this reason traffic on one way streets tends to speed up as there is no expectation of oncoming traffic, so this is not a scheme we would generally pursue in the vicinity of schools. Our observations do not suggest that there is a speeding issue on School Lane or Rectory Lane currently and this being the case neither traffic calming or a 20mph speed limit will be considered at this time. Requests for a permit scheme cannot be supported as the policy criteria are not met.

1.5 In recognition of the concerns raised by residents the extents of the restrictions have been reconsidered and some minor reductions are proposed. In addition, where the fulltime restriction has been proposed on both sides of Rectory Lane, this has been relaxed so that on the western side it will apply from 8:30 to 16:00 hours, Monday to Friday only, enabling residents with no off street parking to use this area outside those times.

## **2. Conclusion**

The revised proposals take account of residents' concerns whilst maintaining on street parking where traffic flow is unimpeded and it is safe to do so. The restrictions provide areas of improved visibility for pedestrians crossing these roads and for vehicles negotiating various junctions off Main road. It is considered that they are the minimum intervention required to achieve the aims of the scheme which are to improve pedestrian safety and manage parking, particularly during busy periods.

## **3. Consultation**

The following were consulted with regard to these proposals: Local Members; Claypole Parish Council; South Kesteven District Council; Lincolnshire Police;

EMAS; Lincolnshire Fire & Rescue; Road Haulage Association; Freight Transport Association; Claypole CofE Primary School; affected frontagers.

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

No

**b) Risks and Impact Analysis**

n/a

**4. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Consultation Plan
Appendix B	Amended Proposals Plan

**5. Background Papers**

Written objections.

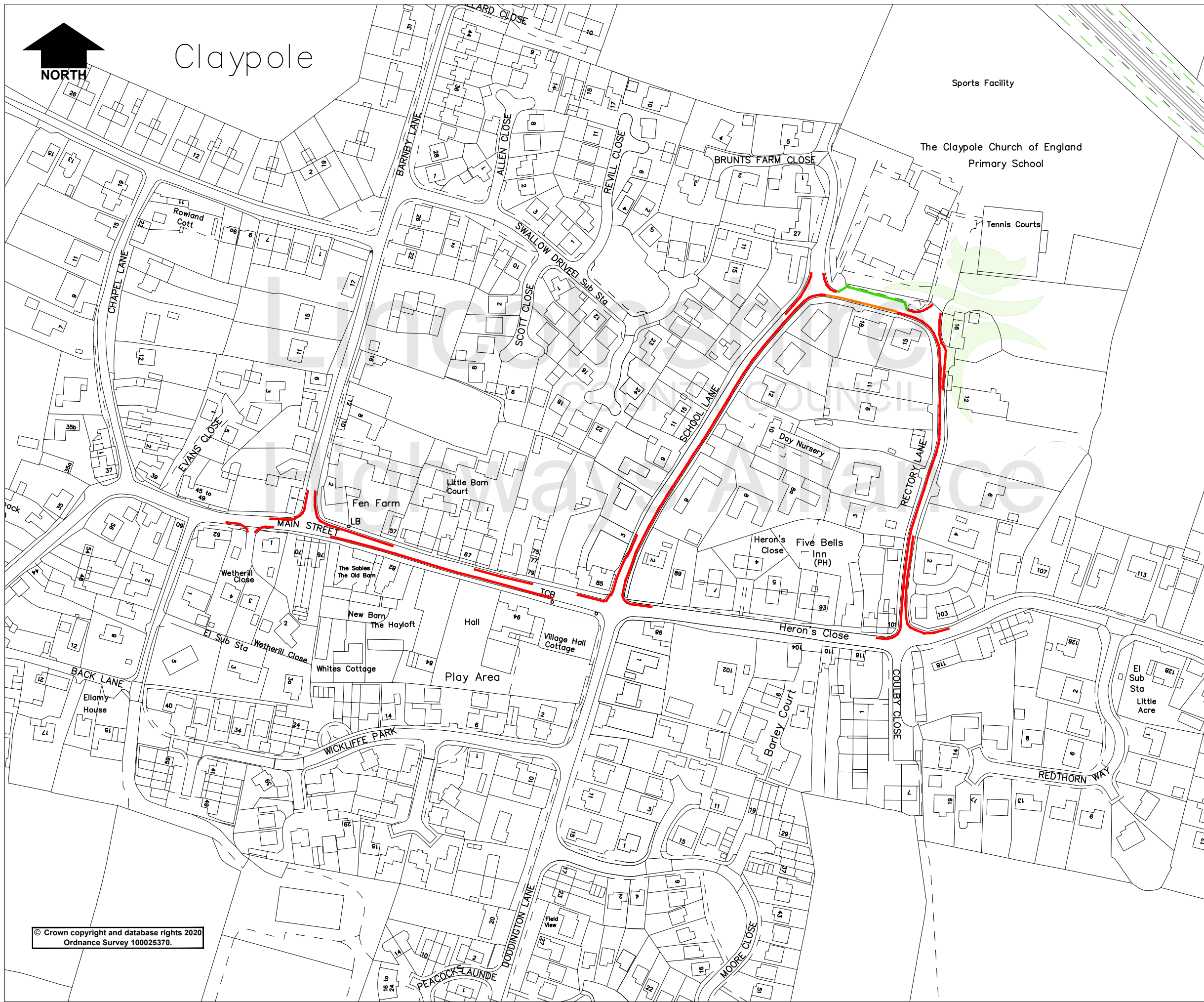
This report was written by Dan O'Neill, who can be contacted on 01522 782070 or dan.o'neill@lincolnshire.gov.uk.

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# Claypole



- Key
- Proposed no waiting at any time
  - Proposed no waiting on school entrance markings Mon to Fri 8.30am to 4pm
  - Proposed bus stand Mon to Fri 8.30am to 4pm

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Rev.	Description	Drawn	Ch'kd	Auth	Date
<b>Claypole Proposed Waiting Restrictions</b>					
Project No.					
<b>Barnby Lane, Main Street, Rectory Lane and School Lane</b>					
Scale 1:2000 @A3		Drawn DON		Date	
Drawing No. D/142040/03		Ch'kd		Date	
		Auth		Traced	
Rev.					0

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**Highways Alliance**

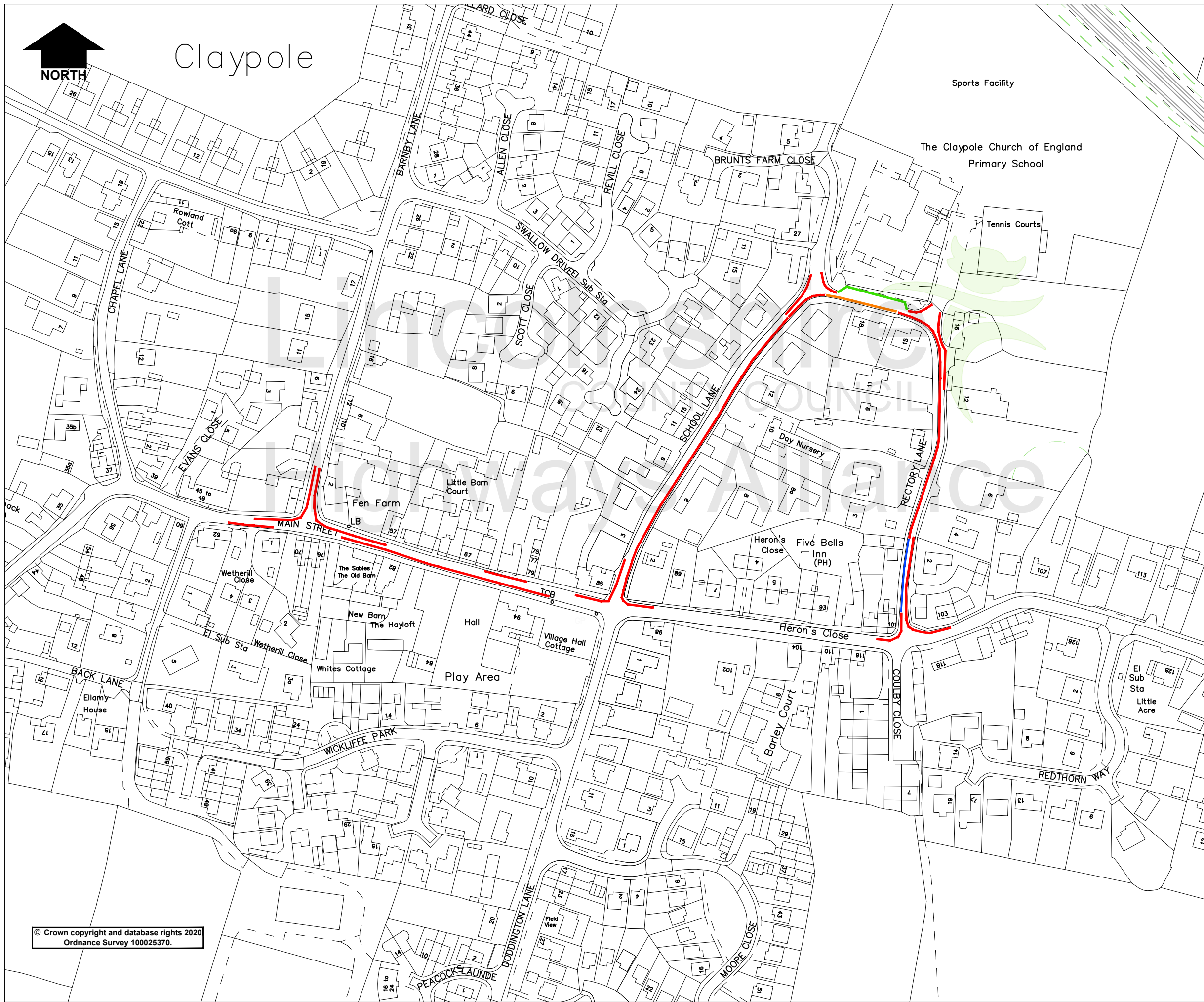
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# Claypole



- Key
- Proposed no waiting at any time
  - Proposed no waiting on school entrance markings Mon to Fri 8.30am to 4pm
  - Proposed bus stand Mon to Fri 8.30am to 4pm
  - Proposed no waiting Mon to Fri 8.30am to 4pm

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Rev.	Description	Drawn	Ch'kd	Auth	Date
<b>Claypole Proposed Waiting Restrictions</b>					
Project No.					
<b>Barnby Lane, Main Street, Rectory Lane and School Lane</b>					
Scale 1:2000 @A3		Drawn DON		Date	
Drawing No. D/142040/04		Ch'kd		Date	
		Auth		Traced	
Rev.					0

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**Open Report on behalf of Andy Gutherson  
Executive Director for Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>7 September 2020</b>
Subject:	<b>County Matter Application - 141306</b>

**Summary:**

Planning permission is sought by Egdon Resources Ltd (Agent: AECOM Ltd) to vary condition 1 of planning permission 139426. The proposal seeks to amend the date by which the restoration would be completed at the site at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen.

The principle of the development has been established and as a consequence the key issue, in this case, is to consider if the proposed amendment would materially change effects on amenity since the grant of this permission.

**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. In December 2014 a temporary planning permission (reference: W97/131952/14) was granted for the drilling of an exploratory borehole and carrying out of production tests at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen. The purpose of the development was to test an identified underlying oil reservoir to determine whether there were commercially viable reserves of conventional hydrocarbons available. The potential oil reserves were to be accessed by conventional drilling only and would not involve the process of hydraulic fracturing (known as "fracking") which is associated with shale gas or oil development. The development granted by this permission was lawfully implemented and works carried out before the expiration of the temporary three-year period.
2. In May 2018 a further planning permission was granted (reference: 137302) which amended condition 1 attached to permission W97/131952/14 so as to extend the period of time to carry out the temporary operations and to drill the exploratory borehole at the site. A further planning permission

(reference: 139426) was granted 1 July 2019 which varied a number of conditions attached to permission 137302 which allowed changes to the layout of the site, the means for managing surface water run-off as well as changes to fencing and bunding. The application had also proposed changes to the hours of work and associated noise levels however this was not supported and as a consequence these remained as originally approved.

3. The applicant is now seeking permission to extend the time period required to complete the restoration of the site and has made an application that seeks to amend permission 139246 to allow this. Details of the proposed amendment and information supporting the application are set out in this report.

### The Application

4. Planning permission is sought by Egdon Resources UK Ltd (Agent: AECOM) to vary condition 1 of planning permission 139426. The proposal seeks to amend the condition in order to extend the period to restore the site following the completion of the operations at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen. A concurrent application (reference: 141307) has been submitted which similarly seeks to retain a security compound that was granted temporary permission to be stationed at the site (reference: 139434) in association with the drilling operations. Details of this application are subject of a separate report.
5. The site lies within Petroleum Exploration and Development Licence (PEDL) 241 of which Egdon Resources UK Ltd holds an 80% interest. The applicant had been preparing plans to build the North Kelsey site before the summer of 2020 however, like many industries, the impact and effects of the COVID-19 pandemic has resulted in delays to this planned activity. The oil and gas sector is reliant upon specialist skills and contractors to carry out drilling operations and the restrictions imposed by the national emergency have impacted upon the availability of key suppliers and contractors. Whilst there has now been a gradual lifting of restrictions, there will be an inevitable 'catch-up' period as the wider industry re-starts operations such as this rely on specialist skills and equipment and if drilling rigs stop operating, personnel go elsewhere and there is not a sufficient pool of available skilled personnel ready to replace them. Given the impact of the COVID-19 pandemic, it is therefore no longer possible to construct, drill, test and restore the site before the end of 2020 and so some additional time beyond the current operational end date is requested.

### Current Condition

6. Condition 1 identifies the date by which the site is restored back to agricultural use. The condition currently reads as follows:

*The development hereby permitted shall cease on or before 31 December 2020 and by the date all portable buildings, plant and machinery associated*

*with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.*

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

#### Proposed Amendment

7. The applicant is seeking permission to amend the date set out in condition 1 to allow a further 12 months to achieve restoration (i.e. until 31 December 2021). This proposed amendment would not extend the scope of the development permitted which remains for the exploration and evaluation of conventional oil and gas only. The works would also continue to be carried out in 4 separate phases which are as follows:

- Phase 1: Construction of the Drill Site (approximately 6-7 weeks);
- Phase 2: Operational Phase (approximately 8 weeks);
- Phase 3: Operational Phase (testing) (approximately 28 weeks); and
- Phase 4: Site Restoration (6 weeks to complete).

No other changes or amendments are sought to the development as previously permitted and therefore this application relates solely to an extension of time to complete the works.

#### Site and Surroundings

8. The application site lies approximately 1.3 km north of Moortown, 2.8km south east of North Kelsey and 4.5km south west of Caistor. The site is accessed off Smithfield Road (photograph 1) which is a single track road with passing places along its length (photograph 2). An area of land at the junction of Smithfield Road and the B1434 is also included within the application site.



1. Site entrance and access onto Smithfield Road



2. Passing place Smithfield Road

9. The site itself is agricultural land (photograph 3). The surrounding area is predominantly in agricultural use with trees and hedges along field boundaries ranging from sparse to dense planting. Immediately to the south of the proposed access track is a ditch and to the south of this ditch is a line of trees and an existing access track.



3. Approximate position of exploratory well site, outlined in red

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



## Main Planning Considerations

### Planning Policy Context

11. The National Planning Policy Framework (February 2019) 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 203 to 209\* – directs planning authorities to facilitate the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts.

\*On 6 March 2019 Mr Justice Dove handed down his judgement in the case of *Stephenson vs SoS MHCLG* [2019] EWHC 519 (Admin) and a subsequent Court Order was issued which, in accordance with the terms of that Order, quashed paragraph 209(a) of the NPPF. Paragraph 209(a) of the NPPF had stated that mineral planning authorities should "*recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction*". The reference and inclusion to "*unconventional hydrocarbons*" had been successfully challenged as being unfair and unlawful as the Government had failed to take into account up-to-date scientific evidence on the climate change impacts of such development. This subsection of paragraph 209 was consequently quashed however a Written Ministerial Statement (HCWS1586) was issued on 23 May 2019 which stressed that despite paragraph 209(a) being removed, the Government remains committed to the safe and sustainable exploration and development of onshore shale gas resources and that the remainder of the NPPF policies, in particular, Chapter 17 on 'Facilitating the Sustainable Use of Minerals' remain unchanged and extant.

Planning Practice Guidance 'Minerals' - in March 2014 the Government published a series of web-based National Planning Policy Guidance (NPPG). The NPPG relating to Minerals sets out the overall requirements for minerals sites, including in relation to assessing environmental impacts such as noise, light and visual amenity.

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

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

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

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

Central Lincolnshire Local Plan (CLLP) (2017) – the key policy of relevance in this case are as follows (summarised):

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

#### Results of Consultation and Publicity

12. (a) South Kelsey and Moortown Parish Council - has no objection to the extension of time, however, supports the view of residents living near the site that another extension is not what they wish for or require as it would prolong the drilling operations for another year. The Parish Council therefore requests that a definite final date be agreed with the applicant and that this should not be allowed to be extended in the future.
- (b) North Kelsey Parish Council (adjoining parish) - object on the grounds of disruption and damage caused by excess traffic, noise and environmental pollution.
- (c) Holton le Moor Parish Meeting (adjoining parish) - residents of Holton le Moor objected to this development in the past and the parish has no reason to suspect that the residents' position has changed. The parish reminds elected members that in making a judgement all merits and demerits are assessed on a case by case basis, including the impact of the proposal on the amenity of local residents. The delay has introduced an element of uncertainty to residents in the vicinity of the site and on the main traffic routes. Timescales were set out in previous applications to mitigate the impact upon local residents and should this application be approved then a precedent will have been set whereby the applicant can continually submit applications to extend the time period with no regard to the impact upon local residents. The recommendation of the parish meeting is that the application therefore be refused.

- (d) Environment Agency (EA) - have no objection to the application.
- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) - has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- (f) Natural England - has no comment to make on the proposed variation of condition 1.

The following bodies/persons were also consulted on the application on the 2 July 2020 but no response or comments had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor A Turner  
 Environmental Health Officer (West Lindsey District Council)  
 Anglian Water  
 Countryside & Public Rights of Way (Lincolnshire County Council)  
 Public Health (Lincolnshire County Council)  
 Lincolnshire Fire and Rescue  
 Lincolnshire Police (Counter Terrorism and Designing Out Crime)  
 Lincolnshire Wildlife Trust  
 Network Rail.

- 13. The application has been publicised by notices posted at the site entrance and three other locations including the site access, the junction of Smithfield Road and the B1434, the junction of B1434 and Easthall Road and the crossroads in Moortown. It has also been advertised in the local press (Lincolnshire Echo on Thursday 9 July 2020) and 79 letters of notification were sent to residents.
- 14. Grasby Parish Council (a nearby parish) and 114 householder representations had been received by the time this report was prepared which raise concerns or objections to the proposal. A summary of the comments and objections received is as follows that fall within three categories:
  - Climate Change and Climate Emergency – this type of industry should not be promoted as it contributes to global warming through carbon emissions and results in pollution of watercourses and aquifers, flooding and sea level rising, crop failure, and impacts on wildlife. A number of academic, national and international reports and UK legislation have been cited including Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 2019, UKFIRES ABSOLUTE ZERO, Guidance on fracking: developing shale gas in the UK and The Climate Change Act 2008 (2050 Target Amendment) Order 2019.

On shore oil/gas production is unsustainable and should be reduced, as is already happening in the North Sea. Councillors have a duty to

act on behalf of the general public and should be promoting renewables such as wind farms and solar farms and energy from waste and biofuels.

- Location, Environmental and Residents Amenity – the industrialisation of the countryside with high fencing, drilling rigs and flaring will have visual impacts on the open countryside and the site is also near the Lincolnshire Wolds AONB. The effects of, fracking, poor air quality, noise and light (24/7) pollution will impact on local residents. The loss of agricultural land should not be supported in the interests of food security and the proposed development will have a negative effect on wildlife in the area. The watercourses and drainage ditches will become polluted. The road access to the site is in a poor state of repair and narrow. Smithfield road is used by walkers, horse riders and cyclists and there are concerns about safety. The vibration caused by HGV's will cause damage to the foundations of historical and residential properties.

Another extension of time only contributes to the anxiety of the residents of the area, who have lived with uncertainty for six years. The applicant has cited COVID-19 as the cause of delay but they waited until this year to begin the work and even without COVID-19 they would not have been able to complete the development by the approved deadline of 31 December 2020.

- Proposed development and consultation – the description of the development is misleading as it only appears to relate to restoration. Consultation and notifications were not widespread and this is planning by stealth. This application does not deliver local employment and is only the beginning, as more sites will be inevitable. The applicant has been proved incompetent through the Wressle appeal and has had fires at other sites and will use hydraulic fracturing. The promised liaison group has not been set up.

#### District Council's Recommendations

15. West Lindsey District Council has made the following observations/comments in relation to the proposal:

- Planning permission for this development was originally granted some six years ago with seemingly little progress having been made. Concerns expressed as to the extent and lack of progress with the exploration and the Council's Planning Committee is not convinced of the justification for requiring yet a further extension to the time limit.
- With the increasing green agenda concern expressed in regard to the extraction of a finite resource, the exploitation of which is ultimately unsustainable, when there are more sustainable alternatives that are available.

- It is requested that any representations received from the local population around this site relating to the localised impacts on the local populace be taken into account when determining the application.

## Conclusions

16. The application has been submitted in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to planning permissions for developments that have been carried out to be amended or varied. The development was first granted permission in December 2014 and that permission was lawfully implemented and the development commenced. In 2018 a subsequent planning permission (reference: 137302) was granted which extended the period allowed to restore the site following exploration and testing operations. A further planning permission in 2019 (reference: 139426) secured some amendments to physical aspects of the site.
17. The applicant is seeking to vary condition 1 of planning permission 139426 so as to extend the date by which the site is required to be restored and so therefore enable the operations associated with the drilling of an exploratory borehole and subsequent production and evaluation testing to be completed. The development authorised by the permission has been implemented and this application has been received before the date cited in condition 1 has passed. Therefore this is a valid application which the Mineral Planning Authority is required and able to determine.
18. As a Section 73A application, the Mineral Planning Authority is only required to consider the question of the proposed amended/varied condition and so is not required to reconsider the principle or acceptability of the development itself. Nevertheless the advice provided by statutory and non-statutory consultees as well as the views expressed by other bodies, groups and individuals should still be taken into account in determining such applications.

## Objections

19. A considerable number of representations have been submitted from residents both local and from the wider Lincolnshire area. A significant proportion of the submissions questions the need for oil/gas, given the current discourse and legislative changes relating to climate change, and the local community have reiterated their earlier objections to both the principle of the development and in terms of its impacts on the environment and general residential amenity (e.g. highways and highway safety, landscape, wildlife and the wider environment as well as general residential amenity due to the industrialisation of the countryside, emissions, noise and light). Additionally they have expressed their continuing anxiety due to the timescales being extended and lack of communication from the applicant on when the exploration development would commence.

20. As stated previously, the development authorised by the permission has been lawfully implemented and as a Section 73A application, it is not therefore necessary to reconsider the need or principle of the development again. The principle of the development, in this location, has previously been assessed and considered acceptable and so too have the various measures that would be adopted to ensure that any potential adverse impacts are ameliorated and mitigated. Notwithstanding this, the local parish councils/meetings have either objected to this proposal or commented that they support local resident's objections and encourage elected members to refuse the application as it would be contrary to the aims and objectives of tackling climate change and moving towards a low carbon future.
21. Although these objections and comments are acknowledged, it should be noted that when the previous application was considered and assessed in 2019 (which resulted in the permission now sought to be amended) this took into account changes that had been made to the NPPF and the subsequent direction contained within the Written Ministerial Statement. Having taken into account the impact of this decision and the changes made to the NPPF, it was still concluded that the development was compliant with the NPPF and local planning policies in place and as such as duly approved. Other than seeking an extended period of time to complete the restoration, the applicant is not proposing any changes or amendments to the permitted operations. It is only necessary to consider whether the grant of an extended period of time to complete the development is justified rather than re-examine the principle of the development again as this has already been accepted.

#### Extension of time

22. In relation to the proposed extension of time, the applicant has previously secured an extension of time to complete the operations and the timeframe given was set at 31 December 2020 (granted by permission 137302). However, as a consequence of the current COVID-19 pandemic, all plans to commence the exploration operations this year had to be suspended and therefore additional time is now required in order to construct, drill, evaluate and ultimately restore the site by the date required. The impact of the COVID-19 pandemic on the national economy and the operations and activities of businesses across all sectors is well-known and reported. As a result of the restrictions and actions taken by the Government to try and address the pandemic it is therefore accepted that this has had a negative impact on the planned operations for the site and that this was out of the control of the applicant. Despite the impacts of the pandemic the Government has made it clear that authorities should prioritise decision-making as it is important to keep the planning system moving so that it is able to play its full part in the economic recovery at both national and local levels. In this case, a further extension of time would enable the development that has already been deemed acceptable in all other respects to be completed. The Government in recognising the difficulties in progressing approved planning permissions, as a consequence of the

pandemic, introduced legislation in July 2020 in the form of the Business and Planning Act 2020. This provided an automatic extension of time, where unimplemented permissions, due to lapse on or before 31 December 2020, could be extended to 1 May 2021. This demonstrates that the Government has recognised that the Covid situation will cause developers a delay to the implementation of permissions and provided this automatic extension of time. Whilst in this case the developer is seeking to extend the time for the completion of the development the circumstances are similar in that the applicant has not been able to construct the drilling pad and carrying out the exploratory drilling operations due to the Covid situation. Therefore it is considered that the application is in line with Government legislation to provide developers more time to implement planning permissions due to the delays caused by Covid-19.

23. Although local residents have speculated as to the future plans for the area and expressed their anxiety as a result of the delays incurred, this application only relates to the existing site and I am satisfied that any extension of time and continuation of the development for a longer temporary period would not cause greater impacts than those already considered acceptable. As a consequence it is considered that the proposal, to extend the period to restore the site back to agriculture, does not conflict with nor compromise the aims and objectives of policies M9, DM3, R1 and R2 of the CSDMP or Policy LP26 of the CLLP that requires good design of development that addresses the health, wellbeing and amenity of the local community.

#### Human Rights Implications

24. The committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.
25. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which recites and updates (where relevant) the conditions that were originally included and attached to the previous planning permission.

## RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall cease on or before 31 December 2021 and by the date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.

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

2. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission W97/131925/14 has been implemented and therefore commenced.

*Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).*

3. Except as otherwise required by other conditions attached to this permission the development hereby permitted shall be carried out in strict accordance with the following documents and drawings:

### Documents

- Ref: 20271/A5/P6/VY/SO Rev 02 – 'Planning and Sustainability Statement' received 29 December 2017 as amended by Addendum to Planning and Sustainability Statement (received 17 April 2019);
- Ref: Appendix 1 July 2016 – 'Site Closure and Restoration' received (29 December 2017);
- Ref: 3336 North Kelsey – 'Assessment of Geology, Flood Risk and Pollution Control' received (1 September 2014);
- Ref: 3336 North Kelsey – 'Assessment of Transport & Traffic' received (1 September 2014);
- Report number: 2636.01/ifb – 'Assessment of Environmental Noise Emissions' received (1 September 2014);
- Ref: 2636.02 – 'Assessment of Environmental Noise Emissions – Additional Information' received (3 December 2014); and

### Drawings

- Ref: 3336 P01 Site Location Plan (received 1 September 2014);
- Ref: 3336 P02 Site of Application (received 1 September 2014);
- Ref: ZG-ER-NK-PA-03 - General Layout Plan (received 12 June 2019);
- Ref: 3336 P04 Access Track – Existing Ground Plan (received 1 September 2014);



- Ref: ZG-ER-NK-PA-05 Access Track – Proposed Layout (received 12 June 2019);
- Ref: 3336 P06 Proposed Site – Existing Ground Plan (received 1 September 2014);
- Ref: ZG-ER-NK-PA-07 Proposed Site – Construction Mode (received 17 April 2019);
- Ref: ZG-ER-NK-PA-08 Proposed Site – Drilling Mode (received 17 April 2019);
- Ref: ZG-ER-NK-PA-10 Proposed Site – Testing Mode (Indicative) (received 17 April 2019);
- Ref: ZG-ER-NK-PA-12 Section A-A Section through Track (received 17 April 2019);
- Ref: 3336 P13 Rev A Proposed Sections Drilling Mode (received 1 September 2014);
- Ref: ZG-ER-NK-PA-14 Site Construction Sections (received 17 April 2019);
- Ref: ZG-ER-NK-PA-15 Sightlines & Site Entrance Details (received 12 June 2019);
- Ref: 3336 P19 Cabin Plans and Elevations (received 1 September 2014);
- Ref: 3336 T05 Existing Layby on Smithfield Road Upgrade Details (received 17 November 2014);
- Ref: ZG-ER-NK-PA-16 Proposed Access & Egress at Site Entrance (received 12 June 2019); and
- Ref: ZG-ER-NK-PA17 – Proposed Site Retention Mode (received 17 April 2019).

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

4. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment dated 20 August 2014 received (1 September 2014) as amended by 'Addendum to Assessment of Geology, Flood Risk and Pollution Control' date stamped received 17 April 2019 and shall be maintained and retained for the duration of the development.

*Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site.*

#### Amenity

##### Lighting

- 5 The lighting to be employed as part of this development shall be implemented and carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 5 of planning permission W97/131925/14 (as set out in the decision notice dated 21 December 2017) and shall be implemented in full and be maintained and retained for the duration of the development.

## Security Lighting

6. Prior to any drilling plant and equipment being brought to the site (Phase 2) hereby permitted, a full security lighting scheme, including details of light spillage and all mitigation measures shall be submitted to and agreed in writing by the Mineral Planning Authority. The lighting shall be maintained and retained in accordance with the approved details for so long as security is required or on completion of Phase 4 whichever may be earlier.
7. The fencing and bunding to be erected around the site as part of this development shall be constructed in accordance with the details Drawing No. ZG-ER-NK-PA-20 'Access Track Fence Layout Plan' date stamped received 11 June 2019 and Drawing No. ZG-ER-NK-PA-21 'Proposed Site – Fence Layout Plan' date stamped received 17 April 2019 and shall be maintained and retained for the duration of the development.

*Reason: In the interest of visual amenity.*

## Ecology

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

*Reason: To ensure the ecological and biodiversity enhancements previously approved are secured and carried out as part of the development.*

## Archaeology

9. In relation to archaeology:

### Part 1

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

### Part 2

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

### Part 3

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

*Reason: To ensure satisfactory arrangements are made for the investigation, retrieval and recording of any archaeological interest.*

### Highway Network and Safety

10. The vehicular access onto Smithfield Road shall be retained in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 9 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) and maintained at all times for duration of the development.
11. At the cessation of the development hereby permitted any structural/constructional damage caused to Smithfield Road between the B1434 junction and the site access by vehicles carrying out the development shall be made good to the satisfaction of the highway authority to ensure that where such damage has occurred the carriageway and the verges are restored to no lesser structural/constructional standard than they were prior to the development commencing.
12. The vehicular access shall incorporate 10 metres radii tangential to the nearside edge of the carriageway of Smithfield Road and the minimum width of the access shall be 5 metres.
13. The arrangements shown on the approved Drawing No. ZG-ER-NK-PA-07 date stamped received 17 April 2019 for the parking/turning/manoeuvring/loading/ unloading of vehicles shall be available at all times when the premises are in use.
14. At all times HGV deliveries are hereby permitted to visit the site, except during the period of production testing, a banksman shall be used to control the access to and egress from the site at the junction with Smithfield Road.
15. Prior to any drilling plant and equipment being brought to the site, the temporary signage previously approved by the Mineral Planning Authority pursuant to condition 16 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) shall be erected at the junction of Smithfield Road and the B1434. All signage shall thereafter be maintained and retained for the duration of the development.

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

16. No site preparation works involving the destruction or removal of vegetation shall be undertaken during the months March to August inclusive, unless otherwise agreed in writing by the Mineral Planning Authority.

*Reason: To protect breeding birds during the nesting season.*

17. The site shall only operate, including vehicle movements to and from the site, between the hours set out below:

HGV deliveries

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

Operating Hours

	Mondays to Fridays	Saturdays	Sundays, Bank Holidays and Public Holidays
Phase 1 – construction of the site	07:00 – 17:30	07:00 – 13:00	none
Phase 2 – equipment assembly and demobilisation	07:00 – 19:00	07:00 – 19:00	none
Phase 2 – drilling operations only	24 hours	24 hours	24 hours
Phase 3 – site preparation for production testing	07:00 – 17:30	07:00 – 13:00	none
Phase 3 – production	24 hours	24 hours	24 hours

testing (site only manned during normal working hours Monday to Friday, except for occasional monitoring visits over weekends)			
Phase 4 – restoration	07:00 – 17:30	07:00 – 13:00	none

*Reason: To protect the amenity of the surrounding area.*

18. Noise levels as a result of the development hereby permitted shall not exceed 42dB LAeq, 1hr free field at any time when measured at a height of 1.5 metres at the boundary of the nearest noise sensitive properties those being Coppice House and Smithfield House.

Noise control and monitoring

19. Prior to any drilling plant and equipment being brought to the site (Phase 2) hereby permitted, a detailed noise monitoring scheme shall be submitted to, and approved in writing by the mineral planning authority. The scheme shall include the locations for noise monitoring to be carried out commencing from the start of Phase 2 operations. Noise monitoring shall thereafter be carried out in accordance with the approved noise monitoring scheme and the results of noise monitoring shall be made available to the Mineral Planning Authority within 5 days of commencement of monitoring. For avoidance of doubt noise monitoring shall commence within 12 hours of Phase 2 - equipment assembly commencing.
20. In the event that the noise monitoring scheme (approved pursuant to condition 19) indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 12 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the mineral planning authority have been installed and employed within the site.
21. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

*Reason: To protect the amenity of nearby residential properties.*

**Informatives**

Attention is drawn to:

- (i) Letter from Environment Agency dated 13 October 2014;
- (ii) Comments from Highways dated 19 November 2014;

- (iii) E-mail from Jan Allen, Lincolnshire County Council Historic Environment dated 19 November 2014;
- (iv) Decision Notice W97/131952/14 dated 15 December 2017 Condition 16 – The design and size of the signs shall conform to the Traffic Signs Regulations and General Directions 2016  
<https://www.gov.uk/government/collections/traffic-signs-signals-androadmarkings>;
- (v) E-mail from Environmental Health, West Lindsey District Council dated 6 June 2019 relating to contaminated land; and
- (vi) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

**Appendix**

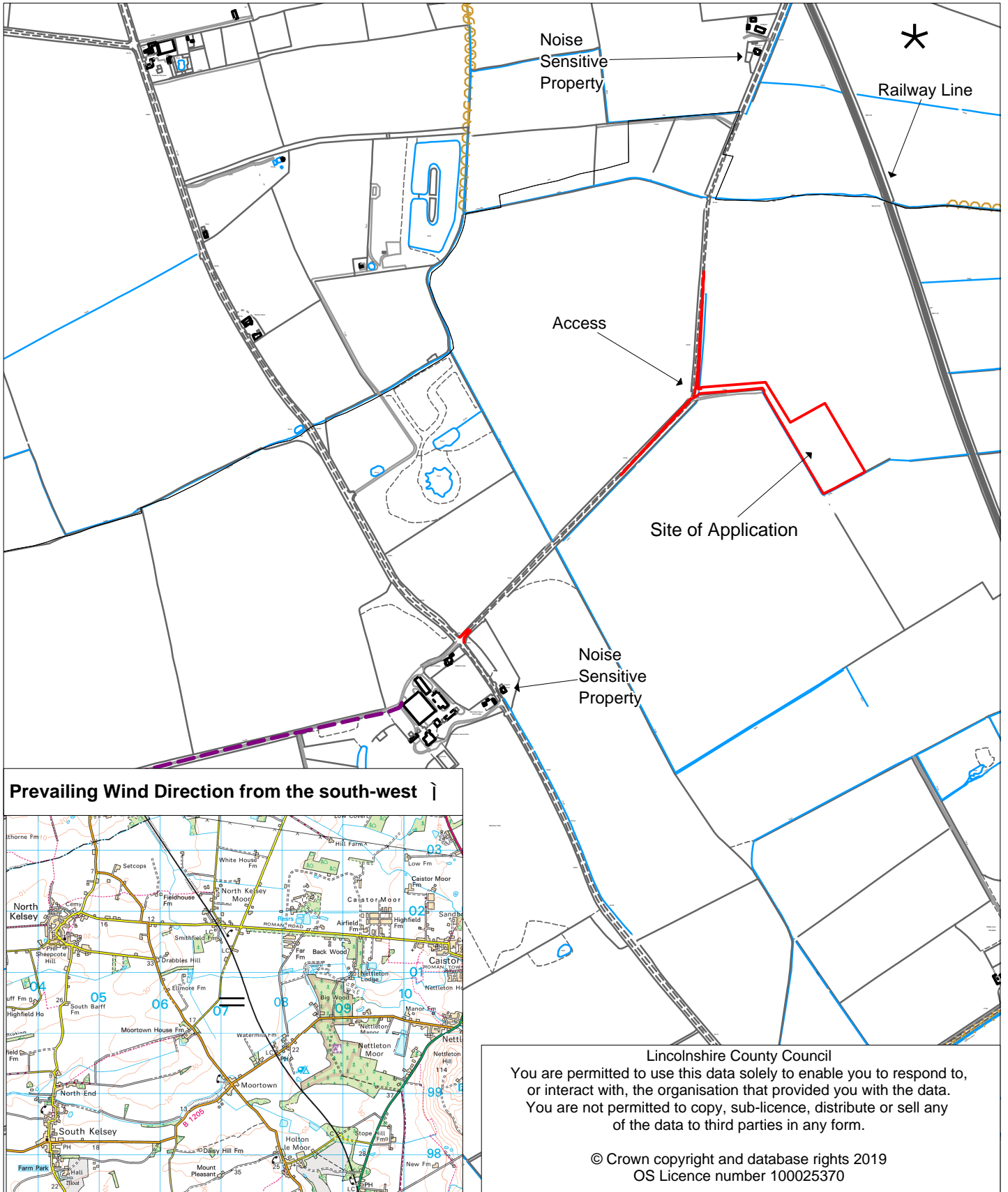
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## 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: W97/131952/14; 139426 and 141306	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX <a href="http://lincolnshire.planning-register.co.uk/">http://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2019)  National Planning Policy Guidance (2014)  Guidance: Extension of certain planning permissions: guidance (2020)  Business and Planning Act 2020	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>          <a href="https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted">https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted</a>
Written statement HCWS1586 (May 2019)	<a href="https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-05-23/HCWS1586/">https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-05-23/HCWS1586/</a>
Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)  Central Lincolnshire Local Plan (2017)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>          North Kesteven District Council's website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>

This report was written by Felicity Webber, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)



**Location:**  
 Land of the east of Smithfield Road  
 North Kelsey Moor

**Description:**  
 To vary condition 1 of planning permission  
 139426 to extend the period to restore the site

**Application No:** 141306  
**Scale:** 1:10,000



**Open Report on behalf of Andy Gutherson  
Executive Director for Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>7 September 2020</b>
Subject:	<b>County Matter Application - 141307</b>

**Summary:**

Planning permission is sought by Egdon Resources Ltd (Agent: AECOM Ltd) to vary condition 1 of planning permission 139434 to extend the period to restore the site at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen.

The principle of the development has been established and as a consequence the key issue, in this case, is to consider if the proposed amendment would materially change effects on amenity since the grant of this permission.

**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. A planning permission (reference: 139434) was granted 1 July 2019 to permit the construction of a temporary security compound adjacent to an approved exploratory well site. The security compound is ancillary to the well site operations and as such a condition was attached to this permission requiring the restoration of the site by the same date as that imposed and which relates to the drilling operations – i.e. 31 December 2020.

### The Application

2. Planning permission is sought by Egdon Resources UK Ltd (Agent: AECOM) to vary condition 1 of planning permission 139434 to extend the period to restore the site at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen. The security compound is ancillary to the adjacent exploratory drill site which is subject of a separate permission (reference: 139426). A condition attached to that permission requires the drilling operations to be completed and the site restored by 31 December 2020. The applicant is seeking to extend this end date by a further 12 months and

a separate, concurrent application (reference: 141306) has been submitted and details of that proposal are subject of a separate report.

3. This application relates solely to the security compound which is ancillary to the adjacent exploratory well site. The applicant (Egdon Resources UK Ltd) had planned to build and carry out the drilling operations at the North Kelsey site before the summer of 2020 however, like many industries, the impact and effects of the COVID-19 pandemic has resulted in delays to this planned activity. The applicant has therefore submitted an application that seeks to extend the time limit imposed on the drilling operation which would allow them to remain on site for a further 12 months. As the security compound is intrinsically linked to the exploratory well operations, the applicant is therefore similarly seeking permission to extend the date by which the site must be cleared and restored. The applicant is therefore seeking permission to vary the wording of condition 1 of permission 139434.

#### Current Condition

4. Condition 1 identifies the date by which the site is required to be restored back to agricultural use. The condition currently reads as follows:

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

*Reason: To provide for the clearance of the site in the interests of the amenity of the area.*

#### Proposed Amendment

5. The applicant is seeking permission to amend the date set out in condition 1 to allow a further 12 months to achieve restoration (i.e. until 31 December 2021). This proposed amendment would not extend the scope of the development permitted which remains to provide an ancillary function to the principal exploratory development.
6. No other changes or amendments are sought to the development as previously permitted and therefore this application relates solely to an extension of time to complete the removal of the approved structures and completion of restoration works.

#### Site and Surroundings

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

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



Approximate location of security compound outlined in red

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

## Main Planning Considerations

### Planning Policy Context

10. The National Planning Policy Framework (February 2019) 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:

The National Planning Policy Framework (February 2019) 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 203 to 209\* – directs planning authorities to facilitate the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts.

\*On 6 March 2019 Mr Justice Dove handed down his judgement in the case of *Stephenson vs SoS MHCLG* [2019] EWHC 519 (Admin) and a subsequent Court Order was issued which, in accordance with the terms of that Order, quashed paragraph 209(a) of the NPPF. Paragraph 209(a) of the NPPF had stated that mineral planning authorities should "recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction". The reference and inclusion to "unconventional hydrocarbons" had been successfully challenged as being unfair and unlawful as the Government had failed to take into account up-to-date scientific evidence on the climate change impacts of such development. This subsection of paragraph 209 was consequently quashed however a Written Ministerial Statement (HCWS1586) was issued on 23 May 2019 which stressed that despite paragraph 209(a) being removed, the Government remains committed to the safe and sustainable exploration and development of onshore shale gas resources and that the remainder of the NPPF policies, in particular, Chapter 17 on 'Facilitating the Sustainable Use of Minerals' remain unchanged and extant.

Planning Practice Guidance 'Minerals' - in March 2014 the Government published a series of web-based National Planning Policy Guidance (NPPG). The NPPG relating to Minerals sets out the overall requirements for minerals sites, including in relation to assessing environmental impacts such as noise, light and visual amenity.

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

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

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

Central Lincolnshire Local Plan (CLLP) (2017) – the key policy of relevance in this case are as follows (summarised):

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

#### Results of Consultation and Publicity

11. (a) South Kelsey and Moortown Parish Council - has no objection to the extension of time, however, supports the view of residents living near the site that another extension is no what they wish for or require as it would prolong the drilling operations for another year. The parish council therefore requests that a definite final date be agreed with the applicant and that this should not be allowed to be extended in the future.
- (b) Holton Le Moor Parish Meeting (adjoining parish) - residents of Holton le Moor objected to this development in the past and the parish has no reason to suspect that the residents' position has changed. The parish reminds elected members that in making a judgement all merits and demerits are assessed on a case by case basis, including the impact of the proposal on the amenity of local residents. The delay has introduced an element of uncertainty to residents in the vicinity of the site and on the main traffic routes. Timescales were set out in previous applications to mitigate the impact upon local residents and should this application be approved then a precedent will have been set whereby the applicant can continually submit applications to extend the time period with no regard to the impact upon local residents. The recommendation of the parish meeting is that the application therefore be refused.
- (c) Environment Agency (EA) – have no objection to the application.
- (d) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- (e) Anglian Water – the application is not foul or surface drainage related, therefore this is outside our jurisdiction for comment.
- (f) Natural England – has no comment to make on the variation of condition 1.
- (g) Network Rail - have no objection to the variation of this condition.

The following bodies/persons were also consulted on the application on the 2 July 2020 but no response or comments had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor A Turner  
Environmental Health Officer (West Lindsey District Council)

Countryside & Public Rights of Way (Lincolnshire County Council)  
Public Health (Lincolnshire County Council)  
Lincolnshire Fire and Rescue  
Lincolnshire Police (Counter Terrorism and Designing Out Crime)  
Lincolnshire Wildlife Trust  
North Kelsey Parish Council (adjacent).

12. The application has been publicised by notices posted at the site entrance and three other locations including the site access, the junction of Smithfield Road and the B1434, the junction of B1434 and Easthall Road and the crossroads in Moortown. It has also been advertised in the local press (Lincolnshire Echo on Thursday 9 July 2020) and 79 letters of notification were sent to residents.
13. Grasby Parish Council (a nearby parish) and 51 householder representations had been received, by the time this report was prepared, which raise concerns or objections to the proposal. A summary of the comments and objections received is as follows that fall within three categories:

- Climate Change and Climate Emergency – this type of industry should not be promoted as it contributes to global warming through carbon emissions and results in pollution of watercourses and aquifers, flooding and sea level rising, crop failure, and impacts on wildlife. A number of academic, national and international reports and UK legislation have been cited including Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) 2019, UKFIRES ABSOLUTE ZERO, Guidance on fracking: developing shale gas in the UK and The Climate Change Act 2008 (2050 Target Amendment) Order 2019.

On shore oil/gas production is unsustainable and should be reduced, as is already happening in the North Sea. Councillors have a duty to act on behalf of the general public and should be promoting renewables such as wind farms and solar farms and energy from waste and biofuels.

- Location, Environmental and Residents Amenity – the industrialisation of the countryside with high fencing, drilling rigs and flaring will have visual impacts on the open countryside and the site is also near the Lincolnshire Wolds AONB. The effects of, fracking, poor air quality, noise and light (24/7) pollution will impact on local residents. The loss of agricultural land should not be supported in the interests of food security and the proposed development will have a negative effect on wildlife in the area. The watercourses and drainage ditches will become polluted. The road access to the site is in a poor state of repair and narrow. Smithfield road is used by walkers, horse riders and cyclists and there are concerns about safety. The vibration caused by HGV's will cause damage to the foundations of historical and residential properties.

Another extension of time only contributes to the anxiety of the residents of the area, who have lived with uncertainty for six years. The applicant has cited COVID-19 as the cause of delay but they waited until this year to begin the work and even without COVID-19 they would not have been able to complete the development by the approved deadline of 31 December 2020.

- Proposed development and consultation – the description of the development is misleading as it only appears to relate to restoration. Consultation and notifications were not widespread and this is planning by stealth. This application does not deliver local employment and is only the beginning, as more sites will be inevitable. The applicant has been proved incompetent through the Wressle appeal and has had fires at other sites and will use hydraulic fracturing. The promised liaison group has not been set up.

#### District Council's Recommendations

14. West Lindsey District Council has made the following observations/comments in relation to this proposal:
  - Planning permission for this development was originally granted some six years ago with seemingly little progress having been made. Concerns expressed as to the extent and lack of progress with the exploration and the Councils Planning Committee is not convinced of the justification for requiring yet a further extension to the time limit.
  - With the increasing green agenda concern expressed in regard to the extraction of a finite resource, the exploitation of which is ultimately unsustainable, when there are more sustainable alternatives that are available.
  - It is requested that any representations received from the local population around this site relating to the localised impacts on the local populace be taken into account when determining the application.

#### Conclusions

15. The application has been submitted in accordance with Section 73 of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to planning permissions for developments to be amended or varied. The development was first granted permission (reference: 139434) in July 2019.
16. The compound will provide accommodation for security personnel that supports, and is ancillary to, the adjacent drill site. A concurrent application (reference: 141306) has been made which, if granted, would extend the time permitted to enable the operations associated with the drilling of the exploratory borehole and subsequent production and evaluation testing to be completed. The applicant is therefore similarly seeking to vary condition

1 of planning permission 139434 so as to extend the date by which the compound is to be cleared and the site restored.

17. Planning permission 139434 has yet to be implemented however the condition that is sought to be revised relates to the end date for completion and restoration of the site and not the date by which the development must be started. As a result the proposed revision can be appropriately dealt with by way of a Section 73 application and so is a valid application which the Mineral Planning Authority is required and able to determine.
18. As a Section 73 application, the Mineral Planning Authority is only required to consider the question of the proposed amended/varied condition and so is not required to reconsider the principle or acceptability of the development itself. Nevertheless the advice provided by statutory and non-statutory consultees as well as the views expressed by other bodies, groups and individuals should still be taken into account in determining such applications.

### Objections

19. A considerable number of representations have been submitted from residents both local and from the wider Lincolnshire area. A significant proportion of the submissions question the need for oil/gas and the local community have reiterated their earlier objections to both the principle of that exploration development and the need for security. The areas of concern include impacts on the environment and residential amenity (e.g. highways and highway safety, landscape, wildlife and the wider environment, emissions, noise and light) due to the industrialisation of the countryside. Additionally they have expressed their continuing anxiety due to the timescales being extended and lack of communication from the applicant on when the exploration development would commence.
20. As this is a Section 73 application, it is not therefore necessary to reconsider the need or principle of the development again. The principle of the development, in this location, has previously been assessed and considered acceptable and so too have the various measures that would be adopted to ensure that any potential adverse impacts are ameliorated and mitigated. Notwithstanding this, the local parish councils/meetings have either objected to this proposal or commented that they support local resident's objections and encourage elected members to refuse the application as it would be contrary to the aims and objectives of tackling climate change and moving towards a low carbon future.
21. Although these objections and comments are acknowledged, it should be noted that when the previous application was considered and assessed in 2019 (which resulted in the permission now sought to be amended) this took into account changes that had been made to the NPPF and the subsequent direction contained within the Written Ministerial Statement. Other than seeking an extended period of time to complete the restoration, the applicant is not proposing any changes or amendments to the permitted



security compound. Given this it is only necessary to consider whether the grant of an extended period of time to complete the development is justified rather than re-examine the principle of the development again as this has already been accepted.

#### Extension of time

22. Planning permission for the security compound was granted in 2019 and a condition was imposed which required the site to be cleared by 31 December 2020 – this is consistent with the date set for the adjacent oil development. Due to the current COVID-19 pandemic however, the applicant's plans to carry out the oil exploration operations this year had to be suspended and as a result negated the need for the security compound to be installed. Additional time is therefore being sought (via separate applications) which would allow both of these developments to be retained on site for a longer period.
23. The applicant's reasoning and justification for seeking an extension of time are acknowledged and understood. The impact of the Covid-19 pandemic on the national economy and the operations and activities of businesses across all sectors is well-known and reported it is accepted that this has had a negative impact on the planned operations for the site. This situation was out of the control of the applicant and largely as a result of the restrictions and actions taken by the Government to try and address the pandemic. The Government has made it clear that authorities should prioritise decision-making as it is important to keep the planning system moving so that it is able to play its full part in the economic recovery at both national and local levels. In this case, a further extension of time would enable the development that has already been deemed acceptable in all other respects to be completed. The Government in recognising the difficulties in progressing approved planning permissions, as a consequence of the pandemic, introduced legislation in July 2020 in the form of the Business and Planning Act 2020. This provided an automatic extension of time, where unimplemented permissions, due to lapse on or before 31 December 2020, could be extended to 1 May 2021 is considered material. This demonstrates that the Government has recognised that the Covid situation will cause developers a delay to the implementation of permissions and provided this automatic extension of time. Whilst in this case the developer is seeking to extend the time for the completion of the development the circumstances are similar in that the applicant has not been able to construct the drilling pad and carrying out the exploratory drilling operations due to the Covid situation. Therefore it is considered that the application is in line with Government legislation to provide developers more time to implement planning permissions due to the delays caused by Covid-19.
24. Taking into account the above I am satisfied that the proposed amended condition and extended time period sought to restore the site would not cause greater impacts than those already considered acceptable. This proposal can therefore be supported and does not conflict with nor compromise the aims and objectives of policies, DM3, R1 and R2 of the

CSDMP or Policy LP26 of the CLLP that requires good design of development that addresses the health, wellbeing and amenity of the local community.

### Human Rights Implications

25. The committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

## **RECOMMENDATIONS**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall cease on or before 31 December 2021 and by the date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.

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

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 17 April 2019);
  - Document Reference: 20271/A5/P7/VY/SO – 'Planning Statement' (date stamped received 17 April 2019);
  - Drawing No: Drawing No: ZG-ER-NK-SWC-PA-03 – 'Security & Welfare Compound Layout' (date stamped received 12 June 2019); and
  - Drawing No: ZG-ER-NK-SWC-PA-04 – 'Temporary Security & Welfare Compound Indicative Floor Space Plan (date stamped received 08 May 2019).

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

3. No development shall commence until a full security lighting scheme, including details to minimise light spillage and any mitigation measures shall first been submitted to and approved in writing by the Mineral Planning Authority. The lighting shall be maintained and retained in accordance with

the approved details for so long as the development hereby permitted is required or on completion of restoration of the site whichever may be earlier.

*Reason: In the interest of visual amenity.*

4. The construction and restoration of the site hereby permitted shall only be carried out during the following hours:

Monday to Friday 07:00 to 19:00 hours;  
Saturday 07:00 to 13:00 hours; and

No construction or restoration operations shall occur on Sundays, bank holidays and public holidays.

5. All plant and machinery including the diesel generator shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

*Reason: To protect the amenity of nearby residential properties.*

## **Informatives**

Attention is drawn to:

- (i) E-mail from Environmental Health, West Lindsey District Council dated 7 June 2019 related to contaminated land;
- (ii) Anglian Water Planning Applications – Suggested Informative Statements and Conditions Report Reference: 14750/1/0059041 dated 5 June 2019; and
- (iii) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

## **Appendix**

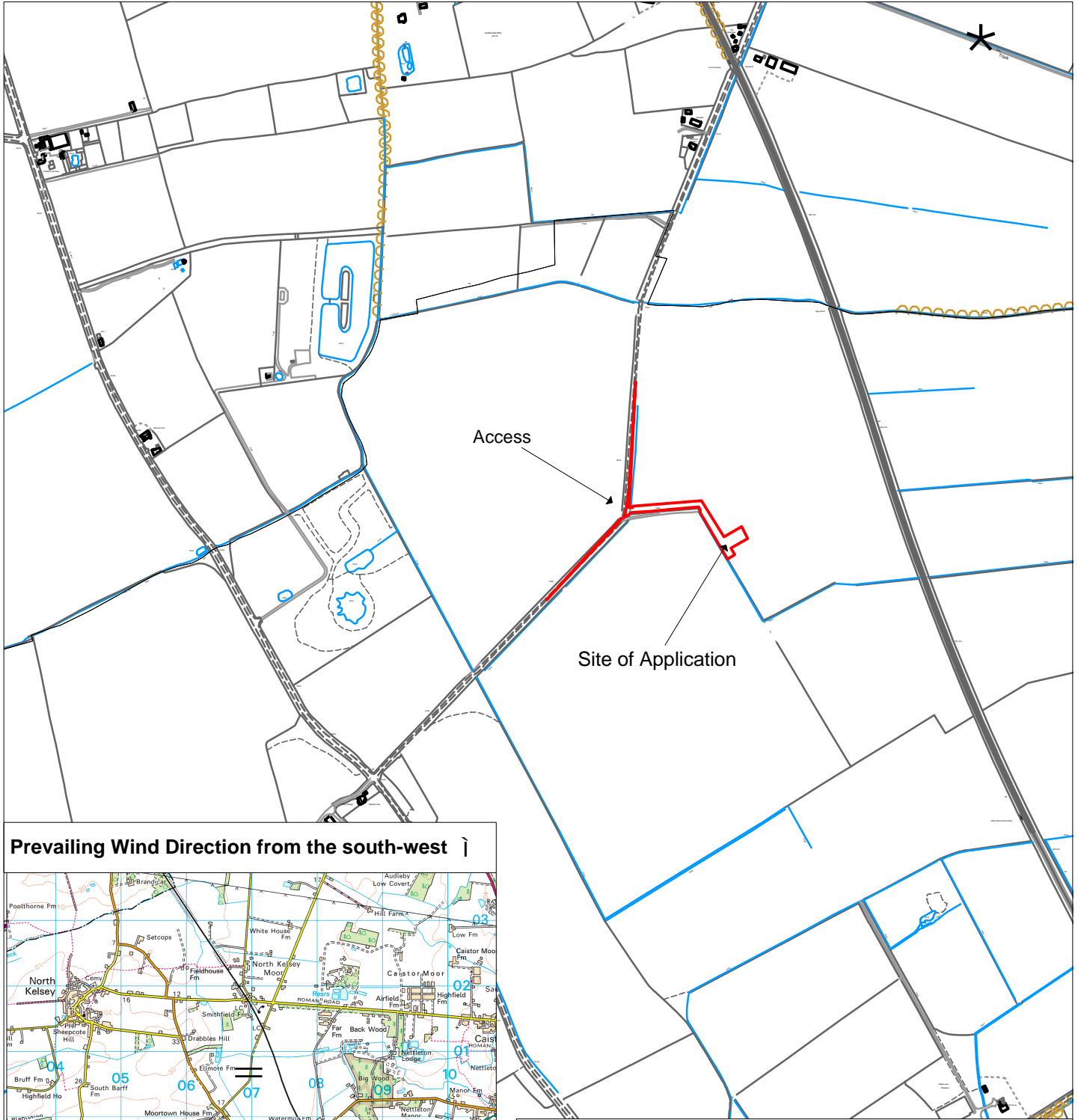
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## 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: 139434, 141306 and 141307	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX <a href="http://lincolnshire.planning-register.co.uk/">http://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2012)  National Planning Policy Guidance (2014)  Guidance: Extension of certain planning permissions: guidance (2020)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Business and Planning Act 2020  Written statement HCWS1586 (May 2019)	<a href="https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted">https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted</a>  <a href="https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-05-23/HCWS1586/">https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-05-23/HCWS1586/</a>
Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)  Central Lincolnshire Local Plan (2017)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>  North Kesteven District Council's website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>

This report was written by Felicity Webber, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)



**Prevailing Wind Direction from the south-west** ↙



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<p><b>Location:</b>                  Land to the east of Smithfield Road                  North Kelsey Moor</p> <p><b>Application No:</b> 141307  <b>Scale:</b> 1:10,000</p>	<p><b>Description:</b>                  To vary condition 1 of planning permission 139434                  to extend the period to restore the site</p> <p style="text-align: right; font-size: 1.2em;">Page 93</p>
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**Open Report on behalf of Andy Gutherson  
Executive Director for Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>7 September 2020</b>
Subject:	<b>County Matter Application - S20/0905</b>

**Summary:**

Planning permission is sought by Bourne Skip Hire (BSH) for the proposed use of land for waste recycling to produce soil, soil substitutes and aggregate and siting of two modular office/welfare units on land at South Fen Road, Bourne.

The proposal site covers an approximate area of 0.69 ha and comprises of an agricultural field that lies outside any land allocated for employment or industrial uses and outside the existing developed footprint of the adjacent warehouse/business units. The application proposes to develop and use the land for the recycling of construction, demolition and excavation wastes to produce soil and aggregate and for the siting of two modular office/welfare units. The supporting information accompanying the application states that the site would process no more than 75,000 tonnes of wastes per year with approximately 10,000 tonnes being stored on site at any one time.

The main issues to be considered in the determination of this application are whether the proposed development is acceptable in this location given its location in the open countryside and whether the development would have any adverse environmental or amenity impacts.

**Recommendation:**

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

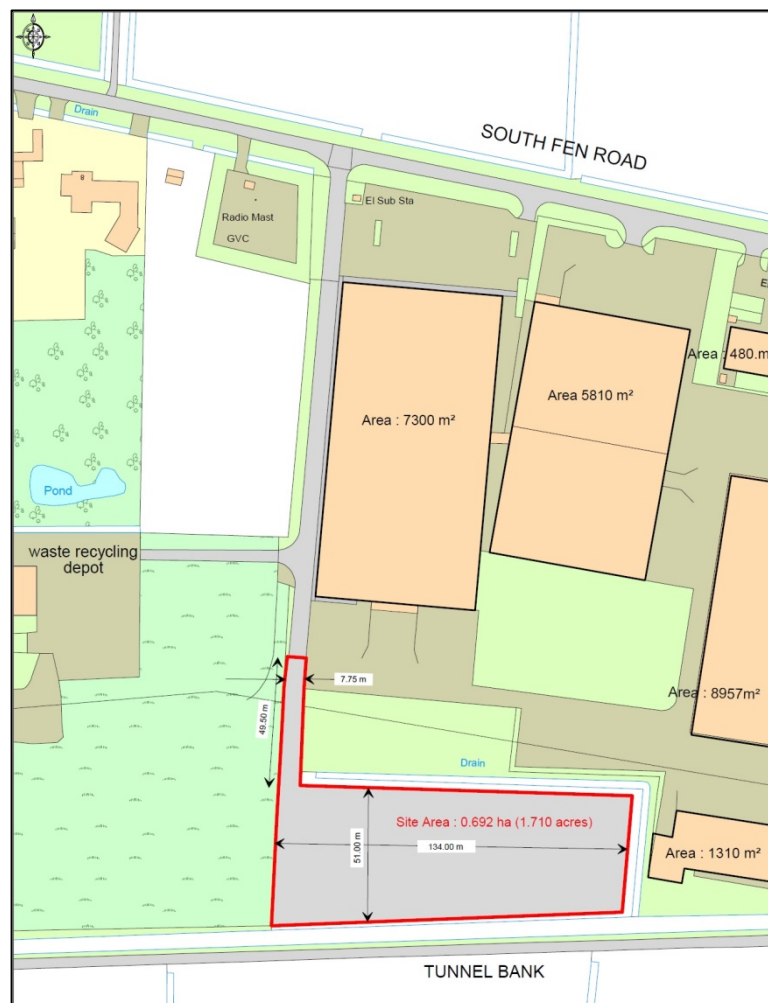
**Background**

1. The applicants business was established in 2002 and provides a range of skip hire, contracting, recycling and waste management services to Bourne and the surrounding area. The main centre and base for the business is located on Cherry Holt Road where the applicant runs a waste transfer station. The applicant states that since 2002 the business has grown rapidly and as such the main site is now operating close to capacity and this has

therefore seen many ancillary uses being relocated elsewhere on Cherry Hold Road to maximise space within the main site. The applicant is now seeking to further expand the business by creating a new site that would support the skip hire and waste management operations and focus specifically on soil and aggregate reclamation.

## The Application

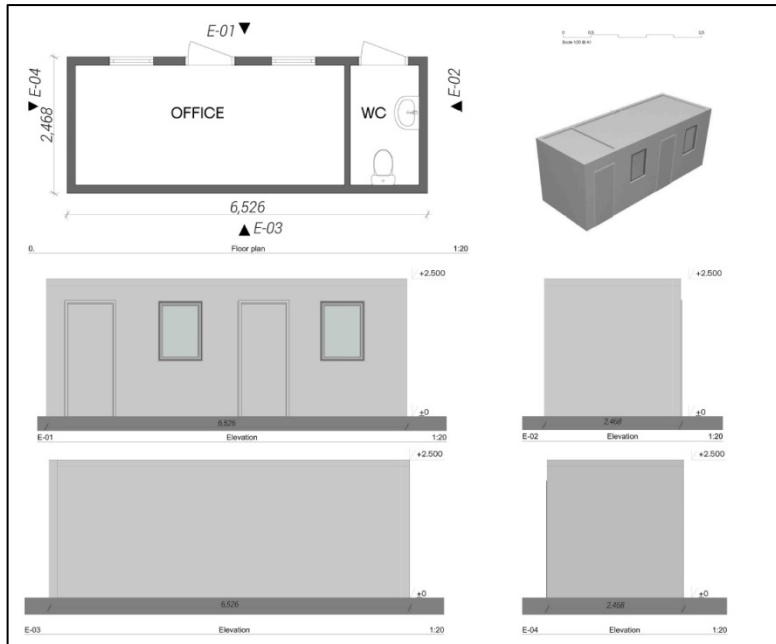
2. Planning permission is sought to change the use of land at South Fen Road, Bourne for waste recycling to produce soil, soil substitutes and aggregate along with the siting of two modular office/welfare units. The site would be used for the recycling of construction, demolition and excavation wastes to produce soil and aggregate and would process no more than 75,000 tonnes of wastes per year with approximately 10,000 tonnes being stored on site at any one time. The proposal site (0.69 ha in size) comprises of an area of land currently used for agricultural purposes. The applicant is seeking permission to use this site as an extension to its main base on Cherry Holt Road, Bourne.



Location plan



3. The site would be used for the sorting and temporary storage of waste materials that would be brought to the site in the applicant's skips. As part of the development the applicant proposes to station two Portakabin style modular units (each being approx. 6.5m long by 2.5m wide by 2.5m high) which would provide office and welfare facilities for staff based at the site. In addition to this, a similar sized freestanding storage container would be stationed adjacent to these buildings for general storage.
4. Upon arrival at the site, unprocessed waste materials would be deposited and stored towards the eastern end of the site in separate bays running along the southern boundary of the site. The bays would be constructed using steel posts and concrete panels and the wastes would be stockpiled to a height of 5m. Along the northern boundary of the site processed wastes would be stored in the same type of bays and to the same height as the unprocessed wastes. Between these two rows of bays, and central to the site, the proposed crushing and screening plant would be sited which would be approximately 4.5m wide by 21m in length.
5. A 4m high landscaped bund is proposed to be constructed along eastern boundary of the site as well as part of the sites western boundary. No bund or screening would be constructed along the southern boundary due to the proximity of the IDB maintained drain (Tunnel Bank). The storage bays along the southern boundary of the site would be set back at least 10m from the drain and no operations would take place within this zone.
6. Staff parking would be provided next to the gated entrance in the northwest corner of the site, with the office and welfare units adjacent to them. These would be separated from commercial vehicle movements by a safety barrier.
7. The western end of the site would provide sufficient space for lorry manoeuvring and a waiting and parking area along with a freestanding weighbridge. The weighbridge would be approximately 0.425m high. Sufficient space is available for all vehicles to enter the site and leave in a forward gear.
8. Access to the site would be gained via an existing track which leads off South Fen Road to the north. Steel security gates would be erected at the entrance of the site. As the site is set back from the public highway and due to the presence of a large industrial building to the immediate north of the site, it would not be visible from South Fen Road. The proposed bund and existing landscaped boundaries to the site would also help to restrict views from the south.



Proposed portakabin style modular units



Proposed site layout plan

## Site and Surroundings

9. The proposal site is less than 2km to the south east of Bourne Town Centre. There are no domestic properties or public footpaths in close proximity to the site and beyond the immediate commercial activity the landscape is more typical of a rural area with flat, level terrain consisting of open fields and defined, low managed hedgerows. Approximately 0.5km west of the proposal site is an existing employment area/industrial estate that is identified and allocated for employment uses within the South Kesteven Local Plan (Policy E4 – site reference: EMP-B9). The proposal site itself lies outside the settlement boundary of Bourne and does not lie within any area allocated or identified for development within the Local Plan.
10. The proposal site itself is an L-shaped (0.69ha) piece of agricultural land (not currently in use) which (given its position outside the settlement boundary and lack of any specific allocation) falls within the open countryside. The site currently has no landscaping and the Tunnel Bank watercourse runs parallel to the southern boundary of the site. The site lies within Flood Zone 2 and access to the site is gained via an estate road that gives access to existing industrial uses/buildings to the north and east of the proposal site (i.e. Brosch Direct, HPC Healthline Warehouse and Bourne Distribution Centre). The estate road is accessed off South Fen Road (to the north) and terminates approximately 50m before reaching the site and therefore access currently comprises of an existing unmade track.

## Main Planning Considerations

### Planning Policy Context

11. The National Planning Policy Framework (February 2019) 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 11 (Sustainable development) - states that there is a presumption in favour of sustainable development and for decision-taking this means:

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 47 (Determining applications) - applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 163 & 164 (Planning and flood risk) – directs that decisions should ensure that developments do not increase flood risk and is appropriately flood resilient.

Paragraph 170 (Conserving and enhancing the natural environment) – directs that planning decisions should contribute to and enhance the natural and local environment, minimize impacts on and providing net gains for biodiversity.

Paragraph 180 (Ensuring development appropriate for its location) – taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts.

Paragraph 183 - the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 212 - 214 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016) and South Kesteven Local Plan (2011-2036).

National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to noise, traffic and access and potential for conflict with other land-use.

Planning Practice Guidance [ID28 – updated 15 April 2015] 'Waste' is web-based guidance which provides further information in support of the implementation of waste planning policy.

Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) – this document was formally adopted on 1 June 2016 and as an adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy M1 (Recycled and Secondary Aggregates) states planning permission will be granted for recycling/processing of materials for use as secondary or recycled aggregates in appropriate locations as specified in Policy W4, provided that proposals accord with all relevant Development Management Policies set out in the Plan.

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

Policy W3 (Spatial Strategy for New Waste Facilities) states that new waste facilities will be permitted if they are in around main urban areas, as listed in the CSDMP document (page 73).

Policy W4 (Locational Criteria for New Waste Facilities in and around Main Urban Areas) states that proposals for new waste developments, including the extension of existing sites will be permitted provided that they are 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
- Site allocated in the Site Locations Document; or
- In the case of biological treatments the land identified in Policy W5.

Proposals for the recycling of construction and demolition waste and/or the production of recycled aggregates in and around the main urban areas set out in Policy W3 will also be permitted at existing Active Mining Sites. In the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in Policy W3, proposals will be permitted where they can demonstrate they have met the above criteria. Small scale facilities that are not in and around the main urban areas will be considered under Policy W7. Proposals must accord with all relevant Development Management Policies set out in the Plan.

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

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

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

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. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

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

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

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

South Kesteven Local Plan (Adopted January 2020) (SKLP) (2011-2036) the following policies are relevant:

Policy SP1 (Spatial Strategy) states that to achieve new growth the Local Plan includes allocations for both housing and employment land. All allocations proposed in the plan are the most suitable and sustainable

development options and provide for a variety of site types and sizes to ensure choice is offered to the market and delivery is achievable. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of appropriate previously developed land (where possible) and enabling a larger number of people to access jobs, services and facilities locally.

Policy SP2 (Settlement Hierarchy) this policy sets out the settlement hierarchy for the District and states that the majority of development will be focused in and around Grantham in order to support and strengthen its role as a sub-regional centre. Developments which maintain and support the role of the three market towns of Stamford, Bourne and the Deepings will also be supported and that priority will be given to the delivery of sustainable sites within the built up part of the town and appropriate edge of settlement extensions.

Policy SP3 (Infill Development) states that infill development, which is in accordance with all other relevant Local Plan policies, will be supported provided that:

- a. it is within a substantially built up frontage or re-development opportunity (previously development land);
- b. it is within the main built up part of the settlement;
- c. it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties;
- d. it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties.

Policy SP4 (Development on the Edges of Settlements) this policy states that proposals for development on the edge of a settlement which are in accordance all other relevant Local Plan policies, will be supported provided that the essential criteria set out in this policy is met. The essential criteria of relevance in this case are as follows:

- There is demonstrable and clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum, based upon material planning considerations;
- The development is well designed and appropriate in size / scale, layout and character to the setting and area;
- The development is adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan;
- The development must not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area;

- The development will enable the delivery of essential infrastructure to support growth proposals.

Policy SP5 (Open Countryside) states that development in the open countryside will be limited to that which has an essential need to be located outside of the existing built form of a settlement. In such instances, the following types of development will be supported:

- a. agriculture, forestry or equine development;
- b. rural diversification projects;
- c. replacement dwellings (on a one for one basis) or;
- d. conversion of buildings provided that the existing building(s) contributes to the character or appearance of the local area by virtue of their historic, traditional or vernacular form; and
- e. are in sound structural condition; and
- f. are suitable for conversion without substantial alteration, extension or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.

Policy E2 (Strategic Employment Sites) identifies sites are considered to be of strategic employment importance given their relationship to principal areas of growth and their accessibility via the strategic road network. Proposals will not be supported that cause harm to the strategic employment focus of these sites.

Policy E4 (Protection of Existing Employment Sites) states that locally important employment sites identified on the Policies Map will be protected to ensure continued provision of locally important employment opportunities. It should be noted that there is existing, allocated employment land to the west of this application site.

Policy E5 (Expansion of Existing Businesses) the expansion of existing businesses will be supported, provided that:

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

Policy E8 (Other Employment Proposals) states that other employment proposals in locations not covered by the above policies will be supported, provided there is a clear demonstration that;

- a) there are no suitable or appropriate sites or buildings within allocated sites or the built up area of existing settlements;



- b) there is no significant adverse impact on the character and appearance of the area and the amenity of neighbouring uses;
- c) there is no significant impact on the local highway network;
- d) there is no significant likely adverse impact on the viability of delivering any allocated employment site; and;
- e) there is a business case which demonstrates that the business requires a location outside an allocated employment site.

Policy EN1 (Landscape Character) states that 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.

Policy EN5 (Reducing the Risk of Flood Risk) states that development should be located in the lowest areas of flood risk, and where this is not possible all development must avoid increasing flood risk elsewhere.

Policy DE1 (Promoting Good Quality Design) - seeks to ensure high quality design is achieved throughout the District. Proposals should (amongst other things) ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light; retain and incorporate important on site features, such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancement into the development and provide well designed hard and soft landscaping.

#### Results of Consultation and Publicity

12. (a) Environment Agency (EA) – has no objection subject to a condition being imposed which requires the development to be carried out in accordance with the submitted flood risk assessment.
- (b) Historic Places (Lincolnshire County Council) – no objections regarding this application.
- (c) Highway and Lead Local Flood Authority (Lincolnshire County Council) – no objections regarding this application.
- (d) Welland and Deeping IDB – initially the IDB responded advising that a 9m stand-off would need to be provided from the Tunnel Bank drain and that the applicants then proposed bund along the southern boundary of the site would therefore need to be removed. In response to this the applicant submitted a revised plan which removes this bund and having been re-consulted on the revised plan the IDB has raised no objection.

- (e) Environmental Health Officer (South Kesteven District Council) – a formal response has yet to be received but comments displayed on the Council's website indicate that they have concerns about the proposed operating timings for Saturday starting at 07:00 hours and the potential noise issues.

The following bodies/persons were consulted/notified on 5 June 2020 but no comments/response had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor Robert Reid  
Bourne Town Council  
Public Health (Lincolnshire County Council).

13. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 11 June 2020). Letters of notification were also sent to the nearest neighbouring businesses.
14. An objection has been received in response to this notification from a nearby business that operates within the health and food industry. It is stated that the recycling of materials predominantly from demolition sites could contain deleterious materials along with brick, stone, concrete and mortar and that silica particles arising from the operations could be very injurious to the health of employees on the application site (who would need to wear PPE to protect them). There are also concerns that if planning consent is granted then it would have a serious detrimental effect on both the materials packaged and handled by the objectors business and the health and welfare of its own employees. The objection letter continues to extensively discuss points which they feel would cause detriment to their existing business including impacts on air quality, noise and pollution.

#### District Council's Recommendations

15. South Kesteven District Council has raised no objection to the proposal. Despite acknowledging that the site does not fall within an allocated employment site within the South Kesteven Local Plan, having regard to the proposal, and the fact that the proposal would be located on land adjacent to existing commercial premises, it has no objection in principle to the proposed use. It is however recommended that should permission be granted sufficient controls (e.g. in terms of hours of use of the site and materials handled etc.) are in place to protect the amenity of nearby residents.

#### Conclusions

16. Planning permission is sought by Bourne Skip Hire (BSH) for the proposed use of land for waste recycling to produce soil, soil substitutes and aggregate and siting of two modular office/welfare units on land at South Fen Road, Bourne.

17. The main issues to be considered in the determination of this application are whether the proposed development conforms with the spatial strategies and locational criteria set out in the Development Plan for siting such a development and whether the development would have any adverse environmental or amenity impacts.

#### Need

18. BSH was established in Bourne in 2002 and the business has grown rapidly and now provides a range of skip hire, contracting, recycling and waste management services. The main centre of operations remains in Bourne where BSH operate a substantial waste transfer station on Cherry Holt Road which is relatively close to the application site. The applicant states that the main site is now operating very close to capacity and so the proposed application site would allow further expansion of the business and would focus specifically on soil and aggregate reclamation.
19. As a waste management practice, the recovery and reclamation of materials from inert wastes (principally comprising of soils and aggregates) is sustainable in that it enables materials to be re-used. This not only reduces the overall quantity of wastes that may otherwise go to landfill but also helps to reduce the demand for the extraction of primary or new virgin minerals. This proposed recycling operation does therefore represent a sustainable waste management practice and would help to move the management of wastes up the waste hierarchy.
20. Policy W1 of the CSDMP supports the development of waste management facilities where these are necessary to meet an identified capacity gap for wastes arising in the County. In the case of aggregate and CD&E recycling facilities, there is currently an adequate number of facilities/capacity available to meet the identified waste needs/demands however new and expanded facilities can still be supported where they are in appropriate locations and where they are capable of being operated without giving rise to any unacceptable adverse environmental or amenity impacts. As a result, in order to be supported this proposal must also accord with the spatial and locational criteria set out in the Development Plan.

#### Location

21. The broad thrust and ethos of planning policy is to direct most new development towards urban centres and settlements, sites allocated for such purposes (as identified in the Development Plan) and away from rural areas and the open countryside. Policies SP1 and SP2 of SKLP reflects this broad approach and sets out the spatial strategy for the siting of new development within the District. These policies seek to focus the majority of new development towards the main market towns of Grantham, Stamford, Bourne and the Deepings with priority being given to sites within the built up part of the town or suitable edge of settlement sites. Policies SP3 and SP4 set out the applicable criteria for proposals relating to infill development or those proposed on the edge of a settlement and whilst Policy SP5 provides

even tighter control on development that falls outside the existing built form of a settlement and which therefore lies within the open countryside.

22. More specific to waste related development, Policy W3 of the CSDMP supports the establishment of waste management facilities in and around the main urban areas and that only certain types of facility will be granted outside of these such as small-scale facilities and composting and anaerobic digestion plants. Policy W4 states that new facilities or extensions should be located on previously developed land, existing or planned industrial land, land already in waste management use, sites allocated in the Site Locations Document or Active Mining sites.
23. In this case, the proposal site lies outside the settlement boundary of Bourne and is not an area that is identified or allocated for development within the Local Plan. Although the land to the north of the site has been developed for industrial/commercial uses, the proposal site comprises of an undeveloped agricultural field and lies within the open countryside. The development of this plot would therefore undermine the principle and basis for allocating and safeguarding sufficient land for this type of development (Policies E2, E3 and E4 of the SKLP) and would not comply with Policy E5 which lends support to the expansion of existing businesses as such expansions should be focused towards vacant land on existing employment sites and this is not the case here. Furthermore, the development of this plot would also be contrary to the criteria for infill development or edge of settlement development as set out in Policies SP3 and SP4 as it is not previously developed land; is located outside the main built up area, and; would extend the pattern of development beyond the existing built form and extend development into the open countryside. The proposed type of development is also not one of those which is identified as essential to being located within the open countryside (Policies SP5 of the SKLP and Policy W3 of the CSDMP) and the applicant has not explained or demonstrated why there are not more suitable sites available on land either within the main settlement boundary or within the sites allocated for employment and industrial purposes in the Development Plan or presented a business case that justifies a location outside the allocated employment sites (as required to comply with the criteria of Policy E8).
24. Having assessed the application it is clear that the proposal site is not identified in the recently adopted Local Plan as existing or planned industrial/employment land, is not already in waste management use and is also not a site that is being promoted as a suitable for waste management uses within the Site Locations document of the adopted Lincolnshire Minerals & Waste Local Plan. The site lies in the open countryside and the establishment of a new waste management facility of this type, size and scale would be contrary to the spatial and locational strategies of Policies SP1 and SP2 of the SKLP and also Policies W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan. The development does not meet the required criteria as set out in Policies SP3, SP4, SP5 and Policy E8 and the development of this land would result in an incremental expansion of industrial development into the open countryside and undermine the

objectives of Policies E2, E3 and E4 which allocate and protect land for this very purpose.

### Environmental and amenity considerations

#### Visual and Landscape Impacts

25. The proposal site is located to the rear of a very large industrial building that fronts South Fen Road. Given the presence of this building, and as the site is set back from South Fen Road itself, views of the site would be limited from the north however views of the site would be clearly obtainable especially from Tunnel Bank Road. The applicant had proposed to construct bunds around the site in order to try and limit and restrict views of the site however these are now only proposed along the eastern and western boundaries of the site. A bund had been proposed along the southern boundary however this has since been removed due to concerns raised by the IDB due to its proximity to the Tunnel Bank Drain. The removal of this bund has resolved the IDB's concerns and although its removal means unrestricted views of the processing plant and equipment and stockpiles of processed and unprocessed wastes would be visible from Tunnel Bank Road, when viewed against the backdrop of the large industrial buildings, this impact is not be considered so significant or adverse that it would justify refusal of the proposal on the grounds of visual impact on the local area.

#### Noise and Dust

26. The application site is located to the rear of an existing business and concerns have been expressed regarding potential impacts in respect of contamination of the air, water sources and land. Whilst the comments and concerns regarding potential operational impacts are noted, the recycling operations themselves and the plant and equipment and activities that would be carried out at the site are not unusually complex in nature and are well known practices and common of those which are conducted at similar facilities across the County. Given this, if the development had been considered acceptable in all other respects, it is likely that planning conditions could have reasonably been imposed to adequately control, reduce or minimise any impacts such as noise and dust.
27. In respect of odours, the types of waste to be handled by the site would be limited to inert materials only so there is unlikely to be any odour as a result of this. Again if the development had been deemed acceptable in all other respects then a condition could have been imposed to restrict the permitted waste types to those identified in the application so as to ensure this is the case.

#### Highways and Traffic

28. The site is accessed via a private road leading from South Fen Road. In order to access the site this would need to be extended to the entrance of

the site so as to create a suitable hard surfaced road for large vehicles to enter and leave the site. The private roads junction with the public highway (South Fen Road) is of a suitable design and construction for use by heavy vehicles and therefore the Highway & Lead Local Flood Authority has not raised any objections to this proposal.

29. In terms of traffic, this would increase as a consequence of this proposal both in terms of number and frequency. The access road is however comfortably wide enough for the passing of two vehicles the increase in traffic would not be significant enough to disturb other road users or cause disruption to adjacent companies.

#### Drainage and Flood Risk

30. The proposal site is within a Flood Zone 2 however is considered to be at minimal risk of flooding from external sources and the proposed development/use would be a 'less vulnerable' form of development as classified by the Planning Practice Guidance. The siting of such a development in this location is therefore acceptable in principle and no objection has been raised by the Environment Agency. As part of the development the applicant proposes to create a small area of new concrete hardstanding which would not result in a significant increased risk of flooding both on site or offsite given its size. The application indicates that surface waters would be managed via a soakaway and no objection has been received from the Environment Agency or IDB to this proposed method of disposal. The wastes types to be handled are inert and so any risk of pollution from them is likely to be low however it is accepted that measures may still be required to manage run-off before its final disposal. There is very limited detail in the application (as submitted) and so had the recommendation been that permission be granted then further details could have been secured by way of a condition. This would ensure suitable measures are taken to protect the water environment and therefore address the concerns raised by the neighbouring business and ensure compliance with Policies DM15, DM16 and Policy EN5.
31. Consequently subject to suitable conditions, it is likely that the development could have been carried out to an acceptable degree and without giving rise to unacceptable adverse impacts and therefore would not conflict with the environmental and amenity policies identified and contained within the CSDMP and SKLP.

#### Final Conclusion

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
33. The proposed development is accepted as being a sustainable waste management practice and also acknowledged that many of the potential

environmental impacts arising from the operations of the site could be mitigated, minimised or reduced through the implementation of the mitigation measures proposed within the application and/or through the imposition of planning conditions. However, the location of the development is not considered appropriate or acceptable as it conflicts with the spatial and locational strategies for siting new development as promoted by the various policies contained within the Development Plan.

34. The proposal site comprises of agricultural land and is a greenfield site lying within the open countryside. The site itself is not identified in the recently adopted South Kesteven Local Plan (adopted January 2020) as existing or planned industrial/employment land, is not already in waste management use and is also not a site that is being promoted as a suitable for waste management uses within the Site Locations document of the adopted Lincolnshire Minerals & Waste Local Plan. The establishment of a new waste management facility of the type, size and scale proposed would be contrary to the spatial and locational strategies of Policies W3 and Policy W4 of the CSDMP and also the approach advocated by Policies SP1 and SP2 of the SKLP. The development does not meet the required criteria as set out in Policies SP3, SP4, SP5 and Policy E8 of the SKLP and the development of this land would result in an incremental expansion of industrial development into the open countryside and undermine the objectives of Policies E2, E3 and E4 which allocate and protect land for this very purpose. For these reasons the development cannot be supported.

#### Human Rights Implications

35. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

### **RECOMMENDATIONS**

That planning permission be refused for the following reasons:

1. The proposal site lies outside the settlement boundary of Bourne and comprises of agricultural land located within the open countryside. The proposal would result in an incremental expansion of development into the open countryside and the creation of a new site that lies outside that which has been allocated and safeguarded for such purposes within the South

Kesteven Local Plan (2011-2036) and therefore be contrary to the objectives of Policies E2, E3 and E4.

- 2. The establishment of a new waste management facility of the type, size and scale on this site is also contrary to the spatial and locational strategies and criterion for siting such development as promoted by Policies M1, W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (2016) and the applicant has failed to demonstrate why a more suitable site is not available on land either within the main settlement boundary or within the sites allocated for employment and industrial purposes or presented a business case that justifies a location outside the allocated employment sites. The proposal is therefore also contrary to Policies SP1, SP2 and Policies E5 and E8 of the recently adopted South Kesteven Local Plan (2011-2036).

**Informatives**

Attention is drawn to:

In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

**Appendix**

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

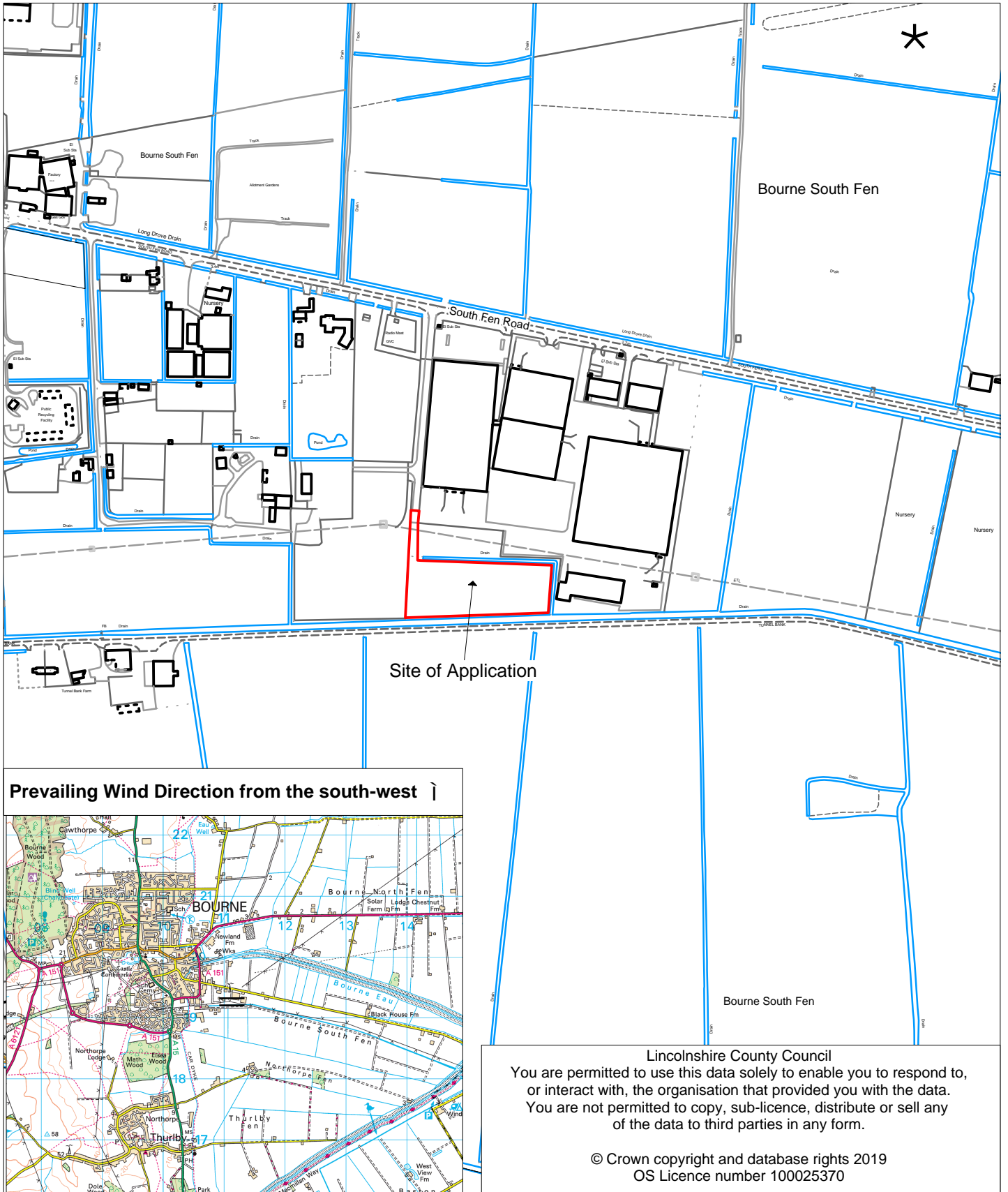


## Background Papers

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

Document title	Where the document can be viewed
Planning Application File S20/0905	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX <a href="http://lincolnshire.planning-register.co.uk/">http://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2019)  National Planning Policy for Waste (2014)  Planning Practice Guidance [ID28] (2015)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan Core Strategy and Development Management Policies (2016)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Local Plan (2020)	South Kesteven District Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

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**Location:**  
 Land at South Fen Road  
 Bourne

**Description:**  
 For the proposed use of land for waste recycling to produce soil, soil substitutes and aggregate and siting of two modular office/welfare units

**Application No:** S20/0905  
**Scale:** 1:5000