



County Offices
Newland
Lincoln
LN1 1YL

4 February 2022

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 14 February 2022 at 10.30 am in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached agenda.

Yours sincerely

A handwritten signature in cursive script that reads 'DBarnes'.

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), P Ashleigh-Morris, Mrs A M Austin, S A J Blackburn, I D Carrington, A M Hall, C S Macey, Mrs A M Newton MBE, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear, P A Skinner and T J N Smith

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 14 FEBRUARY 2022**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 6 December 2021	5 - 8
4.	Traffic Items	
4.1	Lincoln, Bell Street Edward Street - Proposed No Waiting at Any Time	9 - 14
4.2	Tattershall Thorpe B1192 - Proposed 30mph & 40mph Speed Limits	15 - 22
4.3	Langworth A158 - Revised Proposal For 30mph Speed Limit	23 - 28
4.4	Lincoln, Bishops Road & Deacon Road - Proposed No Waiting at Any Time	29 - 34
4.5	Grantham, Garden Close - Proposed Waiting Restrictions	35 - 40
4.6	Lincoln, Bailgate and Chapel Lane - Proposed Permit Parking Scheme	41 - 64
5.	County Matter Applications	
5.1	For the demolition of the existing animal by-products processing plant and all associated installations and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe - DS Developing Limited (Agent: MAZE Planning Solutions) - 20/0550/CCC	65 - 154

6. Other Reports

- 6.1 To remove condition 6 of planning permission B/16/0217 - to allow outside storage when the site is not in operation at Reed Point, Spalding Road, Sutterton - Envirotyre UK Limited (Agent: Robert Doughty Consultancy Limited) - B/20/0474 155 - 164

Democratic Services Officer Contact Details

Name: **Rob Close**

Direct Dial **07387 133753**

E Mail Address democraticservices@lincolnshire.gov.uk

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

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

Contact details set out above.

Please note: This meeting will be broadcast live on the internet and access can be sought by accessing [Agenda for Planning and Regulation Committee on Monday, 14th February, 2022, 10.30 am \(modern.gov.co.uk\)](#)

For more information about the Planning process and to view Planning decisions please click on the following link: [Planning Portal](#)

All papers for council meetings are available on:
<https://www.lincolnshire.gov.uk/council-business/search-committee-records>



PLANNING AND REGULATION COMMITTEE 6 DECEMBER 2021

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), P Ashleigh-Morris, Mrs A M Austin, S A J Blackburn, I D Carrington, A M Hall, Mrs A M Newton MBE, N H Pepper, N Sear and T Smith

Councillor: R D Butroid attended the meeting as an observer

Officers in attendance:-

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

44 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors C S Macey, R P H Reid and P A Skinner.

45 DECLARATIONS OF MEMBERS' INTERESTS

Councillor Carrington declared that, in relation to item 5.2, he was a Member of North Kesteven District Council, however he stressed that he was not involved in the decision to object and would consider the application with an open mind.

Councillor Smith declared that, in relation to item 4.2, Sir Edward Leigh, his part time employer, was a representative, however he stressed that he had no discussions on the application and would consider it with an open mind.

46 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 1 NOVEMBER 2021

RESOLVED

That the minutes of the previous meeting held on 1 November 2021, be approved as a correct record and signed by the Chairman.

47 TRAFFIC ITEMS

48 MORTON A15, HANTHORPE ROAD & HIGH STREET - PROPOSED WAITING RESTRICTIONS

**PLANNING AND REGULATION COMMITTEE
6 DECEMBER 2021**

The Committee considered a report in connection with one objection received to the proposed introduction of waiting restrictions on Morton A15, Hanthorpe Road and High Street. The objection related to the length of restriction proposed on the east side of the A15, complaining that it was insufficient to give full visibility of approaching traffic for vehicles exiting the High Street and suggesting a restriction on parking should extend beyond the fish and chip shop. However, it is officers' intention to introduce the minimum length of restriction which maintains the safety benefits of the scheme without impacting negatively on local businesses. The extent of restriction as proposed was considered by officers to be sufficient to improve visibility at both junctions, and the situation would likely be improved further by the imminent reduction of the current 40mph speed limit through the village to 30mph, thereby reducing the approach speed of vehicles on the A15.

On a motion proposed by Councillor N H Pepper and seconded by Councillor I G Fleetwood, it was:

RESOLVED (unanimous)

That the objections be overruled so that the order, as advertised, may be introduced.

49 TORKSEY LOCK A156 AND A1133 - PROPOSED SPEED LIMIT REDUCTION

The Committee considered a report in connection with a request for the reduction of the existing 50mph speed limit to 40mph on the A156 and A1133 at Torksey Lock. Investigations had indicated that the A156 and A1133 may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy. Therefore, the Planning and Regulation Committee could approve a departure from the criteria if they felt it appropriate.

Councillor R D Butroid, attended the meeting and made the following comments: -

- Local residents were really supportive of this speed reduction and had campaigned to enact of it.
- Elderly residents of the area faced difficulty when crossing the road to access the bus stop due to the 90-degree bend running down to the proposed reduction area, diminishing vision.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor Mrs A M Newton MBE, it was:

RESOLVED (unanimous)

That, following the necessary consultation, the reduction in speed limit be brought into effect.

50 COUNTY COUNCIL APPLICATIONS

51 SUPPLEMENTARY REPORT - FOR A SIDE-TRACK DRILLING OPERATION, ASSOCIATED TESTING, AND LONG-TERM OIL PRODUCTION AT LAND OFF HIGH STREET,

BISCATHORPE - (APPLICANT) EGDON RESOURCES U.K. LIMITED (AGENT - AECOM LIMITED) - N/059/00510/21

The Committee considered a report inviting them to confirm their agreement of the reason for refusal for a side-track drilling operation, associated testing, and long-term oil production at Land off High Street, Biscathorpe as agreed at the 1 November 2021 meeting of the Planning and Regulation Committee.

The Head of Planning guided members through the report and set out the main issues to be considered in the determination of the application. The report recommended that, in line with the Committee's resolution to refuse N/059/00510/21 at the 1 November 2021 meeting, the Committee confirm its reason for refusal in line with that cited within the report. The Head of Planning noted that, during the debate on 1 November meeting, the Committee cited noise as a potential reason for refusal. He indicated that they may want to reconsider inclusion of noise as grounds for refusal after further consideration suggested it may be difficult to justify.

The Committee didn't feel that the impact to noise was critical to their objection to the proposal and that the other reasons cited were sufficient.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor Mrs A M Austin, it was:

RESOLVED (unanimous)

That it be confirmed that planning permission be refused for the reason set out below:

'The lighting associated with Phase 1 drilling and Phase 2 Extended Well Testing will potentially cause a significant adverse impact on the character of the AONB due to glare. Whilst the period for Phase1 is defined for eight weeks no such definitive timescale is set out for Phase 2. Each area of interest from the formation will need to be tested but there is no certainty how many testing periods will be required. It is stated that the testing phase could take up to three months. Consequently, a number of periods of testing will result in many months of adverse impact due to illumination 24 hours a day of intrusive lighting being harmful to the character and appearance of the AONB location.

The introduction of extended periods of external lighting into this largely unlit protected landscape would have an adverse impact on the character of this special landscape that cannot be satisfactorily mitigated. This would draw attention to the development and create a lit visual intrusion into this largely dark sky location.

The public benefits of the development do not outweigh the identified harm to the character of the Wolds AONB and the County Council as Minerals Planning Authority do not consider it is possible to mitigate these impacts to an acceptable level.

**PLANNING AND REGULATION COMMITTEE
6 DECEMBER 2021**

The development does not meet the requirements of the third criteria of Policy DM5 with respect to visual impact, illumination and noise and is therefore contrary to Policy DM5 and DM1 of CSDMP. It is also contrary to the requirements of Policies SP10 and SP23 of the East Lindsey Local Plan (2018) due to adverse impacts on the amenity residents could reasonably expect to enjoy and the character of the AONB through illumination, visual impact, and noise.'

52 TO RETAIN AND REGULARISE LEISURE FACILITIES AT EMBRYO ANGLING HABITATS INCLUDING INSTALLATION OF MAIN ENTRANCE GATE, OTTER FENCE GATE, LODGE AND WELFARE FACILITIES, TOILET BLOCK AND COMPOSTING TOILET AT EMBRYO ANGLING HABITATS, SWINDERBY ROAD/BUTT LANE, NORTON DISNEY - HILL HOLT WOOD - 21/1442/CCC

The Committee considered a report where Planning permission was sought by Embryo Angling Habitats to retain and regularise leisure facilities at Embryo Angling Habitats including installation of main entrance gate, otter fence gate, lodge and welfare facilities, toilet block and composting toilet at Embryo Angling Habitats, Swinderby Road/Butt Lane, Norton Disney.

The Applications Manager guided members through the report and set out the main issues to be considered in the determination of the application.

The report recommended that, following consideration of the relevant development plan policies and the comments received through consultation and publicity, that conditional planning permission be granted.

Members asked, if the business venture were not to be viable, would the land be returned to its previous state. It was advised that, as part of the scheme, the quarry restoration was to provide it to a landform suitable for fishing lakes with supported infrastructure. A condition was recommended to remove physical works upon business discontinuation; however, the environmental landform would remain.

The Committee were satisfied that, because North Kesteven District Council (NKDC), had been offered the opportunity to submit comments in relation to this application, it had full transparent evaluation.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor T Smith, it was:

RESOLVED (unanimous)

That conditional planning permission be approved.

The meeting closed at 10.56 am



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

Report to:	Planning and Regulation Committee
Date:	14 February 2022
Subject:	Lincoln, Bell Street/Edward Street - Proposed No Waiting at Any Time

Summary:

This report considers an objection to the proposed waiting restrictions at the junction of Bell Street and Edward Street, Lincoln.

Recommendation(s):

That the Committee overrules the objection so that the Order, as advertised, may be introduced.

Background

A request was received from the Neighbourhood Policing Sergeant for an extension to the existing 24-hour waiting restrictions at Bell Street to incorporate its junction with Edward Street. The police have been in receipt of numerous complaints regarding obstruction to access into Edward Street owing to vehicles parking close to this junction. The street is a cul de sac with no alternative access and concerns have been raised over potential difficulties for access by emergency vehicles should this be required.

Monitoring of the area has confirmed the presence of parking on this junction and the difficulties arising as a result. A proposal has therefore been put forward to extend the double yellow lines as shown at Appendix B.

One objection has been received citing that reducing available on street parking in the area will be detrimental to residents. They have concerns that the proposals will result in residents having to park some distance from their properties and suggests there are safety concerns for those who, as a result, will have to navigate these streets in the dark evenings with limited provision of street lighting.

The objector's concern that the proposed extension to the existing waiting restrictions will reduce on street parking space is noted, and three or four vehicles will be displaced. However, parking close to the junction either on Bell Street or Edward Street obstructs the flow of traffic in and out of Edward Street, and the tendency for vehicles to pull onto the footway then obstructs the route for pedestrians.

Conclusion

The double yellow lines as proposed will ensure that the junction of Bell Street and Edward Street is kept clear of parked vehicles, ensuring that access is maintained for residents, emergency service vehicles and pedestrians. The extent of the proposals is the minimum which achieves this aim whilst retaining on street parking where it can be safely accommodated.

Consultation

a) Risks and Impact Analysis

None carried out

The following were consulted with regards to this proposal: Local Member, Lincolnshire Road Safety partnership, Lincolnshire Police, Lincoln City Council, Fire & Rescue, EMAS, Traffic Commissioners, Confederation of Public Transport, Stagecoach East Midlands, Road Haulage Association, Freight Transport Association, Disability Lincs Ltd and the National Farmers Union. The proposals have been advertised in the local press and on site and affected frontages have also been consulted.

The local Member is in support of this proposal.

Appendices

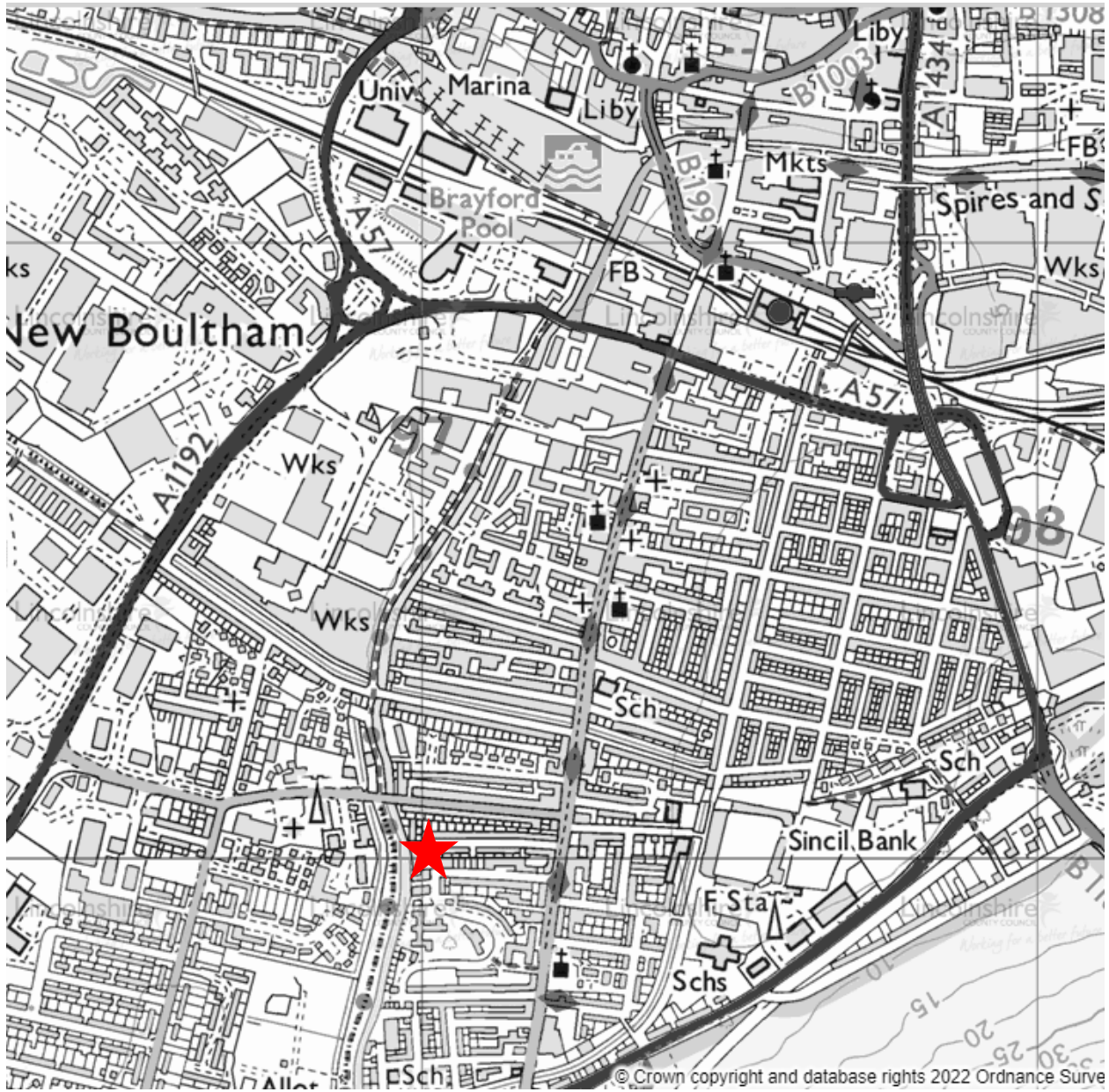
These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Detail plan of proposals

Background Papers

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

This report was written by Tina Featherstone, who can be contacted on 01522 782070 or TRO@lincolnshire.gov.uk.

APPENDIX A : Lincoln, Bell St - Site Location



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KEY

- Proposed No Waiting at Any Time
- Existing No Waiting at Any Time

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

Rev.	Description	Drawn	Ch'kd	Auth	Date
	Lincoln - Bell Street & Edward Street	TF			July 21
	Appendix B	DON			July 21
	Proposed No Waiting at Any Time				
	TF/861/001	0			NTS

Jan 04, 2022 - 2:42pm \\piscot\users\jussier\comment\Traffic Regulation Orders\Schemes Master Folder DO NOT CHANGE\501-900\861 Edward Street & Bell Street Parking Issues\CAD\CAD.dwg

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

Report to:	Planning and Regulation Committee
Date:	14 February 2022
Subject:	Tattershall Thorpe B1192 - Proposed 30mph & 40mph Speed Limits

Summary:

This report considers an objection to the proposed reduction of the speed limit at Thorpe Road, South of Tattershall Thorpe.

Recommendation(s):

That the Committee overrules the objection so that the Order, as advertised, may be introduced.

Background

Following a request from a local resident for the existing 30mph speed limit to the south of Tattershall Thorpe to be extended beyond Paul's Lane, surveys confirmed that this, and a new 40mph limit further southwards to Tattershall, could be justified against the speed limit policy (see Appendix C). Further speed survey results indicated that, as borderline cases, the existing 40 limit to the north of the village could be reduced to 30mph, and a new 40 limit introduced, as shown at Appendix B. Consultation for speed limit orders to be pursued here was approved by the Planning and Regulation Committee on 5th July last year.

In response to the statutory consultation and public advertisement of these proposals an objection was received from a local resident stating that the pursuit of speed limits in Tattershall Thorpe is a waste of taxpayer's money which should be used instead to fund improvements to the condition of the carriageways in the area.

The maintenance of carriageways is delivered via a funding stream separate to that for traffic regulation orders. In accordance with our Asset Management Strategy site selection for surface treatment or reconstruction is based on the data we maintain on the condition of roads throughout the county. This approach enables us to target our limited funds where they are most needed. I have checked with our Surfacing and Patching Team, and they have confirmed that Paul's Lane, along with other roads within Tattershall Thorpe, cannot be targeted for treatment at this time as there are other sites across the county which are in a worse condition, and these will therefore be prioritised. However, surface dressing works are planned at Thorpe Lane in the coming months, and a highway improvement scheme at the junction of Paul's Lane and Thorpe

Lane has recently been completed. The cost of this improvement was covered through S106 developer contributions and has improved visibility and crossing facilities for pedestrians in the area.

Conclusion

The reduction in speed limits at these locations in Tattershall Thorpe have been justified against the criteria set out in the County Council’s Speed Limit Policy. It is anticipated that the reduction in the level of speed limits through Tattershall Thorpe will have a positive impact on the environment within the village.

Consultation

a) Risks and Impact Analysis

None carried out

The following have been consulted with regards to this proposal: Local Member, Lincolnshire Road Safety partnership, Lincolnshire Police, East Lindsey District Council, Tattershall Thorpe Parish Council, Lincolnshire Fire & Rescue, East Midlands Ambulance Trust, Traffic Commissioners, Confederation of Public Transport, Stagecoach East Midlands, PC Coaches, Brylaine, Centrebus, Delaine Buses, Grayscroft, Sleafordian Coaches, Road Haulage Association, Freight Transport Association and the National Farmers Union.

The local Member for the area is in support of these proposals.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Proposed speed limits (North of the Village)
Appendix C	Proposed speed limits (South of the Village)

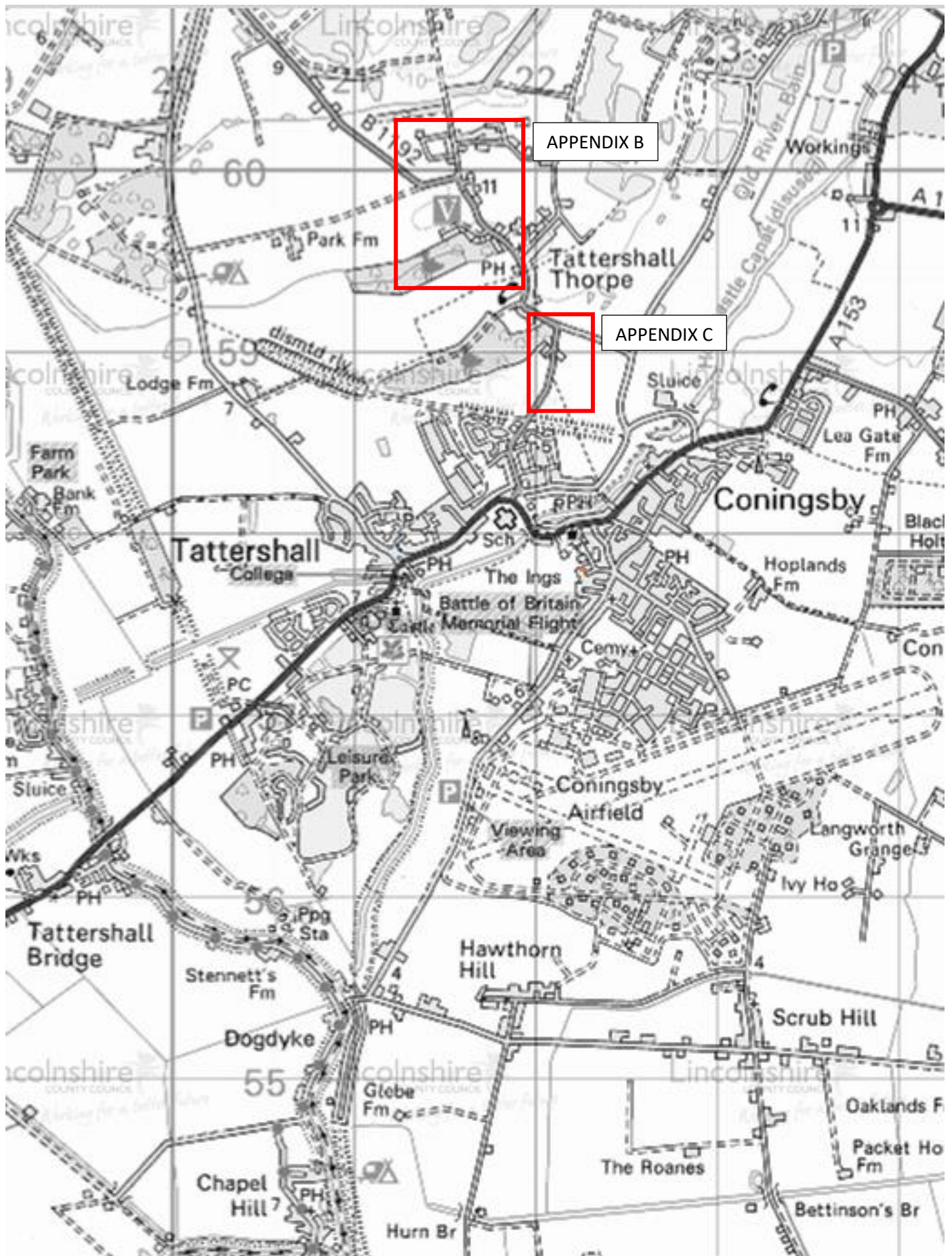
Background Papers

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

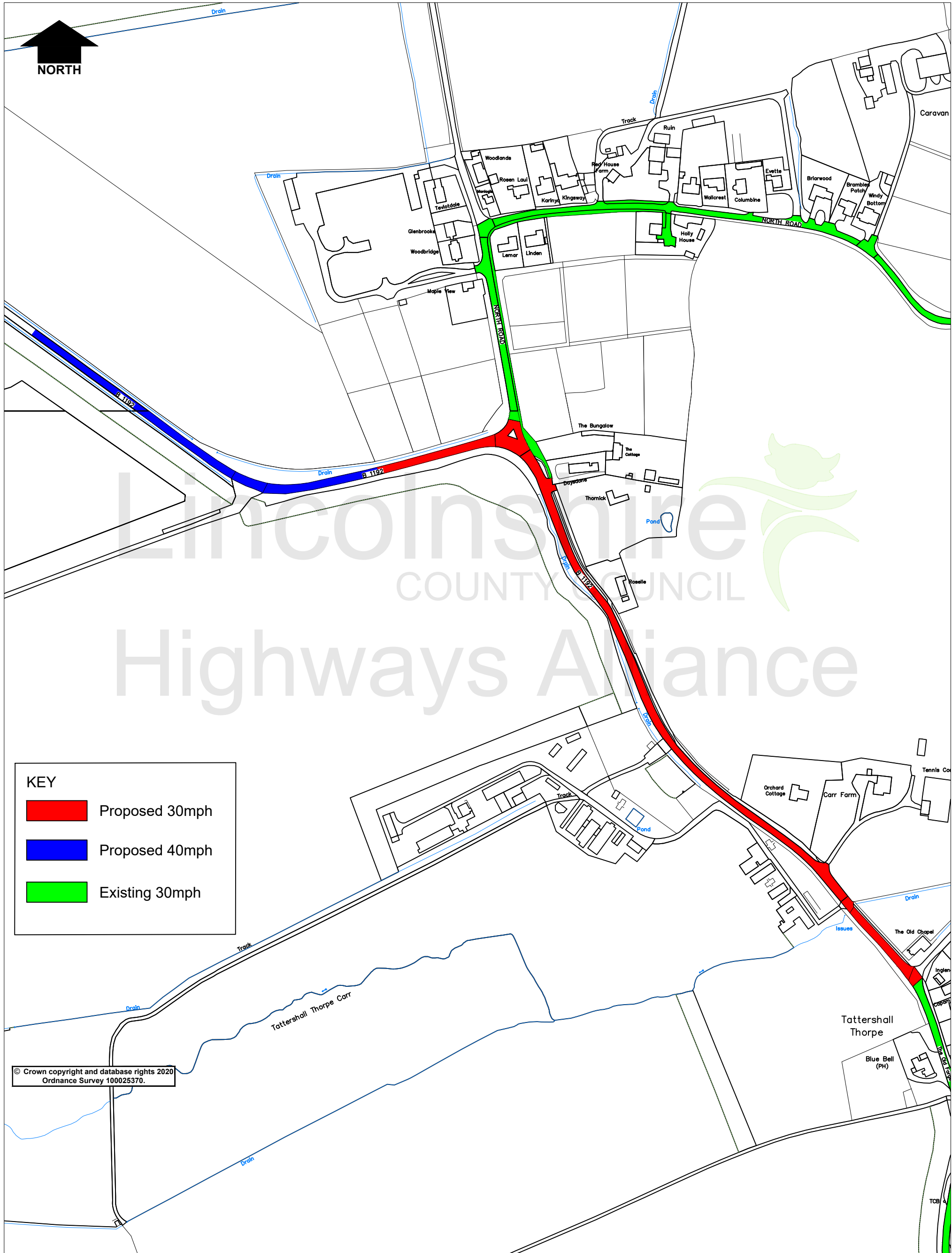
Document title	Where the document can be viewed
Speed survey results, accident data and written objection.	Available on request

This report was written by Tina Featherstone, who can be contacted on 01522 782070 or TRO@lincolnshire.gov.uk.




APPENDIX A : Tattershall Thorpe - Site locations



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KEY

	Proposed 30mph
	Proposed 40mph
	Existing 30mph

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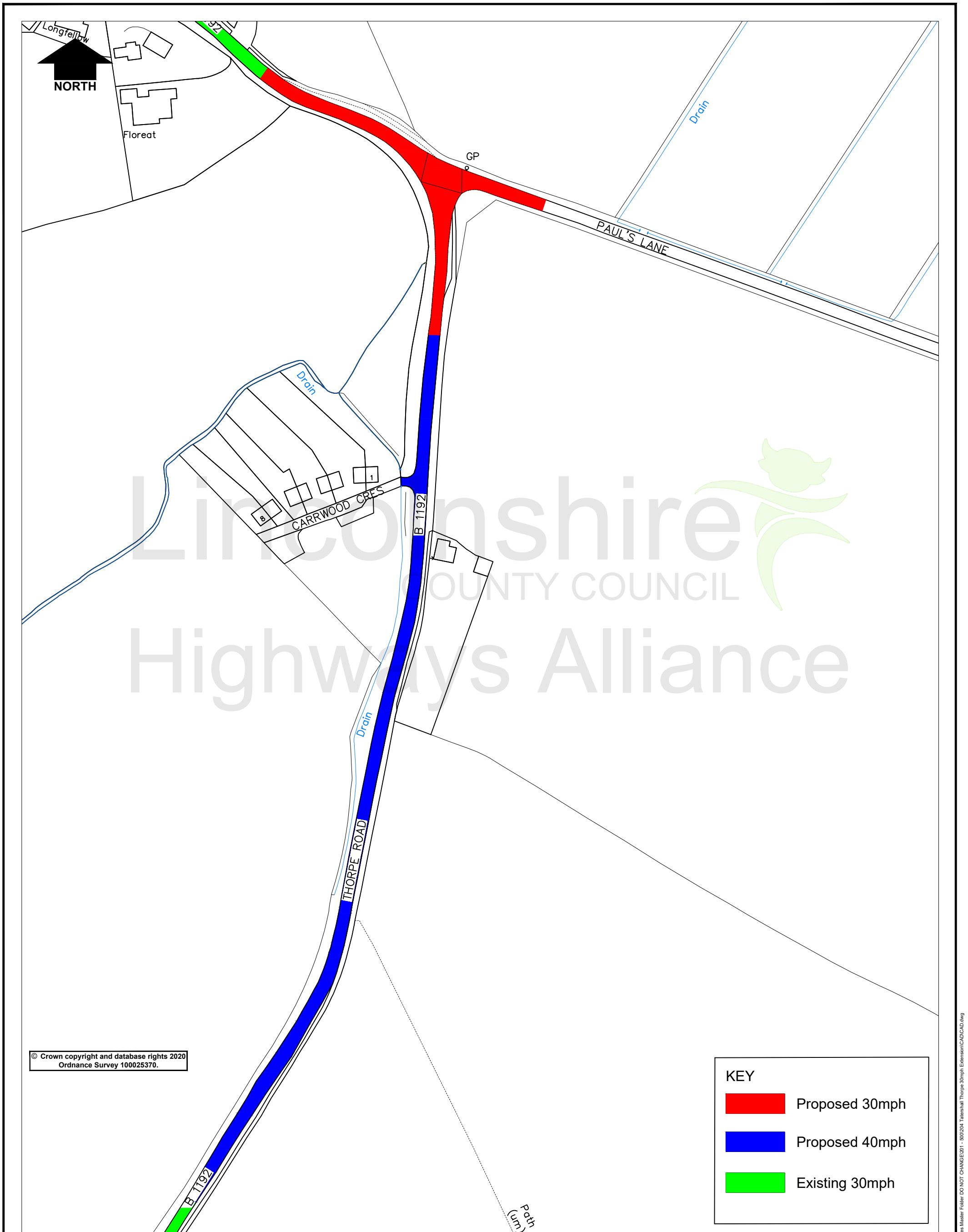
Rev.	Description	Drawn	Ch'kd	Auth	Date
		TF			July 21
		JG			July 21
0					NTS

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

Project: Tattershall Thorpe - Thorpe Road
 Appendix B
 Proposed 30mph & 40mph Speed Limit
 TF/204/004

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KEY	
	Proposed 30mph
	Proposed 40mph
	Existing 30mph

<p>Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX</p>	Tattershall Thorpe - Thorpe Road		Project TF	Date July 21
	Appendix C		Drawn JG	Date July 21
	Proposed 30mph & 40mph Speed Limit		Auth 	Traced
	TF/204/003		Rev. 0	Scale NTS

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

Report to:	Planning and Regulation Committee
Date:	14 February 2022
Subject:	Langworth A158 - Revised Proposal For 30mph Speed Limit

Summary:
 This report considers results of additional speed surveys carried out on the A158 at Langworth to confirm the extent of the proposed 30mph speed limit which will meet policy criteria.

Recommendation(s):
 That the Committee notes the intention to proceed with an extended 30mph speed limit as indicated at Appendix B, based on further investigations.

Background

At the Planning and Regulation Committee in March last year Members approved a borderline case speed limit enabling consultation to take place for a new 30mph speed limit on the A158 through Langworth, as shown at Appendix A.

However, Members requested that a further review of mean speeds be undertaken to determine if the proposed reduction could be extended further westwards to include the level crossing.

In addition, a request has been received from a resident for the proposed 30mph limit leaving the village to the east to be extended further out of the village.

To determine if these further reductions could be justified against the policy, speed surveys were carried out. The mean speed of traffic in the vicinity of the level crossing was 32mph and in line with Table 3 of the policy, the introduction of a 30mph limit can be supported.

Table 3

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

With this being the case, and given that approval is already in place for a 30mph limit to be pursued within the centre of the village, our intention is to proceed with a consultation for this to be extended westwards as shown at Appendix B.

With regard to the request for an extension of the proposed 30mph limit eastwards out of the village, the mean speed of traffic here was recorded at 44mph and is therefore consistent with the policy criteria for a 40mph speed limit. This cannot therefore be considered for a reduction as requested.

Conclusion

The proposed extension to the 30mph speed limit on the A158 has been tested against the speed limit policy and has met the necessary criteria.

Consultation

a) Risks and Impact Analysis

None carried out

The local member is in support of this proposal.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed 30mph limit - approved as a borderline case
Appendix B	Proposed extension to original proposal

Background Papers

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

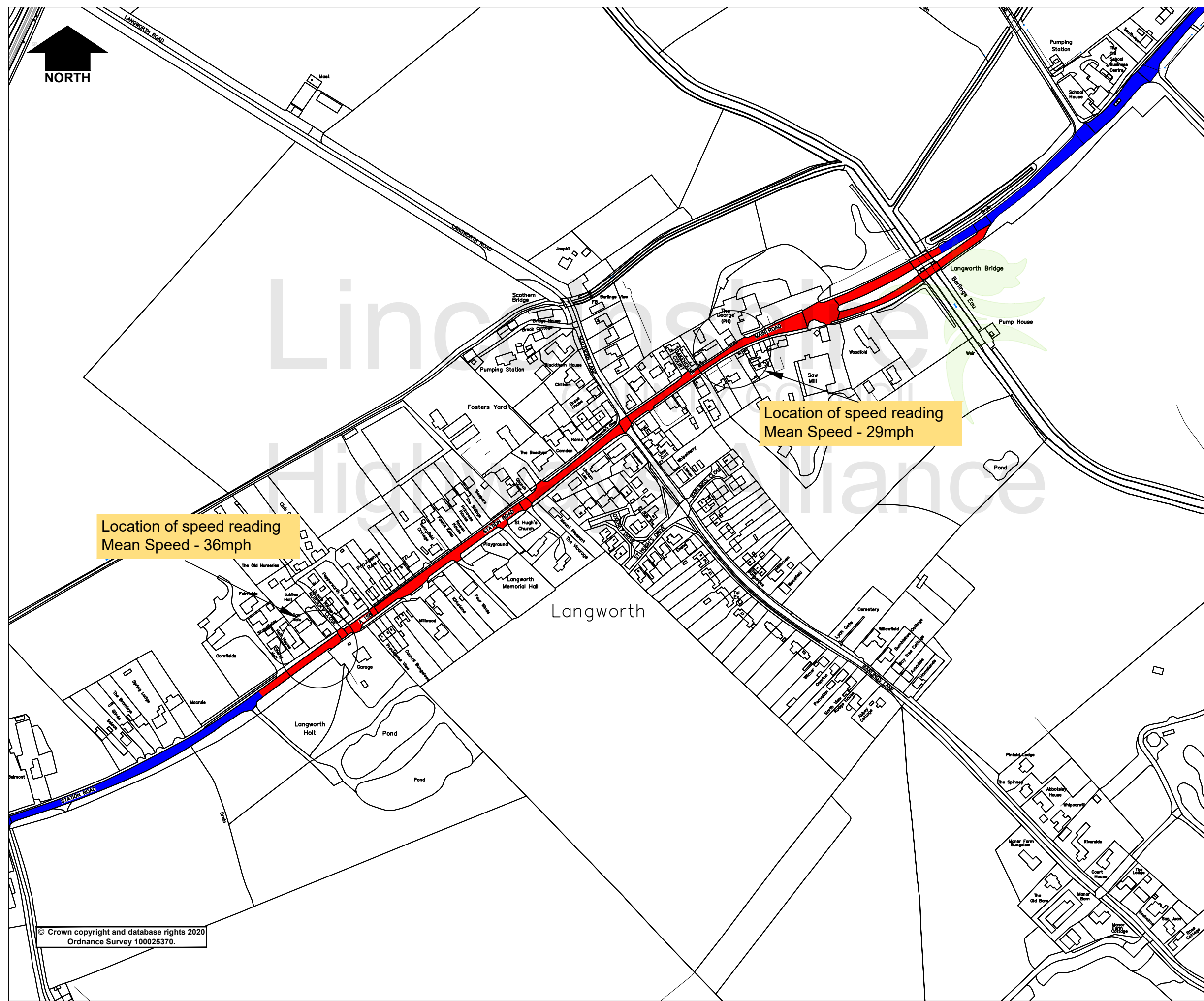
Document title	Where the document can be viewed
Speed survey information	Available on request

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



KEY

- Proposed 30mph
- Existing 40mph



Rev.	Description	Drawn	Ch'kd	Auth	Date
Project: Langworth - A158					
Status: Project No.:					
Drawing Title: Proposed 30mph Speed Limit					
Scale: NTS	Drawn	TF	Date: June 20		
	Ch'kd	JG	Date: June 20		
	Auth		Traced		
Drawing No. Appendix A					Rev. 0

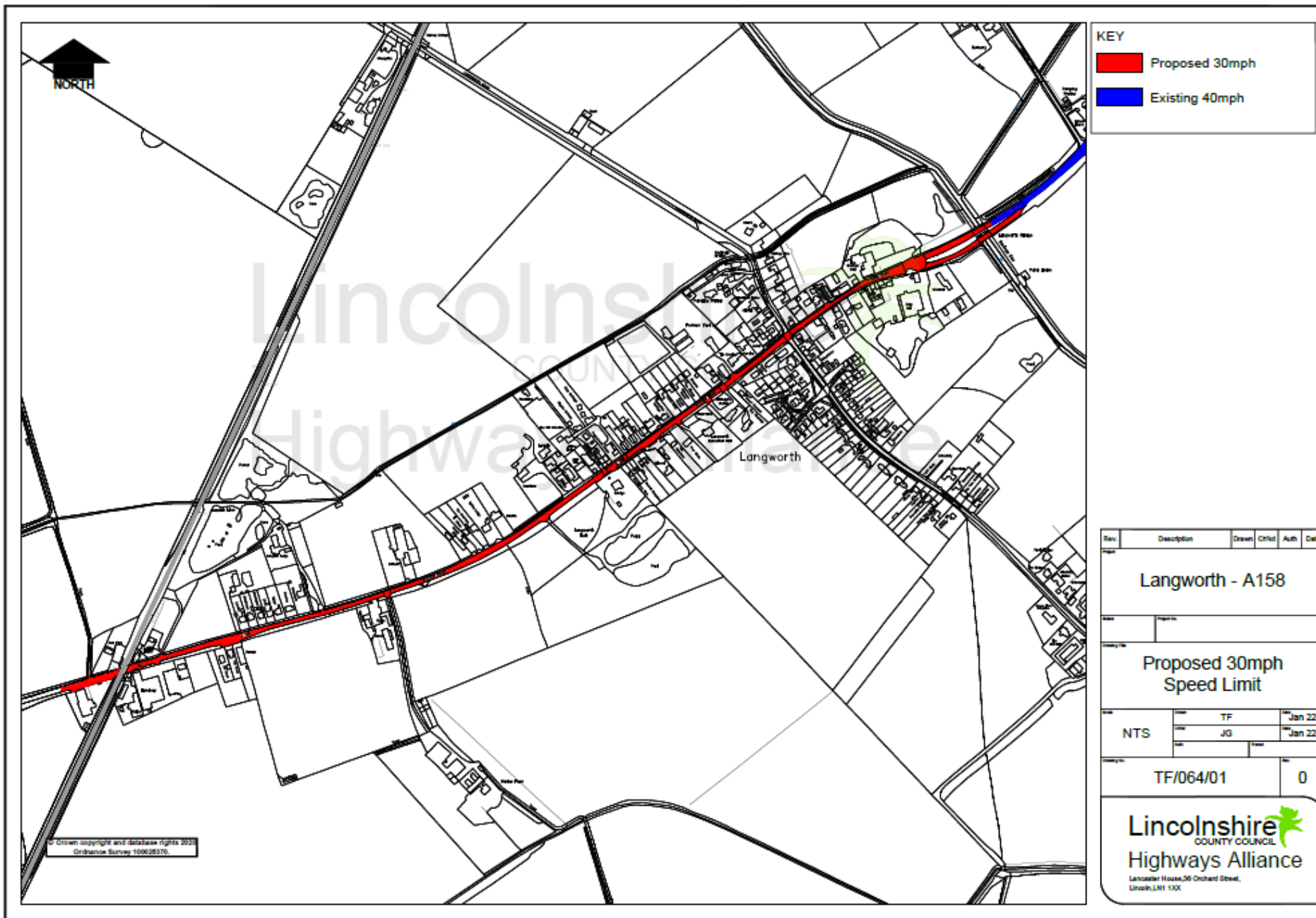
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Highways Alliance

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

Report to:	Planning and Regulation Committee
Date:	14 February 2022
Subject:	Lincoln, Bishops Road & Deacon Road - Proposed No Waiting at Any Time

Summary:

This report considers an objection to proposed waiting restrictions at Bishops Road & Deacon Road, Lincoln.

Recommendation(s):

That the Committee overrules the objection so that the Order, as advertised, may be introduced.

Background

The local Member for this area raised concerns that on street parking on Deacon Road and at its junction with Bishops Road results in difficulties for vehicles requiring access to and from business premises at this location. Monitoring of the site has confirmed that parked vehicles do cause obstruction to access and visibility, and a proposal to introduce a 24-hour waiting restriction, as indicated at Appendix B, has been subject to statutory consultation and public advertisement.

Objection/Comments

An objection has been received to these proposals from a business in the area. They reserve their off-road parking space for customers, some of whom may have a disability and therefore need to park close to their destination. As a result, staff are required to park on street and there are concerns that the proposed restrictions will displace these vehicles which may then park on the opposite side of the road, potentially causing a hazard for through traffic, or elsewhere on the estate resulting in similar issues. They suggest that restrictions are introduced on the opposite side of the road as an alternative to those proposed. They are concerned that the reduction in on street parking will threaten the viability of businesses in the area.

The concern of this business is noted. However, on street parking results in reduced visibility of oncoming traffic for those vehicles existing premises here and can cause difficulties for those trying to access. Visibility will not be impeded by parking on the other side of the road and no accesses are present along this stretch, so restrictions here are not recommended at this time.

Should the restrictions be introduced we will monitor the site for any potential outcomes in terms of displaced parking. However much of the area remains unrestricted and we anticipate that safe alternative on street parking will be available nearby.

Conclusion

The restrictions as proposed will serve to protect vehicular access to and from businesses in the area. Deacon Road and Bishops Road lie within a large industrial estate with extensive areas where on street parking can be safely accommodated, and it is unlikely the displacement of the small number of vehicles affected will have a detrimental effect on traffic safety and businesses.

Consultation

a) Risks and Impact Analysis

None carried out

The following were consulted with regards to this proposal: Local Member, Lincolnshire Road Safety partnership, Lincolnshire Police, Lincoln City Council, Fire & Rescue, East Midlands Ambulance Trust, Traffic Commissioners, Confederation of Public Transport, Stagecoach East Midlands, PC Coaches, Road Haulage Association, Freight Transport Association, and the National Farmers Union. The local Member is in support of the proposals.

The proposal was publicly advertised from 23 September to 22 October 2021 and copies of the consultation document and plans were delivered to affected premises on 19 September. The documents were also made available on the County Councils' website.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Detail of proposed waiting restrictions

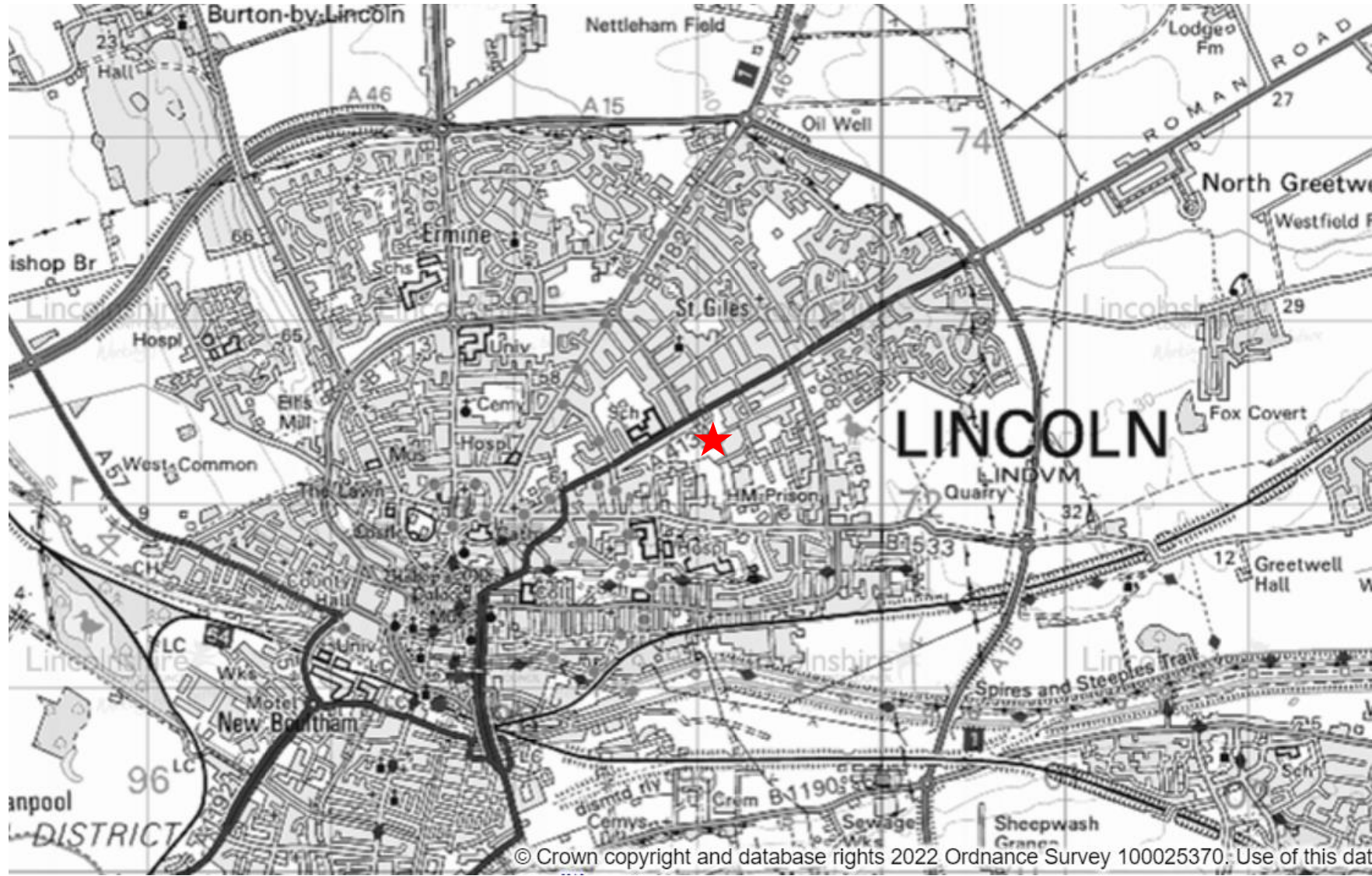
Background Papers

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
Consultation documents; letter of objection	Available on request

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

APPENDIX A: Lincoln Deacon Rd – Site location



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Tesco Superstore

Deacon Road

Deacon Road Industrial Estate

Deacon Business Park

Bishops Road

Lincolnshire COUNTY COUNCIL Highways Alliance

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Key

— Proposed No Waiting At Any Time

Lincolnshire
COUNTY COUNCIL
Highways Alliance

Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

Rev.	Description	Drawn	Ch'kd	Auth	Date
	Project	Drawn		Date	
	Deacon Road Waiting Restrictions	JE		07/21	
	Status	Project No.	Auth	Traced	
		758			
	Drawing Title				Scale
	Appendix B - Proposed Waiting Restrictions				NTS @A4
	Drawing No.				Rev.
	H/JE/758/001				0

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

Report to:	Planning and Regulation Committee
Date:	14 February 2022
Subject:	Grantham, Garden Close - Proposed Waiting Restrictions

Summary:

This report considers objections to proposed waiting restrictions at Garden Close in Grantham.

Recommendation(s):

That the Committee overrules the objections so that the Order, as advertised, may be introduced.

Background

Residents of Garden Close raised concerns regarding on street parking resulting in difficulties for vehicles accessing the Close, particularly at its junction with Beacon Lane. Grantham College and a number of schools are located nearby, and this generates demand for on street parking in the surrounding area. Observations have shown that parking close to the junction with Beacon Lane and along the straight section into the estate obstructs traffic flow and vehicular accesses. A proposal to extend waiting restrictions into the development as shown at Appendix B has been subject to statutory consultation and public advertisement. The effect of these will be to restrict parking at all times on the west side of the access road and at the junctions at either end. A lesser restriction is proposed on the east side of the access road and further into the development, to deter daytime parking during weekdays.

There have been two objections to these proposals. There are concerns that the private drive outside No.s 1-4 Garden Close will attract parking displaced from the restricted areas, as the public will not realise that it is not a public highway. Residents' access will be obstructed, and this will lead to abuse and intimidation of those affected should the perpetrators be challenged over the matter. A request has been made for signage to be erected by the highway authority stating that the area is private land. A request for the restrictions to be extended throughout the whole development to restrict all parking has also been received.

The concerns relating to the private drive have been noted. However, it has been pointed out that the owners of that land may install signage to confirm the status of the drive or physical measures to restrict access, but this must be at their expense, and it will not be the responsibility of the county council to fund this. The suggestion that parking is restricted throughout the development

is not supported as this could adversely affect those residents who do not have sufficient off-street parking available for their own or visitors vehicles.

Notwithstanding the above, should the proposed restrictions be introduced, the consequences in terms of displaced on street parking will be monitored with a view to taking further action should this be required. A section of carriageway at the southern end of Garden Close has been left unrestricted to provide space for up to six vehicles to mitigate the likelihood of displaced parking issues.

Conclusion

The restrictions as proposed will serve to protect vehicular access to and from Garden Close and maintain visibility at the junctions and in the vicinity of the play area. Some on street parking will be permitted on the main route into the estate which will assist in the management of vehicle speeds.

Consultation

a) Risks and Impact Analysis

None carried out

The following were consulted with regards to this proposal: Local Member; Lincolnshire Police; Lincolnshire Fire & Rescue; EMAS; SKDC; Grantham Charter Trustees; CPT; RHA; FTA; North Eastern Area Traffic Commissioners; NFU; all residents of Garden Close; Beacon lane Day Nursery.

The local Member is in support of this proposal.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Detail plan of proposals

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
Consultation documents and objections	Available on request

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



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

Report to:	Planning and Regulation Committee
Date:	14 February 2022
Subject:	Lincoln, Bailgate and Chapel Lane - Proposed permit parking scheme

Summary:

This report considers the outcome of statutory and public consultation for the introduction of a residents permit scheme in Bailgate and Chapel Lane.

Recommendation(s):

There are three options for the Committee to consider:

1. Proceed with the scheme as advertised so that the existing 1 hour limited waiting bays in Bailgate north of Westgate and on Chapel Lane, as shown at Appendix B, are made available to permit holders for an unlimited period.
2. Abandon the scheme so that on street parking in the area remains unchanged.
3. Agree to further work to identify a means by which a permit scheme may be introduced in some form, but with less potential impact on Bailgate's economy and community.

Background

The City of Lincoln Council administer the residents parking zones throughout Lincoln. Following requests from residents in 2017 they asked the County Council to consider an extension to existing Zone 4B and a new Zone 4G, as shown in blue and orange at Appendix A. Subsequently the City of Lincoln Council carried out surveys on kerbside usage in these areas to test if the criteria in LCC's guidance on the introduction of residents parking schemes were met in this respect. To gauge the support required to ensure a financially viable scheme, the County Council sent a questionnaire to all those properties potentially eligible for permits, should a scheme be introduced. Both these criteria were met and the statutory consultation and public advertisement of proposals to introduce these schemes on the periphery of the Bailgate area were progressed. It was during this period that the City of Lincoln Council requested consideration to be given to a permit scheme (Zone 4H) in Bailgate.

In line with guidance, all residents and businesses within this potential new zone were canvassed via a questionnaire in 2019 and sufficient support was received for a scheme to be viable. Given that the bulk of residents on Bailgate live to the north of Westgate and the vast majority of businesses are located to the south, and to acknowledge the importance of on street parking to local traders, the final proposal was to apply the scheme to the north of Westgate only. Importantly all the bays in this area would still be available to all for a one hour stay but for permit holders, the stay would be unlimited. The bays would in effect be of dual use and are indicated in blue at Appendix B.

The statutory consultation for the traffic regulation order for the scheme in Bailgate began in March 2020. However, this coincided with the start of the pandemic, and it became clear that the constraints brought about by lockdown would compromise the consultation process. It was not deemed reasonable to continue the process at that time and a decision was therefore taken to suspend further works on the scheme.

The process for the traffic regulation order relating to the other two zones in the area had been completed at this point, although the works to introduce them on site was delayed until October 2020. Given the impact of the pandemic on trade and business, the statutory consultation process promoting Zone 4H in Bailgate did not resume until April 2021. In response to consultation the City of Lincoln Council requested the addition of the limited waiting bays in Chapel Lane to the scheme, as well as the inclusion of additional residencies here. The scheme was therefore amended to include these, after which it was publicly advertised last October. All potential permit holders were directly consulted at this point along with the statutory consultees again, due to the inclusion of amendments to the bays on Chapel Lane.

The deadline for representations on the scheme was 26th November. A total of 33 responses in favour of the scheme were received. Objections to it numbered 59 responses, including a detailed submission from the Bailgate Area Guild, who also presented a petition compiled online and gathered in hard copy form at businesses in the area.

Summary of support

Comments submitted in support of the scheme make the point that Bailgate between Newport Arch and Westgate is predominantly a residential area. The proposed scheme as advertised reflects this and will be of great benefit to residents. Currently the parking offer in Bailgate discriminates against residents whilst visitors have the use of car parks as an alternative to on street parking. They believe that the current parking situation impacts on the quality of life of residents and reduces property values. Prior to the introduction of permit parking for Zone 4G in Church Lane and Northgate, residents of both Bailgate and Chapel Lane had the option to park in these streets, but this has now been lost. As a result, residents often have to park some considerable distance away from their properties. Three residents say they intend to retain their current arrangements for off road parking even if the scheme is implemented, as they are concerned that availability of on street for permit holders may be limited.

Summary of objections

Many of the businesses in Bailgate have raised concerns about the potential impact of reducing the availability of short term, on street parking in the area. They state that the survival of business here relies heavily on local custom throughout the year which will be deterred if parking bays are persistently unavailable. The variety of shops and services on offer provides a hub for the wider community, encouraging people to shop locally and more sustainably. For those less able, the bays provide a means of parking in close proximity to these amenities. Objectors to the scheme believe

that it poses a threat to the viability of businesses in the area and that a resultant downturn in trade could put livelihoods at risk and lead to the closure of independent shops and cafes. These establishments enhance the offer of uphill Lincoln as a tourist destination and provide an opportunity for visitors to extend their stay. They maintain the footfall which creates a lively, vibrant area, with a character and ambience unique to the city.

Objectors to the scheme state that residents selected Bailgate as a place to live in the knowledge that on street parking is limited during the day. Likewise, businesses came to Bailgate in the knowledge that a turnover of on street parking will support trade. They believe that it is unrealistic of residents to expect access to on street parking in what is also an area of commerce and tourism. Questions have been raised as to the efficacy of the scheme, as residents will be in competition with other permit holders and the public at large and may struggle to secure one of the limited spaces available.

Queries have been raised by both supporters and objectors to the scheme as to possible ways of enhancing the parking offer in Bailgate by varying the provision in nearby car parks.

Comments

The concerns raised by residents of Bailgate and Chapel Lane at the loss of on street parking availability in Church Lane and Northgate following the introduction of Zone 4G is noted. Although the request for a permit scheme in Bailgate was a later submission by the City of Lincoln Council, and did not form part of the original proposals to expand the residents parking scheme, the intention was to pursue a scheme in Bailgate concurrent to the ongoing completion of Zone 4G. The consultation for Zone 4H in Bailgate began in early 2020 but was disrupted by the pandemic and delayed until April last year, by which time the parking bays on Church Lane and Northgate had been restricted to permit holders only for 6 months. This loss of on street parking has been a source of great frustration to residents in Bailgate and Chapel Lane and it is regrettable that progress on a scheme to provide them with permit parking has been unavoidably delayed.

There is strong opposition to the proposals from local businesses and the Bailgate Area Guild, and real concern as to the potential impact on custom and a belief that a reduction in footfall could force premises to close and jobs to be lost. Collectively the traders in Bailgate provide both a service hub for the community and part of the tourist offer in uphill Lincoln. A petition comprising 6700 signatures has been submitted in opposition to the scheme.

Discussions took place with the City of Lincoln Council with regard to the utilisation of their car parks as a possible means of mitigating the reduction of available short term on street parking, should the scheme be introduced. This might be the provision of free, short-term parking within the car parks, or schemes whereby a car park charge could be refunded against a shop purchase. There are costs associated with these options however and no commitment was made by the City of Lincoln Council to take these forward.

Conclusion

The proposed scheme to introduce dual use bays in Bailgate has proved very divisive and has had a negative impact on the relationship between residents and businesses. It would, for the first time, give residents the opportunity to park for an unlimited period during the day, close to their properties. However, it would reduce available on street parking for visitors to the area whose custom supports the businesses and local economy.

In recognition of the concerns raised by businesses, the County Council may wish to reconsider the elements of this scheme so that an alternative proposal, as referred to in option 3 of the Recommendations in this report, may be considered.

Consultation

a) Risks and Impact Analysis

See attached Equality Impact Analysis

The statutory consultation for this scheme included: Local Members, Ward Councillors, Lincolnshire Police, Lincolnshire Fire & Rescue, EMAS, City of Lincoln Council, Bailgate Area Guild, Lincoln BIG, Bailgate Methodist Church, RHA, FTA, Stagecoach, PC Coaches, Confederation of Passenger Transport.

Subsequent public advertisement of the proposals was shared with the above consultees and with all residents and businesses within the proposed Zone boundary.

The local Members, Cllr R Parker and Cllr K Lee, are in support of option 3 in the recommendations referred to in this report.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Existing residents parking zones in the uphill area of Lincoln
Appendix B	Detail of proposed permit scheme in Bailgate and Chapel Lane
Appendix C	Equality Impact Analysis

Background Papers

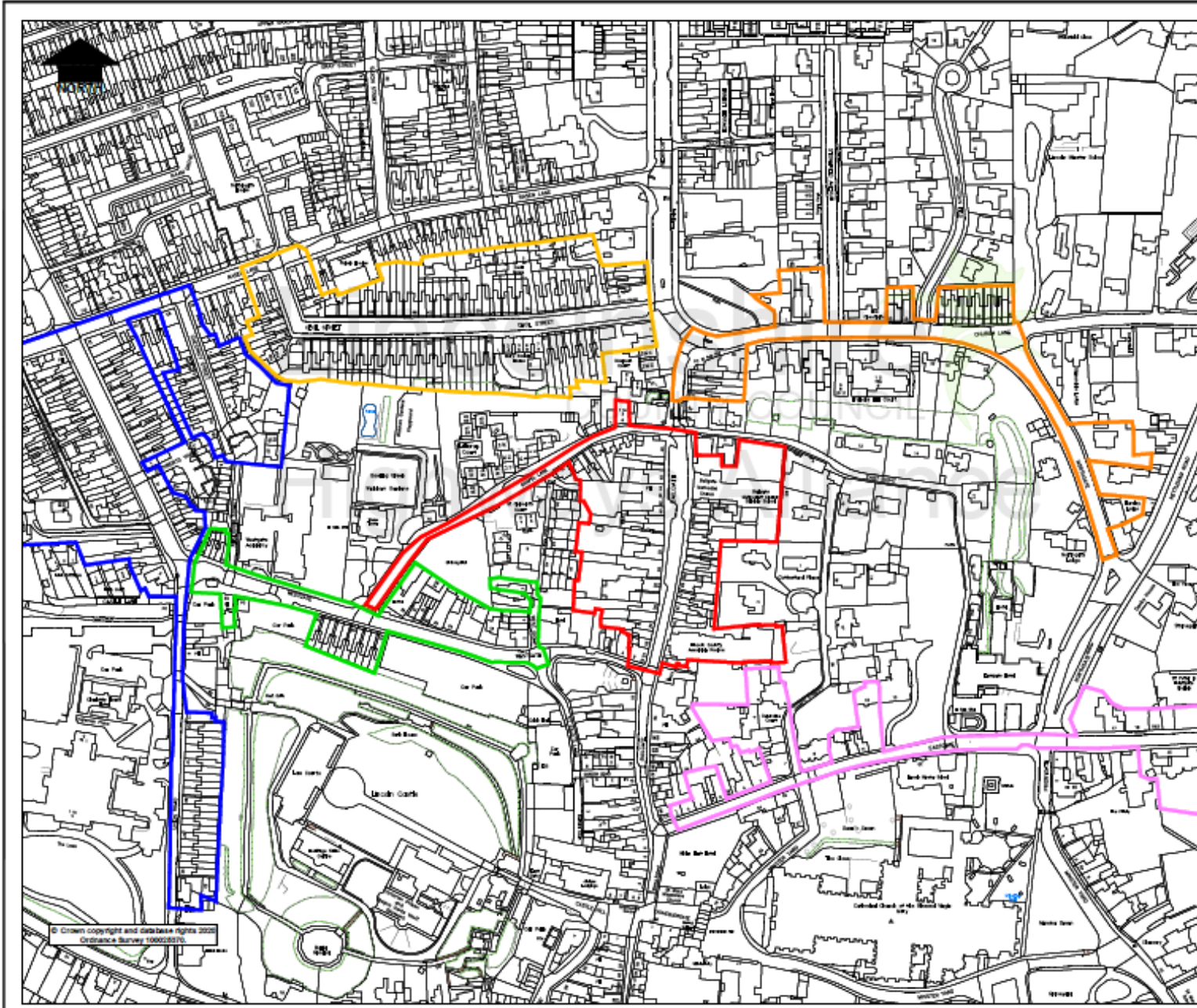
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
LCC Guidance on Residents Parking Schemes; survey results; correspondence received	Available on request


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

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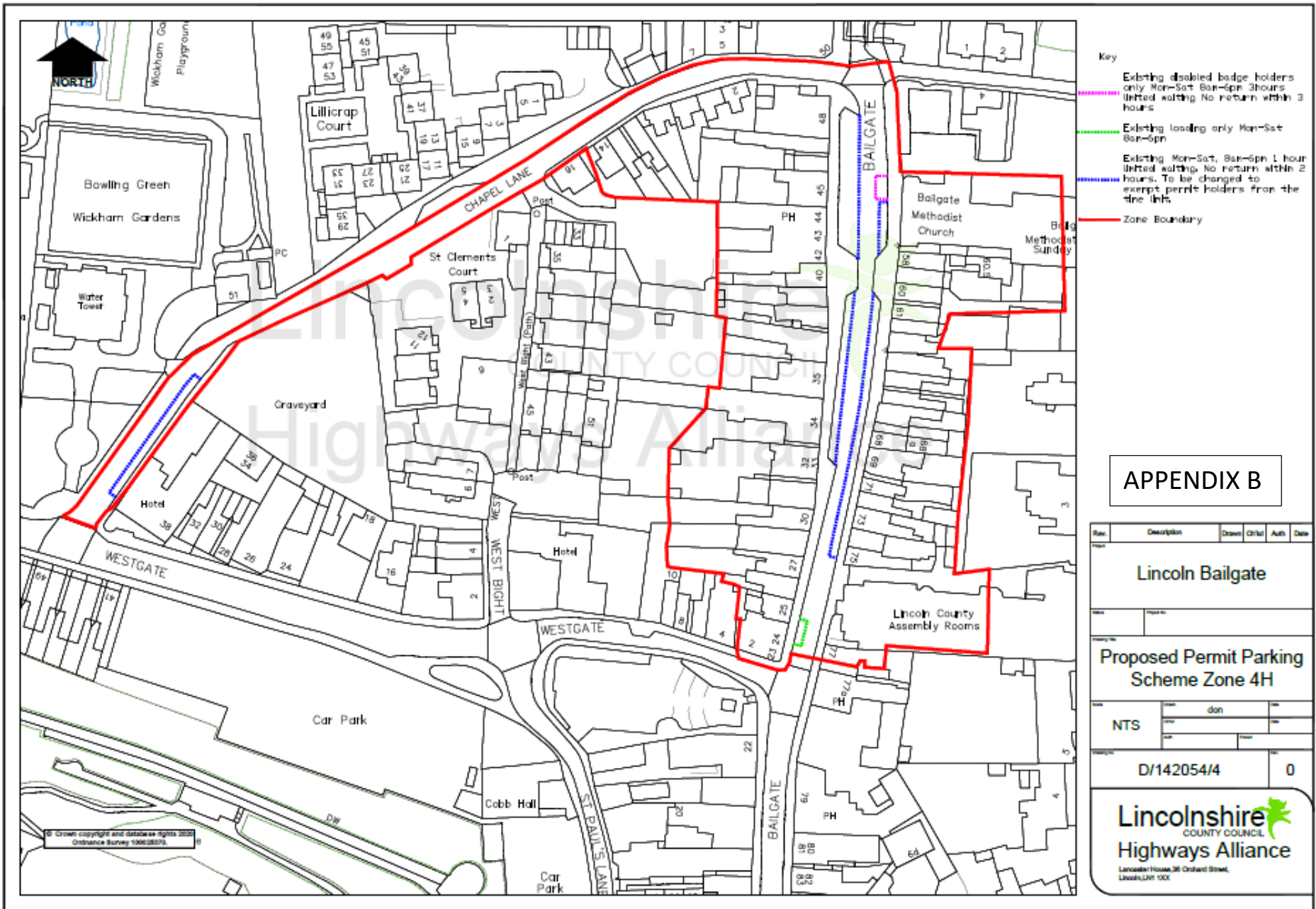
- Zone 4A
- Zone 4B
- Zone 4C
- Zone 4D
- Zone 4G
- Proposed Zone 4H



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Ordnance Survey 100008975

Rev	Description	Drawn	Chkd	Auth	Date
0	Lincoln Bailgate				
RPS Zones in the area					
nts	DCN				Jan 2022
D/142054/08					0
 Lincolnshire COUNTY COUNCIL Highways Alliance <small>Lancaster House, 36 Orchard Street, Lincoln LN1 1XX</small>					

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- Key
- Existing disabled badge holders only Mon-Sat 8am-6pm 3 hours limited waiting No return within 3 hours
 - Existing loading only Mon-Sat 8am-6pm
 - Existing Mon-Sat, 8am-6pm 1 hour limited waiting. No return within 2 hours. To be changed to exempt permit holders from the time limit.
 - Zone Boundary

APPENDIX B

Rev	Description	Drawn	Checked	Auth	Date
01	Lincoln Bailgate				
Proposed Permit Parking Scheme Zone 4H					
NTS		don			
D/142054/4				0	
 Lincolnshire COUNTY COUNCIL Highways Alliance <small>Lincolnshire House, 36 Orchard Street, Lincoln, LN1 1XX</small>					

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Equality Impact Analysis to enable informed decisions

The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

****Please make sure you read the information below so that you understand what is required under the Equality Act 2010****

Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

Decision makers duty under the Act

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

Conducting an Impact Analysis

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

The Lead Officer responsibility

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

Summary of findings

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision-making report and attach this Equality Impact Analysis to the report.

Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

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Proposals for more than one option If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.

Background Information

Title of the policy / project / service being considered	Traffic Regulation Order to change use of existing parking bays in Bailgate and Chapel lane, Lincoln.	Person / people completing analysis	Jeanne Gibson, Programme Leader Minor Works & Traffic
Service Area	Place Highways Asset	Lead Officer	Jeanne Gibson
Who is the decision maker?	Planning and Regulation Committee	How was the Equality Impact Analysis undertaken?	By review
Date of meeting when decision will be made	17/01/2022	Version control	1.0
Is this proposed change to an existing policy/service/project or is it new?	New	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Directly delivered
Describe the proposed change	The traffic regulation order proposes a change to the existing one hour limited waiting bays so that they may accommodate all vehicles for up to one hour and also permit holders for an unlimited period.		

Evidencing the impacts

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

Data to support impacts of proposed changes

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1st April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

Positive impacts

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state 'no positive impact'.

Age	No positive impact
Disability	No positive impact
Gender reassignment	No positive impact
Marriage and civil partnership	No positive impact
Pregnancy and maternity	No positive impact
Race	No positive impact
Religion or belief	No positive impact

Sex	No positive impact
Sexual orientation	No positive impact

If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Adverse/negative impacts

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.

Age	No perceived adverse impact
Disability	Blue badge holders can park for an unlimited period within the existing limited waiting bays, and this will remain the case should the bays be subject to the proposed amendment. Competition for use of the bays is likely however to be higher and this may impact on their availability for blue badge holders. It may be more difficult for those without Blue Badges but with mobility issues to park close to the shops and services in Bailgate as on street parking may not be available as regularly as it is currently. This will be because the turnover of vehicles will be less frequent on account of their occupation by permit holders who may park for an unlimited period via this scheme. No mitigating action identified.
Gender reassignment	No perceived adverse impact
Marriage and civil partnership	No perceived adverse impact

Pregnancy and maternity	No perceived adverse impact
Race	No perceived adverse impact
Religion or belief	No perceived adverse impact
Sex	No perceived adverse impact
Sexual orientation	No perceived adverse impact

If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at engagement@lincolnshire.gov.uk

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

Objective(s) of the EIA consultation/engagement activity

The traffic regulation order required to introduce the scheme has been subject to a statutory process of consultation and public advertisement and the issue of access for the mobility impaired was raised as part of that process, through representations and a petition.

Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic

Age	
Disability	
Gender reassignment	
Marriage and civil partnership	
Pregnancy and maternity	
Race	
Religion or belief	

Sex	
Sexual orientation	
<p>Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way?</p> <p>The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	<p>The public advertisement of these proposals is open to all to submit comments and representations.</p>
<p>Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?</p>	<p>Should the scheme be implemented its effects on access to parking by non permit holders can be monitored.</p>

Further Details

Are you handling personal data?	Yes If yes, please give details. [Comments and representations received from the public may contain personal data.]
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Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.	[Monitoring of the effects of the change to parking arrangements in Bailgate and Chapel Lane]	[Jeanne Gibson]	[12 months from operable date of Order.]

Version	Description	Created/amended by	Date created/amended	Approved by	Date approved
1.0	Lincoln, Bailgate and Chapel lane – proposed residents permit scheme	[J Gibson]	[4/1/22]		

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

Report to:	Planning and Regulation Committee
Date:	14 February 2022
Subject:	County Matter Application - 20/0550/CCC

Summary:

Supplementary Report

At its meeting on 15 February 2021 the Planning and Regulation Committee resolved that it was minded to grant planning permission to DS Developing Limited (Agent: MAZE Planning Solutions) for the demolition of the existing animal by-products processing plant and all associated installations and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe.

The Committee's resolution was subject to the imposition of the recommended planning conditions set out in the Officers Report and the applicant entering into and completing a S106 Planning Obligation to secure a routeing restriction which would formalise and restrict HCVs travelling through Skellingthorpe village and to instead only approach and exit the site via Jerusalem/Black Lane and the B1190.

It is now 12 months since the Planning Committee's original resolution to grant planning permission and despite the terms of the S106 Planning Obligation having been agreed and a final copy of the S106 Planning Obligation sent to the applicant for signing it has not been completed. Additionally, and only in the last few weeks, the applicant has indicated that they no longer wish to sign the terms of the current S106 Planning Obligation as they wish to seek revisions to the proposed hours of operation as prescribed within the proposed conditions previously agreed with the applicant and endorsed by the Planning Committee.

It is your Officer's view that sufficient time has been given to the applicant to discuss and secure the terms of the planning permission. The conditions as proposed to be imposed on the planning permission were agreed with the applicant and have been known about for over 12 months. The terms of the S106 Planning Obligation have also been discussed and agreed but it has not been

possible to issue the planning permission due to the applicant's failure to sign/complete it. The applicant has now indicated they do not intend to sign the current S106 Planning Obligation and so rather than continue to allow this matter to remain unresolved and undetermined for a prolonged period, it is recommended that planning permission now be refused.

Recommendation:

That planning permission be refused.

Background

1. At its meeting on 15 February 2021 the Planning and Regulation Committee resolved that it was minded to grant planning permission to DS Developing Limited (Agent: MAZE Planning Solutions) for the demolition of the existing animal by-products processing plant and all associated installations and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe.
2. In line with the Officers recommendation, the Committee resolved to grant permission subject to the imposition of a number of planning conditions (as set out within the report) and the applicant entering into and completing a S106 Planning Obligation to secure a routeing restriction which would formalise and restrict HCVs travelling through Skellingthorpe village and to instead only approach and exit the site via Jerusalem/Black Lane and the B1190. The recommended planning conditions had previously been discussed and agreed with the applicant and designed to secure mitigation measures, details and/or impose controls/limits that reflected the development as promoted and assessed as part of the planning application.
3. A copy of the Committee report dated 15 February 2021 is attached as Appendix D.
4. It is now 12 months since the Planning Committee's original resolution to grant planning permission. Despite the terms of the S106 Planning Obligation having been agreed and a final copy of the S106 Planning Obligation sent to the applicant for signing it has not been completed. As a result, planning permission for the development has not yet been issued. Additionally, and only in the last few weeks, the applicant has now indicated they no longer wish to sign the terms of the current S106 Planning Obligation as they would like to revise the hours of operation as prescribed within the proposed conditions previously agreed with the applicant and endorsed by the Planning Committee. It is understood the change sought would be to allow the site to

operate 24 hours a day, 7 days a week instead of 6 days a week. Such a revision would constitute a material change to the development as originally proposed, consulted upon and ultimately resolved to be granted planning permission by the Planning Committee.

5. Your Officers have advised the applicant that it is not possible to simply agree such a change without the potential impacts arising from this amendment first being properly assessed, considered and consulted upon and any supporting documents and technical information that supports the application and Environmental Statement being updated. Officers have advised that such a change should/could be more appropriately sought post determination of the current application and issuing of the resultant planning permission via a wholly new, separate Section 73 application that could seek to vary the conditions attached to that permission. Despite this advice the applicant maintains their position and will not sign the S106 Planning Obligation and agree to the planning conditions as currently recommended and endorsed by the Planning Committee.
6. It is your Officer's view that sufficient time has been given to the applicant to discuss and secure the terms of the planning permission. The conditions as proposed to be imposed on the planning permission were agreed with the applicant and have been known about for over 12 months. The S106 Planning Obligation seeks to control the routing of traffic beyond the application site and therefore cannot be addressed through the use of planning conditions. The terms of the S106 Planning Obligation have also been discussed with the applicant over the last 12 months and the terms agreed. The applicant is however no longer willing to sign the Obligation and so the permission cannot be released. Rather than continue to allow this matter to remain unresolved and undetermined for a prolonged period, and therefore to give certainty to the local community about the outcome of this application, it is reasonable and legitimate for the Council to now refuse planning permission for the applicant's failure to complete the S106 Planning Obligation.

RECOMMENDATIONS

It is therefore recommended that:

- A. Planning permission be refused for the following reason:

The principle of the development has been deemed acceptable and in accordance with Policies W3, W4, W8 and DM2 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Plan (CSDMP 2016) and Policies LP3 and general conformity with LP5 of the Central Lincolnshire Local Plan (CLLP 2017). Subject to the imposition of a series of planning conditions that were previously discussed and agreed with the applicant and the completion of a S106 Planning Obligation, the Waste Planning Authority was satisfied that the potential impacts of the development would be capable

being mitigated, minimised and reduced and planning permission granted. However, the applicant has now refused to agree, sign and complete a S106 Planning Obligation to secure the HCV routeing restriction that was proposed, agreed and formed the basis of the original resolution to grant permission and sign up to the planning conditions that have been recommended and deemed necessary and relevant to make the development acceptable in planning terms.

Due to this failure, on balance, the benefits of the proposed development are considered to be outweighed by the potential impacts that could arise on the amenity of local residents due to a failure to be able to control and restrict the routes taken by HCVs accessing and leaving the site. Therefore, planning permission is refused as the proposal would have an unacceptable adverse impact on residents that live close the site as a consequence of traffic and therefore is contrary to Policies DM3 and DM14 of the CSDMP 2016 and Policies LP5, LP13 and LP26 of the CLLP 2017.

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

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

Appendix

These are listed below and attached at the back of the report	
Appendix D	Planning and Regulation Committee Report dated 15 February 2021

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

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

Report to:	Planning and Regulation Committee
Date:	15 February 2021
Subject:	County Matter Application - 20/0550/CCC

Summary:

Planning permission is sought by DS Developing Limited (Agent: MAZE Planning Solutions) for the demolition of the existing animal by-products processing plant and all associated installations and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe.

The application is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Statement submitted in support of the application. The Environmental Statement assesses the potential impacts of the proposed development along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.

This is a very complex proposal and, like the previous application, there are a wide range of issues which need to be carefully considered including the principle of the development, highways, odour, noise, lighting, landscape and visual impacts, the natural environment, the historic environment, flood risk and drainage, design and alternatives.

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. On 29 July 2019 planning permission (ref:18/709/CCC) was refused for the demolition of the existing animal by-products processing plant and all associated installations; and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; residential development to provide three environmentally sustainable eco affordable homes and one manager's house for the processing plant; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe.
2. The application was refused for six reasons which are set out in the decision notice attached in Appendix A of this report. In essence, these reasons can be summarised as follows:
 - 1) Failure to demonstrate a need and justification for the provision of three units of affordable housing as part of the development. The proposed housing was considered to be harmful 'ribbon' development that would extend the linear character of the settlement and, despite their 'eco home' design credentials, no evidence had been provided to demonstrate such housing would be of interest to a registered affordable housing provider. The housing was also considered to be incompatible and unjustified given its close proximity to the waste management site.
 - 2) Failure to demonstrate a need or justification to support the provision of an on-site manager's dwelling as part of the development. No evidence was provided to justify what it is about the operation of the business that generated a requirement for such accommodation and such housing was therefore unjustified in the countryside.
 - 3) Failure to sufficiently demonstrate or evidence that odour impacts associated with the development would be acceptable and fall within the relevant Environment Agency thresholds and parameters. Over-reliance was considered to have been given to the use of 'surrogate' odour data from another of the applicant's premises in Penrith, Cumbria and a failure to properly consider odour impacts on the occupiers of the proposed affordable housing units that formed part of the development.
 - 4) Failure to sufficiently demonstrate or evidence that noise impacts associated with the development would fall within the relevant thresholds and parameters including that associated with HGV vehicle movements during the night-time.
 - 5) Failure to undertake a comprehensive contaminated land assessment of the whole site and therefore an assessment of the risks of contamination

as a result of the redevelopment of the site. Due to the lack of this information, it could not be concluded that the amenities of the proposed residents would not be adversely impacted as a result of contaminated land or that a safe environment could be created.

- 6) Failure to evidence or justify why reasonable alternatives had not been considered in respect to the residential development on the site and therefore failure to show whether reasonable alternative accommodation was available elsewhere in the area.
3. The applicant did not appeal the refusal of planning permission but has instead submitted a revised application with amended proposals that attempt to address the individual reasons for refusal as set out in the refusal notice. This report provides a summary of the proposed revised development and where notable differences or changes have been made to in an attempt to address and resolve the reasons for refusal these are highlighted. However, for the most part, the proposed development remains unaltered from that which was proposed as part of the first application and therefore many elements of this report and the conclusions drawn reflect those which were set out in the original Officers report which was presented to the Planning & Regulation Committee on 29 July 2019.

The Application

4. Planning permission is sought by DS Developing Limited (Agent: MAZE Planning Solutions) for the demolition of the existing animal by-products processing plant and all associated installations and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe.
5. This revised application and the amended proposals are largely unaltered from the previous development which still comprises the same combination (including bulk, scale, mass, footprint and height) of process buildings, plant, equipment and ancillary development, parking, circulation and access arrangements. Additional soft landscaping is proposed in lieu of the four dwellings previously proposed, and consistent with the amended plans submission on the previous application the community hub/open space area no longer forms part of the scheme

Description of the Rendering Process

6. The processing of animal by-products (ABP) is known as rendering. Within the United Kingdom (and the European Union) ABP cannot be sent to landfill and so animal material is rendered. Rendering uses heat and pressure to

sterilise and stabilise the animal material. Sterilisation eliminates the risk of disease and stabilisation prevents further decomposition and enables the material to be stored and reprocessed for other uses.

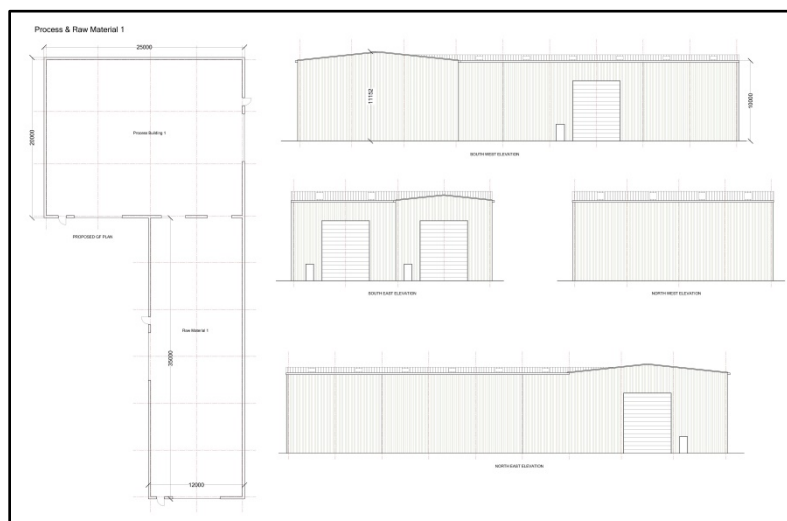
7. The rendering process is formed of a number of stages. Firstly, the raw material is screw augured to crushers to reduce the size of the material. The material is then transferred to the cookers in the relevant buildings. The temperature of the material within the cooker is increased by the use of indirect steam. Moisture is then driven off as vapour which is collected and directed to thermal oxidisers. The remaining material is discharged from the cooker on a continuous basis. This remaining material is known as “greaves” and is a mixture of tallow (fat) and protein (meat and bone meal). The greaves are directed to high pressure extruder presses which separate the tallow from the protein. The tallow is then screened and centrifuged to remove solids prior to its storage and dispatch.
8. The raw material animal by-products used in the rendering process are classified into three distinct categories, based on the risks they pose, as follows:

Category 1 – Highest Risk
<ul style="list-style-type: none"> • carcasses and all body parts of animals suspected of being infected with transmissible spongiform encephalopathy (TSE); • carcasses of wild animals suspected of being infected with a disease that humans or animals could contract; • carcasses of animals used in experiments; carcasses and body parts from zoo and circus animals or pets; • parts of animals that are contaminated due to illegal treatments; • international catering waste; and • specified risk material
Category 2 – High Risk
<ul style="list-style-type: none"> • animals rejected from abattoirs due to having infectious diseases; • carcasses containing residues from authorised treatments; • unhatched poultry that has died in its shell; • carcasses of animals killed for disease control purposes; • carcasses of dead livestock; • manure; and • digestive tract content
Category 3 – Low Risk
<ul style="list-style-type: none"> • carcasses or body parts passed fit for human consumption at a slaughterhouse; • products or food of animal origin originally meant for human consumption but withdrawn for commercial reasons (not because it is unfit to eat); • domestic catering waste; • shells from shellfish with soft tissue; • eggs, egg by-products, hatchery by-products, eggshells;

11. This development is proposed to take place in three distinct phases. Phase One would involve the construction of the proposed new ABP processing facility. Phase Two would involve the decommissioning and demolition of the existing ABP facility and Phase Three covers work to finish off external areas of the new ABP plant and landscape planting of the area of the former ABP plant.
12. The development is proposed to be made up of the following constituent parts:

Raw Material and Processing Building 1

13. The Raw Material and Processing Building 1 is proposed to deal with Category 1 and Category 2 animal by-products. This is proposed to be an “L”- shaped building with a maximum length of 55 metres and a maximum width of 25 metres. It would be effectively divided into two buildings, one being the raw materials building (which would be 35 metres long by 12 metres wide) and one being the processing building (which would be 25 metres long by 20 metres wide). The building would have a maximum ridge height of approximately 11.2 metres and a height to the eaves of 10 metres. The building and its roof would be clad with profile metal sheeting (final colour to be agreed) and would have Perspex roof lights, powder coated metal framed windows and personnel doors, and metal roller shutter vehicle access doors.
14. It is proposed that vehicles would enter and exit the raw materials building via an airlock to manage airflow inside the tipping and processing building. Once emptied, the vehicles would be washed and cleaned prior to leaving the building via the airlock. The wash water would be directed to the effluent treatment process. When the airlocks are not in use, all doors are proposed to remain closed.
15. The processing of the raw material within this building would be as described above.



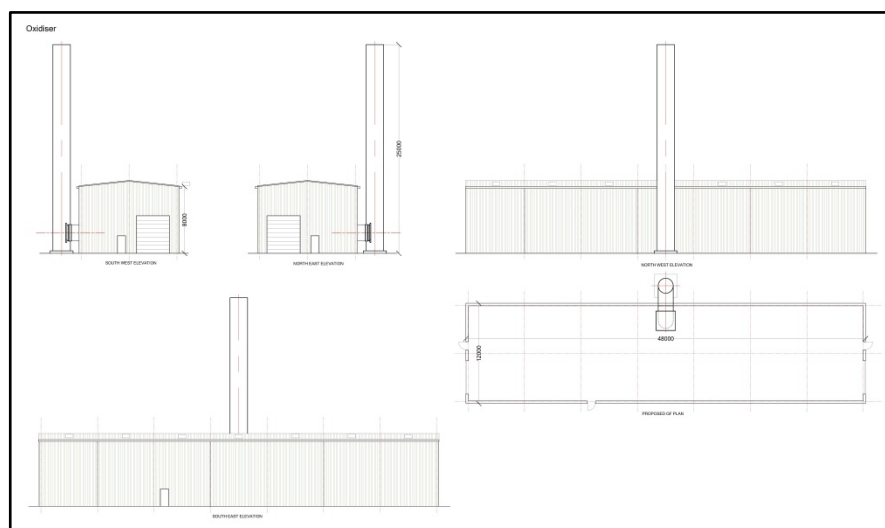
Process and Raw Material Building 1

Raw Material and Processing Building 2

16. The Raw Material and Processing Building 2 is proposed to deal with Category 3 animal by-products. The dimensions, shape and materials used in the construction of this building are the same as those for the Raw Material and Processing Building 1 (as described above). There are, however, differences in the location of vehicle and pedestrian doors between the two buildings.
17. Again, it is proposed that vehicles would enter and exit the raw materials building via an airlock to manage airflow inside the tipping and processing building. Once emptied, the vehicles would be washed and cleaned prior to leaving the building via the airlock. The wash water would be directed to the effluent treatment process. When the airlocks are not in use, all doors are proposed to remain closed.
18. The processing of the raw material within this building would be as above.

Oxidiser Building and Chimney

19. An oxidiser building and chimney is proposed to be located adjacent to the processing buildings (described above). The oxidiser building is proposed to be 48 metres long by 12 metres wide. It is proposed to have a height to the ridge of 8.75 metres and an eaves height of 8 metres. This building would also be clad with profile metal sheeting (final colour to be agreed) and would have Perspex roof lights, powder coated metal framed windows and personnel doors, and metal roller shutter vehicle access doors. Connected to this building would be chimney with a height of 25 metres and a diameter of 2.2 metres.
20. The oxidiser building is proposed to be used to deal with high intensity odours.



Oxidiser Building and Chimney

Engineer's Workshop

21. To the south west of the proposed Oxidiser Building and Chimney an Engineer's Workshop building is proposed. This would be 12 metres long by 12 metres wide and have a height to the ridge of approximately 7.2 metres and an eaves height of 6.5 metres. This building would be constructed and clad using the same external treatments as the other buildings described above.

Boiler House

22. A Boiler House is proposed to be located to the south west of the Engineer's Workshop. This is proposed to be 15 metres long by 10 metres wide. It is proposed to have a ridge height of approximately 7.4 metres and an eaves height of 6.5 metres and would be constructed and clad using the same external treatments to match the other buildings. The boiler would be used to raise steam on the site for use in the processing of the animal by-products. It is proposed to be powered by mains gas through a new connection into the site.

Filter Bed

23. To the south east of the Boiler House a Filter Bed is proposed. This is proposed to be 50 metres long by 20 metres wide and have a height of 1.5 metres. A woodchip medium is proposed to be used in the Filter Bed.

Dissolved Air Flotation (DAF) Plant & Effluent Tank

24. Waste water from the site activities is proposed to initially be directed to a Dissolved Air Flotation (DAF) plant for treatment. This effluent cleansing process would take place in a sealed unit, removing particles before the effluent would be passed on to the main effluent treatment tank. The DAF plant would be a low level fixed plant, sited on a concrete base. The main metal tank of the DAF plant would be approximately 7 metres long by 2.5 metres wide and stand approximately 2.25 metres in height above ground level.
25. An Effluent Tank would be located to the south east of the Filter Bed. This is proposed to be 50 metres long by 25 metres wide and 6 metres high. This would provide a secondary treatment process for the liquid effluent from the DAF plant. It would be a purpose-built concrete tank divided into chambers, which would send the effluent through a series of cleansing processes using activated sludge, membrane filtration and reverse osmosis to produce clean water.
26. It is proposed that the final treated effluent would be clean enough to be safely reused in the plant as wash water and in the plant's steam raising boiler. Any surplus water is proposed to be discharged to a public sewer under a necessary trade consent.

Offices

27. Site offices are proposed to the north east of the Effluent Tank. This building is proposed to be 12.5 metres long by 12.5 metres wide and would have a height to the ridge of approximately 7.3 metres and an eaves height of 6.5 metres. The building would be constructed and clad using the same external treatments as the other buildings and have a large glazed panel on its north-east elevation.

Silo Tanks

28. Seven 15 metre high silo tanks are proposed to be located to the north west of the Offices. These are proposed to be arranged as a line of four tanks and a line of three tanks. Each tank is proposed to have a diameter of 4 metres. The tanks are proposed to be surrounded by a rectangular 1 metre high concrete bund wall.

Weighbridge and Weighbridge Office

29. A Weighbridge and Weighbridge Office are proposed at the entrance to the processing part of the site. The weighbridge office is proposed to be 6 metres long by 3 metres wide and to have a flat roof at a height of 2.5 metres.

Vehicle and Cycle Parking Areas

30. A new 40 space staff car parking area is proposed close to the access to the site. Within this area, secure storage for 10 bicycles is also proposed. Adjacent to this car parking area, a Heavy Goods Vehicle (HGV) parking area is proposed. This would be accessed from within the central area of the site.
31. In the south eastern area of the site, beyond the proposed processing and associated buildings, a trailer parking area is proposed. This is proposed to accommodate 43 trailers.

Pond

32. The existing pond at the south western end of the site is proposed to be retained.

Access

33. The existing access to the site is proposed to be retained and upgraded. The improved access would provide better visibility and increased carriageway width to allow two HGVs to pass side by side as they enter and leave the site. New footways connecting the site to the existing footway on Jerusalem Road would also be provided. These footways would then run through the site providing access to the ABP plant. The footway on the south side of the access would also link to the public footpath heading south around the site. A full specification of the proposed upgrading of the access has however not

been provided at this stage and so would need to be secured by way of a condition.

Landscaping

34. An indicative landscaping scheme has been submitted. This makes provision for the retention of trees and ground flora around the site, together with planting of trees, shrubs, hedges, wildflower meadow and amenity grassland. Much of this new planting is proposed to be located along the south east and south west boundaries of the site and in an area towards the east of the site which was previously proposed to accommodate the affordable housing (no longer part of this revised scheme). A Habitat and Landscape Management and Maintenance Plan has also been provided.



Landscape Strategy Plan

Existing Ponds

35. In the north western part of the site, there are two existing ponds which will be retained as part of the development. A woodland path and cycle path are still proposed around this pond, linking to the existing public right of way which runs adjacent to the site boundary to the north east.

Demolition

36. The site is currently host to an existing animal by-products processing plant. It is proposed to decommission and demolish the existing plan in Phase Two of this development, once the proposed new plant has been constructed and is operational.

Environmental Statement

37. The application is accompanied by an Environmental Statement (ES) which assesses the potential impacts of the development together with the mitigation measures proposed to avoid, reduce and if possible remedy any significant adverse impacts. The ES has been updated following the refusal of the previous application and contains new and additional information that aims to address and resolve the matters that were cited in the reasons for refusal previously. However, as many aspects of the development remain unchanged, so too does much of the content of the ES and so this has been carried over and forms part of this revised ES.

The ES has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') and during the consideration of the application Further Information was requested in accordance with the provisions of Regulation 25 of the EIA Regulations. This Further Information was submitted by the applicant (received 21 August 2020) as well as an additional background noise monitoring assessment (received 14 December 2020) both of which supplement the information and data contained within the ES. The ES (including its appendices) and subsequent Further Information and supplemental noise assessment information meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations').

A summary and outline of the ES, its main findings (as amended by the Further Information and supplemental noise assessment data) is set out below:

Chapter 1: Introduction gives a brief overview of the background which led to this revised application; confirms that the applicant is the landowner of the application site; that the existing ABP is operated by a tenant business (A Hughes & Sons Ltd – owned by Lincoln Proteins) and; gives a description of the study area and structure of the ES along with details of the technical specialists companies involved in the production of the ES.

Chapter 2: Project Description and Consideration of Alternatives explains that the proposed development is to construct a new ABP plant alongside the existing Skellingthorpe operation, commission the plant and switch processing over from the existing plant, which will then be decommissioned and demolished. The site would employ approximately 75 staff, on a two twelve-hour shift basis meaning there would be a maximum of 38 staff on site at any one time. The plant is proposed to be operational 24 hours per day, six days per week, with day seven allocated for weekly cleansing and maintenance

The new ABP plant will deal with the same volume and type of ABP as the existing plant, which takes in Category 1, 2 and 3 ABP raw materials. Category 1 and 2 materials are classified by the Department for Environment Food & Rural Affairs (Defra) as being 'high risk' material and would be

processed in Process Building 1. Category 3 material is fresh, unspoiled material, which is a primary ingredient in farm animal feeds and pet food and would be dealt with in Process Building 2. Services to the site would be upgraded to provide mains gas and the existing site access junction would be improved and dedicated footways installed for safer pedestrian routes into the site.

This chapter describes the constituent elements of the proposed development and how materials would be handled and processed by the plant. The main processes covered include the delivery, receipt and storage of raw materials, processing and separation of finished products and final product storage. The main emissions include those from a bio filter and a recuperative thermal oxidiser (used for steam raising and odour abatement) and a stack for the steam raising boiler. Condensate, wash water, water from bunds and bio filter and yard water run-off would all be treated in the on-site effluent treatment plant running an activated sludge process and reverse osmosis to produce water of a quality that can be reused in the plants steam raising boilers and as wash water, or discharged to sewer. Clean and uncontaminated roof water would be collected separately for reuse or discharge via an agreed method.

In relation to the consideration of alternatives, it is stated that the rationale for the proposed development has arisen due to the tenant operator's decision to apply for planning permission to relocate and the landowner and applicant seeking to retain the business operations on the existing site. The proposed scheme will therefore be rebuilt on the same site, where there is an established use and economic viability for an ABP plant. A range of embedded environmental enhancement and mitigation measures have been incorporated into the scheme to ensure the overall effects will be no greater or less than those associated with the existing site activities. In particular, the proposed development includes provision of mains gas supply to the site which will replace fuel oils, tallow and tallow derivatives which are used in the existing facility, thereby reducing emissions to atmosphere. Aspects such as the site access, infrastructure visibility, land use and drainage are already established, and the potential environmental impacts at an alternative greenfield site would be more significant and therefore alternative sites have not been considered in this ES.

Chapter 3: Approach to the EIA sets out the approach adopted for undertaking the environmental impact assessment and gives details of the policies, legislation, guidance and advice taken into account. This chapter also summarises the scoping process undertaken to establish the scope of the EIA; explains how baseline environmental information was gathered; gives details of the assessment significance criteria used throughout the ES to assess the proposals and confirms that the ES has been prepared by competent experts.

Chapter 4: Legislation and Policy sets out the legal and national and local planning policy context for the assessment of the proposed development. This chapter should be read in parallel with the Planning Statement that supports the application and gives comprehensive review of planning policy.

Chapters 5 to 15 are the assessment chapters and cover the physical, biological and human receptors that have the potential to be impacted by, or impact upon, the proposed development. Each chapter contains a summary of the main findings, along with any proposed mitigation, to address any impacts identified and are supported by technical reports that have been prepared by experts/specialist advisors. A summary of each of these chapters is as follows:

Chapter 5: Land Quality describes the existing land quality setting and details the assessment of the potential impacts during the construction, operational and decommissioning phases of the proposed development. The assessment is informed by two Phase 1 desktop studies which provide information on historical land use and likely ground conditions. The assessments have been expanded to address the whole of the application site and therefore to directly address the deficiencies identified in the previous application which resulted in one of the reasons for refusal.

The assessment identifies three main phases when potential contamination could occur as a result of the proposed development. These are during the construction and operational phases and during the decommissioning and demolition of the existing ABP plant. The report identifies the potential sources of contamination during each of these phases which can be broadly summarised as follows:

- potentially contaminated made ground and shallow natural soils;
- potentially contaminated groundwater;
- potential ground gases and vapours; and
- asbestos containing materials within the fabric of the old buildings associated with the existing ABP plant which are to be demolished.

The potential receptors and pathways for contamination are then identified and these include the construction and site operatives/workers associated with the development, the underlying ground and surface water, ponds and ecological receptors in the vicinity of the site and study area. Without mitigation these have the potential to lead to impacts on human health, soils, controlled waters and aquatic ecosystems.

The main mitigation measure identified to prevent negative effects on the identified receptors during all phases of the development is to ensure good practice measures and site management techniques are adopted and implemented throughout the development. During the operational phase, these include the adoption of good site practices to ensure materials are appropriately transported, transferred and stored along with proper containment and management of surface waters. Odour and air emissions would be managed through the biofilter and thermal oxidation plant that form part of the development. During construction, demolition and future decommissioning, mitigation measures include controls such as plant and wheelwashing and water run-off interception devices. Due to the live and operational nature of the existing ABP plant (and presence and use of the

existing buildings, structures and roadways etc) the ES recognises that it is not possible to carry out more detailed or intrusive ground surveys at this time. Therefore a commitment is given to undertake a detailed ground and site investigation survey as a conditional requirement on any permission granted to ensure any potential impacts and the actual nature, extent and magnitude of any significant impacts can be identified and mitigation measures secured to address these. The ES states this is a commonplace approach for brownfield developments such as this.

It is concluded that, following the implementation of mitigation as identified all of the construction, operational and decommissioning impacts are considered likely to be negligible. Therefore, the identified receptors would not be expected to be exposed to significant impacts from other areas of the site and/other local development sites, which will be constructed and operated in accordance with planning laws and current good practice. Therefore, cumulative impacts are not considered to be significant.

Chapter 6: Hydrology, Drainage and Water Directive Framework

considers the potential impacts of the development on hydrology which includes consideration of the site drainage strategy, potential site flood risk and compliance with the requirements of the Water Framework Directive (WFD).

In terms of flood risk, the site is located within Flood Zone 1 meaning it is in an area that is at very low risk of flooding with less than 0.1% annual probability of flooding from rivers or the sea. The assessment states that there are several land drains within the study area and adjacent to the north-eastern, north-western and south-western boundaries. These drains connect to the wider drainage network and generally flow north towards the Catchwater Drain (approx. 610m north of the site). There are also four ponds in the northern and south-western extents of the site. No detailed flood level data is available for the unnamed land drains however having reviewed Environment Agency mapping and topography records the risk of flooding from the ponds, surface water and watercourses is considered to be very low. The development itself is considered to constitute a 'less vulnerable' form of development as categorised by the National Planning Policy Guidance and is an appropriate form of development in Flood Zone 1. The proposed development therefore passes the Sequential Test and the Exception Test does not need to be applied.

The construction and operational activities associated with the proposed development have a potential to impact the water quality in local watercourses and geological aquifers, from surface water runoff, and chemical and fuel spillages. During the construction phase, simple measures can be taken to prevent any such impacts such as ensuring the appropriate storage of materials, oils and fuels, maintaining suitable stand-offs from nearby watercourses and cleaning of haul roads etc. Details of these specific measures could form part of a Construction Environmental Management Plan (CEMP) and be secured by way of condition.

During the operational phases, where soakaways are not feasible, surface water run-off from clean areas will be discharged to the unnamed land drain located along the western boundary at a rate of 8.9 l/s. An attenuation tank with a volume of 3,054m³ capacity will be required to achieve this required discharge rate which would be in the form of a below ground attenuation tank. A separate 'dirty water' system will be adopted for the yard area surrounding the process and raw material buildings. The yard area will be bunded and run-off directed to a Dissolved Air Flotation (DAF) wastewater treatment plant. Effluent from the DAF plant will be re-used in the process with any surplus being discharged into the public foul sewer system via the existing connection. If this cannot be achieved a new connection would be agreed with Anglian Water. Foul flows from site offices will also be discharged to the Anglian Water public foul sewer.

Condensate, wash water, water from bunds and bio filter and yard water runoff would be treated on-site by an effluent treatment plant which would run an activated sludge process and reverse osmosis to produce water of a quality that can be reused in the plant's steam raising boilers and as wash water, or discharged to sewer.

It is concluded that the development should not increase flood risk elsewhere and, with the mitigation measures incorporated into the development, the effects on surface water drainage, foul water drainage and groundwater are not considered to be significant and any off-site effects would have a only minor or negligible effect elsewhere.

Chapter 7: Terrestrial Ecology describes the existing environment in relation to terrestrial ecology and details the assessment of the potential impacts during the construction, operational and decommissioning phases of the proposed development.

The ES supporting this application draws upon the same ecological information that was used to establish the baseline and identify appropriate mitigation for the previous application. This includes the results of a Phase 1 habitat field survey undertaken in December 2017 and further ecological surveys for protected/notable species that were undertaken in 2018. There have been no notable changes to the proposal site since the last application however the ES recognises that the validity of the 2017 preliminary Phase 1 survey and some of the 2018 protected and notable species surveys (i.e. bat and water voles) have now technically expired as they only have a limited lifespan. The validity and results of the botanical, great crested newt and reptile surveys however remain valid and so a conservative approach has been adopted whereby any impacts have either been assessed based on the existing 2017/2018 data or, where more recent data is not available, have been determined in the absence of such information but with 'worst case scenarios' and professional judgement used to determine the ecological impacts arising from the proposed development. This limitation is therefore recognised and the ES states that should the assessment highlight the need for additional actions / mitigation to be implemented then these could be

secured by way of specific planning conditions on any planning permission granted.

In terms of designated sites, there are a total of four statutory designated sites and 58 non-statutory sites within 5km of the site. These include Doddington Clay Woods Site of Special Scientific Interest (SSSI), Swanholme Lakes SSSI and Local Nature Reserve and Whisby Nature Park Local Nature Reserve. The non-statutory sites include 40 Local Wildlife Sites (LWS), 16 Sites of Nature Conservation Importance (SNCI) and two Lincolnshire Wildlife Trust Reserves. Within 1km of the site are Ash Lound and Brick Kiln Holt LWS, which lies immediately adjacent to the west of the site; Skellingthorpe Big Wood South-East SNCI; Bird's Holt SNCI; Skellingthorpe Big Wood Mill House Wood; Skellingthorpe Big Wood Old Wood; and Doddington Clay Woods SSSI is located 0.94km west of the site.

The area over which a development may impact ecologically valuable receptors is known as the Zone of Influence (Zoi) and like the previous application this Zoi has been taken to include the entirety of the site application site, the adjacent Ash Lound and Brick Kiln Holt LWS, two ponds located 260m south of the site and the Doddington Clay Woods SSSI. There is no direct ecological connection between the proposal site and the SSSI (although there does appear to be an indirect connection via existing drainage channels - approx. 1.22km of ditch connecting the two sites). There does not appear to be any ecological connection between the proposal site and any other designated sites.

Like the previous application, the ES unsurprisingly shows that the site supports a variety of habitats and has potential to support a number of protected and notable species. Where direct or potential impacts have been identified a range of different mitigation measures have been embedded and/or are recommended to minimise, reduce or off-set such impact. Examples of such measures include:

- Vegetation clearance works and building demolition to be timed to avoid seasons when breeding birds and roosting bats may be present. In the event roosting bats are found in buildings to be demolished then appropriate licences will be obtained and bat boxes provided;
- Reptile proof fencing installed around areas of suitable habitat that is to be lost with any captured individuals being translocated to an ecological receptor area created with the proposal site;
- Implementation of industry best practice measures during construction to minimise light spill, dust emissions and risk of pollution from spillages during construction phase;
- Creation of an ecological area including areas of grassland, waterbodies and new trees to off-set that lost as a result of the development. This area would provide suitable habitat for foraging bats, water voles and the inclusion of hibernacula log piles would further increase sheltering and habitats for reptiles;
- Ensuring only clean, uncontaminated roof water is discharged to nearby watercourses/ditches.

This chapter concludes that a number of ecological receptors will experience residual adverse impacts during the construction phase as the compensatory habitats and new planting proposed as part of the development would take some time to establish. As these mature most residual impacts from the construction phase will be negated and offset however the loss of existing plant assemblage from within the existing site would not be completely off-set and so there would remain some minor adverse impacts at the operational phase. Overall however the proposed development will not give rise to significant effects on terrestrial ecology.

Chapter 8: Traffic and Transport describes the existing environment in relation to traffic and transport, and details the assessment of the potential impacts during the construction, operational and decommissioning phases of the proposed development.

Given the existing operations on site, the study area was limited to the existing site access and consideration of HGV routeing, including the routeing of HGVs to and from the A46 and the A46 junctions of the B1190 Lincoln Road / B1190 Doddington Road and Lincoln Road / B1378 Skellingthorpe Road. Existing traffic flows at the site were determined from a 24 hour manual turning and automatic traffic counters. A morning peak period was also observed.

During the construction phase, it is acknowledged that there would be additional vehicle movements to and from the site whilst the existing facility is still operational. Similarly during the decommissioning phase, there would be additional vehicle movements associated with these works when the new ABP plant is operational. It is envisaged that the development would take around 58 weeks to complete and the construction/demolition works would be carried out during weekdays only. The project would be delivered in three phases these being: Phase 1 (Construction of the new plant) Phase 2 (Demolition of the existing plant) and Phase 3 (Finishing off of external works). There would be some overlap between each phase and the traffic movements associated with each phase would vary in both number and duration. The predicted number of movements for each phase are summarised as follows:

Phase 1: Between 8 and 20 two-way HGV movements per day for 28 weeks;

Phase 2: Between 35 and 50 two-way movements per day for 29 weeks;

Phase 3: Between 50 to 55 two-way movements per day for 1 week.

Traffic would all travel to and from the south west, with no construction traffic passing through Skellingthorpe village to the north.

During the operational phase, the new ABP plant would have the capacity to handle the same tonnage of animal by-product as the existing facility and would operate on the same 24 hour basis, six days a week. The Transport Statement identifies that the maximum weekly throughput of the proposed ABP plant would be 5,760 tonnes of material. The 547 two-way HGV movements generated over the course of a 7 day week equates to a weekly

throughout of 6,564 tonnes however it is unlikely that all HGVs visiting the site will be carrying raw material and those which are will not all carry a full 24 tonne payload. As such, the stated HGV figures and the assessment of transport movements, links and junction capacity, represent a conservative case.

In relation to highway safety, the revised ES has been updated to take into account the most recent accident data for a five year period to 31 December 2019. These show no record of accidents at the existing site access and no record of accidents on the length of Jerusalem Road, Jerusalem and Black Lane linked to HGV movements associated with the existing rendering plant. It is stated that there have been a number of accidents recorded at the bend where Jerusalem and Black Lane meet and at the B1190 Lincoln Road / Black Lane junction, however, it is concluded that given there will be minimal changes to traffic flow associated with the proposed development, this will not materially impact on this accident frequency.

In terms of sustainable transport options, the ES states that there is an opportunity for the site to be accessed by pedestrians and cyclists and that the sites position is such it is well connected to the local bus network (albeit services are limited). As part of the proposed development it is proposed to improve the existing site access from Jerusalem Road, including the widening of the access and the provision of 2 metre wide footways to both sides of the access to link in with the existing footway on the west side of Jerusalem Road. An HGV routeing agreement is also proposed to be implemented, formalising existing practices and ensuring all HGV traffic accessing the site travels to and from the south west.

Overall it is concluded that with the improved site access and routeing agreement in place, the minor increases in traffic movements would have a negligible impact on the local highway network and the Strategic Road Network and that potential impacts on severance, pedestrian delay, amenity, accidents and safety would also be negligible. As a result there are no traffic or transportation grounds on which to refuse this application.

Chapter 9: Air Quality and Odour describes the existing environment in relation to air quality and odour, including impacts during the construction, operational and decommissioning phases of the proposed development. The chapter is also supplemented by the Further Information (received 21 August 2020) that was submitted in support of the application.

Like the previous application, the air quality and odour assessments contained within the ES supporting this application use a study area of within 10km of the application site. The assessments utilise data from the Leo Group's (part of the applicant company) plant in Penrith, Lancashire as it is proposed to use the same specification and technology in the new ABP plant at this site. The proposed ABP plant will however a lower annual throughput to that of the plant at Penrith and therefore the odour emission rates used in the assessment are considered to be conservative.

In relation to air quality, the emissions from the proposed thermal oxidiser and boiler were included in the assessment. In relation to odour, the emissions from the proposed thermal oxidiser and biofilter were included in the assessment. It is stated that all other potential emission sources, including waste and surface water effluent treatment and fugitive emissions are expected to be minimised and controlled by the use of containment and extraction to the on-site odour control units.

The assessed scenario utilised background concentrations of air pollutants and as such did not include a correction to reflect the contribution of emissions from the existing Lincoln Proteins plant which is to be decommissioned. The assessment therefore predicts the impact of the proposed development in isolation rather than the net change of pollutant concentrations at human and ecological receptors. The assessment therefore provides the predicted development contribution over an existing background which includes emissions from the existing site operations, and so is conservative in its approach.

During construction works, it is identified that the development has the potential to impact on local air quality at sensitive receptors as a result of the following:

- dust emissions generated by demolition, excavation, construction and earthwork activities;
- emissions of exhaust pollutants from construction traffic on the local road network, especially Nitrogen Dioxide (NO₂), PM₁₀ and PM_{2.5}; and
- emissions of NO₂, PM₁₀ and PM_{2.5} from non-road mobile machinery operating within the site.

In respect of dust emissions, the dust assessment determined that there was a medium risk of impacts from construction activities and a Dust Management Plan is recommended which would contain a wide ranging set of mitigation measures.

The impacts associated with construction and operational phase traffic emissions were screened using criteria in industry guidance to consider whether a detailed air quality assessment was required. The vehicle movements predicted were below the screening criteria and therefore exhaust emission impacts were considered to be not significant.

In respect of the potential impact on NO₂, Sulphur Dioxide, Carbon Monoxide, PM₁₀ and PM_{2.5} concentrations, the ES concludes that the impact on all human and ecological receptors would be not significant.

In relation to odour, the ES has been updated to take into account changes that have been made to the proposed development (e.g. removal of the housing element) and information provided to address the issues that were identified and which led to the reasons for refusal cited in relation to the previous application. This includes the application of the 'most offensive' criteria for the purposes of the odour dispersion modelling and more

information and consideration of how other factors such as the age of the materials, the physical conditions during their storage and transport (primarily temperature related) and the proportion of liquid to solid material can impact upon the odour concentration of the feedstock materials and how this would be managed/controlled. Additional sensitivity modelling of the biofilter operation has also been carried out to assess whether a $\pm 10\%$ change in the capacity of the biofilter would lead to a change in odour concentration levels experienced at the nearest sensitive receptors to the site.

The assessment and Further Information conclude that none of the off-site modelled receptors are predicted to experience odour concentrations above the 1.5 OUE/m³ threshold for 'most offensive' odours (a maximum of 1.1 OUE/m³ was predicted). These findings indicate that a conservative assessment has been undertaken and that a 'margin of safety' is present in the odour emission rates used for the dominant source of odour impacts.

Overall this chapter of the ES concludes that construction and operational phase air quality and odour impacts would not be significant at both existing human and ecological receptors. During operation, the odour impacts of the development would not be significant and the separation distance between the ABP plant and those existing properties would be increased. All air emissions and odour will be subject to controls required by the facility's operational Environmental Permit and the new plant design and management systems will need to be compliant with the key principle of 'Best Available Techniques', meaning an improvement over the existing site operations.

Chapter 10: Noise and Vibration describes the existing environment in relation to noise and vibration and details the assessment of the potential impacts during the construction, operational and decommissioning phases of the proposed development. The chapter is also supplemented by the Further Information (received 21 August 2020) and additional background noise monitoring assessment (received 14 December 2020).

The study area for assessing the impact of noise from construction and operational activities is limited to the closest receptors to the proposed development. The removal of the previously proposed community centre and residential dwellings from the current scheme has therefore reduced the number of sensitive receptors in close proximity to the proposed plant and in particular their potential susceptibility to HGV noise along the access road. The identified receptors considered are therefore now limited to the existing residential dwellings along Jerusalem Road with the nearest dwellings to the existing plant being The Cottage (sited on the bend in Jerusalem Road) and the farmhouse at 112 Jerusalem Road. Both of these properties are approximately 120m from the closest industrial building.

In addition to the noise data that was contained within the previous ES (undertaken in April and December 2017), additional background noise monitoring has been carried out in support of this revised proposal (undertaken in February and December 2020). The monitoring locations chosen are considered to be representative of the existing receptors most

likely to be influenced by existing and potential proposed noise sources arising from the development. The additional background noise monitoring undertaken in December 2020 was carried out at an agreed location away from the existing site as it was deemed representative of the noise environment experienced at all noise sensitive receptors in the absence of the existing ABP plant operations. This additional data therefore enables an assessment to be made as to the actual increase in any noise arising as a result of the new ABP in isolation.

During the construction phase, the assessment concludes that any increase in noise levels experienced at existing sensitive receptors as a result of earthworks and construction activities would be negligible. Similarly the levels of vibration during the construction phase would be below a level considered to result in annoyance or structural damage given that piling is not likely to be required and the separation distance between the site and sensitive receptors. In terms of noise from construction traffic, the change in noise level experienced when compared with normal and existing daily traffic is expected to be less than 3dB higher and so would also be of negligible significance. The ES recommends that good practice techniques be implemented to ensure any impacts are reduced and these could form part of a Construction Environmental Management Plan (CEMP) and Demolition Management Plan.

In relation to operational noise, the ES has been updated and additional noise monitoring undertaken to address the issues that were identified and led to the reasons for refusal cited in relation to the previous application. Like the previous application, the ES states that the main sources of noise from the proposed new ABP plant would be the oxidiser building and flue, together with the air cooled condensers for the odour abatement back up system. The proposed new ABP plant will be located within new purpose-designed buildings and following construction the closest industrial building on the site would be further away from both The Cottage and No.112 than the current plant (some 297m and 287m respectively). Based on the information and assessments carried out as part of this revised proposal, it is concluded that the noise experienced as a result of the new ABP plant at the nearest noise sensitive receptors during the daytime would be less than 3dB above the background sound level in the absence of existing ABP plant (as it would be have been demolished). During the night-time, and in the absence of any HGV deliveries taking place over this period, the level of noise is also predicted to be less than 3dB above the background sound level. As a result the development would have a negligible impact on the nearest sensitive receptors. Although unlikely, in the event that HGV deliveries were to be carried out during the night-time period, the assessment predicts that the level of noise would be greater than 5dB above the background sound level however, when considering the context of the area and the predicted absolute noise level, it is concluded that this would still represent a negligible impact as the predicted noise levels are less than 40dB.

Overall it is therefore concluded that, at worst, there would be a negligible impact at all noise sensitive receptors during the operational phase of the proposed development.

Chapter 11: Archaeology and Heritage describes the existing environment in relation to archaeology and heritage and details the assessment of the potential impacts arising from the proposed development. The ES supporting this application draws upon the same information that was used to establish the baseline and identify appropriate mitigation for the previous application.

The study area for assessing the potential impacts of the proposed development on designated and non-designated heritage assets includes both the application site and a 2km buffer which encapsulates the villages of Doddington and Skellingthorpe. A desk based assessment was undertaken to establish the nature and extent of known and potential archaeological and heritage assets, supported by a site visit. The assessment was divided into four zones: the application site; a zone between the application site and a 500 metre buffer; a zone between the 500 metre buffer and a 1km buffer; and a zone between the 1km and a 2km buffer.

There are no designated heritage assets within the application site, the 500 metre zone nor the 1km buffer zone. There are 23 Listed Buildings within the 1km to 2km zone with 13 of these being within Doddington and 10 in Skellingthorpe. Of these 20 of the Listed Buildings are Grade II. The Church of St Peter and Doddington Hall are located in Doddington and are Grade I listed and the walls and gates and gatehouse of Doddington Hall are Grade II* Listed Buildings. The grounds of Doddington Hall are a Grade II* Registered Park and Garden. Doddington is also designated as a Conservation Area.

Direct and in-direct impacts arising from the development are identified as being disturbance, damage or loss to any sub-surface archaeology as a result of intrusive construction or groundworks as well as potential changes to the historical landscape character or visual impact upon designated heritage assets due to the siting and massing of the new ABP plant.

In relation to sub-surface archaeology, the application site appears to have been subject to extensive previous disturbance and so the potential for archaeology to be present within the application site is assessed as being low. However, there are areas of the site that have not been subject to previous disturbance and so the ES recommends that an intermittent watching brief be implemented during targeted ground works to ensure that any buried archaeological remains which may be encountered are excavated and recorded prior to removal (i.e. preservation by record). With the application of such mitigation the potential impact to buried archaeology is considered to be negligible.

In relation to impacts on designated heritage assets, measures are embedded into the scheme to reduce any impacts from both the construction and operational phases. These include ensuring the height of built elements of the of a ABP plant are the lowest they can be without compromising

functionality or that would lead to breaches in required environmental limits; positioning elements of the ABP plant within the site to maintain separation from nearby sensitive features; the planting of additional trees to supplement already extensive woodland that surrounds the site; use of muted colours for the buildings to minimise visual impacts, and; use of the biofilter, thermal oxidisers and insulation within the building to minimise on odour or noise levels that may be experienced at the heritage assets. During the construction and decommissioning phases, minor adverse impacts are identified upon the settings of Jerusalem Farm (a non-designated asset), Ash Lound Wood (Ancient Woodland) and the Doddington Conservation Area as result of increased traffic movements. However, once constructed, the mitigation embedded proposed development would result in a potential minor beneficial impact upon the settings of these three assets in comparison to their current setting. No impacts upon the setting of designated assets within Skellingthorpe are identified nor Doddington Hall and its associated buildings or gardens. Overall the assessment of potential impacts to archaeology and heritage concludes that there are no significant impacts to heritage assets, or their settings, from the proposed development.

Chapter 12: Landscape and Visual Impact describes the existing environment in relation to landscape and visual impacts and details the assessment of the potential impacts during the construction, operational and decommissioning phases of the proposed development. The ES supporting this application draws upon the same information that was used to establish the baseline and identify appropriate mitigation for the previous application.

The study area used in the assessment was set at 3 km from the centre of the proposed development site. This area seeks to ensure coverage of potential effects on those receptors in close proximity, including residential properties to the east along Jerusalem Road, and also those receptors at further distances, including the Grade I listed Doddington Hall building and Doddington Hall Registered Park and Garden nearby Public Rights of Way. This study area also accounts for the taller elements of the development which are potentially visible at greater distances, including chimney flues, which reach a maximum height of 25m AOD.

The ES states that the proposed development has been specifically designed to avoid or minimise the occurrence of likely significant adverse environmental impacts. The built elements of the proposed ABP plant have been designed to ensure that all elements are at the lowest height whilst not comprising functionality or breaching accepted environmental limits. The siting of elements of the proposed ABP plant have also been considered to maintain a separation between the facility and the Ancient Woodland and Local Wildlife Site at Ash Lound and Brick Kiln Holt and to take full advantage of screening provided by existing vegetation within the site and along its boundaries. A colour palette based around a series of muted 'grey greens' is also proposed to reduce any visual impact from the new buildings and additional landscape planting is proposed within the site.

At a national and regional level it is anticipated that there would be minimal landscape impacts during the construction phase, however, a greater impact on local landscape character is expected. The magnitude of impact is considered to be low, resulting in an overall impact of minor adverse. At construction phase there are expected to be minor adverse landscape character impacts on Ash Lound and Brick Kiln Holt LWS but no impacts on Doddington Hall or Doddington Conservation Area due to their distance and the screening by intervening vegetation. A minor adverse visual impact is expected at the construction phase, with one viewpoint (Footpath LL/Skel/2/1) experiencing a moderate adverse visual impact. However, it is not considered necessary to implement any landscape or visual mitigation measures at the construction stage.

During the operational phase of the development minor beneficial landscape impacts are expected in terms of landscape character, whereas minor adverse impacts are expected at Ash Lound and Brick Kiln Holt LWS. Due to the lack of intervisibility between Doddington Hall and Doddington Conservation Area and the site, owing to screening by intervening vegetation, it is considered that there would be no landscape effect on these heritage designations. There are considered to be minor to moderate beneficial visual impacts as a result of the proposed development.

Finally, at decommissioning phase, it is expected that there would be minor adverse landscape character impacts but no effect in relation to landscape and heritage designations. The overall visual impacts at decommission phasing are therefore stated to be minor adverse but no further mitigation measures are considered to be necessary.

Overall, it is concluded that the proposed development will not give rise to any significant landscape and visual effects.

Chapter 13: Lighting considers the impact of lighting associated with the proposed development and updates the baseline information that was used to identify any impacts and appropriate mitigation for the previous application. The study area used is the same as that which was assessed previously (with the exception the proposed new dwellings which have now been removed from the scheme) and includes the application site; the nearest existing dwellings on the east and south of the site and seven viewpoints as established in the Landscape and Visual Impact Assessment.

Potential impacts identified include light spill/intrusion and sky glow from the use of artificial lighting during the construction/demolition phases and, during its operation, from external lighting located around the buildings and wider site.

To minimise and mitigate any impacts during the construction phase, it is stated that all existing lighting on site would be used and any additional artificial lighting would only be used during the hours of darkness, low levels of natural light or if specific construction methods or phases require its use for health and safety purposes. All lighting would be of reduced height and have

fittings to reduce light spill. During the operational phase, lighting would have control systems to ensure they are only used when required, would be of reduced height and also have fittings to reduce light spill.

It is concluded that based on the information available at the time of the assessment, and subject to the implementation of the recommended mitigation measures identified, the overall artificial lighting impacts associated within the proposed development on the surrounding area would be minor adverse (slight increase in visibility of site) to negligible (no significant impact) depending on the final operational lighting strategy adopted.

Chapter 14: Waste assesses the likely waste generation during the construction and occupation phases of the development, considering the proposed options for recycling, recovery or disposal of waste, and the capability of the existing local or regional waste management facilities to manage the waste.

The ES acknowledges that waste material would be generated at all stages of the construction and demolition process. Predicted waste types and volumes are used in the assessment and consideration is given to the recycling, recovery and disposal of waste. The information contained within the ES shows that there are numerous waste management facilities providing a wide variety of waste management options within the local area and these have sufficient capacity to manage the wastes that are likely to require off-site management.

During the operational stage, the main types of waste produced are stated to be:

- waste water, to be dealt with through the DAF plant on site;
- effluent sludge from the treatment of the waste water can be recycled back into the rendering process or recovered by land spreading under a suitable permit, where beneficial;
- general waste such as paper, plastic, wood and metal is proposed to be collected in separate receptacles to then be sent to a Waste Transfer Station;
- hazardous waste such as oil, grease cartridges and oily rags, would be sent for disposal or re-processing by a licenced contractor; and
- fluorescent tubes and waste electrical equipment would be recycled by a licenced contractor.

Animal by-product waste management would be controlled and enforced through the Environmental Permit for the facility to ensure effective management on site.

The overall impact of waste materials is concluded to have a negligible environmental impact.

Chapter 15: Health, Climate and Incident Risk reviews the requirements of the 2017 EIA Regulations in respect of newly introduced topics, those being

potential effects on human health, potential climate change effects and resilience, and the risk of environmental consequences of major incidents.

The potential impacts associated with air emissions, noise and transport have been assessed within the ES, and no relevant human health benchmark will be breached, and so it is considered that the proposed development will have no material effect in respect of community health.

Whilst the energy demand associated with the construction and operation of the ABP plant itself will not be understood until a later stage in the project design, it is stated that the likely carbon/greenhouse gas emissions will not be significant. Resilience to potential future climate change impacts, specifically flooding, have also been duly considered in the proposals and the development would not increase the risk of flooding elsewhere.

Finally, it is stated that the proposed ABP plant would replace an existing plant and the risks to the environment from major incidents are not significant.

Chapters 16: Cumulative Impacts considers the potential for environmental impacts as a result of interactions between the proposed development and other potential projects in the locality. Two such projects identified within the ES are the 'Western Growth Corridor', and 'Land allocations on the east side of Skellingthorpe'.

Both of these projects are stated to be long-term development aspirations and, at the time of the submission of this ES, no formal planning applications had been submitted that relate to these plans. As a result only a high level consideration of cumulative impacts could be carried out which looked at the potential environmental impacts that may arise from such type of developments. The results of this assessment indicate that there would be no significant cumulative environmental impacts as a result of the proposed development and the other projects.

Chapter 17: Conclusions provides a very brief summary of the main conclusions made by the various assessments contained within the ES. It is stated that the proposed development has incorporated a range of embedded environmental enhancement and mitigation measures into the scheme layout and design, and overall effects will be no greater, or an improvement upon, those associated with the existing site activities.

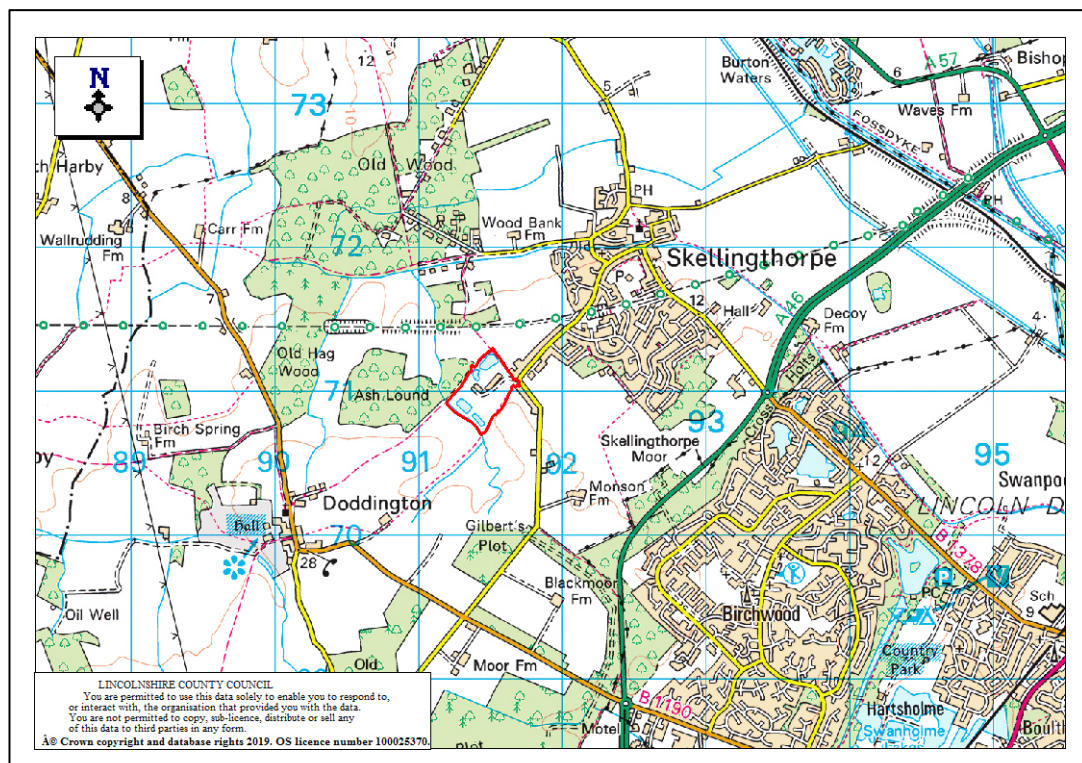
Noise attenuation is embedded within the facility design and the noisier areas of plant would be sited furthest away from existing residential properties and will be partially screened by the process buildings. The new ABP plant would be served by a mains gas supply which would replace the fuel oils, tallow and tallow derivatives which are currently used in the existing facility, thereby reducing emissions to atmosphere. Landscape planting will create improved screening of the plant, and will be optimised so that it will deliver long-term gains for ecology and biodiversity.

At the site access, improvements will allow two HGVs to pass at the entrance, and enhance forward visibility for vehicles turning right into the site. The design will also enhance provision for pedestrians, such that the current conflict between vehicles and pedestrians / cyclists accessing the site will be reduced.

In conclusion, the existing industrial plant will be replaced with a newer, smaller-footprint plant able to process the same volume of raw material. The ES evidences that development will give rise to an improvement in air emissions, incorporate appropriate noise control for existing residential properties, enhance site access arrangements for road vehicles and pedestrians, and provide a landscape masterplan to develop the site's biodiversity potential.

Site and Surroundings

38. The application site is currently occupied and operated as an Animal By-products Plant (ABP) but not by the applicant company, by a separate operator, A Hughes and Son Ltd. The site has evolved over many decades and currently, the bulk of the built development on the site is located in a relatively central area. The site contains many buildings, plant and equipment, together with waterbodies located in the northern and south west areas of the site.



Location of Application Site



Waterbodies within the site



View across site looking north east

39. The application site is approximately 14.7 hectares in size and is broadly rectangular in shape. The entrance to the site lies on a 90 degree bend in Jerusalem Road. Immediately to the north of the site entrance is a farmstead and to the south east is a ribbon development of dwellings. To the north east of the site is the village of Skellingthorpe.



View of entrance to site from the south

40. Three Public Rights of Way (PRoW) surround the site, Skel/1/1, Skel/2/1 and Skel/2/2 and PRoW Dodd/6/1, Dodd/8/1 and Skel/2/2 lead directly on from these (respectively).
41. The north west boundary of the site lies adjacent to the Ash Lound and Brick Kiln Holt Local Wildlife Site. Approximately 940 metres to the west of the site is the Doddington Clay Woods Site of Special Scientific Interest.



View of north west boundary from within site

42. Approximately 1km to the south west of the application site is the village of Doddington which is host to a range of listed buildings, including the Grade I Doddington Hall and it's Grade II* Registered Park and Gardens and the Grade I Church of St Peter; and a Conservation Area.
43. Views of the existing plant are limited from beyond the entrance access due to existing screening and buildings, although the chimney stacks are visible View of entrance to site from south View of north west boundary from within site from further afield, including from within the village of Skellingthorpe and from the overflow car park at Doddington Hall.



View from Black Lane looking towards site

44. The surrounding land is relatively flat with significant areas of woodland and mature trees and vegetation associated with field boundaries

Planning History

45. The existing ABP operation at the site has developed in a piecemeal fashion over many decades. North Kesteven District Council has dealt with a considerable number of planning applications relating to the site in previous years, due to the varied manner in which the site has evolved and developed. Like the previous application, this revised application is being determined by Lincolnshire County Council as it is primarily for a comprehensive waste management operation and therefore constitutes a "county matter". North Kesteven District Council has, most recently, dealt with the following:
- **18/0311/FUL:** Demolition of existing derelict building and erection of new storage / workshop building - Withdrawn 13/06/18
 - **17/0870/OUT:** Outline application for erection of 1no. dwelling with means of access - Refused 02/11/17
 - **16/1303/PNND:** Prior approval for change of use from office use (Class B1(a) to dwellinghouse (Class C3) - Withdrawn 08/12/16
 - **16/0066/FUL:** Erection of extension to existing building to provide secondary air lock building and erection of 2m high palisade fence to perimeter - Approved 17/03/16
 - **15/0635/FUL:** Erection of replacement building (retrospective) - Approved 10/07/15
 - **10/1153/FUL:** Extension to existing warehouse building to form trailer loading bay - Approved 11/11/10
 - **02/1495/FUL:** Erection of building to cover existing effluent / slurry tanks – Approved 25/02/03
 - **99/0713/FUL:** Replacement building including combustion and steam raising plant and enveloping of part of existing main factory building - Approved 23/12/99

Main Planning Considerations

Planning Policy Context

46. **The National Planning Policy Framework** sets out the Government's planning policies for England. It is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows:

Paragraph 2 (Status of the NPPF) this states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and that the NPPF is a material consideration in planning decisions.

Paragraphs 7 to 11 (Sustainable development) states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three

overarching objectives, which are independent and need to be pursued in mutually supportive ways. These three objectives are: economic; social and; environmental.

Paragraphs 38, 47 & 48 (Decision making & determining applications) - states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible and applications should be made quickly and within statutory timeframes unless a longer period is agreed with the applicant.

Paragraphs 55 & 56 (Use of planning conditions and obligations) states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonable related in scale and kind to the development.

Paragraphs 83 & 84 (Supporting a prosperous rural economy) states that planning decision should enable sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings and well-designed new buildings. It should be recognised that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraph 98 (Public Rights of Way) - states that decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

Paragraph 102 to 111 (Transport) - states that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.

Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Paragraphs 124 to 131 (Achieving well-designed places) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Developments should (amongst other matters) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Paragraphs 148, 155 to 165 (Climate change and flood risk) - states that plans should take a proactive approach to mitigating and adapting to climate change taking into account long-term implications including in respect of flood risk, water supply and biodiversity and landscapes. It is added that developments should seek to ensure that flood risk is not increased on or off-site as a result of development and that development is appropriately flood resistant and resilient and any residual risk can be safely managed.

Paragraphs 170 to 177 (Conserving and enhancing the natural environment) - states that planning decisions should contribute to and enhance the natural and local environment.

Paragraphs 178 to 183 (Ground conditions and pollution) states that decisions should ensure that sites are suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities. Adequate site investigation information should be provided to assess potential impacts and remediation measures secured. Developments should also mitigate and reduce to a minimum potential adverse impacts resulting from noise or avoid giving rise to significant adverse impacts on health and quality of life and also limit the impacts of light pollution from artificial light.

Paragraphs 184 to 202 (Conserving and enhancing the historic environment) - require that the significance of heritage assets (inc. non-designated assets) be taken into consideration, including any impacts on their setting.

Paragraphs 212 to 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 Central Lincolnshire Local Plan (2017).

In addition to the NPPF, in March 2014 the Government published the online National Planning Policy Guidance (NPPG). In October 2014 the National Planning Policy for Waste was published which requires that in the determination of planning applications consideration is given to the impact of the waste development on the surrounding area, pushing waste up the Waste Hierarchy and contains a set of locational criteria against which proposals for new waste development should be assessed, including protection of water quality and flood risk management, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, odour and noise.

Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016), the Lincolnshire Minerals and Waste Local Plan: Site Locations Document (2017) and the Central Lincolnshire Local Plan (2017) form the development plan in relation to this application.

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

Policy M11: Safeguarding of Mineral Resources
Policy W1: Future requirements for new waste facilities
Policy W3: Spatial Strategy for New Waste Facilities
Policy W4: Locational Criteria for New Waste Facilities In and Around Main Urban
Policy W8: Safeguarding Waste Management Sites
Policy DM1: Presumption in Favour of Sustainable Development
Policy DM2: Climate Change
Policy DM3: Quality of Life and Amenity
Policy DM4: Historic Environment
Policy DM6: Impact on Landscape and Townscape
Policy DM8: Nationally Designated Sites of Biodiversity and Geological Conservation Value
Policy DM9: Local Sites of Biodiversity Conservation Value
Policy DM13: Sustainable Transport Movements
Policy DM14: Transport by Road
Policy DM15: Flooding and Flood Risk
Policy DM16: Water Resources

Lincolnshire Minerals and Waste Local Plan: Site Locations Document (2017) - the application site is not identified in this document for allocation. This does not necessarily mean that the site is unacceptable, but that it needs to be considered in relation to the CSDMP.

Central Lincolnshire Local Plan (2017) (CLLP) - the following policies of the CLLP are of relevance in this case:

Policy LP1 (A Presumption in Favour of Sustainable Development) reflects the NPPF's approach to sustainable development.

Policy LP2 (The Spatial Strategy and Settlement Hierarchy) classifies Skellingthorpe as a large village capable of accommodating a degree of growth in order to maintain and enhance its role as a large village. It states that most of the growth will be via sites allocated in the plan, or appropriate infill, intensification or renewal within the existing developed footprint. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourable. This policy adopts a restrictive approach towards development in the countryside unless a specific set of criteria are met, including renewable energy generation and waste developments which accord with the separate Mineral and Waste Local Development Documents.

Policy LP3 (Level and Distribution of Growth) states that the plan's aim is to facilitate the delivery of 36,960 new dwellings and the creation of 11,894 Full Time Equivalent net new jobs between 2012 and 2036. The key focus for the delivery of this is in the Lincoln Strategy Area (which includes Skellingthorpe), Gainsborough and Sleaford.

Policy LP5 (Delivering Prosperity and Jobs) states that, in principle, proposals will be supported which assist in the delivery of economic prosperity and job growth to the area. This policy deals with allocated sites, non-allocated sites and the expansion of existing businesses. In relation to non-allocated sites, a set of criteria must be complied with demonstrating the development proposals are commensurate in scale and character to the existing settlement; that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement; there is no significant adverse impact on the character or appearance of the area, and / or the amenity of neighbouring occupiers; no significant impacts on the local highway network; no significant adverse impact on the viability of delivering any allocated sites; and the proposals maximise opportunities for modal shift away from the private car.

In relation to the expansion of existing businesses, a set of criteria must be complied with including that existing buildings are reused where possible; they do not conflict with neighbouring land uses; they will not impact unacceptably on the local or strategic highway network; and they would not have an adverse impact on the character and appearance of the area.

Policy LP13 (Accessibility and Transport seeks to ensure an efficient and safe transport network, minimising the need to travel. It states that any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified and secured to make the development acceptable.

Policy LP14 (Managing Water Resources and Flood Risk) seeks to ensure that development is safe for the duration of its lifetime, does not increase the risk of flooding to the development site or elsewhere, incorporates Sustainable Drainage Systems and protects the water environment.

Policy LP16 (Development on Land Affected by Contamination) states that development proposals must take into account the potential environmental impacts on people, biodiversity, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted as the first stage in assessing the risk of contamination. Proposals will only be permitted if it can be demonstrated that the site is suitable for its proposed use, with no significant impacts on future users, neighbouring users, groundwater or surface waters.

Policy LP17 (Landscape, Townscape and Views) seeks to protect and enhance the intrinsic value of the landscape and townscape, including the setting of settlements, maintaining and responding to natural and man-made features which positively contribute to the character of the area, including historic buildings and monuments and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm; in such circumstances the harm should be minimised and mitigated. All development should take account of views into and out of development areas. The considerations are particularly important when determining proposals which have the potential to impact upon Lincoln's historic skyline.

Policy LP21 (Biodiversity and Geodiversity) seeks to protect, manage and enhance biodiversity and geodiversity.

Policy LP25 (The Historic Environment) protects, conserves and seeks opportunities to enhance the historic environment. Sets out a requirement for the appropriate assessment and justification of proposals which would affect the significance of a heritage asset, including any contribution made by its setting.

Policy LP26 (Design and Amenity) requires all development to achieve a high quality sustainable design that contributes positively to local character, landscape and townscape. All development is required to respect the site and its surroundings including landscape character and identity and protect important views into, out of or through the site. Development proposals must not result in ribbon development, nor extend existing linear features of the settlement. Proposals must protect amenities, including in relation to light, noise and odour and create safe environments.

Policy LP55 (Development in the Countryside) sets out the criteria against which proposals for residential and non-residential development in the countryside; and agricultural diversification will be assessed.

In relation to non-residential development the criteria to be complied with includes:

- a. that the rural location must be justified;
- b. the proposal is accessible;
- c. it would not conflict with neighbouring uses; and
- d. is of a size and scale commensurate with the proposed use and the rural character of the location.

This policy also seeks to protect the best and most versatile agricultural land.

Results of Consultation and Publicity

47. The following summarises the views/comments received from consultees in response to consultation on this revised application (as originally submitted by the applicant) and as modified by the subsequent Further Information.

(a) Local County Council Member, Councillor Dr. M Thompson – has made a number of comments which are summarised as follows:

- Concerned that the application has been made and consulted upon during the Covid-19 pandemic and that as a result this has prevented public meetings taking place and access to any local consultation and/or discussion with residents and communities potentially affected by this revised application.
- Previously expressed concerns regarding highways and traffic issues remain despite the revisions proposed as part of this application. These include:
 - i. the site entrance is on a sharp bend and it is likely that HGVs accessing the site would use the full width of the road despite changes proposed to the site access. The corner of Jerusalem Road (opposite the site entrance) is also frequently subject to the pooling of water following periods of rain which extends into the highway restricting width and presents a safety hazard. This should be remedied as part of any site access improvements.
 - ii. Vehicles travelling from Skellingthorpe village have been observed to frequently exceed the speed limit of 30mph on approach to the bend. Any increase in HGV traffic would be a detriment to residents. Whilst the application states traffic volumes would be unchanged this cannot be guaranteed unless subject to a planning restriction/condition.
- HGV traffic is already a concern for Skellingthorpe residents and likely to worsen from housing developments within and around Skellingthorpe village. Any serious incident on the A46 also results in an increase of all types of traffic travelling through Skellingthorpe village. Similar concerns exist about HGV traffic and accident risk on the B1190 and its impact on Doddington village. Discussions and investigations have been on-going in an effort to get a 7.5 tonne

Traffic Regulation Order (TRO) like the existing limit that has been placed on roads adjoining the B1190 and which prevent HGVs travelling through Thorpe on the Hill. Resolution on such a TRO is, however, unlikely to be progressed until Covid-19 restrictions are lifted.

- (b) Skellingthorpe Parish Council – object to the application. There has been a rendering plant in Skellingthorpe for a long period of time and the majority of the residents want to see this relocated elsewhere although it is accepted this is not financially viable. This current planning application however presents an opportunity to make things easier and more environmentally friendly for our village.

The Parish Councils main concerns still relate to the volume of traffic, including both numbers and size of HGVs using the plant and odours released into the environment in and around Skellingthorpe. It is noted that the applicant is willing to enter into an agreement with regard to the routing of HGVs in and out of the site and it is proposed that all vehicles access and leave the site from Black Lane and the B1190 from the A46 by-pass. This is welcomed but would still mean HGVs pass through an existing residential area along roads not adequately capable of handling HGVs. Traffic movements could increase as time moves on and so a totally new access should be formed, further south down Jerusalem Road/Black Lane.

Another serious concern is the amount and type of vehicle flows associated with the site during the demolition and construction phase. Such a large civil building project would undoubtedly create a lot of temporary jobs with workers travelling to the site etc. It does state in the associated planning documents that modern technological exhaust systems would be installed to minimise the amount of odour entering into the local atmosphere but there are no guarantees that it will be better than it is now.

Following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020) the Parish Council reiterated its concerns relating to transport to and from the site.

- (c) Doddington and Whisby Parish Council (adjoining Parish Council) – objected to the previous application and maintain an objection to this revised proposal principally due to continued concerns relating to traffic numbers and routing, highway safety and vehicular access.

HGV traffic is proposed to continue to be routed to and from the site from the B1190 with HGVs travelling north-west and therefore passing through Doddington village. The Parish Councils consider this to be inappropriate as traffic from the development would have an unacceptable impact on the residential village and on the historically significant Doddington Hall and Gardens. The Parish Council has long campaigned for a weight restriction along the B1190 because of

problems arising from noise, disruption, highway danger, air quality, vibration, impact on road structure and general residential amenity. It is therefore incongruous that the application emphasises the cleanliness of the plant itself while avoiding the polluting and damaging nature of the HGVs which supply it. HGVs with open containers will also generate smells and contribute a greater risk to public hygiene within the communities that they travel through.

The location of this business is not appropriate for the residential communities of Skellingthorpe and Doddington and it would be better situated in a setting with direct access to the strategic highway network and away from rural, neighbourhood roads.

Nottinghamshire County Council has requested that HGV routing be restricted to the use of the strategic highway network and prohibit access along the network of rural roads to the east of the application site. The Parish Council would request that any such restriction also apply to HGV access along the network of rural roads to the west of the application site.

Notwithstanding the above, if the County Council is minded to approve the application, a number of options are suggested be considered in order to mitigate the effect on the communities of Skellingthorpe and Doddington. These are as follows:

1. A wholly new access route be created directly from the A46 to Jerusalem Road.
2. All HGV traffic approaching or leaving the plant to be routed directly to/from the A46 roundabout via the B1190 and Black Lane to Jerusalem Road only. No HGV traffic should therefore be prevented from using the following roads/routes:
 - the network of roads through Skellingthorpe;
 - the B1190 Lincoln Road northwest of the junction with Black Lane;
 - the B1190 Main Street and Saxilby Road through and beyond Doddington;
 - Black Lane southwest of the junction with the B1190;
 - other local roads leading to and from Doddington, Whisby, Eagle Moor and neighbouring settlements
3. Restrictions on the hours of operation for HGV traffic approaching and leaving the site.

Following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020) the Parish Council reiterated its concerns relating to transport to and from the site. Concerns remain regarding the environmental impact of transporting materials for the rendering plant in large, open, HGV wagons and the problems this causes in terms of noise, vibration, air-quality, pollution and odour for

neighbouring communities. Concerns also remain about the continued use of the B1190 and the route through the Doddington Conservation Area. The Parish Council therefore repeated its request that a HGV routing plan be insisted upon which would ensure that vehicles making the journey to and from the proposed plant use the A46 and A57 and avoid the B1190 through Doddington village or any other local roads.

- (d) Environment Agency (EA) – has reviewed the Land Quality information contained within the ES with regard to the risk posed to controlled waters.

The previous use of the proposed development site presents a potential risk of contamination that could be mobilised during construction and pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer. The preliminary risk assessment contained within the ES demonstrates that it will be possible to manage the risks posed to controlled waters although further detailed information will be required before built development is undertaken. The Agency believe it would be unreasonable for the developer to ask for more detailed information prior to the grant of planning permission and so recommend that should permission be granted conditions be imposed which would secure a submission of a remediation strategy.

With regard to drainage it is recommended that a site drainage plan should be provided to identify foul and surface water distribution, discharge points, interceptors and location of attenuation tanks. Only clean rain water/roof water should be directed to the surrounding land drainage network and the rate of release should be monitored. Appropriate containment measures are to be in place in the event of a spill on site to prevent pollution entering the nearby watercourse.

Following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020) no further response was received.

- (e) Upper Witham Drainage Board (IDB) – has commented that the site is not within the IDB's district but is in the extended catchment.

There are a number of open and culverted watercourses on site that are affected by the proposed development and it is essential that provision is made to maintain all watercourses (open and culverted) in and adjacent to the site. Any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board and it is recommended that clear unobstructed access strips of appropriate width be given to allow safe and economical maintenance by machine.

All drainage routes through the site should be maintained during both the works on site and after completion of the works and provisions made to ensure that upstream and downstream riparian owners (and those areas

that are presently served by any drainage routes passing through or adjacent to the site) are not adversely affected by the development.

It is recommended that no development should therefore commence on site until a scheme for the provision, implementation and future maintenance of a surface water drainage system is approved by the County Council/Lead Local Flood Authority.

- (f) Natural England – no objection as based on the plans submitted, the proposals will not have a significant adverse impact on designated sites. More specifically, in relation to Doddington Clay Woods Site of Special Scientific Interest (SSSI) the proposed development would not damage or destroy the interest features for which the site has been notified. The ES advises that deposition of nitrogen and acid would be below 4% of the critical load of the SSSI and therefore would not have a significant impact.

Reference is given to general advice regarding landscape; best and most versatile agricultural land and soils; protected species; local sites and priority habitats and species; ancient woodland and veteran trees; environmental enhancement; access and recreation; rights of way, access land, coastal access and National Trails; and biodiversity duty.

Natural England confirmed it had no further comments to make following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020).

- (g) Highways England – has confirmed it has no objection and offered no further comments following consultation on the Further Information submitted in support of the ES (received 21 August 2020).
- (h) Ministry of Defence (Safeguarding) – has confirmed it has no safeguarding objections to this proposal and restated this when re-consulted on the Further Information submitted in support of the ES (received 21 August 2020).
- (i) Anglian Water – has confirmed that as this development is not looking to connect into Anglian Water's network it is outside of its jurisdiction to comment on this application. No further response was received following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020).
- (j) The Coal Authority – has no observations as the application site does not fall within the defined coalfield and so there is no requirement to consider coal mining issues as part of this application or to consult The Coal Authority.
- (k) Cadent – has confirmed that there is apparatus in the vicinity of the site which may be affected by the activities specified. Low or medium pressure gas pipes and associated equipment (and as a result it is highly

likely that there are gas services and associated apparatus in the vicinity) have been identified. Due to the presence of apparatus in proximity to the proposed development, Cadent advised that the developer/contractor should contact Cadent's Plant Protection Team before any works are carried out to ensure the apparatus is not affected by any of the proposed works. Cadent also initially requested that they be notified of the likely outcome of the application at the earliest opportunity. Officers have done this but Cadent has confirmed they have no further comments to make at this stage.

- (l) Forestry Commission – the proposed development site is adjacent to an Ancient Woodland although this proposal is for a replacement on an existing site which appears to be next to that part of the woodland that is indicated as a non-ancient woodland. If there is a potential impact on the ancient woodland then mitigation or particular conditions may be required and it is therefore recommended that any decision take into account the Standing Advice on Ancient Woodlands

No further comments were received following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020).

- (m) Environmental Health Officer (North Kesteven District Council) – see comments below from North Kesteven District Council.
- (n) Historic Places (Lincolnshire County Council) – no objection.
- (o) Highway and Lead Local Flood Authority (Lincolnshire County Council) – no objection but has recommended a condition be imposed to ensure the proposed site improvement works are undertaken prior to any development commencing on the site and have also welcomed the applicants offer to secure a HGV routing agreement by means of a S106 Planning Obligation.

Following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020) it was confirmed they had no further comments to make as the information provided related to matters other than highways and surface water flood risk.

- (p) Historic England – has commented that the ES includes a record of the pre-application advice given to the applicant regarding the scope of matters to be considered and Chapters 2, 11 and 12 address these comments. On the basis of the information Historic England therefore do not wish to offer any further comment and suggests the views of the Council's specialist conservation and archaeological advisers, as relevant, be sought.

No further comments were received following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020).

- (q) Minerals & Waste Policy Team (Lincolnshire County Council) – has confirmed they have no safeguarding objections with respect to the Minerals Safeguarding Assessment.
- (r) Arboricultural Officer (Lincolnshire County Council) – has offered no comment.
- (s) Nottinghamshire County Council – request the routeing of HGVs associated with the development be required to use the strategic highway network and prohibit HGV access along the network of rural roads to the east of the application site. It is recommended that this be controlled through a Section 106 legal agreement.

No further comments were received following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020).

- (t) Newark and Sherwood District Council (adjoining District Council) – has commented that the proposed development is likely to have indirect effects on the residents that live close to the north-eastern boundary of the District of Newark and Sherwood. Impacts are considered to be largely matters of odour and local HGV movements. Given the previous application was refused on matters of odour (amongst other things) these matters need to be fully addressed within this revised application. The most significant concerns from Parish Councils and local Ward Members relate to local HGV movements. These concerns are also echoed in detail within the consultee comments from Nottinghamshire County Council acting as Highway Authority. These concerns need to be appropriately mitigated and controlled as part of the decision making process.

It is therefore stated that in making its decision the County Council will need to satisfy itself that sufficient environmental information has been submitted to enable all environmental impacts of the development to be properly assessed and that it would fully accord with both national guidance and locally adopted planning policies.

No further response was received following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020).

- (u) Collingham Parish Council (nearby Parish in Nottinghamshire) – voted unanimously not to support this proposal due to traffic and health and safety reasons. There is a great deal of concern about a development of this size and the impact this would have should there be any requirement for a diversion from the A46/A1 or A57 and the impact this would have on the A class road that runs through the village and any resulting conflict between an increased number of vehicles and the existing village traffic and non-motorised users.

Following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020) the Parish Council confirmed they had no further comments to make.

- (v) Harby Parish Council (nearby Parish in Nottinghamshire) – no objection to the proposal in principal but have concerns about the increase in traffic that such a development may lead to. Local roads may not be suitable for a significant increase in traffic and the Council therefore request a traffic routing plan be considered as part of any planning conditions imposed should permission be granted. It was suggested that all routes should take vehicles onto the Lincolnshire road network and not the Nottinghamshire network thereby ensuring that HGV movements will not encroach on local villages.

Following re-consultation on the Further Information submitted in support of the ES (received 21 August 2020) the Parish Council confirmed they had no further comments to make.

- (w) Councillor R Johnston (North Kesteven District Council Ward Councillor for Skellingthorpe) – comments that the underlying concern from residents has, and continues to be, the odour issue and threat of increased traffic volumes into the plant as a result of inherent efficiency gains from the new plant. No limit or control on throughput or volumes is suggested or proposed and no investigation or progress appears to have been made in relation to a possible alternative access road, away from the current entrance, which was muted in the previous application. This proposal therefore still represents a major concern for residents and the issues raised by them need some considered investigation and response. Cllr Johnston also requests to be able to make a formal representation at the Planning & Regulation Committee meeting as a District Councillor representing the concerns of local residents.

The following were notified/consulted on this revised application however no representation or comments had been received by the time this report was prepared:

Lincolnshire Wildlife Trust
Woodland Trust
Heritage Trust of Lincolnshire
Robin Hood Airport / Doncaster Sheffield
Ramblers Association (Lincolnshire North)
Lincolnshire Fieldpaths Association
Public Health (Lincolnshire County Council)
Public Rights of Way (Lincolnshire County Council)
Lincolnshire Fire and Rescue
Animal and Plant Health Agency
Rt Hon Robert Jenrick MP (Newark)
Dr Caroline Johnson MP (Sleaford and North Hykeham)
Karl McCartney MP (Lincoln)

48. The application was originally publicised by way of notices posted at the site and in the local press (Lincolnshire Echo on 7 May 2020) and letters of notification were sent to the nearest neighbouring residents and those that made a representation on the previous application (ref: 18/0709/CCC). Following the receipt of Further Information (received 21 August 2020) the application was re-publicised in the local press (Lincolnshire Echo on 10 September 2020) and the nearest neighbouring residents and all persons that had submitted representations to this application were re-notified.
49. A total of 38 representations have been received in response to consultation on this application. Of these 35 object to the application and 3 are in support. A summary and outline of the comments/views received are summarised as follows:

Support

- A practical solution to providing a new state of the art facility that can do nothing but benefit all concerned in the surrounding areas. Rendering operations will remain in Skellingthorpe therefore this application provides good upgrades to an old plant.
- Lincolnshire's food and farming sectors need are critical to the Lincolnshire economy and require an efficient rendering plant. The plant at Skellingthorpe has been in existence for 100 years and over the years there have been complaints and concerns about odour, traffic and noise. This application will resolve or reduce these issues replacing an out of date operation with a modern facility. The new traffic layout combined with the new technology will see an improvement for local people and retain local jobs.
- Skellingthorpe is the correct location for this proposal and would ensure continue employment in the area.

Objections

- Impacts of noise from HGVs through the night, fans associated with the plant and the crashing and banging of skips after 10pm and early hours. Complaints have been made in the past but it seems the factory is not considered to be a nuisance;
- Odour is so offensive local residents cannot open doors and windows;
- The stench from the site is impossible to live with;
- The village has expanded over the years and more housing is planned as part of the Central Lincolnshire Local Plan. The village is no longer a suitable location for a rendering plant;
- Concerns about the impacts on air pollution and contamination;
- Odours are so awful in the summer that the village has become known as "Smelly Skelly". This damages the village and Lincolnshire's reputation as a tourist destination;
- Even on non-operational days (Sundays) the site still gives out a bad stench;

- No guarantee that the new facility would address the current odour problems and once built it would be too late to do anything about it;
- The applicant bases its design for the Skellingthorpe plant on a similar plant at Penrith. The Penrith plant has a horrible reputation with many thousands of complaints from local residents about the smell and stink. Lincolnshire does not want to inherit a similar plant. The problems at Penrith should be addressed first to demonstrate issues can be resolved before permission for the plant at Skellingthorpe is approved;
- Questions over the technical ability of the proposed oxidiser to reduce odours to the level suggested and therefore odour emissions would be greater than that predicted. The manufacturers of the plant should be asked to guarantee the plants performance;
- The odour spread map that supports the application seems very concentrated and as if there is never any wind in this area that would even deflect odour more than about 300m. Odours is detected all across the village and the assessment appears to be based on theoretical calculations;
- Output from the new plant should be monitored and alarms used to detect harmful emissions rather than rely on regulators and Council staff to monitor operations;
- Cynical attempt to slip this second application under the radar at a time of national emergency;
- There is a primary school and old peoples home as well as residential properties downwind of the site. No factory of this nature should operate within yards of people's homes;
- If this was not an existing site then develop in this location and on the edge of a village would not be supported. This type of facility should be developed in an industrial estate;
- There has been a dramatic increase in traffic to the site and this has caused substantial damage to the highway and breaking up of tarmac;
- Concerns about the amount and speed of traffic through the village;
- Heavy Goods Vehicles travel through the night disturbing local residents;
- The significant levels of parking proposed within the application site demonstrates the expected large volumes of traffic associated with this proposal;
- Village roads are not suitable for the amount of traffic and this facility would no doubt increase capacity and therefore traffic movements;
- The site entrance is on a dangerous bend and not suitable for heavier traffic and would increase the risk of accidents;
- A lack of visibility on the existing entrance/bend makes it dangerous for all road users;
- The bend on Black Lane/Doddington Road is also unsafe;
- The road and verges are already damaged by HGVs using the site. This will only get worse;
- Existing flooding on the bend regularly forces cars into oncoming traffic;
- negative impact on residents' water supply when the factory draws water;
- No mention is made of HGV or traffic movements required to remove processed waste or liquid from the site;

- Concern about rules and terms being broken and no confidence these will be complied with in the future;
- Occasionally materials are dropped onto the highway from HGVs and this attracts vermin;
- The presence of the rendering plant impacts on house prices and reduces market interest.

District Council's Recommendations

50. North Kesteven District Council (NKDC) initially responded to consultation (received August 2020) noting that, whilst the proposal has been revised to address the previous reasons for refusal, insufficient information had still been presented to satisfy and enable the NKDC Environmental Health Officer to conclude that noise and odour emissions from the operational replacement ABP plant would not adversely affect local residents. As a result, whilst no objection was raised in respect of the other matters including contaminated land, traffic and transport, external lighting, historic environment and ecology, NKDC maintained an objection to the proposal on the grounds of odour and noise.
51. Further Information was subsequently submitted by the applicant (as part of the Regulation 25 response) that aimed to directly respond to, and address, NKDC's outstanding concerns and issues regarding noise and odour. NKDC's subsequent response to consultation on this Further Information (received December 2020) confirmed sufficient information had now been provided to address their concerns in respect of odour and therefore to meet the outstanding elements of Policies LP5 and Policy LP26 of the CLLP as well as Policy DM3 of CSDMP. However in respect of noise, again NKDC maintained an objection as the applicant had failed to carry out the additional background monitoring at location MP3 (as was requested) and the continued absence of this data meant the applicant had failed to adequately demonstrate that the proposed replacement facility, once operational, would not exceed the BS4142 accepted threshold of +5dB above background levels.
52. The additional background noise monitoring was subsequently carried out by the applicant and the results of this submitted to supplement that contained within the ES and the Further Information (received 14 December 2020). The additional background noise monitoring information was forwarded onto NKDC and comprises of daytime and evening noise monitoring undertaken at an appropriate surrogate location as requested by the Environmental Health Officer (EHO). The EHO has informally advised that, based upon the results of this monitoring, it can be concluded that there will be no unacceptable noise impact at residential receptors arising from the proposed development during the day and night with and without vehicle movements.
53. NKDC have subsequently confirmed that their outstanding objections have been addressed and resolved.

Conclusions

54. Planning permission is sought by DS Developing Limited (Agent: MAZE Planning Solutions) for the demolition of the existing animal by-products processing plant and all associated installations and the construction of a new animal by-products processing plant and associated installations, alterations to the existing site access and improved landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe.
55. This is a revised application with amended proposals that seek to address the reasons cited for the refusal of an earlier scheme. The application is subject of an Environmental Impact Assessment and supported by an Environmental Statement (ES) that has been updated and revised to take into account the new proposal. The ES assesses the potential impacts of the proposed development along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.
56. This is a very complex proposal and, like the previous application, there are a wide range of issues which need to be carefully considered. For the most part this revised proposal reflects that which was previously proposed and so certain elements of the development have previously been assessed and considered acceptable. As a consequence, many of the planning considerations and conclusions drawn and set out below reflect those contained in the previous report (considered by Planning & Regulation Committee on 29 July 2019) however where differences exist or previous issues have now been addressed, these are highlighted. For completeness however, this report follows the same format as the previous one and considers each of the planning issues and considerations in turn.

Principle and Location

57. Three of the reasons for refusal cited in connection with the previous application (i.e. Reasons 1, 2 and 6) were related to the principle, need and location of the proposed residential dwellings that formed part of the previous scheme. The removal of the residential dwellings from this revised proposal therefore addresses these reasons for refusal and so is no longer relevant to the consideration of this proposal. However, in terms of the ABP plant itself, it is still necessary to consider how this element fits in terms of compliance with the spatial and locational criteria of the relevant policies within both the CLLP and CSDMP.
58. In terms of location, 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. Policy LP2 of the CLLP reflects this approach and sets out the spatial strategy to be adopted when considering the location of new development. Skellingthorpe is classified as a fourth tier "Large Village" within this policy whereby appropriate development that maintains and enhances its role as a large village will be supported. The CLLP does not define settlement boundaries for such villages on the Policies

Map, however, Policy LP2 defines the “developed footprint” of a settlement as the continuous built form of the settlement and excludes (amongst other things) individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement. The application site lies beyond the south western edge of Skellingthorpe and, consistent with the view taken on the previous application, is considered to be detached from the continuous built up area of Skellingthorpe and therefore lies within the open countryside. Policy LP2 goes on to state that unless it is allowed by other policy in the CLLP (such as LP4, LP5, LP7 and LP57) development in the countryside will therefore be restricted to that which is essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services; renewable generation; proposals falling under Policy LP55 and to minerals and waste development which is in accordance with the Minerals and Waste Local Plan. Policy LP55 states that for non-residential development within the open countryside four criteria must be met in order to demonstrate compliance. These include that the location is justified by means of proximity to existing established businesses or natural features; the location is suitable in terms of accessibility; the development would not result in conflict with neighbouring uses and is of a size and scale commensurate with rural character of the location.

59. Policy LP3 of the CLLP is also of relevance and sets the context for the level and distribution of growth across Central Lincolnshire and the proposal site lies within the Lincoln Strategy Area, within which employment growth is encouraged. Policy LP5 states that, in principle, proposals will be supported which assist in the delivery of economic prosperity and job growth to the area and refers to new development and expansion of existing businesses, rather than replacement facilities.
60. In addition to the above CLLP policies, as the proposed ABP plant constitutes a waste management development, it is also necessary to give consideration to the policies contained within the CSDMP. There are no policies within the CSDMP which deal specifically with the rendering of animal by-products however policies DM2, W3, W4 and W8 are considered to be the most appropriate policies to be applied when assessing this proposal.
61. Policy DM2 reflects the National Planning Policy for Waste’s approach to the waste hierarchy, with a view to pushing waste as far up the hierarchy as possible. The rendering process which would take place at the proposed ABP plant takes the waste ABP and processes it in such a manner that it is re-used to create new products. Whilst it is not permitted in the UK to landfill ABP, the proposed plant ensures that this stream of waste is re-used and therefore is close to the top of the waste hierarchy, in accordance with Policy DM2.
62. Policy W3 relates primarily to new waste facilities and large extensions to existing waste facilities, rather than specifically to proposals for replacement facilities. The provisions within the policy therefore do not directly relate to the current proposal but it is considered to be the most appropriate policy. New waste facilities are required to be located in and around main urban areas, of which Skellingthorpe is not one. In relation to new waste facilities outside

these urban areas, the policy requires further criteria to be met, none of which is applicable to the current proposals. The policy provision for large extensions to existing facilities, falling outside the urban areas, will only be permitted where it is demonstrated that they meet an identified waste management need; are well located to the arisings of the waste it would manage; are on or close to an A class road; and meet the criteria of Policy W4. Policy W4 sets out the locations/sites considered suitable for such new facilities or extensions which includes 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.

63. Taking the criteria of Policy W3 first, the proposal would replace an existing ABP plant, which has been operational for many years. The proposal seeks to update and upgrade the existing facility on the site and it would have the same throughput/processing capacity as the existing plant. The existing ABP plant is currently operational and as such, it is reasonable, as a matter of principle, to conclude that there is an existing need for the waste management operation and, as it is located on the same site, the proposed ABP plant is appropriately located to serve its customer base (as a matter of principle, as no details of the customer base have been provided). Although the site is not located on an A class road it is within 3km travelling distance of the A46, and so is considered to meet the criterion of being close to an A class road. In relation to the requirement to meet the criteria of Policy W4, three of the possible five criteria regarding location within that policy are fulfilled in that the ABP plant would be constructed on a site that is previously developed with existing industrial buildings and is in waste management use.
64. Policy W8 of the CSDMP seeks to safeguard existing waste management sites and prevent the encroachment of incompatible development. The provisions of Policy W8 would be complied with in relation to the proposed ABP plant, as the replacement facility would retain the existing waste management use of the site and would not therefore result in the loss of the waste management facility.
65. There have been no significant policy changes since the previous application was refused and so consistent with the view taken in relation to the ABP plant element of the previous application, in general the principle of replacing the existing ABP plant with a newer, more modern plant is considered to comply with the NPPF and NPPW; the spatial strategy for waste facilities in CSDMP Policies W3 and W4; CLLP Policy LP2 and the thrust of CLLP Policies LP3, LP5 and LP55.

Highways and Transport

66. The NPPF, CSDMP Policy DM14 and CLLP Policy LP13 set the context for consideration of highways and transport issues, encouraging a sustainable approach to transport and ensuring development does not cause adverse impacts to the road network or highway safety.

67. The site is proposed to be accessible 24 hours a day, seven days a week, although it is not proposed to operate the ABP plant on Sundays. The site would be accessed by HGVs and staff associated with the ABP plant. The ES states that approximately 75 staff would be employed at the site on a 2 by 12 hour shift pattern. The ABP plant would have a maximum throughput of 5,760 tonnes per week however the number of HGV movements used in the Transport Assessment contained within the ES cites 547 movements per week (that is, 273.5 HGV inward movements) equating to the delivery of 6,564 tonnes of raw material per week. This difference is acknowledged however not all HGV deliveries will be carrying full payloads and so the number of HGVs used in the ES represents a worst-case scenario.
68. Matters in relation to highways and transport are once again one of the key areas of objection raised in the representations received to this revised proposal. Local residents have raised concerns that the road network is not suitable to cope with the proposed development; that there would be implications for highway safety; and that they would not want any increase in HGV movements.
69. Lincolnshire County Councillor, Thompson, Nottinghamshire County Council, as well as a number of Parish Councils have requested routeing agreements to ensure that HGV do not travel through local villages but instead are required to travel directly to and from the A46. Skellingthorpe Parish Council requested that if planning permission was granted, HGV movements should be restricted to daytime hours. Councillor Thompson specifically seeks to prevent HGVs travelling through the villages of Skellingthorpe and Doddington.
70. As per the previous application it is proposed to upgrade the existing access onto Jerusalem Road. The site access is located on the outside of a 90 degree, 33 metre centreline radius bend and the ES states that there is currently insufficient space for a HGV to enter the site if one is waiting to leave, and vice versa. Forward visibility for vehicles turning right into the existing site is limited to 33 metres. The proposed improvements to the access are stated to seek to address these matters by increasing the width of the access to 7.3 metres and amending the radii of the access from Jerusalem Road in order that two HGVs can pass. The ES notes that despite the current access arrangements, there is no record of personal injury accidents at the existing access.
71. The applicant has also stated a willingness to enter into a routeing agreement to ensure HGVs do not travel through the centre of the village of Skellingthorpe.
72. Notwithstanding the many concerns and objections received regarding traffic and potential highway safety impacts, again no objection has been made by the Lincolnshire County Council Highways Officer in relation to this revised proposal. No concerns are raised in relation to the approach or figures used within the Transport Statement or the capacity of the local road network to accommodate the level of vehicle movements proposed. The Highways

Officers overall position and advice has not therefore changed from the previous application and it is recommended a condition be imposed which would require the full detailed specification of the proposed access improvement works to be submitted for approval. The proposed wording of this condition does however differ from the previous application in that it is now recommended that the condition requires the access improvements to be completed before the construction of the new ABP commences rather than it being brought into use (as was previously recommended). This difference is considered necessary given the poor quality of the existing access and the potential for traffic to use the entrance associated with both the continued operation of the existing ABP plant and construction traffic associated with the new development. It is therefore recommended that the access be upgraded at an early stage to ensure safe access and use of the site entrance. The highway improvement works would need to be secured by way of a Section 278 Agreement (Highways Act 1980, as amended) and the Highway Authority notes, and would welcome, the routing restriction offered by the applicant which should be secured by way of a S106 Planning Obligation.

73. Finally, with regard the routing restriction, like before many representations have requested that any such restriction be extended to a wider area, including the village of Doddington. This request is noted however was dismissed as being unreasonable when the previous application was considered and nothing has changed. Although Doddington is a village with a Conservation Area and hosts a variety of listed buildings (including the Grade I Doddington Hall and its Grade II* Registered Park and Gardens) the main road through the village is a "B" class public highway which is currently unrestricted in terms of the types of vehicle which can use the road. To require the HGVs to not use the B1190 through Doddington to access the A57/A156 would result in approximately doubling the travel distance between the application site and those roads to travel west and north west from the site and again the impacts of the continued use of the B1190 road would not amount to substantial harm to the heritage assets in Doddington. As a result, there is not sufficient justification to require a routing agreement in this regard particularly given that HGVs can currently use this route.
74. Overall, it is therefore concluded that the proposed development, subject to the conditions and S106 Planning Obligation would not have adverse impacts in relation to the capacity of the road network or highway safety and is therefore in accordance with the NPPF, CSDMP Policy DM14 and CLLP Policy LP13.

Odour and Air Quality

75. The NPPF, CSDMP Policy DM3, CLLP Policies LP5 and LP26 require that all new development is of a high standard and that the amenities of existing and future land users must not be adversely affected. As before, odour and air quality are key issues in relation to this revised proposal and the information contained within the ES has been updated and is supplement by the Further Information as part of this application.

76. One of the reasons for refusal cited in connection with the previous application was the failure of the applicant to sufficiently demonstrate or evidence that odour emissions associated with the development would be acceptable, and; failure to properly consider odour impacts on the occupiers of the proposed residential dwellings that had formed part of the previous development. The removal of the residential dwellings from this revised proposal, in part, addresses this reason for refusal however as part of this revised application the applicant has also updated the ES and provided additional information to address deficiencies and issues that had been raised regarding the information that supported the previous application.
77. Unsurprisingly, despite the changes made to this revised proposal, many representations have been received from local residents which reflect those made for the previous application and object due to existing and historic difficulties with odour from the existing plant and the impacts that this has had on the amenity of local residents and the village. Objections and comments are made that odours from the existing site are offensive and intolerable and require residents to keep windows closed and deny them enjoyment of their gardens and outdoors. Reference is also made to the smell from lorries transporting wastes and to spillages on the roads. Although that vast majority of representations object to this proposal due to concerns that these problems would persist, representations have also been received which support the proposal as a modern plant would help to vastly improve site operations and therefore local amenity.
78. The ES supporting this revised application has been updated and Further Information submitted during the consideration of this application that seeks to demonstrate odour emissions from the ABP plant can be appropriately managed and therefore address and resolve one of the reasons of refusal cited in relation to the previous application. More specifically, additional information has been provided from the applicant to demonstrate that the biofilter proposed as part of the proposed ABP plant would be effective in ensuring that odour emissions from the plant fall within acceptable limits. This additional information included a consideration and commentary on how the characteristics of the material and factors such as moisture content, age and physical condition during the storage and transport of that material may influence odour emissions but also modelling of the biofilter operation at 110% capacity. This additional modelling demonstrates that even with emissions from the biofilter being 10% above the expected rate, none of the off-site modelled receptors would be predicted to experience odour concentrations above the 1.5 OUE/m³ threshold for 'most offensive' odours (a maximum of 1.1 OUE/m³ was predicted). These findings indicate that a conservative assessment has been undertaken and that a 'margin of safety' is present in the odour emission rates used for the dominant source of odour impacts at Skellingthorpe.
79. North Kesteven District Council (including the EHO) have reviewed all the information that has been presented as part of this revised application and confirmed (response dated 9 December 2020) that its previous objection on the grounds of odour has now been resolved. It is commented that the site

would be subject of an Environmental Permit and that such a permit would normally contain conditions requiring a full Odour Management Plan (OMP) to be implemented, detailing material acceptance criteria, the management procedures to be employed on site, the actions to be taken in the event of abnormal releases, olfactory monitoring and a defined procedure for validating, investigating and responding to complaints. Paragraph 183 of the NPPF states that 'the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). The Waste Planning Authority should therefore satisfy themselves that the proposal accords with relevant policy and whether an odour management plan should be secured by way of a condition given the future provisions of the Environmental Permit.

80. Based on all the information and assessments carried out as part of this revised proposal, it is concluded that odour emissions from this new, modern ABP plant would be capable of being managed to such a degree that they fall within the acceptable limits. Therefore, notwithstanding the many objections received regarding odours from the existing site, the development would accord with Policies LP5 and LP26 of the CLLP and Policy DM3 of the CSDMP. Finally, whilst it is accepted that an Environmental Permit would place additional controls and conditions on the site operations, it is recommended that if planning permission is granted, an appropriately worded planning condition should be imposed which would require a detailed odour scheme to be submitted for approval. This conditional requirement would give Officers a further opportunity to review and ensure that the odour is designed and measures adopted to ensure any impacts are minimised to an acceptable degree.
81. In respect to air quality, the previous application was deemed acceptable in terms of potential impacts on air quality and nothing significant has changed in relation to this revised proposal. As before the ES supporting this revised application contains information and assessments which conclude that concentration levels of nitrogen oxide (NO₂), sulphur dioxide (SO₂), carbon monoxide (CO) and particulate matter including PM₁₀ and PM_{2.5} would be "well below" air quality objectives and that the impacts from the ABP plant on human receptors living close to the site would be not significant. Similarly, the ES concludes that the potential impacts of acid deposition on the Doddington Clay Woods SSSI (approx. 940 metres to the west of the site) would not be significant and would not damage or destroy the interest features for which the site has been notified. Natural England has been consulted on this revised application and raised no objection.
82. In respect of impacts on the nearby Ash Lound and Brick Holt LWS, whilst no specific objection had been received from the Lincolnshire Wildlife Trust or County Officers Arboricultural Officer in relation to the previous application, both recommended that should planning permission for that scheme then an additional tree belt of at least 10 metre thickness should be planted along the western site boundary adjacent to the LWS in order to mitigate potential effects of airborne pollution on the LWS. In light of this Officers had

recommended that this be secured as part of the landscaping scheme details for the site. Although Lincolnshire Wildlife Trust have not responded or provided any comments in relation to this revised proposal, and no specific comments are made by the Arboricultural Officer, consistent with the advice and reasoning cited previously it is recommended that the additional tree belt be secured as part of this proposal and therefore it is recommended that a condition be imposed on any permission granted which would require full details of a landscaping scheme to be submitted, approved and Implemented which would include provision for a 10 metre tree belt as previously recommended.

83. Finally, in terms of mitigating and minimising any impacts during the construction it is recommended that a Dust Management Plan be implemented. This could form part of a Construction Environmental Management Plan which would ensure impacts of dust during the construction and demolition phase of the development are appropriately addressed and mitigated. Subject to these conditions it is therefore concluded that the proposed development would not have significant adverse impacts in relation to air quality and is acceptable in this regard.

Noise

84. The NPPF, CSDMP Policy DM3, CLLP Policies LP5 and LP26 require that all new development is of a high standard and that the amenities of existing and future land users must not be adversely affected. These policies are of relevance in relation to the issue of noise.
85. One of the reasons for refusal cited in connection with the previous application was the failure of the applicant to sufficiently demonstrate or evidence that noise impacts associated with the development would fall within the relevant thresholds and parameters including that associated with HGV vehicle movements during the night-time. Like the previous application, objections have again been received from local residents regarding the impacts of noise, both from the proposed development and associated with the existing site, including noise experienced at night and concerns that this would worsen under the current proposals.
86. In order to address the previous reason for refusal the ES supporting this revised application has been updated and not only contains the same noise survey information that supported the previous application but also additional background noise monitoring that was undertaken in February and December 2020. The additional noise monitoring was undertaken in order to respond directly to initial comments/concerns raised by the EHO during the consideration of this application and more specifically to demonstrate that noise associated with the operation of the proposed replacement facility would not exceed the BS4142 accepted threshold of +5dB above background levels when experienced at the nearest noise sensitive receptors to the site. The background noise monitoring has been carried out at locations considered to be representative of the existing receptors most likely to be influenced by existing and potential proposed noise sources arising from the development

and these locations are agreed as being appropriate. Similarly the additional location assessed in December 2020 was agreed by the NKDC Environmental Health Officer as being representative of the noise environment experienced at all noise sensitive receptors in the absence of the existing ABP plant operations. This therefore enables an assessment to be made as to the actual increase in any noise arising as a result of the proposed ABP in isolation.

87. Based on the information and assessments carried out as part of this revised proposal, it is concluded that during the daytime the noise experienced as a result of the proposed ABP plant at the nearest noise sensitive receptors would be less than 3dB above the background sound level in the absence of existing ABP plant (as it would be have been demolished). During the night-time, and in the absence of any HGV deliveries taking place over this period, the level of noise is also predicted to be less than 3dB above the background sound level. In the event that HGV deliveries were to be carried out during the night-time period, the assessment predicts that the level of noise would be greater than 5dB above the background sound level however it is argued that when considering the context of the area and the predicted absolute noise level this would represent a negligible impact as the predicted noise levels are less than 40dB. Overall it is therefore concluded that the proposed ABP plant would have a negligible impact on the nearest sensitive receptors.
88. The EHO has reviewed all of the information submitted in support of this revised application and has raised no objection. Unlike the previous application it can therefore be concluded that, based on the information presented, the noise levels associated with the operation of the proposed ABP plant when experienced at the nearest noise sensitive properties during both the daytime and night-time operations, would fall below levels which would be likely to give rise to complaint. The deficiencies in the previous application have therefore now been addressed and subject to suitable conditions the development would not conflict with the Policy DM3 of the CSDMP or Policy LP26 in relation to noise.

Lighting

89. The NPPF, CSDMP Policy DM3 and CLLP Policies LP5 and LP26 require that all new development is of a high standard of design and that the amenities of existing and future land users must not be adversely affected. In addition, these policies and Policy DM6 of the CSDMP and Policy LP17 of the CLLP require consideration of impacts on the landscape, with specific reference to the intrinsic value of the landscape. External lighting has the potential to have impacts in relation to amenity and on the wider landscape.
90. External lighting will be required during both the construction and operational phases of the development and the lighting assessment contained within the ES has considered the potential impacts of lighting in relation to sky glow and light intrusion. The assessment has been carried out in accordance with guidelines published by the Institute of Lighting Professionals and, whilst no details relating to the proposed artificial lighting scheme have been provided

at this stage, it concludes that subject to the implementation of the recommended mitigation measures identified, the overall lighting impacts associated with the development would not be significant. Artificial lighting does however also have the potential to impact upon bats that have been identified along the sites north-west boundary (i.e. adjacent to the Ash Lound and Brick Kiln Holt Local Wildlife Site) and so it is imperative that the impacts of any lighting scheme are reduced to such an extent as to not have adverse impacts on the bat population. Despite the lack of any specific details at this stage, no objection has been received from the Environmental Health Officer, Natural England nor Lincolnshire Wildlife Trust. Nevertheless it is recommended that if planning permission is granted, an appropriately worded planning condition should be imposed which would require a detailed lighting scheme to be submitted for approval. This conditional requirement would give Officers a further opportunity to review and ensure that the lighting is designed and measures adopted to ensure any impacts are minimised to an acceptable degree.

Landscape and Visual Impacts

91. The NPPF, CSDMP Policy DM6 and CLLP Policy LP17 seek to protect and enhance landscape character, recognising the intrinsic character and beauty of the countryside and features and views which contribute positively to the area. The application site lies within the landscape sub-area "Terrace Sandlands" as defined in the North Kesteven Landscape Character Assessment (2007) (LCA). The LCA states that woodland is a dominant feature of this landscape and plays a key role in defining landscape character. Woodland blocks are stated to prevent any wide open views. The estate village of Doddington is stated to be the most distinctive village within the sub-area, centred around Doddington Hall and its extensive parkland, and dominate the northern section of the sub-area. It is stated that there are glimpses of Lincoln Cathedral from within this part of the subarea.
92. The application site itself does not sit within an open landscape and there is a great deal of mature trees and vegetation both within and surrounding the site. The north western boundary is adjacent to Ash Lound Wood and Brick Kiln Holt LWS and there is intervening vegetation between the site and the village of Doddington to the south west. The site is well screened from the village of Skellingthorpe by both built development and vegetation. The location of the entrance to the site, on a 90 degree bend, only allows limited views into the site.
93. A Landscape and Visual Impact Assessment (LVIA) and Habitat and Landscape Management and Maintenance Plan have been submitted in support of this revised application and are the same those which supported the previous application. The LVIA assessed a total of 20 viewpoint locations and 6 site context locations. The LVIA also took into account impacts on the heritage landscape and these are considered in a separate section of this report. Visual receptors were identified as being local residents, users of the PRow network, users of the cycle route, road users and visitors to the historic

assets in Doddington. The visual receptors were assessed as having a high or medium sensitivity.

94. The LVIA states that overall there is likely to be minor adverse impacts of the proposed development on landscape character and visual receptors at construction and decommissioning phases but that impacts during the operational phase are likely to be minor beneficial in relation to landscape character and between minor and moderate beneficial effects in relation to visual receptors. These impacts take into consideration a landscaping scheme, which includes additional landscaping planting proposed following the removal of the residential dwellings, and includes embedded mitigation built into the scheme.
95. Consistent with the conclusions drawn on the previous application, it is considered that subject to suitable conditions the proposed development would be acceptable in relation to landscape and visual impacts and therefore in accordance with Policy DM6 and LP17.

Natural Environment

96. The NPPF, CSDMP Policies DM8 and DM9 and CLLP Policy LP21 seek to protect, manage and enhance the natural environment, with specific protection afforded to nationally designated SSSIs, ancient woodland and locally designated nature conservation sites.
97. The ES supporting this application draws upon the same ecological information that was used to establish the baseline and identify appropriate mitigation for the previous application. This includes the results of a Phase 1 habitat field survey and further ecological surveys for protected/notable species. Some of the survey information has technically expired as they only have a limited lifespan, however, there have been no notable changes to the proposal site since the last application. As a result where more recent data is not available a worst-case scenario has been adopted and professional judgement used to determine the ecological impacts arising from the proposed development and any necessary mitigation.
98. Like the previous application, unsurprisingly the ES shows that the site supports a variety of habitats and has potential to support a number of protected and notable species. Where direct or potential impacts have been identified a range of different mitigation measures have been embedded and/or are recommended to minimise, reduce or off-set such impact. No objections have been received from Natural England regarding this revised proposal and so, similar to the conclusions and recommendations made on the previous proposal, subject to suitable conditions, to secure full details of the proposed translocation of reptiles from the site; full details of the proposed creation of an ecological receptor area, and; full details of a Habitat and Landscape Management and Maintenance Plan the proposed development would be acceptable in relation to the natural environment and would not conflict with national or local policies in that regard.

Historic Environment

99. The NPPF, CSDMP Policy DM4 and CLLP Policy LP25 seek to conserve and enhance the historic environment, having regard to the significance of any heritage assets and their setting.
100. There are no designated heritage assets with the application site boundary. Within 2km of the site are 23 listed buildings, ten of which are Grade II listed buildings in Skellingthorpe and 13 of which are all grades of listed buildings, located in Doddington, including the Grade I Doddington Hall and Grade I Church of St Peter. Also within Doddington are the Grade II* Registered Park and Garden at Doddington Hall and Doddington Conservation Area. There are 42 non-designated heritage assets within 2km of the site, of which four are located within 500 metres of the site. Jerusalem Farm, located adjacent to the existing site access is a non-designated heritage asset, as is Ash Lound Wood, which is located adjacent to the western corner of the site.
101. The previous application was deemed acceptable in terms of potential impacts on the historic environment and nothing significant has changed in relation to this revised proposal. This revised development would not have any direct impacts on the designated and non-designated heritage assets that exist in the wider area and similarly would not have an unacceptable impact on their setting. Any designated assets within Skellingthorpe are located to the north and east of the village and screened by urban development and tree cover. The only non-designated asset that has the potential to be impacted upon is Jerusalem Farm which is adjacent to the sites entrance however this is a working farm with a range of modern and traditional buildings and its setting is already dominated by the existing ABP plant. Consistent with the conclusion made previously, any potential impacts on the setting of Jerusalem Farm would therefore be minor. With regard to Ash Lound Wood, this is an area of ancient woodland immediately to the west of the site however its setting is already heavily influenced by the existing operations at the application site, albeit that the view from the footpath which runs between the application site and Ash Lound Wood and Brick Kiln Holt LWS, is sufficiently screened by existing trees and vegetation such that the existing facility is not visible. Like the previous application is it however recommended that a 10 metre tree belt be included and planted along the boundary of the site with Ash Lound Wood as this would mitigate any additional impacts of the proposals on the setting of the wood.
102. In respect of impacts on designated assets further afield (including those on the Doddington Conservation Area, Doddington Hall) again any impacts have been assessed as being limited and minor. The ES states that the proposed development would only be visible from one of the assessed viewpoints, located within the Doddington Hall Car Park which states "limited long-range, direct yet largely screened views of the taller elements of the ABP plant aspect of the proposed development will be available to visitors of Doddington Hall in this location". Given the existing views of chimney stacks on the site, the negligible portion of the view that this proposal will comprise, and as

visitors will be focussed on Doddington Hall rather than towards the site, then any impacts on the setting of Doddington Hall are not considered significant.

103. Finally, in respect of archaeology, the ES concludes that the potential for archaeology to be present on the site is anticipated to be low and recommends an intermittent watching brief during intrusive ground works be implemented for those areas of the site that have not been previously disturbed. No objections have been raised by Historic England or the Historic Environment Officer to this revised proposal and subject to the imposition of conditions relating to archaeological recording and the implementation of an appropriate landscape and habitat scheme, the proposed development would not have significant adverse impacts in relation to the historic environment and does not therefore conflict with the development plan in this respect.

Contaminated Land

104. The NPPF, CSDMP Policy DM3 and Policies LP16 and LP26 of the CLLP seek to ensure that development proposals are acceptable in relation to contamination and the creation of safe environments.
105. One of the reasons for refusal cited in connection with the previous application was the failure of the applicant to have undertaken a comprehensive contaminated land assessment of the whole site and therefore, due to the lack of this information, it could not be concluded that the amenities of the proposed residents of the new housing (that were proposed at that time) would not be adversely impacted as a result of contaminated land or that a safe environment could be created. The removal of the residential dwellings from this revised proposal, in part, addresses this reason for refusal however in order to fully address the previous deficiencies as part of this revised application the applicant has updated the ES and submitted revised information. This revised application is now accompanied by two Phase 1 preliminary contaminated land reports which have been expanded in coverage to address the whole of the application site and which specifically considers the application proposals. The main report assesses the pollutant risk associated with the decommissioning of the existing ABP Plant and the erection of the replacement facility in terms of the consideration of possible linkages between contaminant sources and potential receptors which could be harmed or polluted. The key aspect of the framework is the development of a Conceptual Site Model (CSM) which illustrates the spatial interaction between the potential contamination sources and receptors on site.
106. The main report concludes that due to the extent of potentially infilled and landfilled land on site, there is a moderate risk for ground gas contamination on site which (during the operational phase) could put buildings and inhabitants at some risk. However the risk to future industrial buildings is not considered to be significantly elevated. The report identifies only a low to moderate risk of pollution of Controlled Waters associated with the redevelopment scheme (the risk being to ground and surface water and the underlying Secondary (A) Aquifer).

107. The report concludes that there are unlikely to be unusual or insurmountable risks to future site users or the wider environment from land contamination. The report recommends that a scheme of contamination sampling of soil and groundwater samples as part of a wider programme incorporating geotechnical and foundation investigations, can be secured by planning condition/s. Any planning condition would need to enable a phased approach to intrusive contaminated land investigation given the scheme involves the construction of the replacement ABP plant and transfer of operations from the existing plant, before the latter is demolished.
108. No objections have been raised by the Environment Agency and the NKDC Environmental Health Officer has reviewed the information supporting this revised application and also has raised no objection subject to the suggested imposition of a condition. It is therefore recommended that a condition be imposed which would secure the additional contaminated land intrusive investigation and remediation strategy and subject to this the previous reason for refusal has now been addressed and the development can be considered to accord with CSDMP Policy DM3 and Policies LP16 and LP26 of the CLLP.

Flood Risk & Drainage

109. The NPPF, Policies DM15 and DM16 of the CSDMP and Policy LP14 of the CLLP seek to encourage development to be located in areas at lowest risk of flooding, ensure that development does not increase flood risk on-site or elsewhere, provide protection to the water environment and encourage the use of sustainable drainage systems (SuDS).
110. Subject to suitable planning conditions the previous application was deemed acceptable in terms of flood risk issues and drainage. No significant changes in terms of flood risk issues or proposed drainage infrastructure are proposed as part of this revised application. The revised application is again supported by a Flood Risk Assessment which states that the proposed development will result in an increase in hardstanding areas in the form of buildings, yards and access. Hardstanding will comprise approximately 4.42ha or 30% of the total site area with the remaining 10.28ha or 70% being comprised of permeable, soft landscaped areas. The FRA concludes that the risk of flooding from all sources, apart from surface water, is low and that mitigation measures should be put in place to address the risk of surface water flooding, including the finished floor levels of the properties recommended to be set 150mm above surrounding ground levels.
111. In terms of drainage, only clean roof water is to be directed for disposal to existing water courses whilst any contaminated water from the plant areas would be directed to the on-site effluent treatment plant for use in the ABP process.
112. In order to achieve the necessary discharge rates, an attenuation tank is proposed to be installed within the site although details of this have not been provided at this stage. Similarly, a comprehensive water and effluent management plan has not been submitted at this stage however no objections

to the proposal have been received from the Environment Agency, Internal Drainage Board or the Highway & Lead Local Flood Authority.

113. Finally, representations have been received from a local resident stating that when the existing plant draws down water, there is an impact on the pressure of the water in the nearby dwellings. Anglian Water has been consulted on this application but has raised no objection or comments that would substantiate this claim. Notwithstanding this, this is a matter which could be resolved, if necessary, through a comprehensive water and effluent management plan following the determination of this application.
114. Overall, subject to the proposed mitigation regarding surface water and the imposition of a condition requiring a comprehensive water and effluent management plan to be submitted for approval, the proposed development would not increase flood risk and would protect water resources. It would therefore not conflict with Policies DM15 and DM16 of the CSDMP and Policy LP14 of the CLLP.

Design

115. The NPPF, CSDMP Policy DM3 and CLLP Policy LP26 require development proposals to be of a high standard of design.
116. This revised proposal now removes any proposed residential development and as such it is no longer necessary to consider the design issues associated with this element of the previous proposal. In terms of the proposed ABP plant itself, this would largely comprise of new purpose built industrial buildings that are typical in terms of their design and appearance as those seen on commercial and industrial sites across the County. The buildings would be steel portal framed and clad in metal sheeting. The precise colour of external sheeting has not been specified at this stage the application states a palette of 'grey/green' colours would be used to reduce the buildings overall prominence. The proposed location of the ABP plant is set further back into the site and is an area that is not currently developed – although it does form an integral part of the existing site operation. In positional terms its location would be acceptable and would largely be screened from views outside of the site by the existing landscaping and woodland that surrounds the site. The proposed chimney (at 25m high) would be visible above the treeline however this is a necessary element of the proposed ABP plant and its height needed in order to ensure appropriate dispersion of air emissions.
117. Overall whilst there is a lack of specific detail about the final colour of the buildings, from a design perspective the buildings are considered acceptable as they are of a size and scale that is reflective of their overall purpose and function. A planning condition can be imposed which would require full details of all external materials to be submitted and approved and subject to this it is concluded the proposed ABP plant is acceptable and accords with the principles of CLLP Policy LP26.

Waste

118. The National Planning Policy for Waste and CSDMP Policy DM2 seek to minimise the amount of waste generated and push waste as high up the waste hierarchy as possible.
119. As concluded previously, the proposed ABP plant would help in the delivery of this aim by facilitating the processing and recovery of ABP waste to produce products that can be re-used in other markets. In this respect the proposal therefore accords with the national and local policy context.
120. In this case the proposed development can be broken down into two main categories of waste generation. One relates to construction and demolition phase and the other being during the operation of the ABP facility. In relation to the construction and demolition phases, waste material would be generated and the ES sets out measures to reduce or eliminate the anticipated quantity of waste sent to landfill by using reusing, recycling or recovery opportunities. The ES recommends the measures are set out in a Construction Environmental Management Plan. Although an assessment of study of potential contamination within the site has been carried out it has not been possible to complete ground investigations within the footprint of the existing ABP plant. Conditions to secure such details are considered reasonable and appropriate in this case and would ensure that appropriate measures are taken to dealing with waste arisings during the construction and demolition phases. It is therefore recommended that if planning permission is granted, conditions be imposed requiring the submission, approval and implementation of a Construction Environmental Management Plan and to secure the further ground/contaminated land investigation and remediation strategy for that part of the site that has not been able to be assessed at this stage.
121. In relation to waste arisings during the operational phase of the development a number of waste streams have been identified in the ES which includes waste water, effluent sludge, general wastes such as paper, plastic, wood and metal as well as hazardous wastes such as oily rags, waste oils an waste electrical equipment. Appropriate mechanisms have been considered, and where feasible, form part of the development to manage these including the treatment of waste water on-site and the provision of areas for the collection, storage and subsequent transfer off site of wastes that can be recycled/processed elsewhere.
122. Overall, it is concluded that the ABP process itself ensures that waste is managed in accordance with the waste hierarchy and that, subject to the use of planning conditions requiring the measures set out with the ES in relation to operational waste to be implemented and the submission, approval and implementation of a Construction Environmental Management Plan and further ground/contaminated land investigation and remediation strategy, the construction, operational and demolition phases of the development would not have adverse impacts in relation to waste. The development therefore does not conflict with the National Planning Policy for Waste or CSDMP Policy DM2 in this respect.

Mineral Assessment

123. Policy M11 of the CSDMP sets out a requirement for all applications for non-minerals development within a minerals safeguarding area to be accompanied by a Minerals Assessment. The CSDMP sets out the location of the minerals safeguarding areas and the application site lies within a Sand and Gravel Minerals Safeguarding Area; as such a Minerals Assessment is required.
124. The same Minerals Assessment that supported the previous application has been submitted in support of this application. This considers the historic, existing and proposed uses of the site and states that there were historic gravel pits both within the site itself and in close proximity to it. The Minerals Assessment concludes that the proposed development would not result in the material sterilisation of sand and gravel resources on the site and the development would not prevent future minerals extraction on neighbouring land. The prior extraction of any sand and gravel at the site is stated to not be practicable.
125. The County Council's Minerals & Waste Policy Team has advised that, having regard to the scale, nature and location of the proposed development, it has been demonstrated the proposals are in accordance with the criteria set out in Policy M11 and there are therefore no safeguarding objections. The development is therefore acceptable in relation to minerals safeguarding.

Alternatives

126. Schedule 4 of the EIA Regulations sets out what information should be included in Environmental Statements. Within the information, a description of the reasonable alternatives studied by the developer, together with an indication of the main reasons for selecting the chosen option is required.
127. Like the previous application the ES states that no alternative development sites have been considered as the applicant is seeking to retain the same business operations as currently exist on the site, albeit with an upgraded, new facility. Although full details of the existing operation on the site have not been provided for comparison purposes, it is accepted that the principle of the ABP processing operation is the same. The applicant also states that the potential environmental impacts at an alternative greenfield site would be more significant and therefore have not been considered in the ES.
128. Consistent with the stance taken previously, whilst no alternatives to the ABP plant have been considered, Officers are satisfied that a reasoned explanation is provided for this. The removal of the previously proposed residential development from this revised application also now resolves the issues and one of the reasons cited for refusing the previous application. Having reviewed this revised proposal, it is therefore considered that the ES supporting this application is in accordance with the requirements of the EIA Regulations.

Capacity

129. As stated above, the maximum throughput of the proposed ABP plant would be 5,760 tonnes per week. This capacity has been used in the assessments and analysis undertaken in the ES in relation to each of the issues discussed above. If planning permission is to be granted, it is therefore imperative that it is subject to a condition restricting the throughput of the ABP plant to 5,760 tonnes per week so as to ensure the operations are restricted to reflect that which has been used in assessing the impacts of the development. A tonnage restriction is considered to be the more effective mechanism for controlling capacity rather than limit vehicle movements given that the payloads of HGVs may vary.

S.106 Planning Obligation

130. Planning obligations can be sought (through s.106 of the Town and Country Planning Act, 1990, as amended) in relation to development proposals in circumstances where they would meet the legal tests set out in Regulation 122(2) the Community Infrastructure Levy Regulations 2010, as referenced in the NPPF.
131. As was concluded in consideration of the previous application, if planning permission is granted it should be subject to a HGV routeing agreement to ensure that HGV vehicles entering and leaving the site do not travel through the village of Skellingthorpe. This formalises existing practices and is necessary to protect the amenities of the residents of Skellingthorpe. It is directly related to the development and is fairly and reasonably related in scale to the proposals. As such, it would meet the legal tests required to be applied to s.106 legal agreements.

Other matters

132. Representations have again been received in response to this application which state that this site is no longer appropriate for a rendering plant and that the existence of the existing operation should not mean that it is acceptable to retain such an operation in the future. This same argument was made when the previous application was considered, however, and consistent with the view taken at that time, this application must be determined on the basis of the information submitted and the merits of the proposals and the existence of an existing ABP plant on the site means that there is a precedent for this operation on this site - as the existing use can continue to operate regardless of the outcome of this planning application. Whilst it may be the case that had this site been a vacant greenfield site it might not have been concluded an appropriate location for an ABP plant, the existence of the current plant means that the proposal must be assessed within this context. A thorough assessment of the potential impacts of the proposed development has been carried out and, as set out above, the principle of the ABP plant on this site is acceptable in light of the existing use of the site. Subject to conditions the operations of the new ABP plant would not have a demonstrable significant or unacceptable adverse impact on the environment or local amenity to warrant

or justify refusal of this application. Similarly the presence of a modern, purpose built replacement ABP plant, as a matter of principle, has been assessed as being acceptable in this location and is unlikely to have any greater impacts on local businesses and tourism than is currently the case. In fact, like the existing ABP plant, the proposed replacement ABP plant would be a source of employment and could make a positive contribution to the local economy and potentially the wider economy. Therefore it is not considered that there is justification for refusing planning permission for the proposed development in relation to potential impacts on business or tourism.

133. A number of representations received have made reference to the impacts of the proposed development on house prices and the saleability of houses. These are not planning matters and cannot therefore be taken into consideration in the determination of the application.

COVID Pandemic

134. Objections and complaints have been received which criticise the timing of this application and the fact consultations have been carried out during the Covid-19 pandemic. It is argued this has prevented public meetings taking place and discussions taking place with residents and communities that could be potentially affected. These comments are noted however Officers disagree that the pandemic has impeded or reduced the ability for local communities and residents with an interest in the proposal to make comments or express their views. The Council is committed to ensuring the decision making process remains open and transparent and the application has been widely consulted upon and opportunities given for local residents and the wider general public to make representations. This included directly notifying those persons that made representations on the previous application therefore ensuring they were immediately aware of this revised scheme. The application has also been publicised in accordance with the statutory requirements which included the use of site notices and advertisements in the local press as well as highlighting the application on the County Council's social media page/feed (i.e. Facebook). A number of representations have been received in response to the consultation which demonstrates that the consultation/notification undertaken has been successful in ensuring local residents and those that maintain an interest in the application were aware of this application. In light of this there is no reason for the Planning & Regulation Committee to delay or defer making a decision on this application due to the Covid-19 pandemic.

Human Rights Implications

135. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.
136. In this case the proposed development would replace the existing ABP plant that has operated on the same site for many years. The replacement ABP

plant would be a modern, purpose built facility with the same overall throughput as that of the current facility. The applicant has conducted an Environmental Impact Assessment of the proposed development which has proposed measures to minimise, mitigate and off-set any potential significant environmental or amenity impacts that could arise from the new facility. The proposal has been widely consulted upon with many different statutory and non-statutory bodies and opportunities given to local residents and the wider general public to make representations on the application. A number of representations and comments have been received in response to this publicity and consultation and these have been taken into consideration when assessing the proposal.

137. The Committee's role is to consider and assess the effects that the proposals 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 the proposed development is acceptable including whether any proposed planning conditions recommended to control the development are appropriate and sufficient to safeguard the amenity of local residents and the to protect the wider environment. This is balancing exercise and a matter of planning judgment and it is your Officers view that, having considered the information and facts as set out within this report, the development is acceptable and there conditions recommended in this report are proportionate and would ensure there would be no breach of the Human Rights Act and so 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.

Final Conclusions

138. This application has been submitted following the refusal of permission for a similar development on the same site. The development proposed as part of this application has been revised in order to address and resolve the reasons for refusal cited in relation to the earlier proposal. These revisions include the removal of the previously proposed residential dwellings and the submission of an updated ES and further information to address outstanding issues and deficiencies that formed the basis for the previous reasons for refusal.
139. Overall, the principle of the ABP plant is deemed to be acceptable and in accordance with Policies W3, W4, W8 and DM2 of the CSDMP and Policies LP3 and LP5 of the CLLP. In terms of environmental and amenity impacts, a number of representations have been received during the consideration of this application and many of these have raised objections on the grounds of potential adverse impacts primarily due to traffic and odour and the impacts this development would have on the village and the amenity of residents living close to the site. Although the objections and issues raised by the public are noted, having taken into account the advice and comments received from statutory and non-statutory consultees, Officers are satisfied that the potential impacts are capable being mitigated, minimised and reduced through the implementation of the mitigation measures proposed within the application and through the imposition of planning conditions. It is also recommended

that a S106 Planning Obligation be secured as part of any permission to formalise and restrict HCVs travelling through Skellingthorpe village and to instead only approach and exit the site via Jerusalem/Black Lane and the B1190. Subject to these conditions and the S106 Planning Obligation the proposal is considered to be acceptable and in compliance with the relevant policies contained in the Development Plan as identified in this report.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following:

- A.** The applicant be invited to enter into a Section 106 Planning Obligation to secure a routeing restriction which would formalise and restrict HCVs travelling through Skellingthorpe village and to instead only approach and exit the site via Jerusalem/Black Lane and the B1190.
- B.** Subject to the conclusion of the Planning Obligation in (A) above, the Executive Director for Place be authorised to issue the planning permission granting permission for the development subject to the conditions as set out in Appendix B of this report; and
- C.** That this report forms part of the Council's Statement pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which requires the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 30(1)(d) the Council must make available for public inspection a statement which contains:
 - the reasoned conclusion of the Council on the significant effects of the development on the environment, taking into account an examination of the environmental information;
 - any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
 - a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset likely significant adverse effects on the environment;
 - any monitoring measures considered appropriate by the Council;
 - the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed;
 - information regarding the right to challenge the validity of the decision and the procedures for doing so.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Refusal Notice relating to previous application ref: 18/0709/CCC
Appendix B	Recommended Planning Conditions and Reasons
Appendix C	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 20/0550/CCC	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Central Lincolnshire Local Plan (2017)	North Kesteven District Council's website www.n-kesteven.gov.uk
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk

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

Refusal of Planning Permission

Name and address of applicant

Name and address of agent (if any)

DS Developing Limited
Swalesmoor Farm
Swalesmoor Road
Halifax
HX3 6UF

MAZE Planning Solutions
Europa House
Barcroft Street
Bury
BL9 5BT

Part I - Particulars of application

Date of application:
26 April 2018

Application No.
18/0709/CCC
LCC Ref. No.
PL/0055/18

Particulars and location of development:

For the demolition of the existing animal by-products processing plant and all associated installations; and the construction of a new animal by-products processing plant, comprised of: raw material reception and processing buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation; residential development to provide three environmentally sustainable eco affordable homes and one manager's house for the processing plant; alterations to the existing site access from Jerusalem Road; and all associated development, including landscaping at Jerusalem Farm, Jerusalem Road, Skellingthorpe

Part II - Particulars of decision

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 and having taken into consideration the environmental information submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that **permission has been refused** for the carrying out of the development referred to in Part I hereof for the following reasons:-

1. The principle of the affordable housing is contrary to policy LP11 of the Central Lincolnshire Local Plan, policy W8 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies and paragraph 77 of the National Planning Policy Framework. The site lies within the countryside, beyond the developed footprint of the village of Skellingthorpe. In order to justify an exception being made to the policies of the Central Lincolnshire Local Plan, policy LP11 requires evidence to be provided of both a local need for rural affordable housing and clear community support. No evidence of a local need for rural affordable housing has been provided. No evidence has been provided of local community support, either as expressed through consultation events, or through the support of the Parish Council. Indeed, Skellingthorpe Parish Council objects to the proposed development. There is no justification for an exception to the policies of the Plan being made, as both criteria of policy LP11, in relation to local need and community support, which are necessary to enable consideration of an exceptional case, have failed to have been met. The development is contrary to policy LP11.

Date: 29 July 2019

N McBride

Lancaster House, 36 Orchard Street
Lincoln LN1 1XX

Head of Planning
Lincolnshire County Council

Policy W8 prevents the encroachment of incompatible uses onto waste management sites. The affordable housing is an incompatible use, is unjustified and is contrary to policy W8.

Policy LP26 of the Central Lincolnshire Local Plan prevents development which would result in ribbon development or extends the linear features of a settlement. The dwellings and farmsteads in the immediate vicinity of the site are not located in the continuous built up area of Skellingthorpe and are a form of ribbon development. The affordable houses would add to this development and extend it further west, contrary to the design principles of policy LP26.

In addition, the affordable housing development is contrary to policy LP11 of the Central Lincolnshire Local Plan as the “eco-home” design and detached nature of the affordable housing means they may not be of interest in terms of acquisition to a registered affordable housing provider and no evidence to the contrary has been provided. The affordable houses therefore would not make effective use of the land, contrary to policy LP11.

2. The principle of the manager’s house is contrary to policy LP55 of the Central Lincolnshire Local Plan and policy W8 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies. The site lies within the countryside, beyond the developed footprint of the village of Skellingthorpe. No evidence of a need for a dwelling on this site being essential to the effective operation of the rural operation has been provided. The application fails to demonstrate the need for the dwelling; the number of workers that would occupy the dwelling; the length of time the enterprise the dwelling would support has been established; the ongoing concern of the rural enterprise through business accounts or a detailed business plan; the availability of other suitable accommodation in the area; or details of how the proposed size of the dwelling relates to the enterprise. Whilst details of the operation are implicit within the application, no evidence is provided to justify what specifically about the operation of the business generates a requirement for a manager’s dwelling on the site. Operator choice is not a reasoned justification. The manager’s dwelling is contrary to policy LP55.

Policy W8 prevents the encroachment of incompatible uses onto waste management sites. The manager’s dwelling is unjustified and is therefore an incompatible use, contrary to policy W8.

Policy LP26 of the Central Lincolnshire Local Plan prevents development which would result in ribbon development or extends the linear features of a settlement. The dwellings and farmsteads in the immediate vicinity of the site are not located in the continuous built up area of Skellingthorpe and are a form of ribbon development. The manager’s house would add to this development and extend it further west, contrary to the design principles of policy LP26.

3. In relation to odour, the development is contrary to policy DM3 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies, policies LP5 and LP26 of the Central Lincolnshire Local Plan and paragraph 127 of the National Planning Policy Framework. Odour is not assessed appropriately, adopting a sufficiently robust precautionary approach, particularly given the proximity and proposed introduction of sensitive receptors to the site. The appropriate category of odour level, that is, the “most offensive” category (as established in the Environment Agency guidance “How to comply with your permit –

H4 Odour Management” (2011)) has not been applied in the odour assessment. As such, the assessment is not sufficiently precautionary.

The use of the surrogate plant in Penrith, Lancashire, cannot be concluded to be appropriate or acceptable given the differences in the raw materials to be processed at each plant, with the Penrith plant only processing Category 3 animal by-product raw materials and the development processing Categories 1, 2 and 3 animal by-products raw materials. The raw material to be processed at the development has the potential to be more odorous than that processed at the surrogate plant. In addition, full details of the surrogate plant’s biofilter bed system is not provided and so it cannot be concluded that these are an appropriate comparison to base odour impacts of the proposed biofilter beds on.

The odour assessment fails to take into account the passage and potential queueing of HGVs carrying animal by-product raw material along the access road, closer to the proposed dwellings than the existing plant. The impacts of this potential source of odour are not included within the predicted odour calculations and it cannot be concluded that this would not have adverse impacts on the proposed residential properties.

The location of two of the proposed dwellings, and their curtilages, within the site are within (in the case of the curtilage of the manager’s dwelling) or very close to the boundary of the 1.5 to 3OUE/m³ contour, that is the point at which “most offensive” odour would have significant adverse impacts. It cannot be concluded that these dwellings would not experience significant adverse impacts, particularly in light of the potential contribution of a further source of odour being the transportation and potential queueing of HGVs carrying raw animal by-product material, on the access road.

Policies DM3, LP26 paragraph 127 of the National Planning Policy Framework require protection of residential amenities. The lack of certainty, and evidence to the contrary, regarding the potential for adverse odour at the proposed residential properties means that it cannot be concluded that the development would protect the amenities of the future residents of these properties. The development is contrary to policies DM3, LP26 and paragraph 127 of the National Planning Policy Framework.

Policy LP5 requires that employment development does not conflict with neighbouring land uses. The development is contrary to policy LP5 due to the potential for adverse odour impacts on the proposed dwellings.

4. In relation to noise, the development is contrary to policy DM3 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies, policies LP5 and LP26 of the Central Lincolnshire Local Plan and paragraphs 127 and 180 of the National Planning Policy Framework. Noise is not assessed appropriately and in accordance with section 8 of BS4142, as the correct approach to background noise assessment has not been applied.

No evidence or justification has been provided as to why a +3 decibel HGV noise penalty has only been applied to predicted daytime noise levels and not to night time noise levels. It cannot be concluded that noise levels at night time would be acceptable.

No assessment has been undertaken of night time noise levels during the concurrent running of the existing and proposed animal by-product processing plants. It cannot be concluded that noise levels at night time would be acceptable.

There are existing sensitive receptors adjacent to the site and four new sensitive receptors are proposed within the site boundary. Policies DM3, LP26 and paragraph 127 of the National Planning Policy Framework require protection of residential amenities. In addition, paragraph 180 of the National Planning Policy Framework requires new development to be appropriate for its location, taking into account noise impacts. The potential for adverse noise at the nearby sensitive receptors would not protect the amenities of the existing and future residents of these properties and it has not been demonstrated that impacts would be acceptable. The development is contrary to policies DM3, LP26 and paragraphs 127 and 180 of the National Planning Policy Framework.

Policy LP5 requires that employment development does not conflict with neighbouring land uses. The development is contrary to policy LP5 due to the potential for adverse noise impacts on nearby sensitive receptors.

5. In relation to contaminated land, the development is contrary policy DM3 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies, policies LP16 and LP26 of the Central Lincolnshire Local Plan and paragraphs 127, 178 and 179 of the National Planning Policy Framework. Policy LP16 and paragraph 178 of the National Planning Policy Framework require adequate risk assessment and site investigation to be undertaken to inform the assessment of contaminated land. Additionally, policy DM3 prevents unacceptable adverse impacts arising from the migration of contamination. A Phase 1 preliminary risk assessment of the whole site, which includes assessment of the risk of contamination associated with the redevelopment of the site and therefore the suitability of the land for its intended use, is required and has not been provided.

Policies DM3 and LP26 and paragraph 127 of the National Planning Policy Framework require protection of residential amenities. Due to the lack of information, it cannot be concluded that the amenities of the proposed dwellings would not be adversely impacted as a result of contaminated land.

It cannot therefore be concluded that the development has adequately addressed the issue of land contamination and the creation of a safe environment for all elements of the development and beyond, contrary to policies DM3, LP16 and LP26 and paragraphs 178 and 179 of the National Planning Policy Framework.

6. The Environmental Statement (including the further information) does not meet the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulation (2017) in relation to the consideration of reasonable alternatives studied by the developer with respect to the residential development on the site. No evidence of consideration of reasonable alternatives has been provided and no explanation or justification has been provided detailing why no alternatives were considered.

The requirement for consideration of alternatives in relation to new dwellings in the countryside is established in Central Lincolnshire Local Plan policy LP55 (in relation to the manager's house), which requires the consideration of other suitable living accommodation on site or in the area.

The Environmental Statement therefore fails to comply with Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulation (2017).

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 seeking further information to address issues identified. 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.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made either electronically via the Planning Portal at <https://www.gov.uk/government/organisations/planning-inspectorate> or by using a form which can be obtained by contacting the Customer Support Team on 0303 444 00 00). The Secretary of State has a power to allow a longer period for the giving notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving of a notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by them. Please note, only the applicant possesses the right of appeal.
2. Applicants that want a planning appeal to follow the Inquiry procedure should notify the local planning authority and the Planning Inspectorate at least 10 working days before submitting their planning appeal. Further information and a copy of the template notification form can be found here: <https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal>
The form should be emailed to Lincolnshire County Council at dev_planningenquiries@lincolnshire.gov.uk and the Planning Inspectorate at inquiryappeals@planninginspectorate.gov.uk
3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, they may serve on the council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

APPENDIX B – RECOMMENDED PLANNING CONDITIONS

Commencement

1. The development hereby permitted shall be commenced within three years of the date of this permission. Written notification of the date of commencement of development shall be sent to the Waste Planning Authority (WPA) within seven days of commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Docs and Plans

2. The development hereby permitted shall be carried out in strict accordance with the details contained in the application and in full compliance with the mitigation measures identified and set out in the supporting Environmental Statement (including supporting technical appendices) as supplemented by the Further Information (received 21 August 2020) and additional background noise assessment information (received 14 December 2020) and the drawings set out below, unless otherwise agreed in writing with the WPA, or where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions:

Drawing No. 2442-17-01 Rev.B - Existing Site Layout Plan
Drawing No. 2442-19-02 Rev.Y - Proposed Site Layout Plan
Drawing No. 2442-18-06 Rev.E - Hardstanding Areas
Drawing No. 2442-18-07 - Offices, Silos, Weighbridge, Engineers Workshop, Boiler House
Drawing No. 2442-18-08 - Oxidiser Building and Chimney
Drawing No. 2442-18-10 - Effluent Tank and Filter Bed
Drawing No. 2442-18-11 - Process and Raw Material 1
Drawing No. 2442-18-12 - Process and Raw Material 2
Drawing No. 2442-19-14 - Proposed Site Levels
Drawing No. UG_11697_LAN_LS_DRW_01 PO4 - Landscape Strategy
Drawing No. UG_11697_LAN_GA_DRW_11 PO4 - Hard & Soft General Arrangement Plan Sheet 1 of 4
Drawing No. UG_11697_LAN_GA_DRW_12 - Hard & Soft General Arrangement Plan Sheet 2 of 4
Drawing No. UG_11697_LAN_GA_DRW_13 - Hard & Soft General Arrangement Plan Sheet 3 of 4
Drawing No. UG_11697_LAN_GA_DRW_14 - Hard & Soft General Arrangement Plan Sheet 4 of 4

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with details that formed part of the application.

Permitted Waste Types and Tonnages

3. The animal by-products plant hereby permitted is permitted to receive, handle and process raw animal by-product materials falling within Categories 1, 2 and 3 (as defined by The Animal By-products (Enforcement) Regulations and Regulation (EC) 1069/2009 and Regulation (EC)142/2011).
4. The total quantity of raw animal by product material permitted to be imported and utilised by the development hereby permitted shall not exceed 299,520 tonnes per annum. All materials brought to the site shall be weighed at a weighbridge within the site and weighbridge records shall be retained for at least two years and be available for inspection by the WPA upon request.

Reason: To define the permitted waste streams and to limit the scale of operations in the interests of the amenities of the area.

Construction/Demolition Environmental Management Plan

5. No development shall take place until a Construction/Demolition Environmental Management Plan (CEMP) has been submitted to and approved in writing by the WPA. The CEMP shall include details of measures to be adopted to minimise and mitigate potential impacts during the demolition and construction works including (inter alia):
 - the measures to avoid the pollution and discharge of any substances, including surface water run-off into controlled waters;
 - the measures to be adopted during all works to minimise the incidence and impacts of noise and vibration arising from demolition/construction equipment and vehicles;
 - the measures to be adopted during all works to ensure that dust emissions are minimised;
 - details of the measures to ensure vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway (e.g. wheel cleaning facilities);
 - hours of working for demolition/construction activities.

The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.

Reason: To minimise the impacts of the demolition/construction operations and impacts such a noise, dust and light pollution on the local landscape, ecology and nearby residents.

Colour of External Buildings

6. Prior to the installation of any external cladding/sheeting to the buildings to be constructed as part of the animal by-product plant, details of the final colour of those external materials shall be submitted and approved in writing by the Waste Planning authority. The development shall thereafter be carried out in

accordance with the approved details and the external cladding maintained in a good condition and fit for purpose.

Reason: In the interests of the visual amenity of the area.

Hours of Operation

7. Once commissioned and operational the animal by-product plant hereby permitted may operate continuously 24 hours a day, 6 days a week (Monday to Saturday) with members of staff being present on-site at all times of operations. Other than routine maintenance and cleaning works, no processing or other operations and activities (including the delivery of raw animal by-product material or export of products) shall take place on Sundays.
8. Except as may otherwise be agreed in writing with the Waste Planning Authority, no HCV's are permitted to enter or exit the site associated with the delivery of raw animal by-product material and/or the export of the products between 2300 hours and 0700 hours.

Reason: In the interests of general amenity of the area and to minimise the impact of noise from passing HGVs on residents living close to the site during the night-time period.

Drainage & Flood Risk

9. No development shall take place until full details of the surface water drainage and foul/contaminated water and effluent management schemes have first been submitted and approved in writing by the WPA. Such details shall include a site drainage plan identifying foul and surface water distribution, discharge points and rates of discharge, interceptors and location of any attenuation tanks. The approved drainage systems/scheme shall be implemented in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure further details of the means to manage surface waters and foul/contaminated waters from the development are secured in line with the recommendations of the Environmental Statement.

10. The finished floor levels of all new buildings constructed as part of the development hereby permitted shall be set at 150mm above surrounding ground levels.

Reason: To protect the proposed new buildings from any risk of flooding from surface waters in accordance with the recommendations of the Flood Risk Assessment that supported the development.

Landscaping

11. No construction/demolition operations shall take place until a comprehensive Habitat and Landscape Management and Maintenance Plan (HLMMP) has

been submitted to and approved in writing by, the Waste Planning Authority. The HLMMP shall be based upon the details shown indicatively on the approved Landscape Strategy and Hard and Soft General Arrangement Plans (Sheets 1 to 4) (referenced in Condition 2) and include full details of all soft-landscaping and fencing to be planted/erected within the site including details of the species, size, number, spacing and positions of all plants and trees, fencing type, height and colour as well as details of the measures to be adopted for the future maintenance and 10 year aftercare of all new planting. All new landscape planting shall be carried out within the first available planting season following the completion of the demolition and any remediation works and all planting shall thereafter be maintained in accordance with the approved details.

12. All trees and shrubs not scheduled for removal and which are to be retained as part of the development shall be protected during the demolition/construction works in accordance with the recommendations of BS5387 'Trees in relation to design, demolition and construction – recommendations'. All protection fencing, barriers and measures implemented to protect trees and shrubs shall be maintained during the course of the construction works on site and be removed following their completion.

Reason: To minimise the impact of the development on the local landscape in the interests of visual amenity.

External Lighting

13. No fixed lighting, including security lighting, shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Waste Planning Authority. The details shall ensure that the lighting is designed to minimise the potential nuisance of light spillage outside of the site, including the public highway. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the potential nuisance and disturbances to the local wildlife and the surrounding area.

Noise

14. Noise levels from the animal by-product plant hereby permitted shall not exceed the background noise level as measured at any of the noise sensitive locations/receptors by more than 5dB(A) *at any time*. In the event of any substantiated complaint being notified to the operator by the Waste Planning Authority or District Planning Authority relating to noise arising as a result of the operations undertaken at the site, the operator shall provide the Waste Planning Authority with a scheme of noise monitoring for its written approval. Following the written approval of the Waste Planning Authority the noise monitoring scheme shall be carried out within 14 days of this written approval and the results of the noise monitoring scheme and survey and details of any additional mitigation measures to be implemented as part of the development

shall be submitted for the attention of the Waste Planning Authority. Any additional mitigation measures identified as part of the survey shall be implemented within one month of the survey and thereafter implemented for the duration of the development.

Reason: In order to safeguard the amenities of the nearest residents to the site.

Ecology

15. No soil stripping or vegetation clearance works shall be undertaken between March and September inclusive unless otherwise agreed in writing with the WPA. If these works cannot be undertaken outside this time, the land affected should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.
16. Prior to the demolition of Buildings 3a, 3b, 6 and 8 of the existing animal rendering plant (as referenced on Plate 7-1 contained within Chapter 7 'Ecology' of the Environmental Statement) an updated pre-demolition bat survey shall be carried out to establish the presence or absence of bats in the buildings. The results of this survey, along with details of any contingency plans shall be submitted to the WPA for their written approval. No demolition works shall take place until those results have been approved in writing by the WPA and thereafter all works shall be carried out in full accordance with the approved details.
17. No construction works shall take place until a compensatory ecological receptor area has been created in the southern corner of the site. The ecological receptor area shall be at least 0.5 hectares in size to compensate for the loss of reptile habitat lost from elsewhere within the site and include features (e.g. reptile refugia and hibernacula log piles) to support reptiles including any that are translocated to this area from elsewhere in the site. Once established reptile fencing shall be erected around the perimeter of the ecological receptor area for the duration of the construction and demolition phase of works.
18. Prior to any vegetation clearance or groundworks taking place which affect existing drainage ditches or areas identified as containing suitable water vole or reptile habitat, those areas shall be fenced off and updated pre-construction surveys carried out. Any individuals found during the course of the surveys shall be trapped and translocated to the compensatory ecological receptor area created within the site under the supervision of an appropriately qualified ecologist. No vegetation clearance or groundworks shall take place until those areas have been cleared of any individuals and all exclusion fencing erected elsewhere around the site shall be retained for the duration of the construction and demolition phase of works.

Reason(s): In the interests of safeguarding nesting birds that are protected by law.

Traffic & Site Access

19. No construction works associated with the development hereby permitted shall commence until the access to the site has been improved and the works completed in accordance with details that have first been approved in writing by the Waste Planning Authority. The design of the access improvement works shall be in accordance with the details shown indicatively on Figure 5.2 within Chapter 8 of the submitted Environmental Statement.

See Informative for further information

20. All Heavy Commercial Vehicles (HCVs) accessing and egressing the site shall do so via Jerusalem/Black Lane and the B1190 only. Upon exiting the site all HCVs shall turn right only and no such vehicles shall turn left at any time.
21. The metalled surface of the site access and any internal routes shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development. This shall remain the only means of access for HCV traffic to and from Jerusalem Road.

Reasons: To secure further details of the site access improvements proposed as part of the development so as to ensure the provision of safe and adequate means of access to the permitted development and; to ensure that all traffic associated with the use of the site does not detrimentally effect nearby residents and to prevent mud or other materials from the site being transferred onto the public highway in the interests of cleanliness and highway safety.

Archaeology

22. (a) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Waste Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records provision for archive deposition.
 5. Nomination of a competent person/organisation to undertake the work.
 6. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

- (b) The archaeological site work shall be undertaken only in full accordance with the approved written scheme. The applicant will notify the Waste 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 Waste Planning Authority.
- (c) A copy of the final report will be submitted within three months of the work to the Waste Planning Authority for approval (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site.

Odour Management Plan

- 23. Before the animal by-product plant hereby permitted is brought into use (including during the commissioning phase) an Odour Management Plan shall first have been submitted and have received written approval from the Waste Planning Authority. The Odour Management Plan shall include details of the proposed odour abatement and associated mitigation measures (in accordance with the principles set out in the Further Information received 21 August 2020) and an associated odour monitoring scheme, detailing how, where and when odour will be monitored from the site and how any issues identified will be addressed or remedied. The approved Odour Management Plan shall thereafter be implemented in full for the duration of the development.

Reason: To ensure odour emissions from the plant are actively monitored so as to minimise any impacts on the locality and to protect the amenity if local residents.

Contaminated Land

- 24. Prior to the demolition of buildings associated with the existing animal by-product rendering plant a further contaminated land site intrusive investigation survey and risk assessment shall be undertaken and completed in accordance with a scheme that has first been submitted and be approved in writing by the Waste Planning Authority. The scheme shall assess the nature and extent of any contamination within the footprint of the existing buildings and yard areas that have not previously been assessed and a written report of the findings of the site investigation survey and risk assessment shall be produced and submitted for the Waste Planning Authority for approval.
- 25. No demolition works shall take place until a detailed remediation scheme to bring the land and areas subject of the above further contaminated land site

intrusive investigation survey and risk assessment to a condition suitable for the intended use has been submitted and approved in writing by the Waste Planning Authority. The scheme must include details of all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures to remove unacceptable risks to human health, controlled waters and future buildings or uses of the land. All works must then be carried out in accordance with the approved scheme of remediation.

26. Following the completion of all works and measures as identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and be submitted for the written approval of the Waste Planning Authority.

Reason: To ensure that risks from land contamination both during the demolition phase and to the future users/uses of the land are minimised together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Decommissioning and demolition of existing facility

27. There shall be no concurrent operation of any part of the replacement animal by-product plant hereby permitted (involving the receipt, handling and processing of any raw animal by-product materials) and the existing animal by-product plant other than associated with the commissioning and testing of the replacement plant. Once the replacement animal by-product plant hereby permitted has been commissioned and completed testing, the existing animal by-product plant shall permanently cease operating and be decommissioned and demolished.

Reason: To ensure only one animal by-product plant remains operational within the site so as to reflect the development permitted and safeguard the amenity of nearby residents.

Informatives

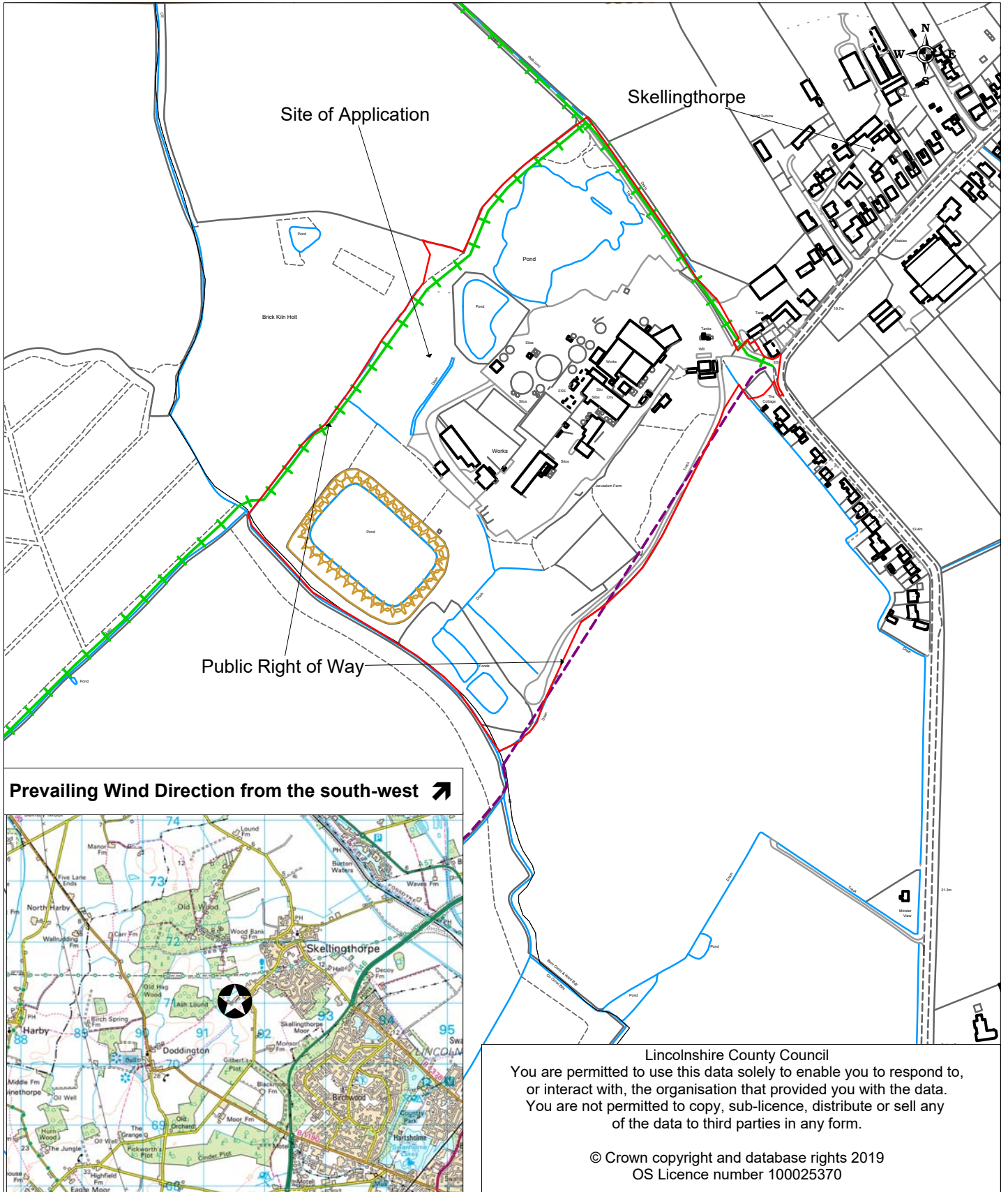
Attention is drawn to:

- (i) Condition 19 - The site access improvement works referred to the condition would be delivered under a Section 278 Agreement (Highways Act 1980) with the Highway Authority. Prior to the submission of details relating to the access improvements you must contact the Highways Department 01522 782070 for advice on the required specification and construction information. Details relating to the materials, specification and construction methods as agreed with the Highway Authority should then be included in the details submitted pursuant to Condition 19 of this decision.
- (ii) The information and advice contained within the following letters:
- Environment Agency letter dated 20 May 2020;

- Cadent letter dated 1 May 2020;
- (iii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and seeking further information to address issues identified and 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.
- (iv) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 15 FEBRUARY 2021



Lincolnshire County Council
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Location:
 Jerusalem Farm
 Jerusalem Road
 Skellingthorpe

Description:
 For the demolition of the existing animal by-products processing plant and all associated installations and the construction of a new animal by-products processing plant

Application No: 20/0550/CCC
Scale: 1:5000

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

Report to:	Planning and Regulation Committee
Date:	14 February 2022
Subject:	Outcome of Planning Appeal – APP/Q2500/W/21/3276450 Envirotyre UK Ltd, Reed Point, Sutterton County Matter Application - B/20/0474

Summary:

Supplementary Report

This report sets out the outcome of an appeal following the Council's decision to refuse planning permission relating to Envirotyre UK Limited's (the Appellant) application to remove condition 6 of planning permission B/16/0217. The application sought to allow outside storage of tyres to take place when the site is not in operation. Contrary to the Officers recommendation, the Planning & Regulation Committee refused the application, and the Appellant subsequently made an appeal against that decision to the Planning Inspectorate.

The appeal was determined by written representations and having considered the arguments and representations made by both the Appellant and the Council, the Planning Inspector decided to find in favour of the Appellant. Consequently, the appeal was allowed and a claim for costs was partially awarded.

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

Recommendation:

That the decision of the Planning Inspectorate is noted.

Background

1. In November 2020 the Appellant made an application (reference: B/20/0474) seeking planning permission to remove condition 6 of planning permission B/16/0217 to allow outside storage of tyres to take place when the site is not in operation. A report on that application was brought to the Planning & Regulation Committee on 15 February 2021 where, contrary to the Officer's recommendation,

the Committee resolved to refuse the application on basis that the storage of tyres outside the building on a more permanent arrangement would have an adverse impact on residential amenity due to an increased risk of fire and that the outside storage would have a detrimental impact on visual amenity. In light of the Committee's resolution a report was subsequently presented and approved at the Committees meeting on 15 March 2021 setting out the wording and policy references for the reason for refusal.

2. The Appellant subsequently made an appeal against the Committee's decision to refuse the application to the Planning Inspectorate. The appeal was determined by written representations and having considered the arguments and representations made by both the Appellant and the Council, the Planning Inspector decided to find in favour of the Appellant. Consequently, the appeal was allowed and a claim for costs was partially awarded.
3. A copy of the Inspector's decision is attached to this report as Appendix A.

RECOMMENDATIONS

That the contents of the report are noted.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Planning Inspectorate's Appeal Decision dated 27 January 2022

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



Appeal Decision

Site visit made on 25 January 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/Q2500/W/21/3276450

Reed Point, Spalding Road, Sutterton PE20 2EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Envirotyre UK Limited against the decision of Lincolnshire County Council.
 - The application Ref B/20/0474 (LCC Ref No PL/0126/20), dated 9 November 2020, was refused by notice dated 15 March 2020.
 - The application sought planning permission to vary condition 2 of planning permission B18/0167/15 (approved plans) – to create an additional external storage area without complying with a condition attached to planning permission Ref B/16/0217 (LCC Ref No B18/0217/16), dated 9 August 2016.
 - The condition in dispute is No 6 which states that *'no tyres or bales shall be stored outside the building beyond the hours of operations of the site as set out in condition 10. Any tyres or bales stored outside the building shall not exceed a height of 2m (loose tyres) or 3m (baled tyres).'*
 - The reason given for the condition is *'in order to minimise any visual impacts arising from the external storage of tyres and bales on the appearance of the surrounding area'.*
-

Decision

1. The appeal is allowed and planning permission is approved for the change of use of the existing haulage yard and workshop and erection of a building for the importation, sorting and baling of end-of-life tyres and the construction of a surface water mitigation scheme and security fencing to the boundary at Reed Point, Spalding Road, Sutterton, PE20 2EP, in accordance with application Ref B/20/0474 (LCC Ref No PL/0126/20) dated 9 November 2020, without compliance with condition 06 previously imposed on planning permission Ref B/16/0217 (LCC Ref No B18/0217/16) dated 9 August 2016, and subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Envirotyre UK Ltd against Lincolnshire County Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. Planning permission was first approved on appeal in May 2012¹ for the erection of a storage building and change of use of a former haulage yard and workshop to the importation, sorting and bailing of end of life tyres. In 2015, planning permission was approved to modify the aforementioned planning permission and this included a planning permission that permitted the outside storage of tyres during the time when the site was operational. Planning permission was approved² on 9 August 2016 for the same amended development albeit with the creation of an additional external tyre storage area and subject to condition No 06 that reads '*no tyres or bales shall be stored outside the building beyond the hours of operations of the site as set out in condition No 10. Any tyres or bales stored outside the building shall not exceed a height of 2m (loose tyres or 3m (baled tyres)'*
4. The application which is the subject of this appeal seeks to delete the first sentence of condition No 06. However, the appellant has clarified that the second part of the condition would remain on the grant of a new planning permission as per the discussions that took place with the Council prior to the determination of the appeal.
5. For the avoidance of doubt, condition No 10, which is not proposed to be varied or deleted reads '*no operations on the site associated with the development hereby permitted shall take place outside the hours of 07:00 to 22:00 Monday to Friday and 07:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays'*
6. In my decision above, I have used the description of development from the original 2012 planning permission. This more succinctly describes the proposed development when compared to the description of development in the August 2016 planning permission. It remains accurate and precise in terms of this appeal proposal and the main parties have confirmed that they share this view.

Main Issues

7. The main issue is the effect of the proposed variation of condition No 06 of planning application Ref No B/16/0217 (LCC Ref No B18/0217/16) on (i) the character and appearance of the area, and (ii) the living conditions of the occupiers of nearby residential properties in respect of the potential for fire and/or pollution from the permanent outside storage of tyres.

Reasons

Character and appearance

8. The existing planning permission for the site permits the outside storage of tyres and tyre bales, albeit that this is confined to the hours as specified in condition No 10 of planning application Ref No B/16/0217 (LCC Ref No B18/0217/16). I do not doubt that the business on the site has grown and expanded over the years. The evidence indicates that it employs 20 people. Furthermore, I note the appellant's comment about the amount of time that it takes to move tyres from outside to inside the building and vice versa and that this has some adverse economic impacts. It is of note that the appellant says

¹ APP/Q2500/A/12/2167819

² Application Ref No B/16/0217 (LCC Ref No B18/0217/16)

that the appeal site is the only one of its kind in Lincolnshire and that it provides a vital role in dealing with end-of-life tyres arising in the country and neighbouring counties.

9. The application would have the effect of permanently storing tyres and baled tyres within the identified locations within the site as detailed in drawing No 981-8_SK_SP01 Rev A. As part of my site visit, I was able to consider the boundary treatment around the site (i.e. palisade fence and hedge) and the relationship with the surrounding countryside and neighbouring residential properties. Taking this into account, I am satisfied that subject to retaining control by condition in respect of the height and location of permanently stored outside tyres and baled tyres on the site, such a change to the planning permission would not have a detrimental impact on the character and appearance of the area or the scenic beauty of the surrounding countryside. Indeed, longer distance public views of stored tyres, which would range in height from 2 to 3 metres, would not be conspicuous or out of place when seen from fleeting views from the surrounding A17, Broad Lane and nearby residential properties taking into account their close relationship with the more imposing scale of the main building on the site, and the partial screening effect afforded by the boundary palisade fencing and vegetation.
10. For the above reasons, and subject to imposing an amended condition relating to controlling the height and siting of the outside storage of tyres and baled tyres, the proposal would not cause harm to the character and appearance of the area. On this basis, the proposal would accord with the design, character and appearance requirements of policy DM6 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies 2016 (M&WLP) and Chapter 12 of the National Planning Policy Framework 2021 (the Framework).

Living conditions – fire and pollution

11. Concerns have been raised by the Council's Planning Committee and the public about the permanent storage of tyres and baled tyres on the site relative to the potentially adverse effect that this may have on the occupiers of neighbouring dwellings, namely Autumn Lodge and Sharway, should they set fire. Concerns are also expressed about the effect of a fire on levels of air pollution in the area.
12. While the proposal would represent a change to the existing situation, in so far that it is proposed to permanently store tyres outside, it should be recognised that a considerable amount of outside tyre storage is already permitted. I accept that this is not in the evening or early mornings and not on a Saturday afternoon or Sunday/Bank Holiday. Nonetheless, the existing planning permission does permit outside tyre storage for significant amounts of time.
13. I would also add that a fire could take place inside or outside the building, although I do accept that if the tyres were located within the building that might initially contain a possible fire and, if detected, therefore minimise levels of associated pollution in the locality. However, it could also be said that a fire associated with tyres inside a building could equally have adverse consequences from a pollution of view and of course may not initially be detected as quickly as tyres stored outside.

14. In any event, and overall, I do not find that the proposal would, in relative terms, lead to a significant increase in the risk of fire or pollution on or from the site when compared to the existing and approved situation. To that extent, I do not find that the evidence indicates that the proposal would result in any material increase in the risk of fire or pollution in the area and hence no adverse harm would be caused to the living conditions of the occupiers of nearby residential properties or indeed the public at large.
15. In reaching the above view, I am cognisant that the site is regulated by the Environment Agency under a Standard Rules Permit and that includes having measures in place to reduce the risk of fire during operation of the site and the monitoring of the site out of hours. The evidence is that the site is secured by palisade fencing and there are 16 CCTV cameras that alert employees in respect of movements on the site and thermal anomalies. In addition, the Planning Committee report states that *'there is an existing fire hydrant located at the entrance of the site on Spalding Road'* and *'the site has a sealed drainage system which contains any surface waters derived from the site and which has the capacity to store 72,000 litres of water which can be used and reclaimed in the event of a fire'*.
16. Concerns have been raised by the public about the effects of a fire on the site, particularly given that a fire took place in Kirton relating to stored tyres. However, the evidence indicates that this site may have operated without a planning permission or Environmental Permit at the time. I do not know the specific circumstances relating to the fire at Kirton, but, in any event, the evidence is that measures are and would be in place on the appeal site to suitably minimise the risk from fire or indeed any pollution from surface water run-off.
17. Comments have been made by the Council about the potential for arson or tyres setting fire due to *'extreme heat during hot weather'* or from *'Chinese lanterns'*. Tyres are not prone to self-ignition due to hot weather as they must be heated to at least 400 degree Celsius for a period of several minutes prior to ignition. In this regard, the Council's comment about tyres setting fire due to extreme heat during hot weather is not reasonably substantiated or indeed accurate. The potential for a Chinese lantern to land on the site is of course remote. Furthermore, it is likely that if one did land on the site it would no longer be ignited and, even if it were still ignited it would unlikely heat tyres to the sort of temperature needed for a fire to take place.
18. It is of note that Lincolnshire Fire and Rescue Service has not objected to this proposal (no comments were made by them but they did not object to original planning permission for the site) and the Environment Agency has commented that *'we are satisfied that condition 6 can be discharged'* and *'the existing environmental permit (Environmental Permitting [England & Wales] Regulations 2016) would need to be varied in order to allow the storage of materials outside'*. I am satisfied that there are sufficient and separate powers of control to deal with minimising the potential fire risk and associated pollution arising from the proposal. This separate power of control relates to the requirements of the Environmental Permitting [England & Wales] Regulations 2016.
19. For the above reasons, I conclude that the proposal would not have a detrimental effect on the living conditions of the occupiers of neighbouring

residents, including also those to the north of the site, or the public at large in respect of the risk of fire or from a pollution point of view. Consequently, the proposal would accord with the amenity and pollution minimisation requirements of policies DM3 and DM6 of the M&WLP and paragraph 130(f) of the Framework.

Other Matters

20. I have taken into account representations made by other interested parties. There would be some noise and activity from the use of machinery in terms of the stacking and racking of tyres outside. However, this takes place already on the site and a variation to condition No 06 would have the effect of removing the current need to move tyres back into the building to reflect the operational hours in condition No 10. Therefore, and in relative terms, I do not find that the proposal would lead to any significant or harmful levels of noise and disturbance in respect of surrounding existing residents or indeed in respect of the occupants of any new residential development in the area.
21. Concern has been raised about the business expanding, although there is no evidence before me to refute the claim made in the Planning Committee report that *'the original application states that the maximum throughput of the site was expected to be 10,400 tonnes per annum and the applicant has stated that whilst the business has grown the tonnage of tyres processed annually has never yet achieved that originally proposed'*. There is no evidence that the proposal would result in any unacceptable or severe impacts on the surrounding road network from a highway safety or traffic congestion point of view.

Conditions

22. It should be noted that as I am allowing the appeal a new permission is created and the original permission remains extant and unaltered along with the conditions attached to it. The conditions set out in the accompanying schedule are based on those suggested by the Council. They have all been agreed by the appellant.
23. For the avoidance of doubt, a condition is necessary confirming that as development has already commenced, the planning permission takes effect immediately. In the interests of certainty, and to define the scope of the planning permission, it is also necessary to impose a drawings condition.
24. In order to protect the site and the area from flooding, conditions are necessary relating to the submitted flood risk assessment and the continued implementation of the surface water run-off and fire management system.
25. In the interests of the character and appearance of the area, conditions are necessary relating to areas where tyres can be stored, and including height, and the continued use of materials for the appeal building.
26. In the interests of the living conditions of the occupiers of nearby residential properties, conditions are included relating to not processing, shredding or treating tyres on site, no waste other than the end-of-life tyres being brought onto the site, and controls relating to hours of use and deliveries at the site.

27. Finally, in the interests of highway safety, a condition is necessary to ensure that space remains at all times for the parking, loading, unloading and manoeuvring of vehicles within the site.

Conclusion

28. Subject to the imposition of a varied condition No 06, there are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of Conditions

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development has been implemented and commenced.
2. The development hereby permitted shall be carried out in accordance with the following plans:
 - a. Drawing No. 981-8_SK_SP01 Rev A – Site Plan
 - b. Drawing No. 20411/03 Rev. J - Proposed External Works & Drainage Layout
 - c. Drawing No. 20411/05 Rev. D - External Works Sections and Details
3. The development shall continue to be carried out in accordance with the approved Flood Risk Assessment (RM Associates, Version 1, June 2011)
4. The surface water run-off and fire water management system as detailed on Drawing Nos. 20411/03 Rev. J "Proposed External Works and Drainage Layout" and 20411/05 Rev. D "External Works Sections and Details" shall continue to be implemented and retained at all times whilst the use hereby permitted subsists.
5. The facing materials of the building shall continue to be goose wing grey plastic coated metal sheeting.
6. Any tyres or bales stored outside the building shall not exceed a height of 2m (loose tyres) or 3m (baled tyres) and tyres shall only be stored in the green and pink coloured areas on Drawing No 981-8_SK_SP01 Rev A – Site Plan.
7. Other than the use of the hydraulic shear which is stationed within the existing transfer building, there shall be no processing, shredding or treatment of the tyres on the site at any time.
8. No waste other than end-of-life tyres shall be brought onto the site.
9. Vehicles associated with deliveries to or from the site shall only be permitted access to the site between 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
10. No operations on the site associated with the development hereby permitted shall take place outside the hours of 07:00 to 22:00 Monday to Friday and 07:00 to 13:00 on Saturdays and at no time on Sundays and Bank Holidays.
11. Adequate space shall be available at all times for the parking, loading, unloading and manoeuvring of vehicles within the site.

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