



County Offices
Newland
Lincoln
LN1 1YL

1 April 2022

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 11 April 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, 11 APRIL 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 14th March, 2022	5 - 12
4.	Minutes of the Site Visit to Bailgate and Chapel Lane, Lincoln	13 - 14
5.	Traffic Items	
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5.2	Somerby, Londonthorpe and Harrowby A52 and B6403 High Dyke - Proposed 40mph Speed Limit	21 - 26
5.3	North Hykeham, Manor Farm Estate - Proposed No Waiting at Any Time, Mandatory School Keep Clear Markings and Bus Stop Clearway	27 - 38
6.	County Matters Applications	
6.1	To vary conditions 1 (expiry date) and 3 (approved documents and drawings) of planning permission 141306 at land to the east of Smithfield Road, North Kelsey Moor - Egdon Resources U.K Limited, (Agent AECOM Limited) - 144203	39 - 76
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6.2	To vary conditions 5 (dust management) and 10 (sheeting) of planning permission (E)S163/1599/02 (as amended by permission (E)N163/2338/14) at South Thoresby Quarry, Greenfield Lane, South Thoresby - GBM Waste Management (Agent Sirius Planning) - N/163/00352/22	77 - 94
	To vary conditions 7 (sheeting) and 8 (dust management) of planning permission (E)S163/2206/02 at South Thoresby Quarry, Greenfield Lane, South Thoresby - GBM Waste Management (Agent Sirius Planning) - N/163/00353/22	

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

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

Contact details set out above.

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, 11th April, 2022, 10.30 am \(modern.gov.co.uk\)](#)

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



PLANNING AND REGULATION COMMITTEE 14 MARCH 2022

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), P Ashleigh-Morris, S A J Blackburn, I D Carrington, C S Macey, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear, P A Skinner and T J N Smith

Councillors: C E H Marfleet and S Bunney attended the meeting as observers

Councillor: A P Maughan attended the meeting via Microsoft Teams as 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)

67 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors Mrs A M Austin, Mrs A M Newton, and A M Hall.

68 DECLARATIONS OF MEMBERS' INTERESTS

The Chairman acknowledged that he, and other members of the Planning and Regulation Committee, had received a number of pieces of correspondence from members of the public and community action groups in relation to applications PL/0167/21 and PL/0168/21.

The Chairman and Councillor I Carrington noted that, in relation to PL/0167/21 and PL/0168/21, the officers' report referenced the emerging Central Lincolnshire Local Plan (CLLP), while they were Members of the Central Lincolnshire Joint Strategic Planning Committee, they didn't feel that their opinions would be unduly influenced.

The Chairman noted that he was also the Chairman of West Lindsey District Council Planning Committee but hadn't had any involvement in the decision to object to applications PL/0167/21 & PL/0168/21.

69 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 14 FEBRUARY 2022

That the minutes of the previous meeting held on 14 February 2022, be approved as a correct record and signed by the Chairman.

70 COUNTY MATTER APPLICATIONS

PLANNING AND REGULATION COMMITTEE**14 MARCH 2022**

71 TO VARY CONDITIONS 1 (EXPIRY DATE) AND 3 (APPROVED DOCUMENTS AND DRAWINGS) OF PLANNING PERMISSION 141306 AT LAND TO THE EAST OF SMITHFIELD ROAD, NORTH KELSEY MOOR – EGDON RESOURCES U.K LIMITED, (AGENT AECOM LIMITED) – 144203

TO VARY CONDITIONS 1 (DEVELOPMENT CEASE DATE) AND 2 (APPROVED DOCUMENTS AND DRAWINGS) OF PLANNING PERMISSION 141307 AT LAND TO THE EAST OF SMITHFIELD ROAD, NORTH KELSEY MOOR – EGDON RESOURCES U.K LIMITED, (AGENT AECOM LIMITED) - 144207

With the permission of the Chairman, applications PL/0167/21 and PL/0168/21 were considered first following significant public presence and delay in commencement

The Committee considered a report where planning permission was sought by Egdon Resources U.K. Limited (Agent AECOM Limited) seeking to amend the date by which the restoration of the two sites needed to be completed and to vary the direction of drilling to secure an optimal ‘bottom hole target location’ within the North Kelsey Prospect.

The Head of Planning guided members through the report and set out the main issues to be considered in the determination of the application. He also updated Members verbally on further comments, objections and a petition that had been received since the publication of the report.

The report recommended that, conditional planning permissions be granted.

Ms Amanda Suddaby was invited to address the Committee in objection to this application. Her comments were as follows:

- She stated that in seven years, eight different applications had been submitted and no real work had even begun. The application caused seven years of anxiety for local people to whom she didn’t feel this development brought benefit. The claim that Covid had caused the delay she felt was disingenuous. She suggested that the seven-year delay was intentional and had been used to expand the project through numerous variations.
- Objections were received from seven councils, 150 individuals, three public groups and nearly 1200 petitioners. Raising numerous concerns, including adverse impacts on our well-being, amenity, local economy, environment, to the climate and ecological crisis, and, particularly, the credibility of the applicant’s expanding plans and shifting deadlines.
- In the site’s previous application, the Committee agreed that delays were becoming unacceptable, and she felt this new deadline was unrealistic. The applicant told the Committee they needed a three-year window to allow for contingencies and were granted two applicants. The applicant now claimed that 49 weeks was a worst-case scenario. It was observed that only 52 weeks would be allowed for a 49-week project.
- Ms Suddaby suggested bird-nesting had started and the vicinity housed protected species, therefore work wouldn’t start until September if bird protection was appropriately observed. The applicant’s tight timeframe also left no allowance for any hold-ups with equipment, staff, permits or bad weather. Moreover, this was not just an extension of time but also a last-minute change to the direction of drilling, based on data analysis that should have been done previously.
- Reports relating to traffic, ecology, flood risk and land condition she felt were dated and suggested a reassessment. A new ecological appraisal could have established a biodiversity baseline for Condition Eight before the construction phase began.
- She stated the applicant had failed to carry out road alterations to mitigate a dangerous site access on a narrow blind bend.

- Conflicts in the Ukraine had been used by the applicant to justify this project, but Ms Suddaby suggested the application site may produce 50-200 barrels of oil a day. Ten times less oil than a recently refused application by the Committee. Onshore represented less than two per cent of UK production and this site would be a tiny fraction of that. It could be two to three years before production may begin. The possibility of finding such a small reserve of oil she felt outweighed the adverse impacts.
- While it was nationally recognised that the dependence of foreign oil needed to be broken, Ms Suddaby suggested this should be done through the use of renewable energy. During the transition the North Sea offered sufficient supply. The climate emergency remained a constant threat. Ms Suddaby reminded the Committee of national and local commitments to reach Net Zero including the Council's own Green Masterplan.
- Ms Suddaby urged the Committee to consider policies R1 and DM14 which required early restoration to protect amenity and road safety when determining this application.

Mark Abbott, CEO of Egdon Resources, was invited to address the Committee as applicant of this proposal. His comments were as follows:

- The representations from local residents, the parish and town councils and community groups were taken into account. Mr Abbott apologised for any impact that the delay in construction and drilling had on the residents in the vicinity of the wellsite.
- Initial preparations were made to construct the wellsite before the summer of 2020, but because of the Covid-19 plans changed significantly. Following a further extension in September 2020 he was confident that this would be sufficient. However, the second wave of Covid and the impact of Omicron left insufficient time for works to be undertaken.
- Over this period, the seismic data was re-evaluated to verify the target location of the well in the sub-surface. This work identified a better target, situated 700 metres to the north west of the wellsite surface location.
- The North Kelsey prospect had potential to recover 6.5m barrels from four different reservoir units. Therefore, a directional borehole steered to this location, rather than a vertical well, was now proposed. He stated there would be no change to surface activity or in the number of approved Heavy Goods Vehicles (HGVs) movements or the drilling timescale.
- He stressed there would be no other change to the scheme that was approved by the Committee in July 2019 and a set of draft conditions had been agreed with officers. Before development started, a lighting assessment and further ecological survey would be undertaken, and a biodiversity net gain assessment would be explored to deliver a minimum 10 per cent increase in biodiversity.
- Representations questioned the need for this development in view of the transition to Net Zero carbon emissions by 2050, oil would continue to be needed and used up to and beyond 2050 and was key to manufacturing everything from medicines to wind turbines. Paragraph 209 of the National Planning Policy Framework (NPPF) stated that it was essential that there was a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the Country needs. When determining applications, the NPPF went on to say that great weight should be given to the benefits of all mineral extraction, including to the economy.
- He suggested that the conflict in the Ukraine, and subsequent impact to global oil supply, should be taken into account when considering the necessity of this scheme. Moreover, consumers faced a notable increase in fuel and manufacturing costs. Maximising domestic opportunities to search for indigenous fuel he felt was key to becoming less dependent on

imports. Moreover, he stated independent studies had indicated that indigenous oil supplies had a significantly lower carbon footprint than imported oil.

- If no oil was found at the site, or there were insufficient reserves, then the site would be restored to farmland as quickly as possible.
- The principle and location of the site had already been established by the Committee, but he stressed the site sat outside the Lincolnshire Wolds Area of Outstanding Natural Beauty AONB and was 650m from the nearest residential property. It was well screened by existing vegetation which would be enhanced with additional planting.
- Smithfield Road was a single carriageway, and improvements had already been made including a passing place and improvements at the junction with the B1434.
- The site could support the local economy through the use of local contractors, suppliers and services during the site works and exploratory activities.
- He reiterated officers' comments that the proposals were in line with the aims and objectives of the NPPF and would not conflict with the relevant policies of the Core Strategy or Policy LP26 of the CLLP, as the extension of time would not have an adverse impact either on amenity or the highway network.
- The objections raised by West Lindsey District Council had been thoroughly addressed in the officers' report. The change in the bottom hole target did not constitute new development as the surface operations were all contained within the application boundary. Sub-surface drilling operations were a matter for the OGA, HSE and the Environment Agency and did not constitute development.

Members of the Committee asked Mr Abbott how he intended to complete this 52-week project without the need to seek permission for a further extension. Mr Abbott advised the Committee that the initial part of the works would be to undertake an ecological survey. As a minimum, Mr Abbott suggested that up to three months would be required for the well site and access then up to eight weeks to mobilize the drilling operations.

Noting the change in drilling location, the Committee asked what impact the change may have on the surface. Mr Abbott stressed there wasn't expected to be any impact to the surface operations at all. The site would remain the same, but the drilling operations may take an additional two or three days.

Appreciating that the Pandemic was cited as a reason for delay, the Committee sought further detail on the lack of activity. Moreover, Members sought detail of any work that had actually been carried out. Mr Abbott appreciated that, whilst movements would be possible during the period of the Pandemic, capacity and supply chain issues hindered the application's progress. Work had been carried out in relation to the access track, design works and the environmental permits. Mr Abbott acknowledged that during the first four years, work on the site hadn't been as extensive as was hoped for, however subsurface work, site security, initial operation and access track and road improvements were implemented.

Councillor H Marfleet, adjacent local member to the application site division, was invited to address the Committee. His comments were as follows:

- He questioned the applicant's competence to effectively deliver this scheme, noting that no ground works had been carried out.
- The site was close to the Lincolnshire Wolds and offered a great deal of aesthetic quality, therefore he feared this proposal would, by proximity, negatively impact an AONB.

- Councillor Marfleet suggested that the seven-year delay in the applicant's delivery in the project was unacceptable.
- Making reference to the CPRE report, he raised concerns that an up-to-date screening opinion wasn't available and that, more generally, the current application was now obsolete due to the progression in convention.
- He suggested that the impact of the Pandemic to the progress of this application was questionable, given the six years prior with no progress. Generally, he felt the applicant had been given sufficient opportunity to deliver the scheme and continuously failed to do so.
- Offering his sympathy to local residents, he stressed that there was no appetite for this development within the community.
- The quantity of oil potentially provided by this application would be nominal and would have little to no impact on the UK's supply. To have such a detrimental effect on this rural area he felt was unacceptable.

Councillor S Bunney, adjacent local member to the application site division, was invited to address the Committee. His comments were as follows:

- He explained that the applicant was informed by the Committee in 2020 that their then approval, would be their last opportunity to commence this application unless they could provide convincing arguments on why they could not complete the project. The reasons given for this further extension, Councillor Bunney felt, weren't convincing.
- The applicant was able to maintain other operations function effectively during the Pandemic, he questioned why they had failed to progress this development.
- Alterations had been made with each application, in this instance, a change in drilling location. He noted officers felt that this change only insignificantly effected surface plans. A report compiled by the Campaign to Protect Rural England disagreed, arguing that the side drilling could result in surface disturbance over a wider area than that identified by the vertical bore.
- This application as it stood differed greatly from the original 2014 submission, something which Councillor Bunney felt the Committee should scrutinise.
- The no work during nesting periods would result in a delay in progress until September 2022, substantially limiting work time available in this 12-month extension. While the 42-week work schedule allowed for delay, he feared this would lead to overrun and a further extension application.
- Since the original 2014 submission, perceptions of the climate change and environment had changed significantly with both national and local commitments to net zero and green agendas with further policy decisions being explored. He emphasised that particular avoidance was being made to fossil fuels and geopolitical events only increased necessary the shift to renewable energy.
- He stated that the potential energy gained from this application site was insignificant but would have a dramatic effect to residents' amenity and the rural environment.

In response to comments made by the speakers the Head of Planning advised the Committee that no objections were received to this application from Highways and the initial works were signed off as being acceptable. Furthermore, he referred the Committee to the planning update addendum, which confirmed that a screening opinion had been issued in relation to the exploratory drilling application and the application for the security cabin falls outside of the scope for an Environmental Impact Assessment.

Speculating that differing drilling locations would result in a change in traffic activity, Members asked if an update Highways assessment was carried out. The Head of Development Management had stated in his consultation response that Officers assessed the application but concluded that no significant increased traffic activity was expected, and the current highway improvements were satisfactory.

Observing the change in timescales, Members questioned why such a change could be considered acceptable. The Head of Planning stated that the directional drilling would only extend drilling for a further few days difference and, when considered in relation to the overall time allocated to the project, was considered insignificant.

Some Members referenced the CLLP, citing policy that they felt relevant. The Head of Planning stressed that the CLLP review was still in a very early stage of implementation. Moreover, the draft policy took into account that the Plan would observe the requirements of the Lincolnshire Minerals and Waste Local Plan in respect of applications for hydrocarbons.

While Members appreciated that the principal of development had been established, they felt that the reasons cited for delay by the applicant weren't acceptable as they felt that, despite the Pandemic and subsequent professional pressures, other developments and similar industries continued to progress. Referencing the previous decision of the Committee, made in September 2020, which indicated that it was the final extension unless a good reason otherwise was provided, the Committee weren't convinced that the reasons offered by the applicant were sufficient to warrant further extension. Generally, the Committee had great sympathy with residents whom they felt had endured significant anxiety as a result of the uncertainty this application was likely to bring.

In relation to PL/0167/21, on a motion proposed by Councillor T J N Smith and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous) It be confirmed that planning permission be refused for the reason set out below:

'That due to the detrimental impact of prolonged uncertainty of development progression causing anxiety on local residents' quality of life, this application was considered to be contrary to policy DM3 of the Lincolnshire Minerals and Waste Local Plan and Policy LP26 of the Central Lincolnshire Local Plan and is thereby refused.'

In relation to PL/0168/21, on a motion proposed by Councillor T J N Smith and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous) It be confirmed that planning permission be refused for the reason set out below:

'That due to the detrimental impact of prolonged uncertainty of development progression causing anxiety on local residents' quality of life, this application was considered to be contrary to policy DM3 of the Lincolnshire Minerals and Waste Local Plan and Policy LP26 of the Central Lincolnshire Local Plan and is thereby refused.'

72 TRAFFIC ITEMS

73 A607 MAIN STREET, CARLTON SCROOP - PROPOSED 30MPH SPEED LIMIT

The Committee considered a report which detailed a request for the existing 40mph speed limits through Carlton Scroop to be reduced to 30mph. Investigations had indicated that conditions to the south of the village 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.

On a motion proposed by Councillor N H Pepper and seconded by Councillor Mrs M J Overton MBE, it was:

RESOLVED (Unanimously)

That the Committee approved the reduction in speed limit proposed so that the necessary consultation process to bring it into effect may take place.

74 SWINESHEAD, DRAYTON, A52 ABBEY LANE - PROPOSED 50MPH SPEED LIMIT

The Committee considered a report which detailed a request for the existing 60mph speed limits on the A52 at Drayton to be reduced to 50mph. The scheme has been justified against the policy in terms of accident rate and a number of objections were received, which requested a lower limit and an extension to that proposed.

On a motion proposed by Councillor P A Skinner and seconded by Councillor T R Ashton, it was:

RESOLVED (Unanimously)

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

75 CAYTHORPE, HIGH STREET - PROPOSED WAITING RESTRICTIONS AND BUS STOP CLEARWAYS

The Committee considered a report in connection with a report which came to the Planning and Regulation Committee in July 2020, outlining objections to the introduction of proposed waiting restrictions and bus stop clearways on Caythorpe, High Street. Six objections were received citing impact to local business, residents' street parking and property prices, furthermore objectors request that the proposed extent of the restrictions be reduced to mitigate these effects. A further request had been received for an additional length of restriction to be introduced further south beyond the proposed bus stop clearway opposite private driveways to aid vehicular access in and out of them, as currently parking opposite these accesses reduces the available width to carry out these manoeuvres. It was officers' view that the proposed restrictions were the minimum required which would improve traffic flow for general traffic, and in particular for buses, whilst minimally impacting on the availability of on street parking.

As local Member for Hough, Councillor A P Maughan was invited to address the Committee via Microsoft Teams. His comments were as follows:

- This proposal actually formed part of a package of measures that were agreed with highways some years ago to reduce traffic congestion and improve safety on High Street.
- This second phase would help free up the High Street, remove parked vehicles from it and allow buses to safely pass through without getting stuck and having to turn around.

PLANNING AND REGULATION COMMITTEE

14 MARCH 2022

- The junction was currently not a safe place to park and there was ample parking further down the high street.
- He noted that he, the local parish council, and school strongly supported the scheme.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous)

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

76 OTHER REPORTS

77 SEEKING AUTHORITY TO MAKE A PROHIBITION ORDER TO PREVENT ANY FUTURE MINERAL DEVELOPMENT TAKING PLACE AT TETFORD HILL QUARRY, TETFORD.PERIODIC REVIEW - PERMISSION (E)S177/933/93 – JEG FARMS (AGENT SLR CONSULTING LTD) - (E)S177/0833/14

The Committee considered a report where their agreement was sought to make a Prohibition Order which would prevent any future mineral development taking place at Tetford Hill Quarry, Tetford.

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

On a motion proposed by Councillor T R Ashton and seconded by Councillor I G Fleetwood, it was

RESOLVED (unanimous)

That the Committee were satisfied with the reasons set out and authority be given to officers to prepare and issue a Prohibition Order

The meeting closed at 12.46 pm



**PLANNING AND REGULATION COMMITTEE
SITE VISIT
14 MARCH 2022**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), P Ashleigh-Morris, S A J Blackburn, I Carrington, C S Macey, N H Pepper, R P H Reid, N Sear, P A Skinner and T Smith

Officers in attendance:-

Robert Close (Democratic Services Officer), Thomas Crofts (Democratic Services Officer) and Jeanne Gibson (Programme Leader - Minor Works & Traffic)

1 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor Mrs A M Austin, A M Hall, Mrs A M Newton and Mrs M J Overton

2 LINCOLN, BAILGATE AND CHAPEL LANE - PROPOSED PERMIT PARKING SCHEME

Officers stated that the application was due to be considered by the Planning and Regulation Committee at a future meeting. Programme Leader - Minor Works & Traffic's guidance gave Members an overview of the site and available parking bays.

- Members of the Committee were shown the existing parking bays along the Bailgate and observed the limited waiting bay capacity available. Members were given an overview of the area subject to the proposed parking scheme considered at the 14 February 2022 meeting of the Planning and Regulation Committee.
- Members were taken through the Eastgate, observing the current capacity of existing limited waiting bays.
- Members were offered the opportunity to examine the current existing permitted residents' parking bays in the Northgate area.

The meeting closed at 1:45 p.m.

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

Report to:	Planning and Regulation Committee
Date:	11 April 2022
Subject:	Pinchbeck, Mill Green Road - Proposed 30mph speed limit

Summary:

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

Recommendation(s):

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

Background

The Council's Speed Limit Policy provides a means by which requests for speed limits can be assessed consistently throughout the county. The criteria by which a speed limit may be justified within a village location is based on the number of units of development along a road and the level of limit is determined by the mean speed of traffic travelling along it. Sufficient frontage development is evident at Mill Green Rd to justify the existing speed limit.

However, a borderline case may be identified within the policy if the criteria at 4.2 is met:

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

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

At the above location it will therefore be the results of a speed survey which confirms if it can be considered as a borderline case. Speed survey equipment was installed at the site indicated at Appendix B and a mean speed of 36 mph was measured. This lies within 3mph of the level required to justify a 30mph speed limit, as specified in Table 3 of the policy:

Table 3

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

This site can therefore be considered as a borderline case and the Committee may approve the initiation of the speed limit order process to reduce the current 40mph speed limit to 30mph, as shown at Appendix B.

There has been one reported injury accident along this stretch of highway over the last 5 years.

The local Member supports the proposal.

Conclusion

Under the normal criteria set out in the speed limit policy this location would qualify for 40mph speed limit. However, as a borderline case the Planning and Regulation Committee may approve a departure from the criteria where appropriate and approve a reduction to a 30mph limit at this location.

Consultation

a) Risks and Impact Analysis

N/A

Appendices

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

Background Papers

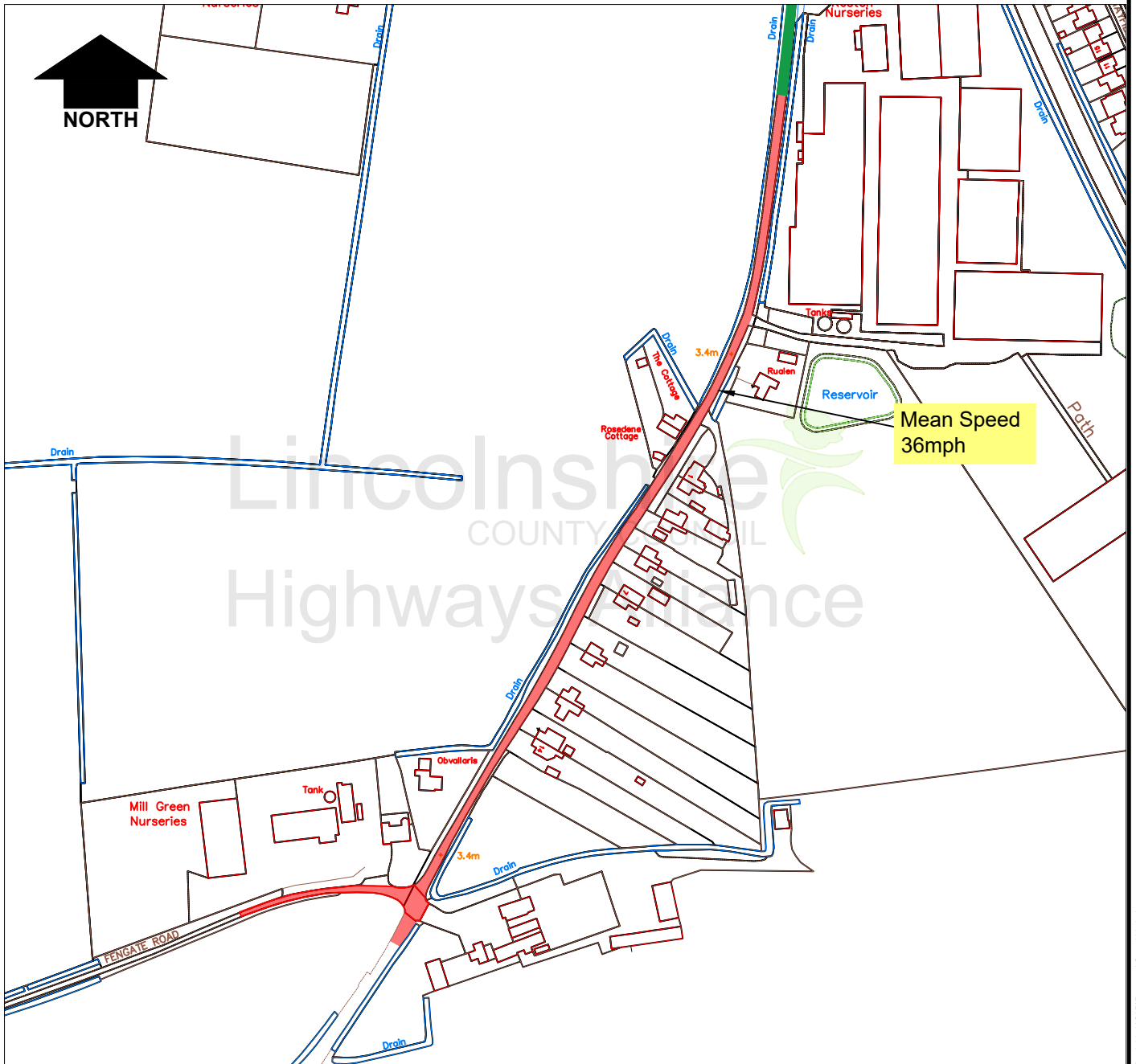
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

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

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



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COUNTY COUNCIL
Highways Alliance

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Ordnance Survey 100025370.

Key

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

Rev.	Description	Drawn	Ch'kd	Auth	Date
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Project		Mill Green Road 30mph Limit		Drawn	JE	Date	09.21
Status		226		Ch'kd	JG	Date	09.21
Drawing Title						Scale	
Proposed Speed Limit - Appendix B						NTS @A4	
Drawing No.						Rev.	
H/JE/226/001						0	

Lincolnshire
COUNTY COUNCIL
Highways Alliance

Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

Sep 14, 2021 - 3:43pm \\lpsan1\users\usercommon\Traffic Regulation Orders\Schemes Master Folder\DO NOT CHANGE\201 - 500\226 Mill Green Road 30mph Limit\CAD\Proposed Speed Limit.dwg

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

Report to:	Planning and Regulation Committee
Date:	11 April 2022
Subject:	Somerby, Londonthorpe & Harrowby A52 & B6403 High Dyke - Proposed 40mph speed limit

Summary:

This report considers a request for the introduction of a new 40mph speed limit at the above locations, the extent of which is shown at Appendix B. Investigations have indicated that this site may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy.

Recommendation(s):

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

Background

Following concerns regarding collision statistics along this stretch of the A52 and at its junction with the B6403, the Road Safety Partnership requested investigations into a potential reduction in speed limit. Despite the presence of vehicle activated signage warning drivers on their approach to the junction, six reported injury accidents have been recorded here over the last five years, four of which occurred at the junction. Currently the national speed limit is in force. As there is insufficient development along this length to justify the introduction of a speed limit on that basis, it has been assessed under the criteria for a rural limit where the number of reported injury accidents and traffic flow are taken into consideration to provide an accident rate. The accident rate has been calculated at 58 and is therefore sufficient to justify a new limit. The level of limit to be imposed is determined by the mean speed of traffic and its correlation to the level of limit shown in Table 4 of the policy:

Table 4

Mean Speed	Limit
< 33 mph	30 mph
33 – 43 mph	40 mph
44 – 53 mph	50 mph
> 53 mph	60 mph

A speed survey carried out at the location shown at Appendix B has determined a mean speed of traffic of 45mph, which lies within 3mph of the level required to justify a 40mph speed limit.

In accordance with the County Council's Speed Limit Policy a Borderline Case may be identified and is defined at 4.2 as follows:

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

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

Conclusion

The Planning and Regulation Committee may approve a departure from the criteria set out in the speed limit policy where a borderline case has been identified, and therefore may approve a reduction to a 40mph limit at this location. It is anticipated that road safety along this section of the A52 and at its junction with the B6043 will be improved should this new speed limit be introduced.

Consultation

a) Risks and Impact Analysis

N/A

Appendices

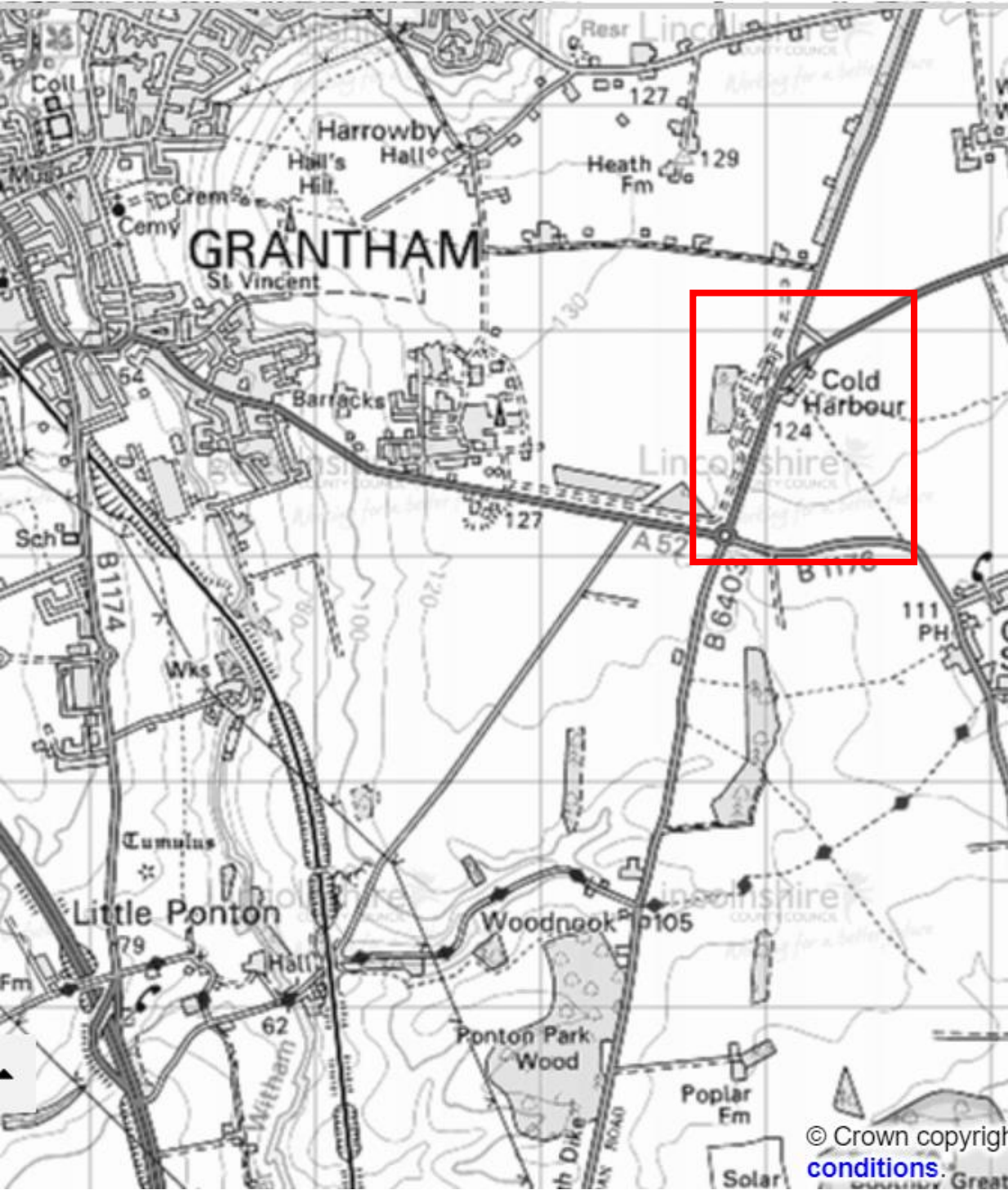
These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Proposed 40mph speed limit

Background Papers

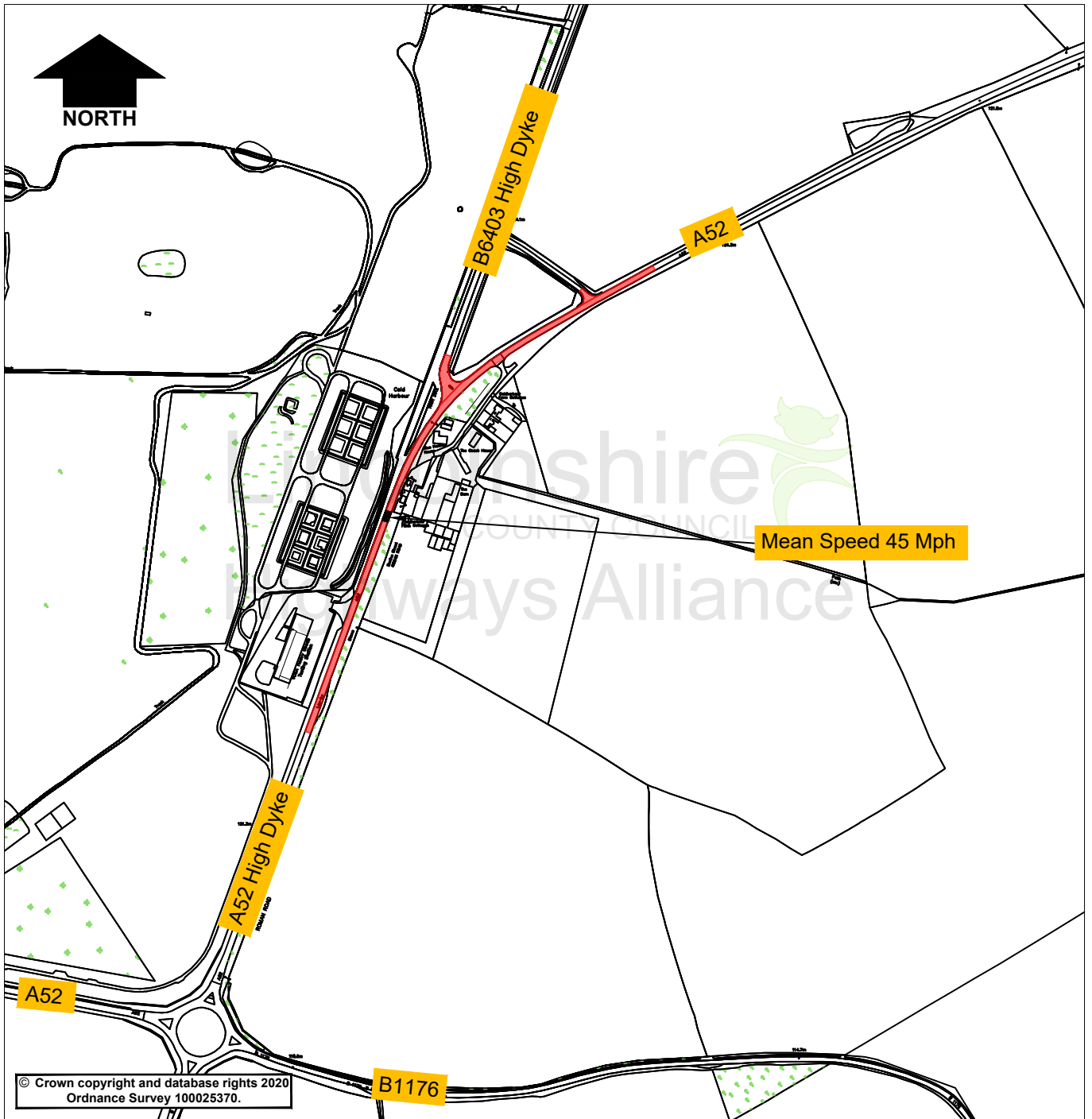
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Speed limit policy	https://www.lincolnshire.gov.uk/directory-record/61713/speed-limit-policy


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



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Key

 Proposed 40 Mph Speed Limit

Rev.	Description	Drawn	Ch'kd	Auth	Date
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Project		A52 & B6043 High Dyke Somerby and Londonthorpe & Harrowby Speed Limit Review		Drawn	Date
				JE	11/21
				Ch'kd	Date

Status	Project No.	Auth	Traced
	273		

Drawing Title	Scale
Appendix B - Proposed Speed Limit	NTS @A4

Drawing No.	Rev.
H/JE/273/002	0

Lincolnshire
COUNTY COUNCIL
Highways Alliance

Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

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

Report to:	Planning and Regulation Committee
Date:	11 April 2022
Subject:	North Hykeham, Manor Farm Estate - Proposed No Waiting at Any Time, Mandatory School Keep Clear Markings & Bus Stop Clearway

Summary:

This report considers objections to the above proposals at Claudius Road & Tiber Road, North Hykeham.

Recommendation(s):

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

Background

A request was received from the local County Councillor for an assessment to be carried out in this area to determine if the introduction of waiting restrictions to manage on street parking in the vicinity of Manor Farm Academy could be justified. The assessment also considered if restrictions were required at the entry points to the Manor Farm Estate and along the main route through it.

Site visits have confirmed that parking on the highway in the area around Manor Farm Academy at school pick up and drop off times results in obstruction to traffic flow and reduced visibility for pedestrians crossing the road. It has also been noted that parking obstructs access to the bus stop opposite the school.

It has also been observed that on street parking close to the main junctions into the estate where Claudius Road links to Mill Lane and Tiber Road joins Newark Road results in reduced visibility of oncoming traffic and obstruction to traffic flow.

To mitigate these issues the proposals shown at Appendices B, C and D have been subject to consultation and public advertisement. They consist of:

- A No Waiting at Any Time restriction at the junction of Tiber Road and Newark Road (see Appendix B)
- No waiting at Any Time restrictions in the vicinity of the school, together with mandatory school keep clear markings to apply Mon – Fri, 8am – 5pm, and a 24 hour bus stop clearway (see Appendix C)

- A No Waiting at Any Time restriction at the junction of Claudius Road and Mill Lane (see Appendix D)

Six objections were received to these proposals, the majority of which refer to the restrictions proposed at Claudius Road/ Mill Lane. Objectors are concerned about the loss of on street parking adjacent to their properties and reduced opportunity for visitors to park nearby. They do not believe that parking here obstructs visibility or traffic flow and suggest that it does in fact act to slow vehicle speeds and therefore reduces the likelihood of collisions. It is also suggested that the restrictions will devalue property and displace parking further into the estate resulting in similar issues elsewhere. Objections have also been received to the proposed extent of restrictions at Tiber Road/Newark Road, and it has been requested that these are extended to deter displaced parking from moving further into the estate.

The objectors' concerns are noted. However, visits to the area confirm that vehicles persistently park on Claudius Road close to the roundabout which impedes forward visibility, resulting in vehicles waiting on the roundabout.

Although limited, off-street parking is provided for residents to the rear of their properties and alternative on street parking will remain available nearby.

Extension to the restrictions proposed on Tiber Road is not supported at this time. The extent of the double yellow lines proposed is the minimum required to protect the approach to the Newark Road junction and to enable the dedicated right turn lane on Tiber Road to be used to its full capacity.

Whilst it is acknowledged that the presence of on-street parking can slow vehicles down, traffic calming features are in place throughout the estate to reduce traffic speed.

There have been no reported injury accidents along this route during the last five years.

Conclusion

The proposed restrictions are the minimum required to achieve the aims of the scheme: to facilitate safe traffic movements at each entry point into Manor Farm estate, and to improve safety for children and protect access to the bus stop in the vicinity of the school. Although some residents will lose the ability to park outside their properties, all are provided with off street parking to the rear of their properties and the remainder of the estate is not subject to restrictions so will be available for on street parking.

Consultation

a) Risks and Impact Analysis

N/A

Appendices

These are listed below and attached at the back of the report	
Appendix A	Site location
Appendix B	Junction of Newark Road and Tiber Road
Appendix C	Area in the vicinity of Manor Farm Academy
Appendix D	Junction of Claudius Road and Mill Lane roundabout

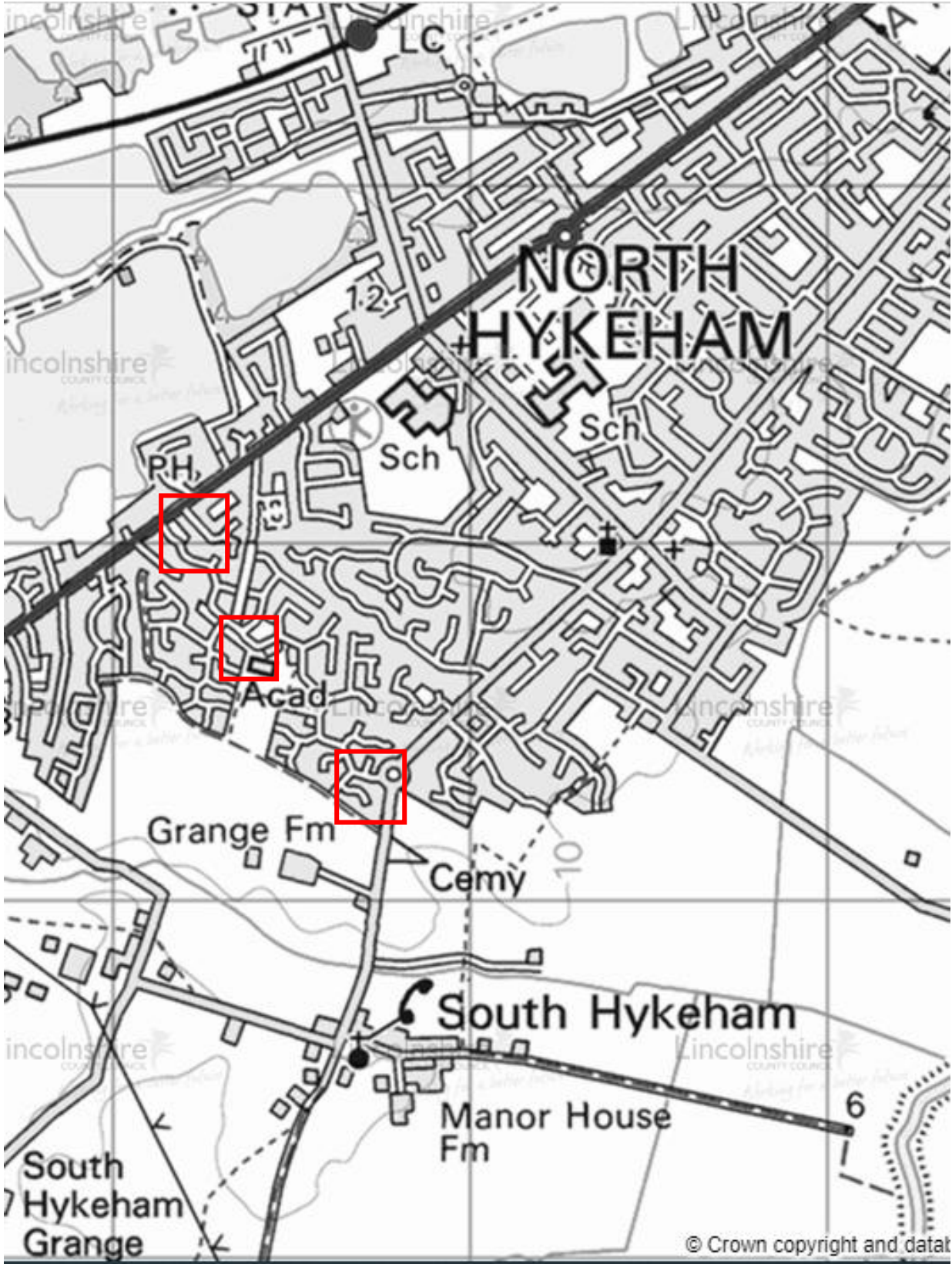
Background Papers

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

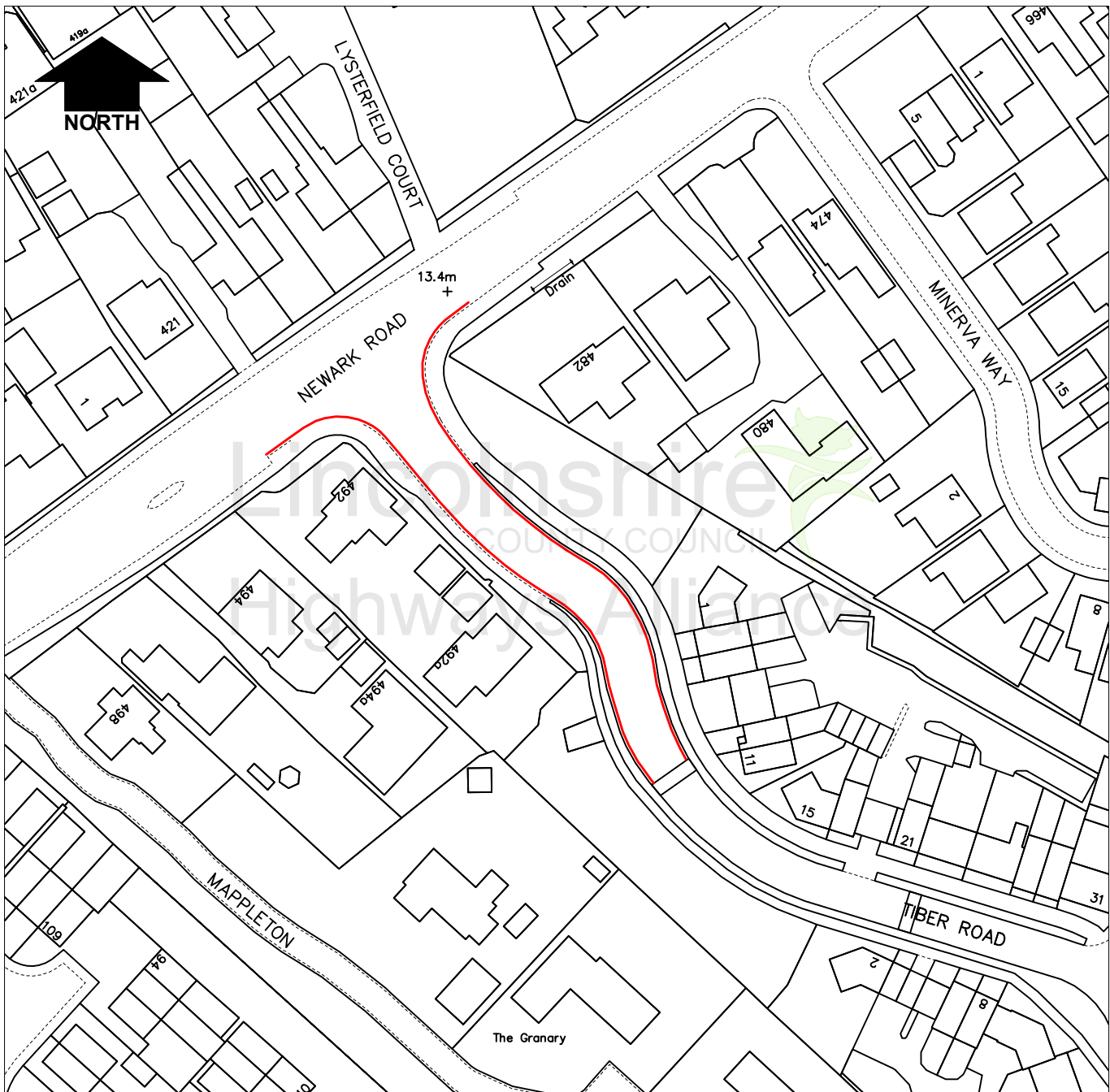
Document title	Where the document can be viewed
Consultation Documents - Objections	Available on request

This report was written by Jamie Earls, who can be contacted on 01522 78070 or TRO@lincolnshire.gov.uk.

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Key

— Proposed "No Waiting At any Time"

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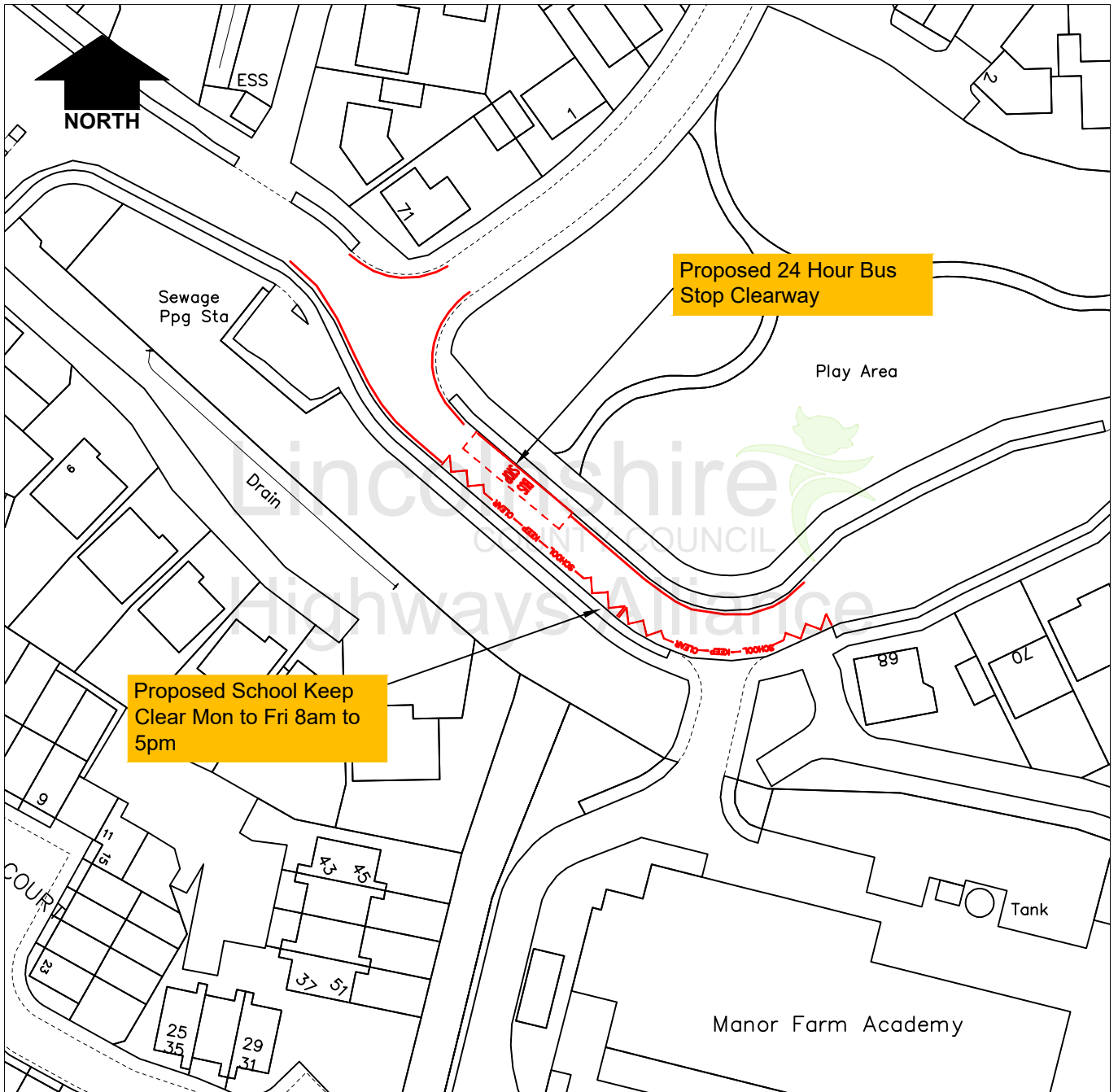
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Rev.	Description	Drawn	Ch'kd	Auth	Date
	Manor Farm Estate Proposed Waiting Restrictions	JE			01/22
	803				
	Appendix B - Newark Rd/Tiber Rd				NTS @A4
	H/JE/803/004				0

Mar 17 2022 - 10:50am \\lpzpc\Users\Users\common\Traffic Regulation Orders\Schemes Master Folder DO NOT CHANGE\501-900\803 Manor Farm Waiting Restrictions\CAD\Appendix A.dwg

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Proposed School Keep Clear Mon to Fri 8am to 5pm

Proposed 24 Hour Bus Stop Clearway

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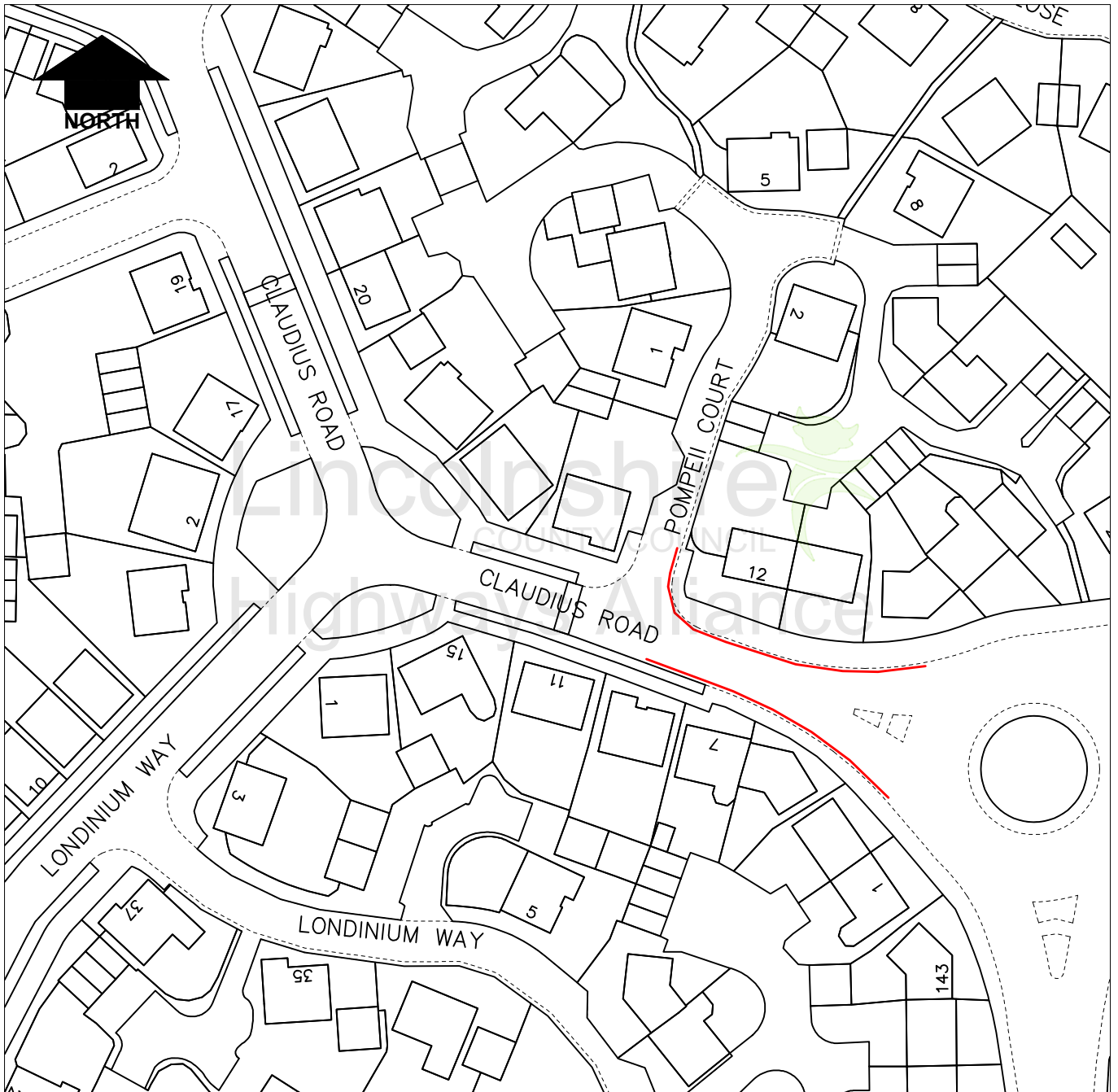
Key
 Proposed "No Waiting At any Time"

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 COUNTY COUNCIL
Highways Alliance

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Rev.	Description	Drawn	Ch'kd	Auth	Date
	Manor Farm Estate Proposed Waiting Restrictions	JE			01/22
	803				
	Appendix C - Manor Farm Academy				NTS @A4
	H/JE/803/005				0

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Key

— Proposed "No Waiting At any Time"

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Rev.	Description	Drawn	Ch'kd	Auth	Date
	Project Manor Farm Estate Proposed Waiting Restrictions	Drawn JE	Ch'kd	Auth	Date 01/22
	Status	Project No. 803	Auth	Traced	
	Drawing Title Appendix D - Claudius Road/Lincoln Road				Scale NTS @A4
	Drawing No. H/JE/803/006			Rev. 0	

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

Report to:	Planning and Regulation Committee
Date:	11 April 2022
Subject:	County Matter Applications - 144203 and 144207

Summary:

Supplementary Report

At its meeting of the 14 March 2022 the Planning & Regulation Committee considered two applications made by Egdon Resources U.K. Limited (Agent: AECOM Limited) which sought permission for variations to conditions attached to an extant permission for exploratory drilling and an associated permission for a security compound at land to the east of Smithfield Road, North Kelsey Moor.

Following consideration of the Officer's report (attached as Appendix D) and representations made by the applicant, residents and both the Local and adjoining County Council Members, the Planning & Regulation Committee resolved to refuse the applications. The Committee's cited reason for refusal was due to the adverse impacts on the amenity of local residents and that the proposal would therefore be contrary to Policy DM3 of the Lincolnshire Minerals and Waste Local Plan and Policy LP 26 of the Central Lincolnshire Local Plan. Considering the Committee's resolution, Officers were asked to bring back a report setting out the wording for the reasons for refusal based on the Committee's resolution.

Recommendation:

That in line with the resolution of the Planning and Regulation Committee on 14 March 2022 that Councillors confirm their agreement to the reasons for refusal as set out in this report.

Background

1. At its meeting of the 14 March 2022 the Planning & Regulation Committee considered applications made by Egdon Resources U.K. Limited (Agent: AECOM Limited) which sought permission to vary conditions 1 (development cease date) and 2 (approved documents and drawings) of planning permission 141307 and to vary

conditions 1 (expiry date) and 3 (approved documents and drawings) of planning permission 141306 at land to the east of Smithfield Road, North Kelsey Moor.

2. Following a presentation by Officers and having heard representations made by the applicant, the Planning & Regulation Committee debated the application and, against the Officer's recommendation, resolved to refuse the applications. The Committee's reasoning for refusal was on the basis that due to the repeated applications since 2014 to extend the period to carry out the work and restore the land for exploratory drilling has adversely impacted on the amenity of the local residents. As a result, it was concluded that the development would be contrary to Policy DM3 of the Lincolnshire Minerals and Waste Local Plan and Policy LP26 of the Central Lincolnshire Local Plan.
3. In line with the resolution made by the Planning and Regulation Committee, this report outlines the proposed wording to be cited within the formal reason for refusal for the exploratory oil application based on the reasons given by the Committee. Councillors are therefore invited to review and confirm their agreement to the reason for refusal as set out below and if agreed that this be included on the decision notice issued.
4. In respect of the security cabin application, it is recommended that the reason for refusal on this application is based on the absence of need and visual intrusion of the development. In view of the refusal resolution for the exploratory drilling application, there is no longer a requirement for the security cabins to be stationed on site. On that basis, a different refusal reason is proposed for this application as set out below.

RECOMMENDATIONS

That in line with the resolution of the Planning and Regulation Committee on 14 March 2022, that Councillors confirm their agreement to the reasons for refusal set out below and that planning permission be refused for this reason:

Planning Application 144203

Policy DM3 of Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management (CSDMP) Policies (2016) grants permission for minerals development only where it does not generate unacceptable adverse impacts to the occupants of nearby dwellings or other sensitive receptors. Where unaccepted impacts are identified which cannot be addressed through appropriate mitigation measures planning permission will be refused.

The site is situated within open agricultural land with residential properties located in and around the town of Caistor, small villages, hamlets, and farmsteads within 5.0 kilometres of the site. The nearest residential property being approximately 600 metres north.

Temporary planning permission was first granted for this development in 2014 and has been extended since then a number of times. Sufficient works have been undertaken that the original permission has been implemented although no drilling operations have taken place. The applicant has sought to extend the period to undertake the drilling works and restoration of the site for a number of reasons, the most recent due to the Covid pandemic. Representations from the local community have made it clear that the delay and prolonging the uncertainty with each extension of time has caused unacceptable levels of anxiety to local residents which has been exacerbated through the repeated extensions of time sought by the applicant. The anxiety of local residents from these delays and repeated applications creates unacceptable adverse impacts to resident’s amenity contrary to Policy DM3 of the CSDMP.

It is also contrary to the requirements of Policy LP26 of the Central Lincolnshire Local Plan (2017) which states that amenities, which all existing and future occupants of neighbouring land and buildings, may reasonably expect to enjoy, must not be unduly harmed by development. In this case, it is considered that to allow a further extension of time for a development creates a level of uncertainty and anxiety for local residents as they wait for the full development to be completed, which conflicts with the requirement of Policy LP26.

Planning Application 144207

In light of the Council’s decision to refuse application 144203 to extend the period to undertake exploratory drilling and restore the site back to agricultural use there is consequently no need for the security cabins to be stationed at the site. To permit the security cabins to be situated in this location without connection to a mineral operation would be contrary to the principle of development in the open countryside and be visually intrusive.

The site is situated within open countryside and consequently does not meet the requirements of Policy DM3 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) as it would create unacceptable visual intrusion in the open countryside. It is also contrary to the requirements of Policy LP26 of the Central Lincolnshire Local Plan (2017) as the proposed development does not respect the landscape character of the area and there is no essential reason to locate the development in this location.

Appendix

These are listed below and attached at the back of the report	
Appendix D	Planning and Regulation Committee Report 14 March 2022

This report was written by Felicity Webber, 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:	14 March 2022
Subject:	County Matter Applications – 144203 and 144207

Summary:

Planning permission is sought by Egdon Resources U.K. Limited (Agent: AECOM Limited):

To vary conditions 1 (development cease date) and 3 (approved documents and drawings) of planning permission 141306; and

To vary conditions 1 (development cease date) and 2 (approved documents and drawings) of planning permission 141307

Both applications seek to amend the date by which the restoration of the two sites need to be completed and to vary the direction of drilling to secure an optimal 'bottom hole target location' within the North Kelsey Prospect. The principle of both the developments subject of these applications has been established and consequently the key issue, in these cases, is to consider if the proposed extension of time and a revised direction of drilling would materially change effects on amenity, since the grant of these permissions. In considering these applications it is acknowledged that the effects of the COVID-19 pandemic have contributed to delays in securing contracts and services across many areas of industry and continued beyond initial expectations of how long the pandemic would last.

Recommendation:

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

Background

1. In December 2014 a temporary planning permission (reference: 131952) was granted for the drilling of an exploratory borehole and carrying out of production tests at land to the east of Smithfield Road, North Kelsey Moor, Market Rasen. The purpose of the development was to test an identified underlying oil reservoir to determine whether there were commercially viable reserves of conventional hydrocarbons available. The potential oil reserves were to be accessed by conventional drilling. The development granted by this permission was lawfully implemented and works carried out before the expiration of the temporary three-year period.
2. In May 2018 a further planning permission was granted (reference: 137302) which amended condition 1 attached to permission 131952 to extend the period of time to carry out the temporary operations and to drill the exploratory borehole at the site. A further planning permission (reference: 139426) was granted 1 July 2019 which varied several conditions attached to permission 137302 which allowed changes to the layout of the site, the means for managing surface water run-off, and changes to fencing and bunding. In September 2020 a further planning permission (reference: 141306) extended the period within which to complete the restoration of the site. This is the permission currently controlling operations at the site and is the subject of the latest application. Condition 1 of permission 141306 currently states:

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

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

3. Condition 3 of the planning permission also sets out a suite of approved documents and plans which the development is required to be carried out in accordance with. Condition 3 states:

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

Documents

- *Ref: 20271/A5/P6/VY/SO Rev 02 – 'Planning and Sustainability Statement' received 29 December 2017 as amended by Addendum to Planning and Sustainability Statement (received 17 April 2019);*
- *Ref: Appendix 1 July 2016 – 'Site Closure and Restoration' received (29 December 2017);*

- *Ref: 3336 North Kelsey – 'Assessment of Geology, Flood Risk and Pollution Control' received (1 September 2014);*
- *Ref: 3336 North Kelsey – 'Assessment of Transport & Traffic' received (01 September 2014);*
- *Report number: 2636.01/ifb – 'Assessment of Environmental Noise Emissions' received (01 September 2014);*
- *Ref: 2636.02 – 'Assessment of Environmental Noise Emissions – Additional Information' received (03 December 2014); and*

Drawings

- *Ref: 3336 P01 Site Location Plan (received 01 September 2014);*
- *Ref: 3336 P02 Site of Application (received 01 September 2014);*
- *Ref: ZG-ER-NK-PA-03 - General Layout Plan (received 12 June 2019);*
- *Ref: 3336 P04 Access Track – Existing Ground Plan (received 01 September 2014);*
- *Ref: ZG-ER-NK-PA-05 Access Track – Proposed Layout (received 12 June 2019);*
- *Ref: 3336 P06 Proposed Site – Existing Ground Plan (received 01 September 2014);*
- *Ref: ZG-ER-NK-PA-07 Proposed Site – Construction Mode (received 17 April 2019);*
- *Ref: ZG-ER-NK-PA-08 Proposed Site – Drilling Mode (received 17 April 2019);*
- *Ref: ZG-ER-NK-PA-10 Proposed Site – Testing Mode (Indicative) (received 17 April 2019);*
- *Ref: ZG-ER-NK-PA-12 Section A-A Section through Track (received 17 April 2019);*
- *Ref: 3336 P13 Rev A Proposed Sections Drilling Mode (received 01 September 2014);*
- *Ref: ZG-ER-NK-PA-14 Site Construction Sections (received 17 April 2019);*
- *Ref: ZG-ER-NK-PA-15 Sightlines & Site Entrance Details (received 12 June 2019);*
- *Ref: 3336 P19 Cabin Plans and Elevations (received 01 September 2014);*
- *Ref: 3336 T05 Existing Layby on Smithfield Road Upgrade Details (received 17 November 2014);*
- *Ref: ZG-ER-NK-PA-16 Proposed Access & Egress at Site Entrance (received 12 June 2019); and*
- *Ref: ZG-ER-NK-PA17 – Proposed Site Retention Mode (received 17 April 2019).*

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

4. In July 2019 approval for the construction of a security compound adjacent to the exploratory well site was granted (ref: 139434). This planning permission was subsequently varied in September 2020 (ref: 141307) to extend the period within which to complete the restoration of the site. This is the current permission relating to the security compound and is the subject of the latest application. Condition 1 states:

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

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

Condition 2 sets out the documents and plans that the approved development is required to be carried out in accordance with and states:

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

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

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

5. In resolving to grant a further period of 12 months to carry out the exploratory drilling, testing, retain security compound and restore both sites, the Planning and Regulations Committee minutes of the September 2020 meeting state *'The extension, if approved, should be the final extension given by the Council unless there were good reasons otherwise'*.
6. The applicant has made an application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to planning permissions for developments that have been implemented to be amended or varied and, in this instance, seeks to amend permission 141306. In addition, the applicant submitted a second application in accordance with Section 73 of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to planning permissions to be amended or varied, and in this instance, seeks to amend permission 141307. Details of the proposed amendments and information supporting the application are set out in this report.

The Application

7. Two separate but inter-related planning applications have been submitted by Egdon Resources UK Ltd (Agent: AECOM) that seek permission to vary conditions 1

and condition 3 of planning permission reference: 141306 and conditions 1 and 2 of planning permission 141307. The proposed variations would:

- extend the period allowed to restore the site and identify the direction of drilling at land, and:

allow the retention of the security compound for a longer period by extending the date by which the land affected by that development is required to be restored.

Proposed Amendment – Extension of Time

8. Firstly, for both applications the applicant is seeking to extend the restoration period specified in Condition 1 attached to each permission. The extended period would allow a further period of 12 months to carry out the exploratory operations and complete the required restoration of the sites. The amended wording proposed for each Condition 1 would read as follows:

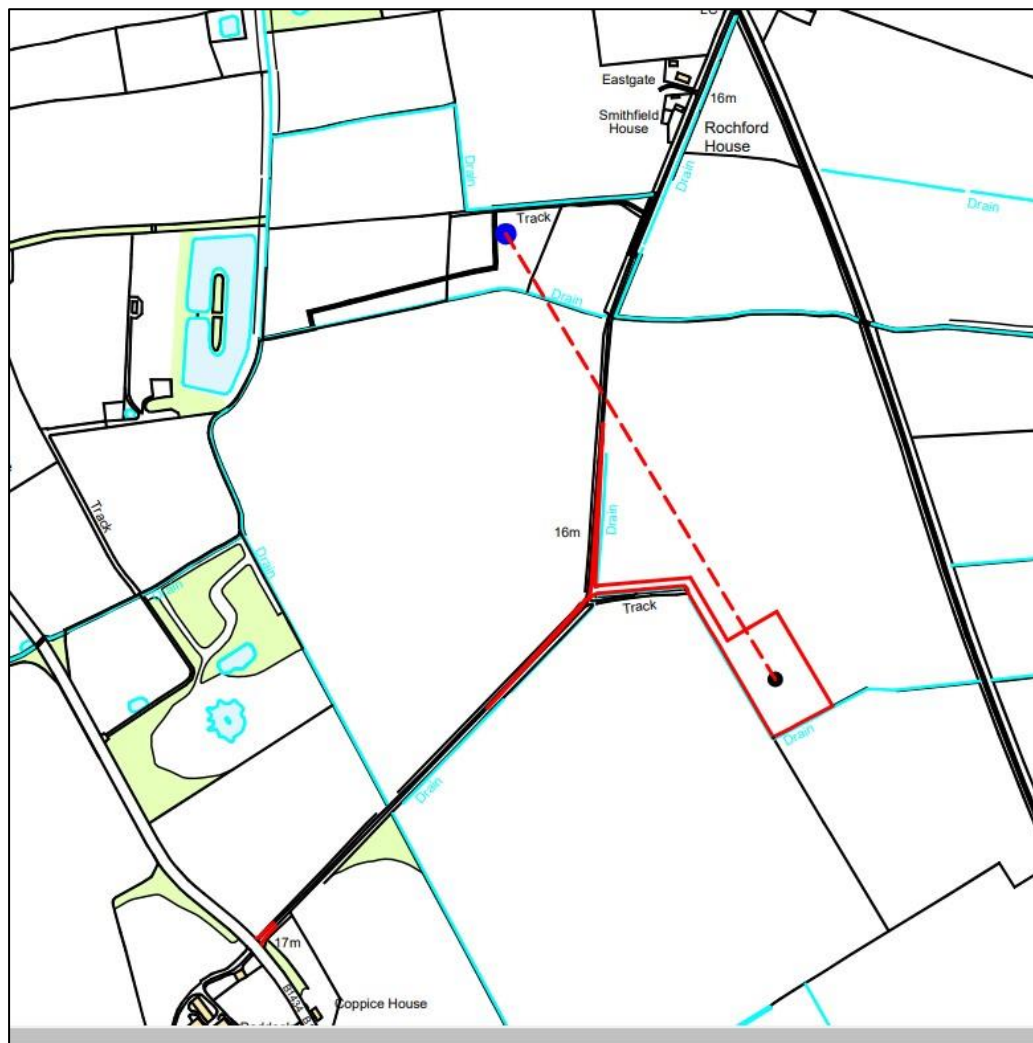
The development hereby permitted shall cease on or before 12 months from the date of this decision and by that date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.

9. The extension of time is requested because, owing largely to the restriction of movements arising from the second wave of the COVID-19 pandemic, which had only been lifted from July 2021, has brought operational constraints in securing materials and personnel. The planning agent (AECOM) for the applicant states that there has consequently been insufficient time for the Site to be constructed, the well to be drilled and tested and therefore for the Site to be restored by 31st December 2021. The proposed amendments would not extend the scope of the development already permitted which remains for the exploration and evaluation of the North Kelsey Prospect, which has known reserves of conventional oil and gas only. The proposed works would still be carried out in four separate phases which are as follows:

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

10. Additional information regarding the nature of the drill rig being proposed has also been provided as part of this application which confirms that the rig is expected to be the MDG Rig 18 which would have a maximum working height of 50m and includes (but not limited to) ancillary drilling equipment for construction of an exploratory borehole, including tool pusher cabin, tool house, generators and fuel tanks, matting board, blow out preventers and manifold.

11. Secondly, the applicant has now provided information as to the location of the bottom of the proposed exploratory well. Since September 2020 further detailed well planning has taken place to satisfy the Regulations overseen by the Health & Safety Executive and the Environment Agency and the existing three-dimensional (3D) seismic data over the area has been re-evaluated. This new interpretation has shown that the existing planned vertical well would not optimally test the prospect at the Ashover Grit reservoir interval at the most elevated depth in the sub-surface where oil is expected to be trapped. In simple terms, a vertical well from the North Kelsey Wellsite could miss the primary target. This re-evaluation has therefore identified that a change to the proposed 'bottom hole target location' is required, and that the proposed North Kelsey exploration well needs to be drilled directionally from the existing surface location to a bottom hole location approximately 700m in a north -west direction. The bottom of the hole would be at a depth more than 1.0 kilometres below ground level.



'Bottom Hole' Target Location

12. In order to reflect these changes amendments to the planning statements for each application and replacement plans referenced within condition 2 of permission 141306 and condition 3 of permission 141307 are proposed.

13. The applicant has provided further information advising that the original calculations in respect of HGV movements, timescale for carrying out all phases and volume of waste arising from the drilling operations had included a generous contingency to allow for any variations in drilling operations. The off-vertical drilling would equate to approximately 200 metres additional drilled borehole length, with a hole diameter of 216mm that would in turn equate to an additional 7 to 10 cubic metres of extracted rock. It is therefore confirmed that the carrying out of the eight-week drilling operations including mobilisation and demobilisation are sufficient to achieve the deviated well objective.

Site and Surroundings

14. The application site lies approximately 1.3 km north of Moortown, 2.8km southeast of North Kelsey and 4.5km southwest of Caistor. The sites are accessed off Smithfield Road.



Photograph 1 Site Entrance as constructed 2018

15. Smithfield Road is a single-track that has in accordance with approved details, been developed to create a passing place suitable to allow two HGV's to pass (Photograph 2).



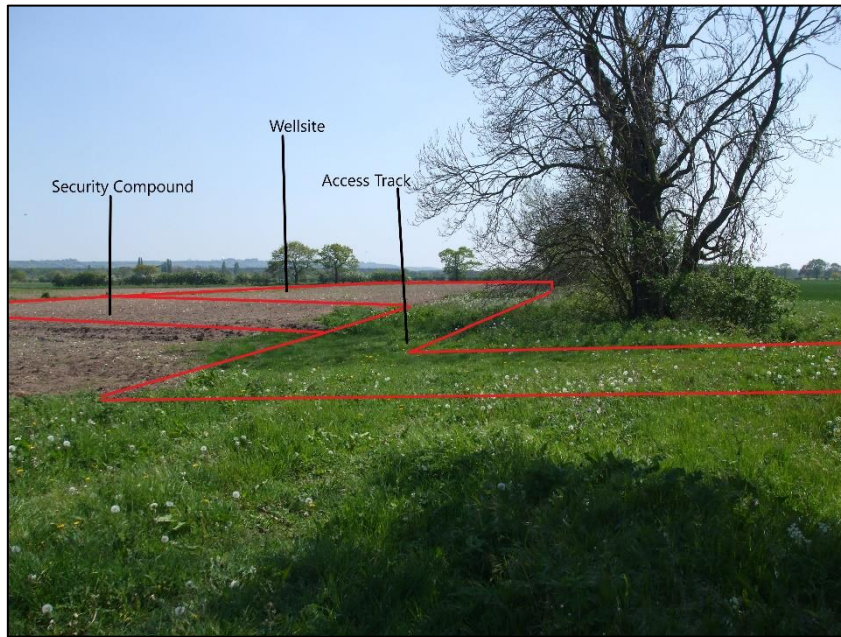
Photograph 2 Passing place

16. Additional widening works at the at the junction of Smithfield Road and the B1434 were also undertaken, to ensure that HGV's have sufficient space to manoeuvre into and out of Smithfield Road (Photograph 3).



Photograph 3 Road Widening at Junction Smithfield Road and B1434

17. The sites themselves are agricultural land (Photograph 4) approximately 150 metres east of Smithfield Road (Photograph 5).



Photograph 4 Wellsite and Security Compound site

18. The surrounding area is predominantly in agricultural use with trees and hedges along field boundaries ranging from sparse to dense planting. Immediately to the south of the route of the access track is a ditch and to the south of this ditch is a line of trees.



Photograph 5 View of sites from Smithfield Road

19. A railway line lies to the east of the application site and the distant landscape is delineated by the hills of the Lincolnshire Wolds AONB along the edge of which are

several telecommunications towers. The southern boundary of the site is lined by mature hedgerows and trees. The western boundary has several individual trees, whereas the northern and eastern boundaries are completely open, being part of a wider field.

Main Planning Considerations

Planning Policy Context

20. The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable Development) directs planning authorities to consider the economic, social and environmental impacts of development and the presumption in favour of sustainable development.

Paragraph 119 (Making effective use of land) states that planning decisions should promote an effective use of land while safeguarding the environment and living conditions

Paragraph 152 and 157 (Climate change) states that the planning system should support the transition to a low carbon future

Paragraphs 174 to 182 (Natural Environment) states that planning decisions should contribute to enhancing and protecting the natural and local environment.

Paragraphs 183 to 187 (Ground conditions and pollution) states decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. 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). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 209 to 215 (Facilitating the sustainable use of mineral including oil, gas and coal exploration and extraction) – directs planning authorities to facilitate the sustainable use of minerals by ensuring sufficient supply and no unacceptable adverse impacts

Paragraphs 218 to 220 (Implementation) states that policies in this Framework are material considerations and due weight should be given to existing plans according to their degree of consistency with this Framework.

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

Environment Act 2021

Schedule 14 of the 2021 Act has been translated into Town and Country Planning Act 1990 Section 90 SCHEDULE 7A Biodiversity gain in England - PART 1 Biodiversity gain objective section 2(1) 'The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage'. The current relevant percentage being 10%.

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

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

Policy DM9 (Local sites of Biodiversity Conservation Value) states that planning permission will be granted where the merits of the development outweigh the likely impacts and adverse impacts are mitigated and result in net gain in biodiversity

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

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

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

Policy LP21 (Biodiversity and Geodiversity) states that all development should protect, manage, and enhance the network of habitats, species, and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site, minimise impacts on biodiversity and geodiversity, and seek to deliver a net gain in biodiversity and geodiversity and demonstrate any impacts are mitigated.

Policy LP26 (Design and amenity) states that proposals will be required to demonstrate, to a degree proportionate to the proposal, that they make effective and efficient use of land, respect the existing topography, landscape character and identity to the site and surroundings, retain as far as possible existing natural features, incorporate landscape treatment, and where applicable consider in relation to both the construction and life of the development compatibility with neighbouring land uses, increase in artificial light or glare and adverse noise and vibration

Emerging Local Plans

Following Lincolnshire County Councils decision to update the CSDMP, a new minerals and waste development scheme came into effect February 2021, which sets out the timetable for the preparation of a new plan. The new, updated plan will eventually replace the existing adopted Core Strategy and Site Locations Document. As the new plan has not yet been prepared for the first stage of public engagement, it is not considered further.

The Central Lincolnshire Local Plan (2012-2036) (2017) is under review at present. The consultation on the Draft Central Lincolnshire Local Plan ran for 8 weeks, from 30th June to 24th August 2021. This was the first opportunity to view and comment on the new Local Plan, which is proposed to replace the 2017 Local Plan. To date no evaluation of the representations received has been published and in line with the NPPF very little weight can be given to the proposed policies at this very early stage of plan development. However, in relation to the Proposed Development, it is considered that the following policies are relevant:

Policy S18: Fossil Fuel Exploration, Extraction, Production or Energy Generation

Policy S20: Flood Risk and Water Resources

Policy S60: Biodiversity Opportunity and Delivering Measurable Net Gains

Results of Consultation and Publicity

21. (a) Local County Council Member, Councillor T Smith – is a Member of the Planning and Regulation Committee so reserves his position until the date of the Planning and Regulations Committee.
- (b) South Kelsey and Moortown Parish Council – has objected stating that this application widens the scope of the original planning permission. This proposal is unfair to residents who will not benefit and highlights the adverse

amenity impacts e.g. traffic, lighting and Egdon has already had sufficient time to carry out the work.

- (c) North Kelsey Parish Council (adjoining parish) – believe that this application has already impacted on the residents with 7-years of uncertainty as the drilling company has made no effort to begin work and appears they are still trying to source partners for the project. There has already been too much leeway granted for this project. Egdon are now stating that their intended drill bore would have missed the target so are now seeking to change their plans and drill horizontally right up to the North Kelsey Parish boundary. The Parish Council do not believe that the drilling direction won't change again once Egdon have permission to alter direction and this will directly affect nearby properties. The council believes that there will be serious noise and reverberation implications due to the amendment. A number of adverse amenity impacts are cited relating to traffic/safety, landscape, light and air quality on leisure activities and wildlife. There are no commercial benefits to the local community and question the sustainability of the proposal given the limited contribution to UK energy use. Concern has been expressed on the potential for proliferation of wells in the area, leading to the industrialisation of the countryside. Reference has been made to the international, national, and local policies relating to Climate Change and carbon emissions. Finally, it is acknowledged that whilst not a material consideration the proposed development has already affected the value of property locally.
- (d) Holton le Moor Parish Meeting (adjoining parish) - the applicant is now seeking to extend the timescale for the development. This introduces further uncertainty to residents in the immediate vicinity of the application site and for those on the main traffic route who will be affected by the development process. It is an abuse of the principles of the planning process to extend the period for the development simply because the applicant has not deemed it appropriate for them to commence the development. Residents noted that the UK Government is now actively pursuing a 'Green Agenda' with a concerted effort to reduce the population's reliance upon fossil fuels. Granting planning permission for the potential extraction of oil appears to be at odds with this. The recommendation of Holton le Moor Parish Meeting is that the applications are refused.
- (e) Anglian Water – states that the submitted plans are not drainage related therefore we are unable to make comments on the above application.
- (f) Caistor Town Council - noted that permission was originally granted seven years ago in 2014 with seemingly little progress made. Councillors expressed concern as to the extent and lack of progress with the exploration and councillors are not convinced with the justification for requiring yet a further extension to the time limit. With the increasing green agenda concern was expressed regarding the extraction of a finite resource of exploitation of

which is ultimately unsustainable, when there are more sustainable alternatives that are available.

- (g) Environment Agency (EA) – have no objection to these applications to vary conditions 1 and 3 of planning permission 141306 and to vary condition 1 and 2 of 141307
- (h) Natural England - is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process. An informative has been provided relating to Generic Advice.
- (i) Highway and Lead Local Flood Authority (Lincolnshire County Council) – Does not wish to restrict the grant of permission. The proposal is for minor amendments. The proposal does not have an impact on the Public Highway or Surface Water Flood Risk. Having given due regard to the appropriate local and national planning policy guidance has concluded that the proposed development is acceptable and does not wish to object to this planning application. An informative has been provided in respect of Section 59 of the Highways Act 1980.
- (j) Lincolnshire Police (Force Designing out Crime) - do not have any objections to this application.

The following bodies/persons were also consulted on the application on the 30 December 2021, but no response or comments had been received within the statutory consultation period or by the time this report was prepared:

Public Health – (Lincolnshire County Council)
Environmental Health (West Lindsey District Council)
Historic Places (Lincolnshire County Council)
Severn Trent Water
Network Rail
Lincolnshire Wildlife Trust
Lincolnshire Police (Force Intelligence Bureau)
Lincolnshire Fire and Rescue

22. The application has been publicised by notices posted at the site, the junction of Smithfield Road with the B B1434 and the level crossing Smithfield Road on 07 January 2022 and in the local press (Lincolnshire Echo on 07 January 2022) and 20 letters of notification were sent to the nearest neighbouring residents.

Representations

23. (a) 122 householder representations had been received (04/02/2022) by the time this report was prepared which raise concerns or objections to the proposal. A summary of the comments and objections received is as follows that fall within four categories:

- Climate Change

UK Climate Change Research/Commitment/Policy at world (COP26), national, county and district level, quoting LCC Green Masterplan 2020-2025 and Policies DM2 and DM15 of the CSDMP. The proposed development contradicts WLDC and LCC plans for carbon net zero. We are in a Climate Crisis and urgency is needed to stop pursuing fossil fuels. We have to consider the future of our children. Flood risk due to climate change.

- Residential, Historical and Environmental Amenity

Impacts on amenity visual, noise, air (methane/CO₂) and light pollution. Industrialisation of the countryside our beautiful countryside is not for sale, and that the interests of local residents will always come first. The pollutants could be responsible for human diseases. No screening of the site. The construction, facilities and drilling sites require the use of heavy equipment and can destroy big chunks of pristine wilderness.

Impacts on aquifers, water boreholes and water courses (drains) by the injection of organic and inorganic chemicals into the subsoil, spillages and leaks. The use of unconventional drilling processes (acidization/hydraulic fracturing) using massive amounts of water. This area is close to a fault zone, as evidenced in Market Rasen.

Impact on the natural environment rich in biodiversity and Lincolnshire Wolds AONB and environmentally- sensitive farming initiatives. Visible from the Viking Way.

Misuse of farmland, neighbouring agricultural land is farmed to improve soil structure and foster soil biota and sequesters Carbon, planting areas to grow bird food and wild flower field margins.

Impacts on historic assets, including conservation areas and listed buildings. Egdon should have been asked to submit a heritage impact assessment for the application showing the level of harm to the nearby heritage assets,

mitigative measures and how any harm would be outweighed by public benefit.

- Sustainable Development

The proposal is unsustainable development that would not lead to jobs and negate the financial, social and environmental benefits brought to this area by tourism including cyclists, walkers and riders. Impacts on existing businesses that have holiday lets, spa and caravan sites within 0.5 miles of the site. Such a small site cannot produce enough oil to warrant the impact on local residents.

Taking an average of 15 years of production, according to Egdon's estimates (50-200bpd), the site would produce enough oil to supply the UK for approximately 4-16 hours. Fossil fuels are not needed, and we should switch to renewables. There is a risk that the company will be bankrupt, and the local community would have to pay for the mess. The applicant has lost credibility through repeatedly expanding and extending the proposal.

- Planning Creep

The timescales set are unachievable to complete the restoration by the end of 2022 and the planning authority have shown a great deal of leniency in agreeing the previous extension of time. In addition, this application is considerably different to the original by adding to the development with each of the previous extensions of time. The sidetrack drill would be directly under residential properties. Some houses do not have foundations and already have cracks in walls from large vehicles travelling through the villages. The proposal will make them worthless and at risk of damage. In the event of finding oil will lead to further applications for exploration in the area. Delays have given rise to unacceptable impacts on the wellbeing of local residents, impacts on Highway Infrastructure and Highway Safety.

- (b) Grasby Parish Council (a nearby parish) - object to a further extension to the time limit. There has been a lack of progress over the last 7 years and the council can see no justification in granting an extension.
- (c) Local District Councillor – expressed concern for the physical and mental wellbeing of residents in the ward arising from the repeated extensions of time granted for the exploratory drilling.
- (d) Caistor GO2 Environmental Group (including petition 37 signatures) – express concerns and object to the planning applications. Citing world, national and local Climate Change policy and provided evidence of the impacts of fossil fuel use. Stating that the new site would have little impact on UK energy security due to the small amount of oil to be extracted. There is no evidence that the oil extracted would be used in the UK. The submission of various

applications amending the original application including changes to site layout and now proposing a sidetrack drill constitutes “planning by stealth”. Further comment includes impacts reflecting those received above.

- (e) Bigby Parish Council (a nearby parish) – The planning applications are no longer acceptable when aiming for a carbon neutral environment.

District Council’s Recommendations

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

West Lindsey would like to re-iterate the comments previously made in respect of applications refs: 141303 and 141307:

- *It was noted that planning permission was originally granted some 6 years ago in 2014 with seemingly little progress made. Concern was expressed as to the extent and lack of progress with the exploration and the Committee is not convinced of the justification for requiring yet a further extension to the time limit.*
- *With the increasing green agenda concern was also expressed in regard to the extraction of a finite resource the exploitation of which is ultimately unsustainable, when there are more sustainable alternatives that are available. It is also requested that any representations received from the local population around this site relating to the localised impacts on the local populace, can be taken into account when determining these applications.’*

In addition, a further representation was submitted as follows:

It should be noted that permission was originally granted more than seven years ago. Permissions to extend the period have previously been granted and yet no commencement has taken place during this considerable period. This leads to considerable prolonged uncertainty for members of the public who were first notified of proposals more than seven years ago. LCC should carefully consider representations from local people who could face the prospect of living with the impacts of this site for up to 20 years if exploration leads to production.

Following on from the above observations and comments WLDC now object to the above applications on the following grounds:

1. Incremental expansion through multiple planning applications. This is not just an extension of time. Since the original approval in 2014, this development has been expanded through subsequent planning applications and Egdon are now asking to widen the scope of the permitted activities by requesting that sidetrack drilling be added. Yet, there is a complete absence of detail in the Planning Statement as to whether this change will have any

consequential impacts (eg. take longer to complete, produce more drilling waste / more HGVs).

2. High risk of over-run requiring yet further time extensions. The project (without the introduction of sidetrack drilling) was predicted to take 49 weeks. Egdon's request is for 52 weeks. The slightest hitch means that they will run out of time and then request yet another extension. Also, the original permission carries a condition that precludes construction work during the bird-nesting season (Mar-Aug incl.). Therefore, without dispensation to work during the bird-nesting season, Egdon could not reasonably start construction work until September, raising whether December 2022 is a realistic prospect. There are serious questions as to whether the timescales being put forward by the applicant are realistic, particularly following the lack of progress so far, and this may further prolong uncertainty and anxiety for the local population.
3. Ecological Appraisal (2017). Conditions on the permission have previously referred to the "Updated Ecological Appraisal document (originally approved pursuant to condition 7 of planning permission 131925) and confirmed by the decision notice dated 15 December 2017", which is also referred to in the applicant's Planning Statement. Whilst it is noted that the applicant considers that "given the nature of the proposed development... and the continuation of mitigation measures... the findings of the 2017 assessment remain valid" it is now over four years old (and was itself an update on the 2014 survey three years earlier). Consequently, it is likely that the surveys are now out of date, and the Appraisal in any event pre-dates up to date legislation brought in with the Environment Act 2021. An up-to-date survey and appraisal should be required.
4. Climate Change and emerging policy. There is rapidly growing public concern and recognised need to address climate & ecological concerns with urgency. In particular this is reflected in the Draft Central Lincolnshire Local Plan under Policy S18: Fossil Fuel Exploration, Extraction, Production or Energy Generation which states that 'any proposal for fossil fuel based exploration, extraction, production or energy generation for the determination by a Central Lincolnshire authority will be refused on the basis that any remaining fossil fuels in Central Lincolnshire should remain under the ground as part of the areas commitment to a net zero-carbon society and economy. Should any such proposal be for the determination of another body, then the presumption of the applicable Central Lincolnshire authority(s) will be opposition to such a proposal as a matter of principle.' As the supporting text states, "Indeed, the remaining carbon budget, at both a local and a global level, cannot be met if fossil fuels continue to be extracted and consumed. The economy needs to move to low carbon energy, and Policy M9 is not compatible with that need. As such, the Joint Committee is against any form of fossil fuel exploration, extraction, production or energy generation in its

area.” Weight should be accorded the emerging policy, as per paragraph 48 of the NPPF.

Conclusions

25. These applications have been submitted in accordance with Section 73 and Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to planning permissions be amended or varied. The development of an exploratory well site was first granted permission in December 2014 (Ref: 131952) that permission was lawfully implemented, and the development commenced. In 2018 a subsequent planning permission was granted which extended the period allowed to restore the site following exploration and testing operations together with a second planning permission to construct a security compound adjacent to the exploratory well site. Four further planning permissions in 2019 (Refs: 139426 and 139434) and 2020 (Refs: 141306, and 141307) secured some amendments to physical aspects of the wellsite and again extended the period to allow for restoration.
26. Firstly, the applicant is seeking to vary condition 1 of planning permission 141306 to extend the date by which the site is required to be restored and enable the operations associated with the drilling of an exploratory borehole, production and evaluation testing and restoration of the site to be completed. The development authorised by the permission has been implemented and this application has been received before the date cited in condition 1 had passed. In addition, the applicant is seeking to inform the location of the bottom of the proposed exploratory well by way of amending a plan approved subject to condition 3. Secondly, the applicant is seeking to vary conditions 1 and 2 of planning permission 141307 to extend the date by which the security compound site is required to be restored. Therefore, these are valid applications which the Mineral Planning Authority is required and able to determine.
27. As these are Section 73 applications, the Mineral Planning Authority is only required to consider the question of the proposed amended/varied conditions. It is not required to reconsider the principle or acceptability of the development itself. Nevertheless, the advice provided by statutory and non-statutory consultees as well as the views expressed by other bodies, groups and individuals should still be considered in determining such applications.

Objections

28. A considerable number of representations have questioned the need for oil/gas, given the current discourse and legislative changes relating to climate change, and the local community have reiterated their earlier objections to both the principle of the development and in terms of its impacts on the environment and general residential amenity (e.g. highways and highway safety, landscape, and the wider environment as well as general residential amenity due to the industrialisation of the countryside, emissions, noise and light). The local residents have again

expressed their continuing anxiety due to the uncertainty as to when the exploratory operations would begin.

29. Other comment has been made suggesting that this and previous applications, to extend the period, have lacked the submission of a heritage assessment. Evaluation of the landscape impacts have already been addressed in earlier applications and there are no proposals to change the external appearance of the proposed sites would therefore give rise to any increased impact in terms of visual amenity in relation to the landscape characteristics of the area or historic assets within that landscape. Finally, local residents have speculated as to the future plans to develop other wellsites in the area however, this application only relates to the existing sites and speculation as to future developments, not yet proposed, cannot be material considerations in determining these applications. In respect of the heritage assessment the original planning permission included a comprehensive landscape and historical/archaeological assessments and the setting of historic assets have not changed since that time and it is therefore considered that no further assessment relating to heritage and landscape are necessary.

Ecology and Restoration

30. Representations received from local residents have been repeated by the District Council who have indicated that it is also considered necessary for the Mineral Planning Authority to revisit previously considered impacts of the proposed development in relation to ecology in the locality, insofar as the last Ecological Appraisal is now out of date and pre-dates the recent legislation brought in with the Environment Act 2021.
31. It was stated previously that the developments authorised by permission reference 141306 and 141307 has been lawfully submitted as Section 73 applications and it is not therefore necessary to reconsider the need or principle of the developments again. The principle of the developments, in this location, have previously been assessed and considered acceptable and so too have the various measures that would be adopted to ensure that any potential adverse impacts are ameliorated and mitigated. Such measures include a condition that would be re-iterated in any further permission granted to provide a barn owl box following completion of the development and restoration of the wellsite. Such mitigation would represent biodiversity net gain (BNG) and would consequently be consistent with the objectives of the Environment Act 2021. Schedule 14 of the 2021 Act has been translated into Town and Country Planning Act 1990 Section 90 SCHEDULE 7A Biodiversity gain in England - PART 1 Biodiversity gain objective section 2(1) *'The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage'*. The current relevant percentage being 10%.

32. An existing condition relating to ecology would be re-iterated, requiring that no wellsite preparation works involving the destruction or removal of vegetation shall be undertaken during the bird nesting season without the prior agreement of the Mineral Planning Authority. In respect of the ancillary security compound an existing condition would also be re-iterated, which would require a Phase 1 habitat survey to be undertaken, that would include a scheme to mitigate and ameliorate any undue adverse effects. Such a survey by its nature looks at an area greater than that of the application site and would include those areas covered by the exploratory wellsite permission. Whilst it has been considered that the ecological sensitivity of the area subject to these applications, has been adequately addressed through the reiteration of the existing conditions, it is considered appropriate and reasonable that a condition could be attached to both decision notices requiring the applicant to submit a biodiversity gain plan demonstrating, using the Biodiversity Metric 3.0, that the proposal would meet the BNG 10% requirement.
33. The proposal does not seek to make changes to the overall requirement to restore the site back to agricultural use following cessation of the exploratory drilling and it is therefore considered that the proposed development would meet the objectives of the NPPF and Policies DM9, R1 and R2 of the CSDMP and does not conflict with nor compromise Policies LP21 and LP26 of the CLLP or Policy S60 of the emerging Draft Local Plan that seeks to mitigate adverse impacts on the natural environment and supports development that would result in biodiversity net gain and protect agricultural land.

Fossil Fuels and Climate Change

34. The local parish councils/meetings have either objected to these proposals or commented that they support local resident's objections and encourage elected members to refuse the application as it would be contrary to the aims and objectives of tackling climate change and moving towards a low carbon future. This position is supported by the District Council who identified that the emerging Draft Central Lincolnshire Local Plan proposes Policy S18 Fossil Fuel Exploration, Extraction, Production or Energy Generation stating that 'any proposal for fossil fuel based exploration, extraction, production or energy generation for the determination by a Central Lincolnshire authority will be refused on the basis that any remaining fossil fuels in Central Lincolnshire should remain under the ground as part of the areas commitment to a net zero-carbon society and economy.' It should be noted that West Lindsey District Council is not the Mineral Planning Authority and in addition the emerging Draft Local Plan is at an early stage of development and in accordance with the NPPF very little weight can be given when determining this application. Notwithstanding Climate Change legislation acknowledges that hydrocarbons will continue to be necessary to ensure fuel security whilst achieving a transition to a 'Zero Carbon Future' therefore the proposal remains consistent with the aims and objectives set out in the NPPF subject to the development being in accord with the Development Management Policies set out in the Plan.

Extension of time

35. The applicant has cited the second wave of the COVID-19 pandemic has resulted in operational constraints. The gradual lifting of restrictions has led to a 'catch-up' period, which arose as a consequence of the reliance on external contractors and supply chains to facilitate the proposed exploratory drilling and evaluation. Whilst the economic outlook has improved, issues relating to material and personnel availability have directly impacted on the company's plan to carry out all the proposed operation phases before the end of 2021. This situation with regards to COVID-19 and the incidental impacts on delivery of the project has now stabilised and the applicant does not anticipate any further barrier to carrying out the proposed exploration and evaluation. This application therefore seeks to permit a further 12-month period to allow for all the proposed operations to be carried out in full including the capacity to complete the restoration of the site. Although it is acknowledged that the local community have been aware that the proposal was extant the residents most likely to be affected have not been exposed to any activity at the site excepting the construction of the site access. Your officer therefore considers that the applicant has justified the delay to carrying out the operations in 2021 and demonstrated a reasonable expectation to be able to complete the proposed developments within a 12-month period without increased impacts on amenity on the local community, transport network and other land-users already addressed both separately and cumulatively. Consequently, it is recommended that the applications be granted permission subject to the existing suite of conditions being re-iterated with an amendment to the dates to reflect a 12-month period from the date that the decisions are issued. The proposals are therefore in line with the aims and objectives of the NPPF and Policies DM3, DM14, R1 and R2 of the CSDMP and would not conflict with nor compromise Policy LP26 of the CLLP which seeks development that would not adversely impact on amenity or the highway network.

Bottom Hole Target Location

36. West Lindsey District Council consider that aspects of the proposal represent new development. Specifically, regarding the identification of the 'bottom hole target location' for the exploratory well, being geographically located beyond the boundary of the application site.
37. It is considered by your officers that the proposal to drill off the vertical, to a now identified 'bottom hole target location', does not constitute new development insofar as the surface operations are wholly contained within the application boundaries and sub-surface drilling operations have always fallen within the remit of both the HSE and the EA and do not constitute development, insofar as well design and the control of drilling are not land-use planning matters, which is stated at Paragraph 185 of the NPPF *'that the focus of planning 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) and that there should be an assumption that these regimes will operate effectively’.

38. West Lindsey District Council have also speculated that, in seeking to drill off the vertical, the proposed timescale for the proposal is unachievable. In addition, surmised that there would be increased volumes of drill waste, that would require an equivalent increase in the number of HGV's necessary to remove the waste from site to licensed waste disposal facilities.
39. The applicant had not indicated in the supporting documentation with these applications that the variation to drilling programme would give rise to an increased timescale. The applicant has now clarified that the original timescales given were worst case scenario that included contingency for delays in completing the drilling. Equally, the applicant had made provision for a greater volume of drilled material being brought to surface, than would normally be expected, in carrying out a vertical drill.
40. As previously stated, well design must be submitted to the HSE and EA at least 28 days prior to commencement of drilling. In preparing this design submission, the applicant has re-evaluated the seismic data collected ahead of submission of the original planning application (ref: 131952) hence an optimal ‘bottom hole target location’ has now been identified. It should be noted that the North Kelsey Prospect covers a large geographical area, and the choice of drill site was initially made based on how best to minimise impacts on residential property and railway infrastructure, rather than the nearest point to develop a wellsite over the best ‘bottom hole target location’ available.
41. In identifying the ‘bottom hole target location’, Lincolnshire Highways and Lead Flood Authority Officer sought confirmation as to the depth of drilling at the point where the path of the well crosses under Smithfield Road. The applicant advised that the depth, at that point, would be greater than 1 kilometre and that the diameter of the hole would measure 216mm. Given that the ‘bottom hole target’ would be at a greater depth still, there would be no perceptible vibration at surface and therefore it unlikely that the sub-surface drilling would have adverse structural impacts on either the road or the nearest residential property to the west of Smithfield Road. It is therefore considered that the proposed variation to submitted documentation identifying the ‘bottom hole target location’ does not represent exceedance of the scope of the original application and given the information provided regarding depth of target the proposal is consistent with the aims and objectives of the NPPF and Policies DM3, DM14 and DM16 of the CSDMP and does not conflict with nor compromise Policies LP14 and LP26 of the CLLP or Policy S20 of the emerging Draft Local Plan that requires development to make effective and efficient use of land and requires good design of development, highways and highway safety and protection of water resources and flood risk.

Human Rights Implications

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

RECOMMENDATIONS

That planning permission be granted for:

- 1) To vary conditions 1 (development cessation date) and 3 (approved documents and drawings) of planning permission ref – 141306 subject to the conditions set out in Appendix B
- 2) To vary conditions 1 (development cessation date) and 2 (approved documents and drawings) of planning permission ref 141307 subject to the conditions set out in Appendix C.

Appendices

These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	Application Ref: 144203 – Conditions
Appendix C	Application Ref: 144207 – Conditions

Background Papers

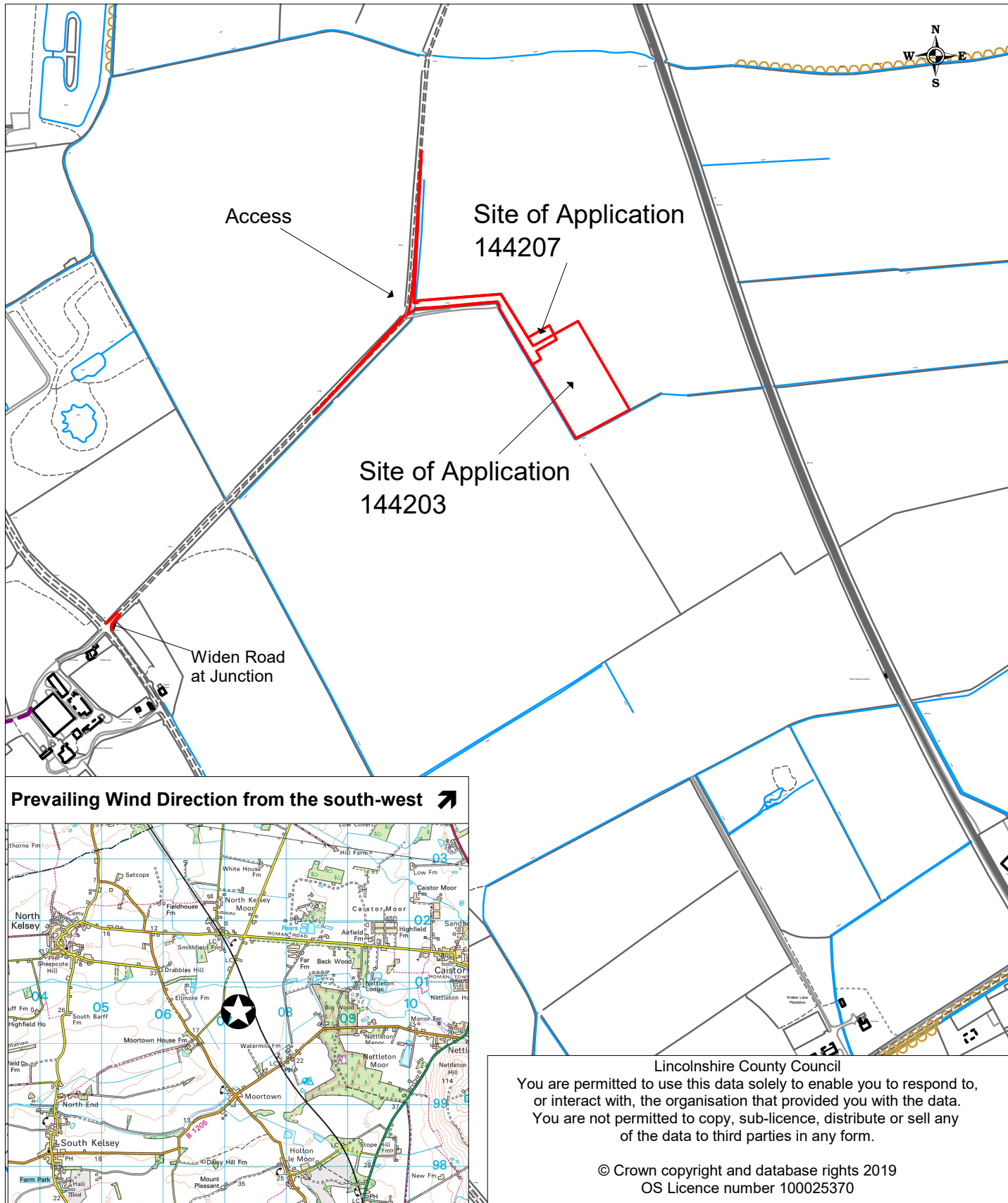
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files 131952, 139426, 141306, 141307, 144203 and 144207	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021) National Planning Policy Guidance (2014)	The Government's website www.gov.uk
Environment Act (2021) which includes a link to the Town and Country Planning Act (1990) as amended	The Government's Legislation website Environment Act 2021 (legislation.gov.uk)
Lincolnshire Minerals & Waste Local Plan – CSDMP (2016) Lincolnshire Minerals and Waste Development Scheme (2021)	Lincolnshire County Council's website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan (2017) Draft Central Lincolnshire Local Plan (2021)	West Lindsey District Council's website www.west-lindsey.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 14 MARCH 2022



Lincolnshire County Council
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Location:
 Land to the east of Smithfield Road
 North Kelsey Moor

Description:
 To vary conditions

Application Nos: 144203 & 144207
Scale:

144203 – Conditions

1. The development hereby permitted shall cease on or before 31 March 2023 and by the date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.

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

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

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

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

Documents

- Ref: 20271/A5/P6/VY/SO Rev 02 – 'Planning and Sustainability Statement' received 29 December 2017 as amended by Addendum to Planning and Sustainability Statement (received 17 April 2019) and further amended by Planning Statement (received 3 December 2021);
- Ref: Appendix 1 July 2016 – 'Site Closure and Restoration' received (29 December 2017);
- Ref: 3336 North Kelsey – 'Assessment of Geology, Flood Risk and Pollution Control' received (1 September 2014);
- Ref: 3336 North Kelsey – 'Assessment of Transport & Traffic' received (1 September 2014);
- Report number: 2636.01/ifb – 'Assessment of Environmental Noise Emissions' received (1 September 2014);
- Ref: 2636.02 – 'Assessment of Environmental Noise Emissions – Additional Information' received (3 December 2014); and

Drawings

- Ref: 3336 P01 Rev A - Site Location Plan (received 3 December 2021);
- Ref: 3336 P02 Site of Application (received 1 September 2014);
- Ref: ZG-ER-NK-PA-03 - General Layout Plan (received 12 June 2019);

- Ref: 3336 P04 Access Track – Existing Ground Plan (received 1 September 2014);
- Ref: ZG-ER-NK-PA-05 Access Track – Proposed Layout (received 12 June 2019);
- Ref: 3336 P06 Proposed Site – Existing Ground Plan (received 1 September 2014);
- Ref: ZG-ER-NK-PA-07 Proposed Site – Construction Mode (received 17 April 2019);
- Ref: ZG-ER-NK-PA-08 Proposed Site – Drilling Mode (received 17 April 2019);
- Ref: ZG-ER-NK-PA-10 Proposed Site – Testing Mode (Indicative) (received 17 April 2019);
- Ref: ZG-ER-NK-PA-12 Section A-A Section through Track (received 17 April 2019);
- Ref: 3336 P13 Rev A Proposed Sections Drilling Mode (received 1 September 2014);
- Ref: ZG-ER-NK-PA-14 Site Construction Sections (received 17 April 2019);
- Ref: ZG-ER-NK-PA-15 Sightlines & Site Entrance Details (received 12 June 2019);
- Ref: 3336 P19 Cabin Plans and Elevations (received 1 September 2014);
- Ref: 3336 T05 Existing Layby on Smithfield Road Upgrade Details (received 17 November 2014);
- Ref: ZG-ER-NK-PA-16 Proposed Access & Egress at Site Entrance (received 12 June 2019); and
- Ref: ZG-ER-NK-PA17 – Proposed Site Retention Mode (received 17 April 2019).

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

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

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

Lighting

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

Security Lighting

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

Reason: In the interest of visual amenity.

Ecology

8. Prior to any drilling plant and equipment being brought to the site a Biodiversity Net Gain Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The plan shall demonstrate utilising the Biodiversity Metric 3.0 (or as amended by subsequent versions) that the net gain in biodiversity would be equal to or in excess of 10% and include a timetable for implementation. Any proposed net gain shall be implemented in full in accordance with the approved timetable and shall be retained in accordance with the relevant sections of the Environment Act 2021.
9. Prior to any drilling plant and equipment being brought to the site, bird and bat boxes shall be provided in the vicinity of the well site as recommended in the Updated Ecological Appraisal document (originally approved pursuant to condition 7 of planning permission W97/131925/14 and confirmed by the decision notice dated 15 December 2017). Following the completion of the development and restoration of the site a barn owl box shall also be erected within the site in a location to be agreed with the land owner.

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

Archaeology

10. In relation to archaeology:

Part 1 The scheme of archaeological investigation must only be undertaken in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 8 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017).

Part 2 The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to above. The applicant will notify the Mineral Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Mineral Planning Authority.

Part 3 A report of the archaeologist's findings shall be submitted to the Mineral Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within three months of the works hereby given consent being commenced unless otherwise agreed in writing by the Mineral Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

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

Highway Network and Safety

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

15. At all times HGV deliveries are hereby permitted to visit the site, except during the period of production testing, a banksman shall be used to control the access to and egress from the site at the junction with Smithfield Road.
16. Prior to any drilling plant and equipment being brought to the site, the temporary signage previously approved by the Mineral Planning Authority pursuant to condition 16 of planning permission W97/131925/14 (as set out in the decision notice dated 15 December 2017) shall be erected at the junction of Smithfield Road and the B1434. All signage shall thereafter be maintained and retained for the duration of the development.

Reason: In the interests of the safety of users of the public highway and the safety of users of the site see informative (ii).

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

Reason: To protect breeding birds during the nesting season.

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

HGV deliveries

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

Operating Hours

	Mondays to Fridays	Saturdays	Sundays, Bank Holidays and Public Holidays
Phase 1 – construction of the site	07:00 – 17:30	07:00 – 13:00	none

Phase 2 – equipment assembly and demobilisation	07:00 – 19:00	07:00 – 19:00	none
Phase 2 – drilling operations only	24 hours	24 hours	24 hours
Phase 3 – site preparation for production testing	07:00 – 17:30	07:00 – 13:00	none
Phase 3 – production testing (site only manned during normal working hours Monday to Friday, except for occasional monitoring visits over weekends)	24 hours	24 hours	24 hours
Phase 4 – restoration	07:00 – 17:30	07:00 – 13:00	none

Reason: To protect the amenity of the surrounding area.

Noise control and monitoring

19. Noise levels as a result of the development hereby permitted shall not exceed 42dB LAeq, 1hr free field at any time when measured at a height of 1.5 metres at the boundary of the nearest noise sensitive properties those being Coppice House and Smithfield House.
20. Prior to any drilling plant and equipment being brought to the site (Phase 2) hereby permitted, a detailed noise monitoring scheme shall be submitted to, and approved in writing by the Mineral Planning Authority. The scheme shall include the locations for noise monitoring to be carried out commencing from the start of Phase 2 operations. Noise monitoring shall thereafter be carried out in accordance with the approved noise monitoring scheme and the results of noise monitoring shall be made available to the Mineral Planning Authority within five days of commencement of monitoring. For avoidance of doubt noise monitoring shall commence within 12 hours of Phase 2 - equipment assembly commencing.
21. In the event that the noise monitoring scheme (approved pursuant to condition 19) indicates that noise levels have exceeded the maximum permitted noise level, operations shall cease within 12 hours and until such time that further noise mitigation measures which shall be firstly approved in writing by the mineral planning authority have been installed and employed within the site.
22. All plant and machinery shall be adequately maintained and silenced in accordance with the manufacturer's recommendations at all times.

Reason: To protect the amenity of nearby residential properties.

Informative

Attention is drawn to:

- (i) Letter from Environment Agency dated 13 October 2014;
- (ii) Comments from Highways letter dated 19 November 2014. The design and size of the signs shall conform to the Traffic Signs Regulations and General Directions 2016 <https://www.gov.uk/government/collections/traffic-signs-signals-androadmarkings>; and Highways Letter 25 January 2022;
- (iii) E-mail from Jan Allen, Lincolnshire County Council Historic Environment dated 19 November 2014;
- (iv) E-mail from Environmental Health, West Lindsey District Council dated 6 June 2019 relating to contaminated land;
- (v) Anglian Water Planning Applications – Suggested Informative Statements and Conditions Report Reference: 14750/1/0059041 dated 5 June 2019
- (vi) Natural England letter ref: 379844 dated 13 January 2022 relating to protected species and Biodiversity Net Gain; and
- (vii) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

144207 – Conditions

1. The development hereby permitted shall cease on or before 31 March 2023 and by the date all portable buildings, plant and machinery associated with the use hereby permitted shall have been removed, the well capped and the land returned to its previous use as agricultural land.

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

2. The development hereby permitted shall be retained in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission:
 - Planning Application Form (date stamped received 17 April 2019);
 - Document Reference: 20271/A5/P7/VY/SO – 'Planning Statement' (date stamped received 17 April 2019) as amended by Planning Statement (received 3 December 2021);
 - Drawing No: Drawing No: ZG-ER-NK-SWC-PA-03 – 'Security & Welfare Compound Layout' (date stamped received 12 June 2019); and
 - Drawing No: ZG-ER-NK-SWC-PA-04 – 'Temporary Security & Welfare Compound Indicative Floor Space Plan (date stamped received 08 May 2019).

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

Lighting

3. No development shall commence until a full security lighting scheme, including details to minimise light spillage and any mitigation measures shall first been submitted to and approved in writing by the Mineral Planning Authority. The lighting shall be maintained and retained in accordance with the approved details for so long as the development hereby permitted is required or on completion of restoration of the site whichever may be earlier.

Reason: In the interest of visual amenity.

HGV deliveries

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

Monday to Friday 07:00 to 17:30 hours;
Saturday 07:00 to 13:00 hours; and

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

Noise

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

Reason: To protect the amenity of nearby residential properties.

6. Prior to the commencement of development, a Phase 1 habitat survey shall be undertaken a Biodiversity Net Gain Plan shall be submitted to and approved in writing by the Mineral Planning Authority. The plan shall demonstrate utilising the Biodiversity Metric 3.0 (or as amended by subsequent versions) that the net gain in biodiversity would be equal to or in excess of 10% and include a timetable for implementation. Any proposed net gain shall be implemented in full in accordance with the approved timetable and shall be retained in accordance with the relevant sections of the Environment Act 2021.

Reason: To ensure adequate protection for nature conservation interests and biodiversity net gain enhancements are secured and carried out as part of the development.

Informative

Attention is drawn to:

- (i) E-mail from Environmental Health, West Lindsey District Council dated 7 June 2019 related to contaminated land;
- (ii) Anglian Water Planning Applications – Suggested Informative Statements and Conditions Report Reference: 14750/1/0059041 dated 5 June 2019;
- (iii) Lincolnshire Fire and Rescue letter received 24 January 2022 and dated November 2020;
- (iv) Natural England letter ref: 379856 dated 13 January 2022 relating to protected species and Biodiversity Net Gain; and
- (v) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

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

Report to:	Planning and Regulation Committee
Date:	11 April 2022
Subject:	County Matter Applications N/163/00352/22 - To vary conditions 5 (dust management) and 10 (sheeting) of planning permission (E)S163/1599/02 (as amended by permission (E)N163/2338/14); and N/163/00353/22 - To vary conditions 7 (sheeting) and 8 (dust management) of planning permission (E)S163/2206/02

Summary:

Planning permission is sought by GBM Waste Management to vary conditions attached to two separate planning consents which cover the mineral and waste management operations being carried out at South Thoresby Quarry, Greenfield Lane, South Thoresby.

Planning permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14 covers the mineral operations site whilst planning permission (E)S163/1599/02 covers the inert waste recycling operations. Conditions are attached to each of these permissions that require:

- i) all lorries laden with mineral/materials leaving the site to be sheeted before they enter the public highway; and
- ii) the site operations to be carried out in accordance with the dust management scheme previously approved pursuant to conditions attached to each of these consents. The approved dust management scheme includes a requirement for all vehicles to be sheeted before leaving the site and therefore extends the requirement beyond just lorries.

The combined effect of the existing conditions is that all vehicles carrying materials/mineral from the site (whatever they are) are required to be sheeted. The operator/applicant has submitted two separate applications which propose to amend/vary these conditions by replacing the existing approved dust management scheme with an updated version and amending the wording of the conditions which relate to the sheeting of vehicles.

Recommendation:

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

Background

1. South Thoresby Quarry is a historic and active chalk quarry that also has permission for the operation of an inert waste recycling operation. The permissions relevant to this case(s) are as follows:

(E)S163/2206/02 (as amended by permission (E)N163/2338/14) (the 'Mineral Permission') - Under the provisions of the Environment Act 1995, the old mineral planning permissions and conditions relating to the site were reviewed and a new schedule of conditions were approved in July 2003 (ref: (E)S163/2206/02). In August 2016 a S73 application was submitted and approved which amended permission (E)S163/2206/02 by allowing a variation to Conditions 5 and 15(a) to reflect revisions to the approved working and restoration schemes for the quarry (ref: (E)N163/2338/14).

Condition 7 of this permission(s) currently reads as follows:

7. *All lorries leaving the site laden with minerals shall be sheeted before entering the highway.*

Reason: In the interests of highway safety and safeguarding the local environment.

Condition 8 required the submission of a dust management scheme to be submitted for the approval of the Mineral Planning Authority (MPA). Such a scheme was submitted and approved on 4 November 2003. The approved dust management scheme includes a requirement for all vehicles to be sheeted before leaving the site and therefore extends the requirement of Condition 7 which only refers to lorries.

(E)S163/1599/02 (the 'Waste Permission') – this permission allows for the siting and operation of a 30,000 tonne per year inert construction waste recycling facility within the quarry.

Condition 5 required the submission of a dust management scheme for the approval of the MPA and such a scheme was submitted and approved on 7 July 2004. Like the scheme approved pursuant to Condition 8 of the Mineral Permission, the dust management scheme includes a requirement for all vehicles to be sheeted before leaving the site and therefore extends the requirement of Condition 10 which only refers to lorries (as referenced below).

Condition 10 reads as follows:

10. *All lorries leaving the site laden with materials shall be sheeted before entering the highway.*

Reason: In the interests of highway safety and safeguarding the local environment.

The combined effect of the above existing conditions is that all vehicles carrying materials/mineral from the site (whatever they are) are required to be sheeted. Despite this requirement, following complaints of vehicles leaving the site unsheeted, Breach of Condition Notices (BCON) were served on the operator for failure to comply with the requirements of the above conditions. The applicant has now submitted two separate applications which seek to vary the conditions subject of the BCONs. Details of the proposed revisions sought are detailed below.

The Application(s)

2. Planning permission is sought by GBM Waste Management to vary conditions attached to two separate planning consents which cover the mineral and waste management operations being carried out at South Thoresby Quarry, Greenfield Lane, South Thoresby.
3. Planning permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14 covers the mineral operations site whilst planning permission (E)S163/1599/02 covers the inert waste recycling operations. Conditions are attached to each of these permissions that require:
 - i) all lorries laden with mineral/materials leaving the site to be sheeted before they enter the public highway (Conditions 7 and 10); and
 - ii) the site operations to be carried out in accordance with the dust management scheme previously approved pursuant to conditions attached to each of these consents. The approved dust management scheme includes a requirement for all vehicles to be sheeted before leaving the site and therefore extends the requirement beyond just lorries (Conditions 5 and 8).
4. The operator/applicant has submitted two separate applications which propose to amend/vary the conditions which currently require the sheeting of lorries and the implementation of the existing approved dust management scheme. The applications are as follows:

Planning Application: N/163/00352/22 - this application seeks to vary Conditions 5 (Dust Management) and 10 (Sheeting) of planning permission (E)S163/1599/02. Permission (E)S163/1599/02 covers the inert waste recycling operations taking place in the quarry (the 'Waste Permission').

Planning Application: N/163/00353/22 - this application seeks to vary Conditions 7 (Sheeting) and 8 (Dust management) of planning permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14). This permission covers the mineral operations being carried out within the quarry (the 'Mineral Permission').

5. This report deals with both applications given the inter-relationship of the two permissions and as the planning issues and matters to be considered in the determination of the applications are the same.

Revised Dust Management Plan (amendment to Condition 5 and Condition 8)

6. Conditions 5 and 8 of the Mineral and Waste Permissions required a dust management scheme to be submitted for the approval of the MPA. Dust management schemes (DMS) have previously been submitted and approved pursuant to these conditions and set out the procedures to be implemented at the site to minimise dust generation and prevent dust beyond the site boundary.
7. One of the commitments identified and stated within the currently approved DMS is a requirement that *"All vehicles entering and leaving the site will be sheeted, using the sheeting bay provided to sheet on departure from the site"*. This commitment therefore extends the requirements of Conditions 7 and 10 (attached the Mineral and Waste Permission referred to below) to all vehicles, which includes tractors and trailers which are regularly used by local farmers when carrying smaller loads of materials from the quarry for local use (e.g. construction of trackways, hardstandings, etc.).
8. Despite the requirement to carry out operations in accordance with the terms of the approved DMS (and existing sheeting conditions), there have recently been incidences and evidence of vehicles, including lorries and tractors and trailers, leaving the site unsheeted. This is a breach of planning control and hence led to the serving of Breach of Condition Notices (BCON) on the operator/applicant. The operator/applicant is unable to appeal against a BCON and so instead has submitted two separate applications which propose to amend/vary the conditions which currently require the sheeting of lorries and the implementation of the existing approved DMS. The operator/applicant submits that the requirements of the current DMS are out of date and vague and as such has submitted an updated Dust Management Plan (DMP) which it proposes replaces that approved pursuant to Conditions 5 and 8. The applicant is proposing that this updated DMP be specifically cited and referenced within the wording of revised conditions which would read as follows:

The development shall be implemented in accordance with the approved Dust Management Plan dated Feb 2022. The approved Dust Management Plan shall be implemented for the duration of the permitted operations.

9. The updated DMP is intended to cover all the on-going operational activities at South Thoresby Quarry. The updated DMP states that the quarry manager will be

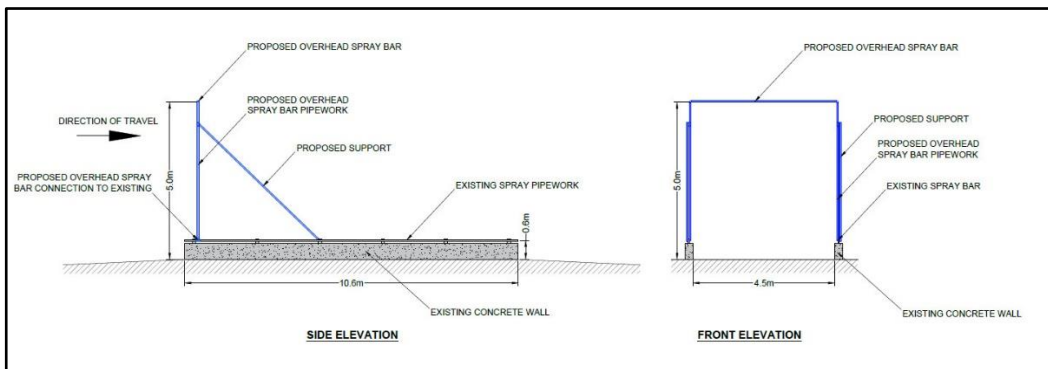
responsible for the implementation of the DMP and that dust assessment will form part of daily site inspections. The DMP identifies the main sources of dust associated with the site and the measures to be adopted to minimise and reduce any impacts. Such measures are primarily identified as being good operational practices and include (inter alia):

- Regular visual inspections to evaluate the extent of dust generation.
- Cessation of operations where significant dust generation is identified.
- Utilisation of dust suppression features on plant and equipment to effectively control dust (e.g. upward facing exhausts to prevent dust generation).
- Spraying/dampening of stockpiles (where necessary) to prevent dust emissions with very dusty materials kept to lesser heights to further reduce the potential for wind whipping.
- Avoiding/minimising double handling of materials to reduce the opportunities for dust to arise.
- Making available an adequate supply of water on site at all times and use of a water bowser to dampen surfaces/haul roads to minimise dust generation (where appropriate).
- Reducing drop heights to minimise dust.
- An on-site speed limit of 10 miles per hour will be strictly controlled and monitored to reduce dust generation by vehicles. The number of vehicle/plant movements on site shall be kept to a minimum to reduce the likelihood of dust generation.
- Regular maintenance of all dust suppression systems and equipment to ensure it is maintained in working order at all times.

10. One of the most notable differences between this updated DMP and the currently approved DMS is the requirement in relation to the sheeting of vehicles. Within the updated DMP it is stated that HGVs leaving the quarry carrying processed mineral and secondary aggregate material will be sheeted (where available) and where HGVs that do not have the ability to safely sheet their loads, then these would be required to pass through a spray bar system that would dampen loads to avoid dust generation outside of the site. Details of the proposed spray bar system to be installed within the site are included as part of this application and so, if approved, would require to be implemented and operational. Essentially the updated DMP proposed would replace the existing blanket requirement for all vehicles leaving the site to be sheeted (as required currently under the terms of existing DMS) with an alternative arrangement whereby vehicles that cannot be sheeted for any reason would have their loads dampened prior to leaving the site.



Location of proposed spray bar system



Proposed spray bar system

Vehicle Sheeting (amendment to Conditions 7 and 10)

11. Conditions 7 and 10 of the Mineral and Waste Permissions are very similar in their wording and require lorries leaving the site to be sheeted before entering the public highway. The reason cited for the condition(s) is the same and is cited as being *“In the interests of highway safety and safeguarding the local environment”*.
12. The applicant submits that the objectives of Conditions 7 and 10 can be achieved through the implementation of the updated DMP (referred to above) and so has proposed that the condition(s) either be deleted entirely or updated to read as follows:

Proposed amended Condition 7 of permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14) to read as follows:

Lorries leaving the site laden with mineral shall be subject to the requirements of the approved Dust Management Plan (Condition 8) before entering the Highway.

Proposed amended Condition 10 of permission (E)S163/1599/02 to read as follows:

Lorries leaving the site laden with material shall be subject to the requirements of the approved Dust Management Plan (Condition 5) before entering the Highway.

Site and Surroundings

13. South Thoresby lies to the east of the A16, 5km west of Alford and 11km south of Louth. The quarry is located to the north-east of the village and lies immediately adjacent to, but not within, the boundary of the Lincolnshire Wolds Area of Outstanding Natural Beauty. The quarry itself covers an area of approximately 14.4 hectares (including worked and permitted areas) and has been selected as a Local Geological Site (LGS) due to important geological exposures which are present within the site. The nearest statutory ecological designation is Calceby Marsh SSSI located approximately 350m to the west of the quarry. Another statutory designation is Swaby Valley SSSI located 1.1km to the northwest. The nearest non-statutory ecological designation to the site is South Thoresby Warren Local Nature Reserve located 1.2km to the southwest.

14. Access to the quarry is gained off an unnamed/unclassified road which connects to the A16 to the south-west and which passes through the nearby villages of Aby and Claythorpe before connecting to the B1373 to the north-east. The roadside verges west of the quarry and the A16 have been designated as Local Wildlife Sites (LWS) as they support a diverse range of rare flora and fauna.



Site Access

15. There are a number of residential properties in close proximity to the site with the nearest being a Grade II Listed Cottage (15m east of Lynne Cottage) which is adjacent to the south-western boundary of the quarry and a Grade II Listed Limepits Farmhouse which lies on the opposite side of the road to the western boundary of the quarry. Views into the quarry are filtered by the existence of established tree planting surrounds the site boundaries which help to limit views into the site and wider operations.



Views along route to quarry and neighbouring residential properties

Main Planning Considerations

Planning Policy Context

16. The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) state 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.

For decision-making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting planning permission unless:

- the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

Paragraph 38 (Decision making) 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.

Paragraphs 2, 47 & 48 (Determining applications) state that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 55 & 56 (Use of planning conditions) state that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 111 (Highway impacts) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 221 (Mineral development) advises that in considering proposals for mineral extraction, minerals planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.

Lincolnshire Minerals & Waste Local Plan: Core Strategy 2016 (CSDMP) – the following policies are of relevance:

Policy DM3 (Quality of Life and Amenity) states planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from a range of factors which includes dust, migration of contamination and traffic to nearby dwellings and other sensitive receptors.

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

East Lindsey Local Plan: Core Strategy (Adopted July 2018) (ELLP) – the following policy is of relevance:

Policy SP10 (Design) sets out a range of criteria that development is required to meet in order to ensure it maintains and enhances the character of the Districts towns, villages and countryside. Specific extracts relevant in this case state that development *“will be supported if it ... does not unacceptably harm the rural or dark-sky character of a settlement or landscape or any nearby residential amenity; ... and it does not unacceptably harm or reduce the safety of highways, cycleways and footways”*.

Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor H Marfleet – was notified of the applications on 22 February 2022 but no comments/response had been received by the time this report was prepared.
- (b) Swaby Group Parish Council – objects to the application(s) and has provided the following comments in respect of the existing and proposed Dust Management Plan(s) (DMP):

In respect of the current/adopted DMS there are already provisions contained within it which require:

- all vehicles (including HGVs and tractors pulling trailers) entering and leaving the site to be sheeted;
- the site operator to provide a sheeting bay to assist in complying with the above;
- the site operator to have available a sufficient number of mobile spraying units to wet the ground to minimise dust emissions;
- that during adverse weather conditions the handling of potentially dusting materials has to be avoided or the plant not run at all;
- haul routes to be regularly maintained by grading to minimise dust generation;
- a mechanical road sweeper to be used on both internal and external metalled roads where required; and
- the internal metalled haul roads have to be extended in step with the quarrying operations.

It is stated that all the above provisions should be included in any new Dust Management Plan (DMP).

In respect of the proposed DMP submitted as part of these application it is commented that:

- any new dust management plan should enhance and not reduce the requirements for dust management. The proposed replacement DMP fails to enhance and actually reduces the requirements for dust management when compared to the currently approved DMP;

- much of what is stated requires the quarry manager to make a decision based on his/her opinion (e.g. as to what is or is not a significant dust generation) which leaves room for argument about whether a particular provision in the proposed replacement DMP has or has not been complied with;
- paragraph 4.3.2 (g) of the proposed DMP refers to ‘the external site area’ but does not explain what that is (what is the relevance of the word ‘external’);
- paragraph 4.3.2 (l) allows vehicles other than some HGVs to leave the site unsheeted;
- paragraph 4.4.6 refers to ‘the regulator’ but does not identify who that is;
- paragraph 4.6 refers to the Environment Agency but the response from the EA to both applications indicates that they are not interested;

Finally, the Parish Council questions, isn’t LCC the Authority responsible for enforcing the planning conditions relating to the quarry and the Authority responsible for the upkeep of the public highway used to access the quarry, and are not ELDC the Authority responsible to clean that public highway and to deal with any off site environmental problems?

- (c) Aby with Greenfield Parish Council (adjoining Parish) – object to application N/163/00352/22 stating its views are in line with those of Swaby Parish Council (above). Although a response was not received in connection with application N/163/00353/22 it is assumed these comments also apply to that application.
- (d) Environment Agency – has responded stating it has no comments to offer on either application as it did not originally recommend the conditions to which the proposed variations relate.
- (e) Lincolnshire Wolds Countryside Service – does not support the proposals. Having read the documents in relation to the site and assessed any potential impacts on the Lincolnshire Wolds AONB, the Wolds Service cannot support any measures which would reduce the current dust management plan. The Wolds Service considers that there would be fewer measures in place (i.e. potentially less sheeting of vehicles leaving the site) and this would have a negative impact on the surrounding area and on the AONB. Therefore, the Lincolnshire Wolds Countryside Service does not support either application.
- (f) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has responded stating that the proposals do not have an unacceptable impact on the safety of the public highway or surface water flood risk and as such does not object to either application.

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

Environmental Health Officer (East Lindsey District Council)
Historic Places (Lincolnshire County Council)
Public Health (Lincolnshire County Council)
Lincolnshire Wildlife Trust
Lincolnshire Police

The applications have both been publicised by notices posted at the site (posted 2 March 2022) and in the local press (Skegness Standard and News on 9 March 2022) and letters of notification were sent to the nearest neighbouring residents to the site.

18. A total of 16 representations have been received in response to both applications (8 representations made to each application). An outline and summary of the objections/comments/issues contained within those representations is set out below:
- Over the years there have been problems with the speed of traffic and uncleaned roads, due to excessive debris and weather conditions. Extremely concerned that if the proposals are allowed to go ahead then the safety of residents and pedestrians walking through the village would be at risk from falling debris from unsheeted vehicles of all types (inc. HGVs, tractors and trailers) entering and leaving the site.
 - The proposed new Dust Management Plan will impact on the use of resident's front gardens as they will be covered in a constant film of dust and opening windows would be more limited as dust would come into the house.
 - It is abundantly clear that the quarry operators are not meeting their current standards and there is sufficient vagary in the proposed applications to suggest that they would not comply with the new plans, being able to counter challenge any possible enforcement.
 - The operator is unable to manage or operate in a way that minimises the nuisance to nearby receptors and there is nothing in the proposed new Dust Management Plan that would make a difference or provide comfort. The area is a disgrace with hedges that look more like plaster of paris, rather than green and a significant absence of road cleanliness.
 - These are regressive proposals which appear to allow the quarry to become self-regulatory in relation to dust suppression/sheeting of transport carriers and highway hazards (i.e. mud). There is no benefit to residents subjected to the current regime nor to the village environment. In fact, we would rather see stricter enforcement of the current regulation by LCC.
 - The proposals seek to reduce the requirements already in place, which can only lead either to no change in the current unsatisfactory situation, or to a further deterioration. Whilst it is appreciated that the quarry has been operational for many years we would suggest the residents quality of life must carry an equal weight, and we therefore request that the proposals are carefully reviewed with the above in mind.
 - Concerns about the speed of HGVs which frequently exceed speed limits.

- The Department of Transport has issued a Code of Practice for safety of loads on vehicles. Section 10 of that Code of Practice deals with loose bulk loads and paragraph 10.8 of that Code reads as follows:

“The load compartment should be covered if there is a risk of part of the load falling or being blown from the top of the vehicle. The type of cover used will depend on the nature of the load being carried. Materials such as dry sand, ash, and metal turning swarf are particularly susceptible to being blown off and should always be covered by a suitable sheet. Covering with a net can sometimes adequately retain loads that consist of large items, such as scrap metal and builder’s waste. If a net is used the mesh size should be smaller than the items been carried and the net should be strong enough to prevent any article being carried from escaping”.

The Government’s website also refers to The European Commission Directorate - General for Energy and Transport best practice guidelines and Section 7.7 contains similar provisions to those of the above Code of Practice, namely – *“The load compartment should be covered if there is a risk of part of the load falling or being blown from the top of the vehicle. The type of cover used will depend on the nature of the load being carried. Materials such as dry sand, ash, and metal turning swarf are particularly susceptible to being blown off and should always be covered by a suitable sheet. Covering with a net can sometimes adequately retain loads that consist of large items, such as scrap metal and building waste. If a net is used the mesh size should be smaller than the smallest items being carried and the net should be strong enough to prevent any carried article from escaping”*

The applicants’ proposal does not comply with the Code of Practice and the EU best practice guidelines.

District Council’s Observations Recommendations

19. East Lindsey District Council has confirmed it has no objection to either application subject to the County Council being satisfied that the measures proposed would be sufficient to ensure the amenities of local residents would not be harmed.

Conclusions

20. This report deals with two separate applications that are both seeking to amend/vary conditions attached to planning permissions that cover the mineral and waste management activities being carried out at South Thoresby Quarry.
21. The conditions proposed to be amended require lorries transporting minerals/materials from the site to be sheeted, and; for all site operations to be carried out in accordance with a previously approved dust management scheme. The combined effect of these existing conditions is that all vehicles carrying materials/mineral (whatever type) are required to be sheeted. The sheeting of

vehicles is a well-established practice adopted across the minerals and waste industries and imposed as a planning condition by many Planning Authorities as a reasonable and practical means by which to control both dust emissions from a site and prevent debris being deposited on the public highway. The existing conditions are therefore typical of those imposed on many mineral and waste sites across the County and the existing conditions are deemed to be necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects.

22. The applicant's proposal to update/amend the terms of the existing conditions to refer to an updated DMP is not, when compared with the existing control/conditions, considered adequate or sufficient to secure the same level of control and protection as the current conditions do. The updated DMP does contain measures and practices to minimise dust emissions from site operations and these are largely acceptable and reflective of those already contained within the approved DMS. A key difference between this document and the existing conditions/DMS however are the provisions in relation to the sheeting of vehicles. More specifically, whilst the updated DMP confirms HGVs that are capable of being sheeted will continue to be sheeted before leaving the site, the updated DMP suggests that HGVs or vehicles that cannot be sheeted for any reason would instead be required to pass through a spray bar system to dampen their loads. Whilst the proposed spray bar system could (if implemented) potentially minimise dust from unsheeted vehicles, such a system is not as effective as a physical cover/sheet and would not necessarily prevent or reduce the risk of larger materials (i.e. recycled aggregates) from being ejected/deposited onto the public highway. Tractors and trailers are commonly used at South Thoresby Quarry to transport minerals/materials from the site and whilst tractors can be lower in speed than a HGV often JCB Fastracs (or similar) are used by farmers and these are not dissimilar in terms of speed when compared to a HGV. Additionally, the large and softer nature of tractor tyres is such that they can lead to more 'bounce' as they travel along a road and this could result in a higher risk of dust through displacement and materials being ejected when compared to a sheeted trailer/vehicle. Consequently, if vehicles carrying material/mineral are not sheeted then there remains a risk that debris and materials will be deposited on the public highway. This can result in slurry/slippery surfaces that are hazardous to other road users as they can affect vehicle braking and lead to an increased risk of accidents. Larger debris that may be ejected such as rock/stone can also damage vehicles directly or cause accidents as drivers manoeuvre to avoid them whilst finer deleterious materials such as mud, dust etc can have a negative impact on the local environment from a visual and pollution perspective by contaminating roadside verges and hedgerows.
23. Objections have been received from residents, the Parish and adjoining Parish Council's as well as Lincolnshire Wolds Service. East Lindsey District Council has raised no objection subject to the County Council being satisfied that the measures proposed would be sufficient to ensure the amenities of local residents would not be harmed. The objections received are largely based on a view that the updated

DMP would lessen the commitments and obligations placed on the site operator/applicant and would lead to a worsened situation in terms of off-site dust and debris. Having taken into account the information contained within the application and the comments received during consultation, Officers agree with the objectors and are of the view the applicant's proposal to vary the conditions and replace the current DMS with an updated DMP is not acceptable. The proposed updated DMP and alternative use of a spray bar system for unsheeted vehicles is not considered as robust or effective as the current requirements/conditions which require all vehicles to be sheeted. The proposed variations sought would therefore offer less protection and could lead to an unacceptable adverse impact on the local environment, the amenity of nearby residents and other road users and so would be contrary to the objectives of Policy SP10 of the ELLP and DM3 and DM14 of the CSDMP and notably paragraphs 111 and 211 of the NPPF which seek to ensure that minerals developments do not have an unacceptable impact on highway safety and that impacts such as dust and particle emissions are controlled, mitigated or removed at source.

Human Rights Implications

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

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. Planning Application: N/163/00352/22

The updated Dust Management Plan and proposed revised conditions are not considered as robust or effective as the current requirements of Conditions 5 and 10 of permission (E)S163/1599/02 which, in combination, require all vehicles leaving the site to be sheeted. The proposal to use a spray bar system to dampen the loads of any unsheeted vehicles (as promoted within the Dust Management Plan) is not considered as effective as a physical cover/sheet and could lead to a worsened situation in terms of off-site dust and debris.

The proposed revisions could therefore lead to an unacceptable adverse impact on the local environment, the amenity of nearby residents and other road users and so would be contrary to the objectives of Policy SP10 of the ELLP and DM3 and

DM14 of the CSDMP and notably paragraphs 111 and 211 of the NPPF which seek to ensure that minerals developments do not have an unacceptable impact on highway safety and that impacts such as dust and particle emissions are controlled, mitigated or removed at source.

2. Planning Application: N/163/00353/22

The updated Dust Management Plan and proposed revised conditions are not considered as robust or effective as the current requirements of Conditions 7 and 8 of permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14) which, in combination, require all vehicles leaving the site to be sheeted. The proposal to use a spray bar system to dampen the loads of any unsheeted vehicles (as promoted within the Dust Management Plan) is not considered as effective as a physical cover/sheet and could lead to a worsened situation in terms of off-site dust and debris.

The proposed revisions could therefore lead to an unacceptable adverse impact on the local environment, the amenity of nearby residents and other road users and so would be contrary to the objectives of Policy SP10 of the ELLP and DM3 and DM14 of the CSDMP and notably paragraphs 111 and 211 of the NPPF which seek to ensure that minerals developments do not have an unacceptable impact on highway safety and that impacts such as dust and particle emissions are controlled, mitigated or removed at source.

Informative

Attention is drawn to:

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

Appendix

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

Background Papers

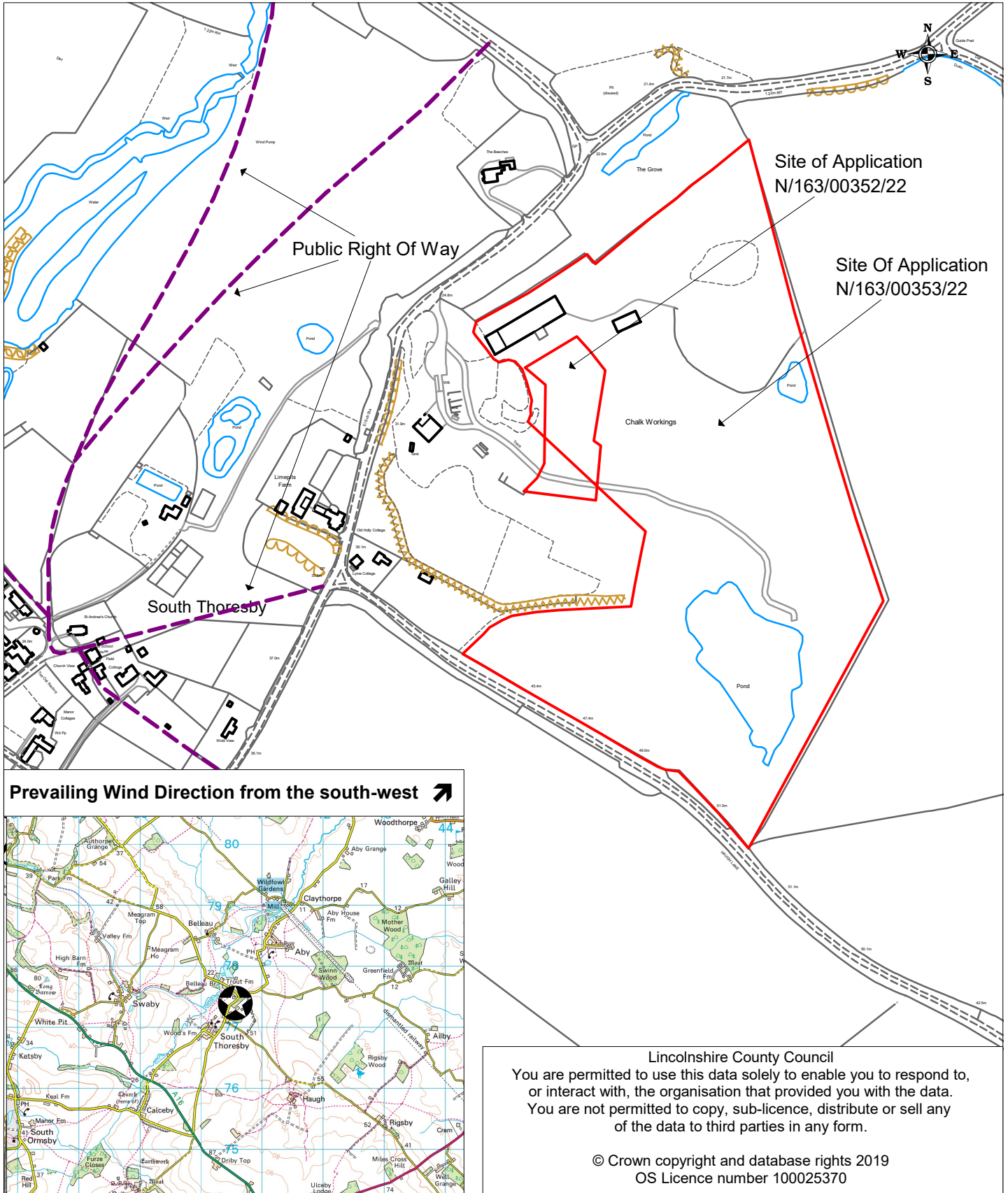
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File N/163/00352/22	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
East Lindsey Local Plan (2018)	East Lindsey District Council's website www.e-lindsey.gov.uk

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 11 APRIL 2022



Lincolnshire County Council
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Location:

South Thoresby Quarry
 Greenfield Lane
 South Thoresby

Application Nos: N/163/00352/22

Scale: 1:5000

N/163/00353/22

Description:

To vary conditions 5 (dust management) and 10 (sheeting) of planning permission (E)S163/1599/02

To vary conditions 7 (sheeting) and 8 (dust management) of planning permission (E)S163/2206/02