

**PLANNING AND REGULATION COMMITTEE  
4 DECEMBER 2023**

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

Councillors Mrs C L E Vernon (Vice-Chairman), P Ashleigh-Morris, T R Ashton, A M Hall, N M Murray, R P H Reid, N Sear, P A Skinner and T J N Smith

Councillor D McNally attended the meeting as an observer

Officers in attendance:-

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

52 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors ID Carrington, M Hasan, Mrs M J Overton MBE and N H Pepper.

53 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest at this point in the meeting.

54 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 6 NOVEMBER 2023

RESOLVED

That the minutes of the meeting held on 6 November 2023 be agreed and signed by the Chairman as a correct record.

55 NOTES OF A SITE VISIT HELD ON 29 NOVEMBER 2023

The notes of the site visit held on 29 November 2023 were received.

56 TRAFFIC ITEMS

57 ANDERBY, SEA ROAD - PROPOSED 30MPH SPEED LIMIT

A report was received which invited the Committee to consider a potential reduction of the existing 40mph speed limit on Sea Road within Anderby village and extending westwards.

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Investigations had indicated that this site may be considered a 'Borderline Case', as defined within the Council's Speed Limit Policy.

The Programme Leader – Traffic introduced the report and shared a presentation which detailed the area under consideration.

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

RESOLVED (unanimous)

That the Committee supports the introduction of a 30mph speed limit as proposed, so that the necessary consultation process to bring it into effect may begin.

58      A16 UTTERBY - SUGGESTED 30MPH SPEED LIMIT

A report was received which invited the Committee to consider a request to reduce the existing 40mph speed limit on the A16 at Utterby to 30mph. Investigations had indicated that a reduction in speed limit at this location may be considered as a 'Borderline Case', as defined within the Council's Speed Limit Policy.

The Programme Manager – Traffic introduced the report and shared a presentation which detailed the area under consideration.

On a motion by Councillor A M Hall and seconded by Councillor P A Skinner, it was:

RESOLVED (unanimous)

That the Committee supports the introduction of the 30mph speed and that the necessary consultation process to bring it into effect be pursued.

59      METHERINGHAM, DRURY STREET AND ST WILFRED'S CLOSE - PROPOSED WAITING AND LOADING RESTRICTIONS

A report was received which invited the Committee to consider objections to proposed waiting and loading restrictions at Drury Street, Metherringham.

The Programme Manager – Traffic introduced the report and shared a presentation which detailed the areas under consideration. Four objections had been received which cited concerns that the restrictions would reduce space for residents to park, and that the restrictions would cause parked vehicles to become displaced causing obstruction to garages and access elsewhere on Drury Street.

On a motion by Councillor I G Fleetwood, seconded by Councillor A M Hall it was:

RESOLVED (unanimous)

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

60 COUNTY MATTER APPLICATIONS

61 TO CONSTRUCT A GAS TO GRID ANAEROBIC DIGESTER AND FERTILISER PRODUCTION FACILITY COMPRISING OF NINE DIGESTER/FERMENTATION TANKS; FEEDSTOCK RECEPTION/STRAW PROCESSING AND STORAGE BUILDING; DIGESTATE SEPARATION AND FERTILISER PRODUCTION BUILDING; BIOGAS UPGRADE PLANT; EMERGENCY GAS FLARE; ODOUR CONTROL AND CONDENSING UNIT; GAS ENTRY COMPOUND/UNIT OTHER ANCILLARY PLANT AND EQUIPMENT AND UNDERGROUND PIPELINE CONNECTING TO NATIONAL GRID AT LAND AT MANBY AIRFIELD, OFF MANBY MIDDLEGATE, MANBY - MANBY BGE LTD (AGENT: READING AGRICULTURAL CONSULTANTS) - N/113/01243/23

Consideration was given to a report which outlined a planning application by Manby BGE Ltd to construct a gas to grid anaerobic digester and fertiliser production facility comprising of nine digester/fermentation tanks; feedstock reception/straw processing and storage building; digestate separation and fertiliser production building; biogas upgrade plant; emergency gas flare; odour control and condensing unit; gas entry compound/unit other ancillary plant and equipment and underground pipeline connecting to National Grid at Land at Manby Airfield, off Manby Middlegate, Manby.

The Applications Manager introduced the report and shared a presentation which detailed the areas under consideration. It was reported that objections had been received from the Parish Council and Lincolnshire Wildlife Trust. 102 representations from the public had been received. It was also noted that a further representation had been received following the publication of the report and was detailed in the update to the Committee. However, this did not raise any different concerns to those that had already been submitted. It was noted that no objections from the Environment Agency had been received.

The Committee was advised that the main issues to be considered for this application were set out in the report and included location, landscape and visual impacts, noise and odour impacts, highways, flood risk, nature conservation and the historic environment.

The Applications Manager also reported that since the publication of the report, conversations had continued with the applicant regarding the wording of the conditions including minor changes to the phasing and timing of operations. The applicant had also offered to secure a vehicle routing restriction which would limit HGV movements through Manby/Grimoldby and avoid movements during school pick up/drop off times. The revised schedule of conditions was set out in the Committee update circulated to the Committee prior to the meeting.

Councillor Terrence Knowles, Chairman of Grimoldby and Manby Parish Council spoke as an objector to this application and made the following comments:

- The officers' report was very thorough and very detailed however assumptions had been made in the report which were in favour of the developer.
- Page 43 of the report set out representations from residents and it was clear that they did not want any further industrialisation of Manby Airfield.
- It was stated in the report, that this was a very large development and with regard to his villages, it was massive.
- In relation to traffic movements, page 62 set out the details of the traffic survey. This was carried out in December. It was queried how Highways and the Council could accept a traffic survey for such a large development carried out in December.
- On the B1200, which was a very busy and sometimes lethal road, the traffic quadrupled in the summer. Grimoldby and Manby, were 4 miles from the coast and the traffic in the summer was horrendous.
- It was commented that the traffic survey was very misleading.
- Page 84 of the report commented on the concerns regarding traffic and mentioned 124 traffic movements. It was felt that this was incorrect, this assumed working on seven days per week, and instead worked out at over 200 traffic movements. This, on top of the holiday traffic would be a disaster.
- Members of the Committee were asked to reject this application, as the residents did not want it, and neither did the parish council or this district council.

Mr James Dorman, Director of Manby BGE Ltd, addressed the Committee as the applicant and made the following points:

- Last week King Charles had spoken at the COP 28 summit in Dubai, and warned world leaders that we were at a turning point, noting that we were far off track and calling for genuine transformational action in order to tackle climate change.
- Global policy, national policy, regional policy and more importantly local policy all align on the actions that were to be taken to combat global warming.
- The launch of Powering Up Britain, net zero growth plan in March 2023 opened with the line "Energy security and net zero were two sides of the same coin".
- Straw chopped and left on the land, manure stored for months and then spread allowed decomposition to begin and released CO<sub>2</sub>, ammonia and methane into the atmosphere.
- At Manby BGE, straw and manure would be processed in an enclosed system ensuring that greenhouse gases were captured and used as fossil fuels. The biomethane produced would provide enough carbon negative energy to heat 54,000 homes annually, equivalent to a city the size of Lincoln.
- The food grade biogenic CO<sub>2</sub> from Manby BGE could replace 10% of the current UK demand which was mostly imported and the biofertilizers would be supplied to local arable farmers supplying the straw, displacing synthetic fertilizers which used fossil fuels.
- Lincolnshire and the East Midlands was home to some of the most productive soils in the UK, with 60% of land used for arable and a substantial proportion of the poultry and beef production. This had resulted in over a quarter of the employment in the Greater Lincolnshire area being embedded in the food sector.

- Manby BGE would contribute to the future protection of the food supply chain which was vital to Lincolnshire, its people and the food security of the UK.
- The economic benefit locally would be over £175million in capital investment, £14.5million in feed stocks supply contracts with farmers annually, the creation of 100 full time permanent jobs and over £4million in direct payroll and the ongoing economic benefit from the support and maintenance services necessary to operate the biorefinery.
- Some residents were unsurprisingly concerned with odour, noise, visual impact and transport associated with the plant. Concerns had been listened to and actively embedded mitigations throughout the design to overcome any potential impacts. These include best available techniques to mitigate and manage odour levels, noise attenuation and mitigation techniques, increasing the areas of landscaping to mitigate the visual impact and agreeing to implement a Section 106 agreement for Heavy Goods Vehicles movements on Tinkle Street and Carlton Road.
- Manby BGE wanted to be a good neighbour, and a significant employer and contributor locally and regionally and especially wanted to play a part in the battle to get to net zero.

Councillor D McNally, addressed the Committee as the local member for Saltfleet and the Cotes, and made the following points:

- Thanks were expressed for allowing the local member to attend the site visit and enabling him to highlight to the Committee the location of the nearest houses and the narrow roads and school.
- A public meeting had been held in Manby Village Hall where lots of concerns were raised, and the local member had also received many e-mails and phone calls about the site application as well as having his own concerns.
- The noise and smell should be conditioned with an odour management plan due to the proximity of housing.
- All HGV's arriving or leaving site should be covered and wheel washes should be installed on site to stop any spread of disease, such as the recent cases of Avian Flu.
- There was a farm entrance opposite the application site entrance which would cause turning issues.
- The Control Tower on the boundary was of significant interest.
- All the planting of any trees should be completed before any work started on site to decrease the timescale for screening.
- A Community Liaison Group should be set up so that any issues locally could be addressed with the site operators.
- Any Section 106 monies should be used locally within Manby.
- No HGV's should be using Tinkle Street (where the primary school is located) or Carlton Road (opposite Tinkle Street). Both of these roads had a lot of housing on each side, were difficult to navigate even in good conditions, and would cause disruption especially during school times and no traffic survey had been carried out on these roads.
- No HGV's should be coming from the east of the B1200, through the village beyond 1900 hours.

- At the end of the public meeting, a unanimous vote was taken to reject this proposal.
- The communities he represented were having to deal with nuclear proposals, possibilities of pylons, and now this application. This was of no real benefit to the community, it was just more mass industrialisation of the countryside. He hoped the committee would reject this application.

The Committee discussed the report and some of the points raised during discussion included the following:

- Officers advised that a response to the concerns regarding the timing of the traffic survey were detailed within the report and Highways were satisfied that the survey was reflective of the traffic movements.
- The conditions which had been proposed included the submission of an odour management plan, which would also be a requirement for an environmental permit.
- In relation to some of the points raised by the local member, it was noted that if landscaping was put in place before construction commenced, it was likely it would be damaged during construction. It was also noted that the control tower was not a listed property.
- In relation to concerns about traffic movements, it was reported that the applicant had agreed to look at routing requirements and timing.
- In relation to the suggestion for a Community Liaison Group, the Committee was advised that there was not a condition that required this, however the applicant may like to set that up.
- Within the routing restrictions there was a recommendation that HGV's avoid travelling through the village at peak times. The applicant was willing to discuss the inclusion of these conditions.
- A site visit had taken place the previous week. It had been useful that there was a pile of straw bales as the location as it provided a useful visual indication of how the development may look from a distance.
- Members fully supported the inclusion of routing restrictions as detailed in the update as well as an additional restriction on HGVs coming from the east beyond 1900 hours as mentioned by the Local Member and inclusion of a Community Liaison Group, and suggested it would be beneficial to the community for these conditions to be in place.
- In terms of the classification of the land, it was noted that it was part of the former airfield. Natural England had been consulted on this, and it was classed as disturbed land and so did not have an agricultural classification.
- One member commented that they could not find any planning grounds on which to refuse this, but they did acknowledge the concerns of the parish council and the local member.
- On the site visit it had been useful to see the distance from the site to the nearest housing and the village.
- The suggestion of a Community Liaison Group was fully supported.
- In terms of concerns around the biodiversity net gain, it was noted that a landscape plan would be required and the applicant could consult with the Lincolnshire Wildlife Trust (LWT) on this at a later date.

- In terms of traffic movements, it was noted that the majority of the traffic would be arriving from the west and there were very few properties in that direction. It was also highlighted that the S106 would include restrictions on vehicles travelling from the east.

On a motion proposed by Councillor T J N Smith, seconded by Councillor T R Ashton, it was:

RESOLVED (5 in favour, 1 against)

That subject to the completion of a S106 Planning Obligation to secure routing restrictions as detailed in the update and an additional restrictions to the routing from 7pm for HGVs travelling from the east, and the setting up of a Community Liaison Group, that planning permission be granted subject to the conditions as set out in the update.

62 FOR CHANGE OF USE OF REDUNDANT COURIER/TRANSPORTATION BUSINESS TO CAR DISMANTLING BUSINESS AT THE OLD SHIP INN, BECK BANK, GOSBERTON CLOUGH, SPALDING - MR E ELFEKY (AGENT: JB ARCHITECTURAL DESIGN SERVICES) - H08-0920-23

Consideration was given to a report which detailed an application for the change of use of redundant courier/transportation business to car dismantling business at The Old Ship Inn, Beck Bank, Gosberton Clough, Spalding.

The Applications Manager introduced the report and shared a presentation which detailed the areas under consideration. It was highlighted that planning permission had previously been granted on 13 February 2023 for this same use and in granting permission, five pre-commencement conditions were imposed. However, the development commenced prior to these pre-commencement conditions being fulfilled and as a result, it was considered by the Waste Planning Authority that the planning permission was lost. The applicant had therefore submitted a fresh application that sought to re-establish this permission and largely reflected the application submitted previously with the exception that it now contained additional details to address the pre-commencement conditions that had been imposed previously.

Mr Kevin Adams addressed the Committee as an objector and made the following statement:

*"I appreciate that noise is subjective and that residents who are out all day, or live in noisy households may not hear the operation as much but the report which seems to hold most influence with you, the committee, has been written by someone who has not spent last summer in our back garden.*

*After one has cut through the planning 'speak' which no doubt ticks all the boxes required to satisfy government directives, other than the operator adhering to stipulated timings and not*

*working outside of them as was previously the case, very little will change for us, due to the nature of the work being undertaken.*

*Contrary to what has been written in the supporting document about this proposal being no more adverse than the previous operations and even that it is similar, in the four and a half years we have lived at our property we heard nothing from this site, until this business operated, unauthorised, for 8 months spanning the summer. Our relative peace and quiet was replaced with the sound of smashing windscreens being dropped into a container, crashing metal, hammering, other impact tools and reversing forklift. The warning signal for a forklift is over 100 decibels and the centre of our garden is no more than 80m from the site. The noise has at times been intolerable in its repetition, effectively removing the quiet enjoyment of our garden and grounds.*

*Whatever fanciful notion about noise containment are asserted I find it incredulous that such an operation could ever be given permission to operate in a residential area. If it wasn't noisy, I can assure you I would not be standing here setting out this objection today.*

*I very much doubt that anyone responsible for these planning policies would be happy for this type of operation to move into their village and whilst I appreciate that many pacifying solutions are being offered in the supporting document, you cannot escape the fact that the dismantling of cars, by the very nature of the description, is noisy. You are here today in your capacities as Councillors, but I urge you to please ask yourselves a vital question....Would you, as individuals, ever consider moving to a property which you knew to be in the vicinity of a car breaker....if the answer is no, then how can you, in all good conscience, vote yes for this proposal today?*

*Thank you"*

Mrs Sheryl Deakin spoke in support of the application and made the following statement:

*"I am here to speak for the dismantling business subject to approved planning. I live literally opposite the front entrance of this yard, so very close. I was originally against the idea worrying that it would be noisy, dangerous and messy although despite it not actually being up and running as yet, the work to improve the site has been positive and it has made a huge impact environmentally.*

*I am aware there have been complaints and worries about some of the noise of occasional broken glass and the safety sound on the forklift, none of which I have really heard, and if I did, surely would blend in with the general agricultural noise, which to be fair, living in the country and the fens is what we should expect.*

*I have lived in the village 43 years so do get used to tractors, combines etc. I had six artic lorries parked outside my house a couple weeks ago, waiting to go down Broad Road to collect the sugar beet. All of the engines were running and this was before 7am and then all day up until 7pm. There are no restrictions with this, so I hardly see the issue of running a business throughout the day. This used to be a 24 hour yard with minibuses, courier vans*



*coming and going throughout the night for many years, which belonged to my father, and if my father was with us now, it still would do.*

*We have many businesses within the village, lamberts timber yard, tyre company, which is less than a mile away. Since these guys have taken on the site they have worked incredibly hard to tidy and improve it, wanting to bring jobs to the village and have a local garage to help the villagers with their cars etc. They have definitely improved the entrance to this yard and also made it so much easier and safer to pull out on the main road as the traffic entering our village from High Fen can be dangerous, speeds in excess of 60mph, which I don't understand why it is not a 40mph. We have many houses and would be a lot safer if the restrictions were dropped.*

*This would bring jobs to the village, these guys are very friendly and would help out anybody. They did come to houses originally to see what people would think of the idea and I don't see the problem. The noise I barely hear and I've lived in the village 43 years, it has always been a working yard and they have tidied it and made it so much better, so hope that they get approved.*

*Thank you"*

The Committee discussed the report and although members expressed sympathy with the points raised by the objector, considered that there were not the grounds to not approve the application.

On a motion proposed by Councillor T J N Smith, seconded by Councillor T R Ashton, it was:

RESOLVED (9 in favour, 1 against)

That conditional planning permission be granted.

63      OTHER REPORTS

64      SUPPLEMENTARY REPORT - FOR A SIDE-TRACK DRILLING OPERATION, ASSOCIATED TESTING AND LONG-TERM OIL PRODUCTION AT LAND OFF HIGH STREET, BISCATHORPE - EGDON RESOURCES U.K. LIMITED (AGENT: AECOM LIMITED) - N/059/00510/21

The Committee received a supplementary report which set out the outcome of an appeal following the Council's decision to refuse planning permission to Egdon Resources UK Ltd (the Appellant) application to undertake side track drilling operations, associated testing and long-term oil production. Contrary to the Officers' recommendation, the Planning & Regulation Committee refused the application, and the Appellant subsequently made an appeal against that decision to the Planning Inspectorate.

The appeal was determined by an appeal hearing on 11 October 2022 and having considered the arguments and representations made by the Appellant, the Council and Interested

Parties at the hearing, the Planning Inspector decided to find in favour of the Appellant and grant Conditional Planning Permission. A copy of the Inspector's decision letter was attached at Appendix A to the report.

Members were provided with the opportunity to discuss the report and it was commented that it was a credit to the Committee that the grounds on which it refused the planning permission were more or less upheld by the Planning Inspectorate. The only grounds on which it was granted permission was based on the need for the development. One member commented that they had been informed that a statutory review into this decision was being launched, and it was queried what the County Council's involvement in this would be. Officers advised that they were not aware of any challenge that had been made. The process to challenge any decision by the Planning Inspectorate was through judicial review, and this would need to be submitted within six weeks of the publication of the result.

#### RESOLVED

That the decision of the Planning Inspectorate be noted.

#### 65 APPLICATION BY WEST BURTON SOLAR PROJECT LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE INSTALLATION OF 480MW SOLAR FARM AND 20MW BATTERY STORAGE AT WEST BURTON SOLAR PROJECT

Consideration was given to a report which outlined the application for a 60 year Development Consent Order (DCO) by West Burton Solar Project for the construction, operation and maintenance of an energy solar park covering three separate land parcels covering approximately 760 ha that would produce 480MW of energy to be transferred to West Burton Sub Station via underground cable, on land to the north of Saxilby and south of Marton. The Council was required to provide its comments on this application to the Examining Authority who, following a six month examination, would make a recommendation to the Secretary of State for Energy Security and Net Zero as to whether the Development Consent Order should be granted or not.

The Head of Planning introduced the report and shared a presentation which detailed the areas under consideration. The Committee was advised that at the previous meeting, a report was brought seeking a delegation to the Head of Planning to submit the Local Impact Report (LIR), however, since that meeting, the Examining Authority had changed the deadline dates and now both the LIR and the Council's written submission needed to be submitted by 7 December 2023.

The Committee was advised that the recommendation within the report was that the county council objects to planning permission being granted for the reasons which were set out in detail in the report on page 172. It was highlighted that some of the areas for concern included the following:

- The negative impact on the landscape
- Loss of Best and Most Versatile land
- Negative impacts on users of public rights of way

- Concerns in relation to identifying the amounts of archaeological artefacts in the area
- Waste prevention
- Concerns from a highways perspective/access
- Secretary of State's attention to be drawn to the fact that if the DCO was granted, there would be a need for appropriate community benefits.

Eve Browning, Project Development Manager, Island Green Power, addressed the Committee on behalf of the applicant and made the following statement:

*"Hello, I would like to introduce myself, I am Eve Browning, Project Development Manager working for Island Green Power, who are the developer for the West Burton Solar Project, you may remember seeing me here recently to represent our other solar project NSIP development in this area, Cottam Solar Project.*

*As I stated for Cottam, the project team of West Burton Solar Project have built a good working relationship with Lincolnshire County Council and its officers, and again would like to express my gratitude for this.*

*We are pleased to see and acknowledge the positives in the West Burton Local Impact report noted at paragraph 35 of the Committee report on page 170 such as the strong contribution towards net zero and significant biodiversity net gain. There have also been some negatives identified and summarised within paragraph 36, and on these I make the following comments:*

*Landscape and visual – we continue dialogue with the Council on landscape and visual impacts, both standalone and cumulatively and have submitted additional information into the examination to clarify our assessment conclusions.*

*Agricultural Land Grade – whilst there is the use of best and most versatile agricultural land associated with the West Burton Solar Project, given that the development is not permanent and that all elements can be restored to agricultural land on decommissioning there will be no permanent loss of agricultural land.*

*Public Rights of Way – no public rights of way are intended to be lost or diverted permanently as a consequence of the development, and the impacts on public rights of way are assessed fully in the landscape and visual impact assessment and public rights way management plan submitted with the application. A new permissive path is also proposed.*

*Archaeology – I can confirm that we are in disagreement with the County Council over the approach to archaeological investigation but we continue to discuss these areas of disagreement.*

*Waste – the effects of waste generated by the scheme have been assessed in the environmental statement and although a significant effect has been identified on landfill facilities in Nottinghamshire, targeted mitigation is proposed with opportunities to be explored and secured in the decommissioning statement.*

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*Highways – we note the Highways objection regarding the construction access to the West Burton one site and are working with Lincolnshire County Highways to provide further information and adjustments to the proposed construction and traffic management and it is hoped that this objection will be removed in the near future.*

*Finally, I note the recommendation for a community benefits scheme to be established. The West Burton Solar Project has committed throughout the development process to providing a package of community benefits and underwent initial conversations with the Lincolnshire Community Foundation to start off that process. Again, as for the Cottam Solar Project, we would welcome further discussions with the Council to firm up these proposals.*

*Thank you for the opportunity to speak.”*

A comment was made in relation to sub section G on page 166 of the report and the economic proposals, and whilst it was acknowledged that that there may be short term economic benefits, in the long term, and if multiple schemes were approved, there were likely to be detrimental effects as the two main areas of employment in West Lindsey were agriculture and tourism, both of which would be harmed if this scheme went ahead. It was also queried whether paragraph 2 in subsection G would be conditioned if allowed by the examining Authority. Officers advised that the draft DCO that had been provided by the applicant, included a requirement for the applicant to come forward with a scheme for economic benefits including employment and skills in the area. This was something that could be looked at in more detail and there was the potential for further discussion.

There was an expectation that if consent was granted that there would be a package of measures put in place.

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

RESOLVED (9 in favour, 1 against)

That the Examining Authority be informed of the Council’s objection to the Development Consent Order application.

The meeting closed at 12.12 pm