

**PLANNING AND REGULATION COMMITTEE
15 APRIL 2024**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

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

Councillors: Mrs N F Clarke and R D Butroid attended the meeting as observers

Officers in attendance:-

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

84 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors I D Carrington and A M Hall.

85 DECLARATIONS OF MEMBERS' INTERESTS

Councillor C L E Vernon wished it to be noted that in relation to agenda item 6.1, she had been present at parish council meetings where this matter had been discussed. However, she had not expressed an opinion and was coming to the meeting with an open mind.

The Chairman highlighted that all members had received an e-mail from a member of the public in relation to item 6.1, this had been forwarded to the Planning Officer.

Councillor T J N Smith wished it to be noted that in relation to item 5.2, this was in his electoral division and he had an open mind.

86 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 12 FEBRUARY 2024

RESOLVED

That the minutes of the meeting held on 12 February 2024 be signed by the Chairman as a correct record.

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87 NOTES OF THE SITE VISIT HELD ON 10 APRIL 2024

RESOLVED

That the notes of the site visit held on 10 April 2024 be accepted as a correct record.

88 TRAFFIC ITEMS

89 LINCOLN, SEWELL ROAD - PROPOSED NO WAITING AT ANY TIME

A report was received which invited the Committee to consider an objection to proposed waiting restrictions at Lincoln, Sewell Road.

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

It was noted that a request had been received from a resident of Sewell Road for an extension to the existing double yellow lines in the vicinity of their driveway. Commuter parking was taking place in the area and vehicles frequently parked closed to the access obstructing visibility on exiting and making access into it problematic on account of it being narrow and on a steep gradient. One objection had been received which cited concerns about the justification for the proposal and that the proposed extension would result in the loss of a viable on street parking space.

Councillor N F Clarke was in attendance as the local member and advised that she was fully supportive of the extension. She expressed thanks to the officers for their work on this matter.

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

RESOLVED (unanimous)

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

90 GRASBY, VICARAGE LANE AND MAIN STREET - PROPOSED WAITING RESTRICTION AND BUS STAND

A report was received which invited the Committee to consider objections to waiting restrictions and a bus stand proposed for Vicarage Lane and Main Street, Grasby.

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

It was reported that four objections had been received to these proposals, with concerns including displacement of parking to other areas, and the reduction in parking around the school resulting in more parents parking further south off Church Hill, as well as the view that this would have a negative impact on church attendees as well as vehicles associated with weddings and funerals. An objection was also received in relation to the introduction of a bus stand on the basis that it was in a dangerous location and would cause intrusion and pollution.

Following a query regarding the Keep Clear markings and whether they would remain advisory, it was discussed whether the opportunity should have been taken to make them 'No waiting' if enforcement was required in future. However, officers advised that the current Keep Clear markings were well observed by parents, and could be revised in future if they were being ignored. It was also noted that the Parish Council had requested that the markings were kept as advisory as it did not feel there was a need for them to be made mandatory.

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

RESOLVED (11 in favour, 2 abstentions)

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

91 STURTON BY STOW, A1500 MARTON ROAD - PROPOSED PUFFIN CROSSING FACILITY

A report was received which invited the Committee to consider objections to and a petition against a proposed pedestrian crossing facility in the village of Sturton by Stow.

The Programme Manager – Traffic introduced the report and shared a presentation which detailed the area under consideration. It was reported that 37 formal objections to this proposal had been received as well as a petition containing 549 signatures objecting to this proposal and the removal of parking that the associated road markings would impose. The main concerns were that the proposed location for the crossing was unsafe due to its proximity to the two junctions off the A1500, and that the reduction of on street parking may affect the viability of the businesses and access for their deliveries.

It was also reported that 27 letters and e-mails had been received in support of the crossing. The consensus was that the puffin crossing would improve safety for pedestrians as it was believed that traffic speeds were high and it could be difficult to cross at this point. There were also concerns that the current parking close to the junctions had a negative impact on safety as the visibility of pedestrians crossing was impaired by these vehicles. The proposed location of the crossing was supported as it reflected the area where it was most convenient to cross and where the majority of pedestrians chose to cross.

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Councillor R D Butroid was in attendance as the local member and made the following points:

- He was fully supportive of the scheme, which was also supported by the parish council and the local school and many residents.
- Some of the comments relating to the location were accepted, but as stated in the report it was the preferred place to cross for pedestrians.
- He had received letters from local residents, including from a school child, in support of this.

During discussion, the following points were made:

- One member commented they travelled that route regularly and could see the need for this scheme, and it was noted there were amenities on both sides of the road.
- It was queried whether a better technical scheme had been put forward, and if so, why this one was not being progressed. It was clarified that when Highways drew the original scheme, the crossing was drawn in the wrong location and put out to consultation. The scheme was then redrawn with the crossing in the proposed location and the application re-submitted.

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

RESOLVED (12 in favour, 0 against, 1 abstention)

That the objections be overruled and that the scheme, as proposed, be approved.

92 COUNTY MATTER APPLICATIONS

93 SUPPLEMENTARY REPORT - TO VARY CONDITION 5 OF PLANNING PERMISSION S19/0636 (REFERENCE S17/0563) TO ALLOW TIPPER TRUCKS (HGVS) PARKED OVERNIGHT ON THE SITE TO LEAVE SOUTH WITHAM QUARRY BETWEEN THE HOURS OF 06:00 AND 07:00 AT SOUTH WITHAM QUARRY, MILL LANE, SOUTH WITHAM - G WEBB HAULAGE LTD (AGENT: CLOVER PLANNING) - S23/1472

The Head of Planning presented a supplementary report for planning permission sought by G Webb Haulage Ltd to vary condition 5 of planning permission S19/0636 to allow tipper trucks (HGVs) parked overnight on the site to leave South Witham Quarry between the hours of 06:00 and 07:00 at South Witham Quarry, Mill Lane, South Witham.

At its meeting on 6 November 2023 and following consideration of the Officer's report, the Committee resolved to defer the making a decision on the application and requested that further information be obtained to assess and demonstrate that noise from the early movement of the HGV's would not have an unacceptable adverse impact on the amenity of nearby residents. The Committee also resolved to carry out a site visit, which took place on 10 April 2024, where members were able to view the application site and its surroundings

including the location of the overnight parking area for HGV's and accesses onto Mill Lane and Witham Road serving the site and their proximity to nearby properties.

It was also reported that a further representation had been made by a local resident since the agenda pack had been published, which set out a number of concerns about the supplementary report including the methodology of the noise assessment.

The Committee was advised that the recommendations were set out on pages 49 – 54 of the agenda pack.

During discussion, the following points were raised by the Committee:

- Councillor C L E Vernon advised that this application was within her division and she had received a number of representations objecting to the proposal. It was highlighted that if permission was granted, this would be only one of two quarries in the county which were able to operate from this time. There were concerns that this would be setting a precedent for other quarries. Disappointment was also expressed that the applicant had not engaged with the parish council and residents on this proposal. There were also concerns that staff were likely to be carrying out vehicle checks and could be on site from 5.00am. A query was also raised regarding why vehicles were not able to park on the other side of the site.
- Councillor Vernon, as local member, requested that if members were minded to approve the application, if they would consider adding as a condition, that vehicles did not exit via the Mill Lane access point before 7.00am. It was also highlighted that the applicant would be willing to accept the addition of this condition.
- Officers advised that assessments had shown there would not be any harm to residents at that time of the day, and members would need to look at reasons for not granting this application.
- In terms of the number of vehicles leaving the site, it would need to remain at eight, as the assessment had been carried out on that basis. A condition would be in place to restrict this to eight vehicles. If the applicant wanted to increase this, they would need to submit a further application with a new noise assessment.
- One member commented they did have significant concerns about the impacts on local amenity, and were grateful to have had the opportunity to visit the site and see the route the vehicles would take and understand the relationship between the location of the site and South Witham village. The member commented that they were now satisfied that the vehicles would be taking the most rural route possible to connect to the highways network.
- The arguments regarding the parking location for the vehicles was acknowledged and it would be more ideal if they were parking elsewhere on the site.
- There were concerns that the wind could cause noise from the site to flow towards the village of South Witham. It was confirmed that vehicles would be loaded the evening before and then driven to the parking area. The only noise in the morning should be opening and closing of doors and starting of engines.

- It was confirmed that no activity could take place in Lincolnshire before 6.00am. The permissions from Rutland County Council were not time restricted.
- It was noted that the addition of the extra hour would mean the applicant would be able to do four loads rather than three in a day. It was queried whether they were able to reschedule deliveries. Officers advised that the applicant had calculated their baselines and routes and had come to the conclusion that the extra hour would give them the opportunity to get to those markets quicker.
- In terms of any activity before 6.00am, this was something the County Council were able to control and if HGV engines were being started from 5.30am it would be a breach of conditions.
- It was confirmed that the applicant would not be allowed to start any vehicles until 6.00am.
- It was commented that cars arriving on site may disturb people locally. Officers advised that as cars were able to drive on Mill Lane at any time, it would not be possible to restrict cars using Mill Lane.
- Assurance was given that there would be very little activity that would be permitted on site before 6.00am. If vehicles were arriving at 5.30am, that could be investigated.
- Officers confirmed that vehicles could not be started before 6.00am.

On a motion proposed by Councillor T R Ashton, with the added condition that vehicles did not use the Mill Lane access before 7am, and seconded by Councillor I G Fleetwood, it was

RESOLVED (5 in favour (including the Chairman's casting vote), 4 against)

That following consideration of the relevant development plan policies and the comments received from consultation and publicity, that conditional planning permission be granted subject to the inclusion of a condition to restrict vehicles from using the Mill Lane entrance until 7.00am.

94 OTHER REPORTS

95 APPLICATION BY CHRYSAOR PRODUCTION (UK) LTD FOR A DEVELOPMENT CONSENT ORDER FOR THE VIKING CARBON CAPTURE STORAGE (CCS) CROSS-COUNTRY UNDERGROUND PIPELINE, APPROXIMATELY 55.5 KILOMETRES (KM) LONG TO TRANSPORT CARBON DIOXIDE (CO₂) BETWEEN THE IMMINGHAM INDUSTRIAL AREA AND THE FORMER THEDDLETHORPE GAS TERMINAL (TGT) ON THE LINCOLNSHIRE COAST

Consideration was given to a report which detailed an application by Chrysaor Production (UK) Limited for a Development Consent Order for the Viking Carbon Capture Storage Pipeline.

The Infrastructure Manager introduced the report and shared a presentation which detailed the areas under consideration. Officers advised that the Viking Carbon Capture Storage (CCS) Pipeline was a cross-country underground pipeline approximately 55.5km long to transport carbon dioxide (CO₂) between the Immingham industrial area and the former Theddlethorpe Gas Terminal on the Lincolnshire coast. The transported CO₂ would then connect into the existing Lincolnshire Offshore Gass Gathering System (LOGGS) pipeline for permanent storage under the North Sea in depleted gas reservoirs below the seabed.

The Committee was advised that the Council was required to provide its comments on this application to the Examining Authority who would, following a six month examination, make a recommendation to the Secretary of State for Levelling Up, Housing and Communities as to whether the Development Consent Order (DCO) should be granted or not.

During discussion by the Committee, the following points were raised:

- In terms of Best and Most Versatile land (BMV) it was queried how the damage done to the land would be reversed, and how it would be ensured that the damage was reversed. Officers advised that the pipeline corridor itself had potential to impact on the quality of land, but there would be a requirement for it to be restored through any DCO granted.
- It was queried what works would need to be undertaken to carry out maintenance on the pipeline. Future works would have the potential to degrade agricultural land, but the soil management plan would apply to any works carried out. Officers advised that the Council could strengthen its position in relation to this.
- In terms of the BMV land, of which it was estimated that this proposal would cover 483ha, it was queried what the cumulative impacts of this proposal would be, as even a modest loss of BMV land could be harmful considering the other NSIP's which were being planned. It was noted that there was 548 ha of land within the corridor, and not all of that would be disturbed. It was acknowledged that there were other applications coming forward for this part of Lincolnshire, however, they were not currently subject to an application to the Secretary of State. However, the Council would be requesting that these are kept under review as other schemes progressed. At this stage, they were progressed enough to be taken into account.
- Clarification was sought on how this proposal would operate alongside the proposed geological disposal facility, particularly as there were now two possible locations for a pipe to be located. It was noted that Theddlethorpe was a farming area and consideration should be given to how any proposals would impact on the landscape. Officers advised that of the two options for redevelopment, the Councils preference was for Option 1 and the reasons for this were set out in Local Impact Report.

(NOTE: Councillor T R Ashton wished it to be noted that he was a Portfolio Holder for Planning at East Lindsey District Council, but had expressed no opinion on the issue and so was able to debate it here)

- It was commented that it was positive to see redundant infrastructure being reused for cutting edge technology, investment and jobs.
- It was commented that re-instatement work was not likely to have a long-term material impact on land for agricultural use. It was also noted that it was refreshing to not have another solar farm proposal, which would have a massive visual impact on the landscape.

(NOTE: Councillor N H Pepper left the meeting at 11.51am)

- It was felt that it was important that cumulative impacts of proposed schemes were taken into account.
- Queries were raised regarding why more of this pipeline could not have been laid on the seabed and also what the risks would be if there were any leaks from the storage site or the pipelines, as well as what the impacts of any leaks and how these risks would be mitigated. The applicant had acknowledged that mitigation measures would need to be put in place, however, it was also noted that the marine elements of the scheme had a very different licensing process.
- Members were advised that the applicant would be required to comply with a soil management plan, and restore any disturbed land back into agricultural use.
- Local residents had raised concerns regarding potential leaks from the facility at Theddlethorpe and assurance was sought that the facility would be located on the disused gas terminal site and not outside of its boundaries.
- It was queried whether it would be possible for the Committee to hold a site visit. However, officers advised that the Committee was not required to make a decision on the application, the Council was a consultee and was being asked to provide its comments. It was also noted that officers were working within a prescribed timeline and there would not be sufficient time to organise and carry out a visit before the Council's comments needed to be submitted. It was queried whether there would be an opportunity in the future for the Committee to visit several of the sites for other proposed projects. Officers advised that this would be considered.

RESOLVED (unanimous)

- A. That the Local Impact Report at Appendix A of the report be approved for submission to the Examining Authority.
- B. That the County Council inform the Examining Authority in its written response that whilst the project would support the UK's transition to a Net Zero economy and have positive benefits in terms of climate change mitigation, biodiversity net gain and have more limited positive socio-economic benefits (as defined in the Local Impact Report) these would need to be balanced against the potential negative impacts, in particular, a modest loss of Best and Most Versatile agricultural land and the impact on buried archaeology. Subject to adequate mitigation being put in place to minimise the identified negative impacts the Council was of the opinion that benefits

to be delivered from the development, in terms of climate change mitigation were significant, and as such the DCO should be supported.

The meeting closed at 12.10 pm