

Attn. Felicity Webber  
Planning Officer  
Development Management  
Unit 4 Witham Park House  
Waterside South  
Lincoln  
LN5 7JN

Our Ref: HC/0726/2

Your Ref: N26/0434/16

20<sup>th</sup> June 2016

Dear Felicity,

**APPLICATION TO USE LAND FOR THE RECYCLING OF CONSTRUCTION, DEMOLITION AND EXCAVATION WASTES, DUNSTON QUARRY, B1188 LINCOLN ROAD, DUNSTON, LINCOLNSHIRE.**

We refer to your email of 27<sup>th</sup> May setting out the Council's proposed recommendation for refusal of the above application.

As you are aware, the previous consents for the recycling of Construction, Demolition and Excavation (C, D and E) wastes only ceased to have effect following a clerical oversight and it has always remained the Applicant's intention to continue recycling as previously permitted.

Since the initial grant of consent for recycling, the site has become an increasingly important and well used local facility and its co-location with the on-going quarrying activities, and its close relationship with the Applicant's waste transfer facility in Lincoln, allow significant efficiencies in terms of the collection, processing and distribution of C, D and E wastes and recycled products.

The current Application was submitted at the invitation of various Council Officers and pre-application discussions indicated that, in light of the existing operations and the contained, well managed nature of the site, the development would receive support from Officers. We were therefore surprised to learn of the change of approach as set out in your correspondence dated 27<sup>th</sup> May, especially given the late stage of the Application.

As you will be aware, the recycling operations have been previously carried out successfully and make a significant contribution to moving material up the waste hierarchy in the Lincoln area. As such they have previously been supported by the Council and are clearly in line with a wide range of policy at both local and national level

The Council's own Waste Needs Assessment has been carried out on the basis that all operational sites (at the time of the Assessment, i.e. with Dunston operational) would continue and the loss of a significant capacity (75,000 tonnes per annum), especially in close proximity to Lincoln, would significantly undermine the local capacity to drive material up the waste hierarchy, a key objective within both the Lincolnshire Core Strategy and Development Management Policies (CSDMP) and the National Planning Policy for Waste (NPPW).

The loss of such a facility would be in direct conflict with Strategic Objective (d) of the CSDMP, which states that the Plan should *'...maximise opportunities for the re-use and recycling of waste....'* and Strategic Objective (g), which states that the Plan should *'encourage the production and use of good quality secondary and recycled aggregates'*. Furthermore Paragraph 1 of the NPPW, requires the *'delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy'*.

The Application does not propose to increase either the area or the intensity of the operations and the proposal is considered to represent sustainable development, (as set out in Paragraph 7 of the National Planning Policy Framework [NPPF]), which will safeguard the future of an important waste facility and which is capable of being undertaken without adverse impact to any identified receptors.

Notwithstanding the sustainable nature of the development, the fact that the development is compliant with a broad range of local and national policy, the movement of material up the waste hierarchy and the provision of an important local recycling site, it is apparent that the Council's Officers consider the development to be contrary to two policies (W3 and W4) of the adopted CSDMP and, on this basis, are minded to recommend refusal.

Whilst it is acknowledged that the quarry does not lie within a main urban area, its principal source of waste and market for recycled products is the Lincoln urban area. The site operates in a unique manner, with much of the waste received being transported from the Applicant's Whisby Road site, within the Lincoln urban area.

The Whisby Road site typically accepts smaller volumes of wastes from a wide number of sources, which are then forwarded, in bulk, to Dunston. This situation provides a valuable service to the construction industry within Lincoln, avoiding the need for smaller contractors to travel out of the main urban area to dispose of C, D & E wastes.

This arrangement is reliant upon the common ownership of the initial receptor site (Whisby Road), the transport (the Applicant's own HGVs) and the recycling site (Dunston Quarry) to be successful. Without the Dunston Recycling facility, this method of operation would not be sustainable and consequently many more vehicle miles would be required to deal with the disposal of C, D and E wastes from the Lincoln area.

The fact that Dunston has consistently recycled a significant volume of materials, and that other recycling sites in the area are operating at, or close to their permitted capacity, clearly demonstrates the need for this site to be retained and it is considered that its loss could not be accommodated by the other C, D and E waste processing infrastructure in the Lincoln area.

Whilst the site does not lie on an A class road, the B1188 is an important link in the local road network, linking the quarry directly to Lincoln. Other notable C, D & E recycling sites within the area (Harmston, Longwood, Brauncewell) are located further from Lincoln and are also located away from the A class road network. Furthermore these sites do not have the advantage of the link with Whisby Road.

In relation to transport issues it is noted that the Council's Highways department does not wish to restrict the grant of permission and welcomes the proposed improvements to the access road. It is also noted that the Council would welcome the possibility of draining the adjacent highway into the site, thus relieving a known drainage issue along this section of the B1188. Without the development going ahead it is unlikely that it would be feasible to incorporate such drainage improvements into the existing site.

The consultation responses received have been largely positive and, as previously discussed, the concerns of the Lincolnshire Wildlife Trust are unfounded as the drainage works will be contained entirely within the current access road and will not impact upon the verges.

Whilst the highways related concerns of the local member and the Parish Council are noted, we would stress that the Application does not seek any activity over and above that previously permitted and, as outlined above, could provide a mechanism by which to achieve significant highways benefit.

It is considered that the proposed development would deliver a range of benefits and is compliant with a wide range of policy at all levels. In spite of the strong policy support for the principal of recycling, the site's unique links to the Lincoln area, and the waste management difficulties which would arise from a significant loss of recycling capacity in the area, the Council's Officers however appear to consider Policies W3 and W4 to override this.

At Paragraph 187, the NPPF states that *'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible'*. The proposed development is demonstrably sustainable and the need for this Application has only arisen from a clerical oversight. It is therefore considered that the Council should approve the Application without delay.

In respect of the balance between the wide policy support and the Council's Officers' reliance on policies W3 and W4 of the CSDMP, Paragraph 196 confirms that *'Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise'*.

In this case it is considered that there are clear material considerations, as set out within the Application and above, that should be taken into consideration in the determination of this Application. In placing undue weight on the wording of two policies, it is considered that the Council is failing to strike the correct balance and the potential refusal of this Application would undermine widely accepted principles guiding waste management.

Furthermore, the loss of this facility would undoubtedly result in significant disruption to the efficient and sustainable management of C, D and E waste in the Lincoln area, resulting in significant additional vehicle mileages, with the associated impacts.

We trust that the above is self-explanatory however should you have any queries or require any wish to discuss any aspect of the above, please do not hesitate to contact us.

Yours sincerely,



**Oliver Craven**

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For and on behalf of Hughes Craven Ltd.

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