

**Open Report on behalf of  
Executive Director, Environment & Economy**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>5 November 2018</b>
Subject:	<b>County Matter Application - S18/1714</b>

**Summary:**

Retrospective planning permission is sought by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy Ltd) for the retention of a site including compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction and demolition waste at Mid UK Recycling Ltd, Caythorpe Heath Lane, Caythorpe.

This application is retrospective as the planning permission which had granted permission for this development (reference: S16/1138) has been 'lost' as a consequence of the applicant having failed to submit a dust management scheme within the required time as was required by Condition 1 (i) of that permission. This application is therefore seeking to re-establish and authorise the use and operations previously consented.

The proposed development essentially comprises of an open storage area for processed aggregate and an open fronted L-shaped building used for the processing of waste aggregates and storage of recovered aggregate products. The wastes to be processed are derived from the adjoining waste management complex where they would have already undergone some initial separation and processing to separate them from the mixed recyclable wastes. The wastes would then be processed within the proposal site using mechanical screeners and trommels (linked by conveyors) to recover aggregate materials that can then be sold on and distributed for use elsewhere. The proposed development would process approximately 15,000 tonnes of wastes per annum and is presented as being an ancillary and additional recovery/processing operation associated with the existing permitted waste management operations and activities.

**Recommendation:**

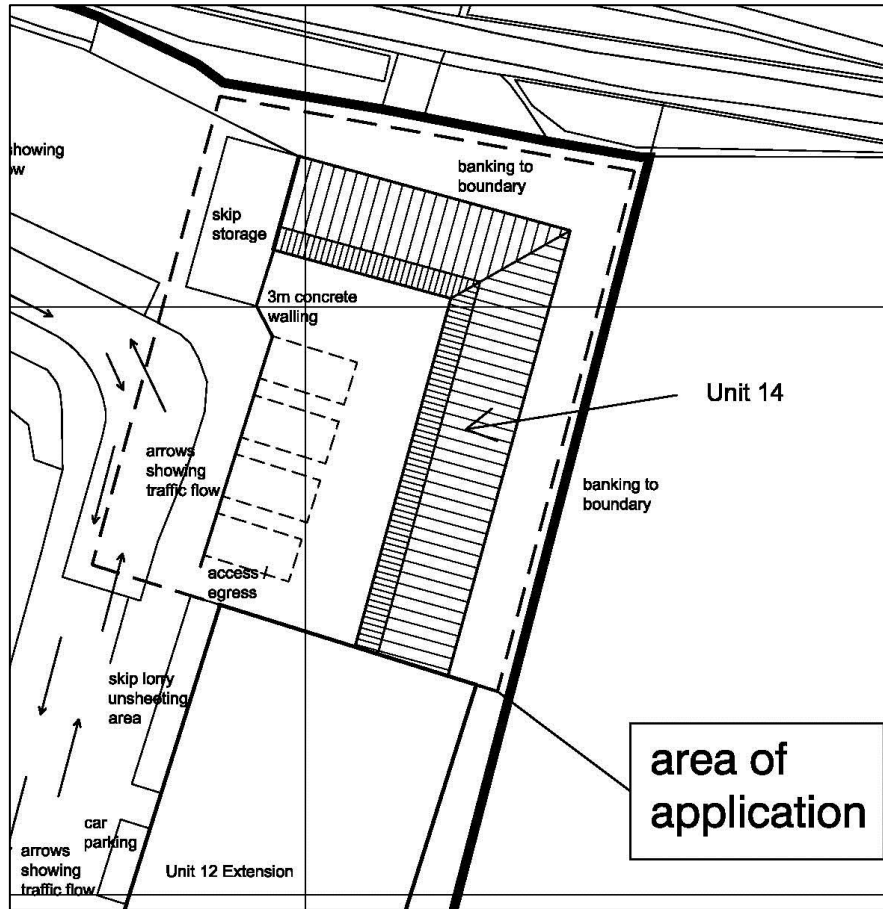
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

## Background

1. Planning permission (reference: S16/1138) was granted 4 July 2016 to use land for the processing and storage of construction, demolition and excavation (CD&E) wastes to produce recycled/secondary aggregate. Within six months of the grant of planning permission S16/1138 a further application was submitted and granted (reference: S16/2458) which provided for an extension to an existing building (Unit 12) and the erection of a new open-fronted building to accommodate the consented CD&E recycling operations. Following a visit to the site from the Planning Enforcement Team it was identified that Condition 1(i) of permission S16/1138 had not been complied with and as a result of this failure the permission and operations authorised by that permission had been 'lost'. A planning enforcement notice was subsequently served (16 September 2018) confirming that planning permission S16/1138 had been lost and therefore the CD&E recycling operations were unauthorised and therefore no further waste should be deposited at the site.
2. This application is seeking retrospective planning permission to re-establish and authorise the CD&E recycling operations as previously consented by permission S16/1138 and therefore address the terms of the current enforcement notice.

## The Application

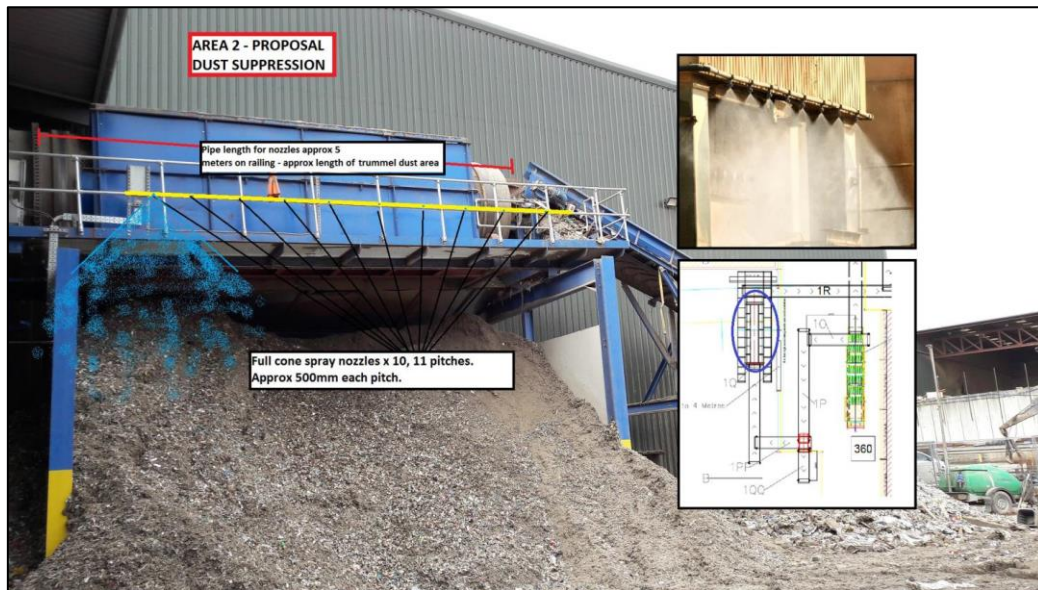
3. Retrospective planning permission is sought by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy Ltd) for the retention of a site including compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction and demolition waste at Mid UK Recycling Ltd, Caythorpe Heath Lane, Caythorpe.
4. The proposal site (identified as Unit 14) is approx. 0.60 hectares in size and lies at the frontage of the existing Caythorpe Materials Recycling Facility (MRF). It is proposed to retain this land for the storage and processing of wastes using mechanical equipment (including a screener and trommel) to recover recycled/secondary aggregates. The plant and equipment associated with this proposal would process approximately 15,000 tonnes of CD&E wastes per annum which derive from the waste materials that are already brought to the wider MRF for processing. The applicant states that currently many of the skips received at the MRF contain quantities of CD&E waste (e.g. bricks, rubble, stone and soils) and this application would ensure that CD&E waste would be processed, recovered and stored at the site prior to their sale and distribution rather than forwarded to another site for processing.



Site Layout

5. The applicant states that as the wastes to be processed are already brought to and associated with the existing MRF, this proposal would not increase or create new throughput capacity over and above that already permitted in association with the MRF. This proposal is therefore presented as being an ancillary and additional recovery/processing operation associated with the existing permitted MRF operations and activities which would not only represent a sustainable waste management practice but also maximise productivity and offers financial and logistical efficiencies and benefits to the applicants business. The processing equipment is fixed and consists of a series of screeners and trommels connected by conveyors, predominantly housed within the span of the roofs, over the open fronted building constructed under planning permission S16/2458.
  
6. A Dust Management Plan, submitted with the application, identifies a number of mitigation measures to contain and suppress dust generation. The principal method, being a system of pipework and spray nozzles, would provide for a water curtain around the processing and conveyor units which would be the main sources of dust generation. Currently on-site is a temporary system of mini-bowers, surmounted by aerial misting units and the applicant has confirmed that these will be utilised until the dust suppression system within the dust management plan has been installed. In addition, a regime relating to the storage, transportation and loading of the

aggregates, arising from the processing operations would be adopted to ensure that fugitive dust doesn't escape the site. This regime would include the use of a mobile water bowser to damp down external surfaces and monitoring wind speed and wind direction.



Water curtain dust suppression system

7. The site has an existing surface water management system where waters are directed towards a soakaway and this would continue to be utilised for this proposal. The hours of operation would be restricted to the same as those governing the existing MRF (i.e. between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays) and three full-time staff would continue to be employed.

#### Site and Surroundings

- 8 The Caythorpe MRF is located off the A607 (between Lincoln and Grantham) with access to the site being gained via Caythorpe Heath Lane. The proposal site is located to the south of Caythorpe Heath Lane just before the railway bridge which spans the former railway line which runs alongside the site. The proposal site is located along the north-eastern edge of the main MRF complex (which is identified as an existing waste management site on the Proposals Map of the South Kesteven Core Strategy 2010). The perimeter bund to the east of the site was re-profiled to accommodate the open-fronted building. A steel security fence which runs alongside the sites northern, eastern and southern boundaries and the northern boundary also supplemented by a belt of mature trees/shrubs which help to restrict and filter direct views into the site from the public highway. The western boundary of the proposal site adjoins an area of hardstanding and the internal roadway associated with the existing MRF.



View of site from the east, Caythorpe Heath Lane

9. The existing buildings associated with the waste management facility are located to the west and south of the site and are of various sizes but all are typical, large-scale industrial buildings. The land to the east, and the wider surrounding area, is in arable agricultural use. There are no residential properties in close proximity to the site with the nearest being those located within the village of Caythorpe which is located on the west side of the A607 approximately 600m to the west.

#### Main Planning Considerations

##### National Guidance

10. National Planning Policy Framework (NPPF) (July 2018) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraphs 7 to 11 (Sustainable development) - states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in

mutually supportive ways. These three objectives are: economic; social and; environmental.

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 39 to 41 (Pre-application engagement and front-loading) - encourages parties to take advantage of the pre-application stage and to engage the local community, and where relevant, statutory and non-statutory consultees before submitting applications.

Paragraphs 47 & 48 (Determining applications) - states 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 54 to 57 (Use of planning conditions and obligations) - states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonable related in scale and kind to the development.

Paragraph 170 (Conserving and enhancing the natural environment) - states that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 182 (Existing business facilities) - states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of

development permitted after they were established. Where the operation of an existing business or community facility could have significant adverse effect on new development in its vicinity then the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed.

Paragraph 183 - the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. 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 212 - 214 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016), South Kesteven Core Strategy (2010) and the emerging South Kesteven Proposed Submissions Local Plan (2011-2036).

11. National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to noise, traffic and access and potential for conflict with other land-use.

#### Local Plan Context

12. 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 W1 (Future requirements for New Waste Facilities) states that the County Council will, through the Site Locations document, identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County up to and including 2031. Table nine, which supports this policy, identifies that by 2020 a capacity gap of 114,242 tonnes per annum of CD&E recycling.

Policy W3 (Spatial Strategy for New Waste Facilities) identifies that there is a preference for sites in and around main urban areas but also states that proposals for new waste facilities outside the urban areas will be permitted for specified types of facility.

Proposals for large extensions to existing facilities, outside of the above areas will only be permitted where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the

waste it would manage and are on or close to an A class road and meet criteria of Policy W4.

Policy W4 (Locational Criteria for New Waste Facilities in and around main urban area) - states that new waste facilities, including extensions to existing waste facilities will be permitted provided they would be located on:

- previously developed and/or contaminated land; or
- existing or planned industrial/employment land and buildings; or
- land already in waste management use; or
- sites allocated in the Site Locations Document; or
- in the case of biological treatment the land identified in Policy W5.

In the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in Policy W3, proposals will be permitted where they can demonstrate that they have met the above criteria. Proposals must accord with all relevant Development Management Policies set out in the Plan.

Policy DM1 (Presumption in Favour of Sustainable Development) - states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) states that proposals for waste management developments should address the following:

- identify locations which reduce distances travelled by HGVs in the treatment of waste, unless other environmental/sustainability considerations override this aim;
- implement the Waste Hierarchy and reduce waste to landfill;
- identify locations suitable for renewable energy generation;
- encourage carbon reduction measures to be implemented.

Policy DM3 (Quality of Life and Amenity) - states that planning permission will be granted, provided that it does not generate unacceptable adverse impacts arising from, Noise, Dust, Vibration, Odour, Litter, Emissions, Illumination, Visual intrusion, Run off to protected waters or Traffic to occupants of nearby dwellings and other sensitive receptors.

Development should be well designed and contribute positively to the character and quality of the area in which it is to be located.

Policy DM6 (Impact on Landscape) - states that due regard should be given to the likely impact of the proposed development on landscape, including landscape character, features and views. Development that would result in residual, adverse impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme.



Policy DM13 (Sustainable Transport Movements) - states that waste development should seek to maximise where possible the use of the most sustainable transport options.

Policy DM14 (Transport by Road) - states that planning permission will be granted for waste development involving transport by road where:

- the highway network is of, or will be made up to, an appropriate standard for use by traffic generated by the development; and
- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment; and
- a suitable travel plan is in place.

Policy DM16 (Water Resources) - states that planning permission will be granted for developments where they would not have an unacceptable impact on surface or groundwater and due regard is given to water conservation and efficiency.

Policy DM17 (Cumulative Impacts) - states that planning permission will be granted where the cumulative impact would not result in significant adverse impacts, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

13. Lincolnshire Minerals and Waste Local Plan: Site Locations (LMWLP-SL) (2017) that sets out the preferred sites and areas for future waste development. The proposal site is not promoted as a preferred site however, although the site may not be allocated this does not necessarily mean that the proposal is unacceptable. Instead the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained in the CSDMP.

14. South Kesteven Core Strategy (2010) in line with NPPF, due weight should be given to relevant policies of the NPPF. The site is identified in the proposal maps as an existing waste management site. The following policies (summarised) are of relevance to this proposal:

Policy EN1 (Protection and Enhancement of the Character of the District) - identifies that the site lies on the border of the Trent and Belvoir Vale and the Southern Lincolnshire Edge and states that development must be appropriate to the character and other features of the landscape within which it is situated and contribute to its enhancement.

Policy E1 (Employment Development) - states that outside Local Service Centres, proposals will be supported where it can be demonstrated that it is necessary to meet the need of other enterprises.

15. South Kesteven Proposed Submissions Local Plan (2011-2036) is an emerging plan however is at an advanced stage of preparation and as such

any policies in the Plan should be given due weight in the determination of this application. The following emerging policies (summarised) are of relevance:

Policy SP1(Spatial Strategy) - states that the overall strategy of the Plan is to deliver sustainable growth including job creation.

Policy E4 (Expansion of Existing Businesses) - states that expansion of existing businesses will be supported, provided they meet a range of criteria (including highway network) against which all development proposals are required to be assessed.

Policy E7 (Other Employment Proposals) - states that employment proposals in locations not covered by other policies will be supported, provided they meet a range of criteria (including highway network) against which all development proposals are required to be assessed.

Policy EN1 (Landscape Character) - identifies that the site lies on the border of the Trent and Belvoir Vale and the Southern Lincolnshire Edge and states that development must be appropriate to the character and other features of the landscape within which it is situated and contribute to its enhancement.

Policy EN4 (Pollution Control) - states that development on its own or cumulatively, will not be permitted if the potential adverse impacts can be mitigated to an acceptable level.

Policy DE1 (Promoting Good Quality Design) - seeks to ensure high quality design is achieved throughout the District. Proposals should seek to provide well designed hard and soft landscaping.

#### Results of Consultation and Publicity

16. (a) Local County Council Member, Councillor A Maughan – has no objection but notes that this application was submitted following a breach of a condition attached to application reference: S16/1138. Councillor Maughan also sought clarification regarding the proposed tonnage/HGV movements and stated that the communities of Carlton Scroop, Normanton on Cliffe, Caythorpe and Fulbeck face daily convoys of HGVs through their villages. The application claims that there would be reduced traffic movements to and from the site and consideration should be given to the height of vehicles used and any covering of loads. Concern is also expressed at the fire risk given the fire emergencies in recent years and it is requested that conditions to manage dust and odour be imposed should the application be approved. Finally, whilst it is accepted that the recycling sector should be supported, there must be balance and there should be an element of 'giving back' to the communities affected by these operations.
- (b) Carlton Scroop and Normanton-on-Cliffe Parish Council – has objected to the application stating that the ever increasing traffic through their

community via the A607 has resulted in deterioration of the highways and verges, noise pollution, air pollution and vibration from the increased weight of the vehicles. The Parish Council questions the information provided regarding vehicle movements stating that no statistics were provided to support the claim that the proposal 'should not lead to an increase in traffic'. The Parish Council also questioned why the majority of planning applications by Mid UK at both the Ancaster and Caythorpe sites are retrospective and that the County Council appear to 'rubber stamp' an acceptance.

- (c) Historic Environment (Lincolnshire County Council) – has no objection as there are no known archaeological implications for the proposal.
- (d) Environment Agency (EA) – has no objection to the proposed development but requested that an Informative be attached should the application be approved relating to environmental management and fire prevention guidance to comply with their Environmental Permit.
- (e) Highways & Lead Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of permission stating that the transportation impacts of the proposed development would not be expected to be severe.

The following bodies/persons were consulted on the application on 12 September 2018 and re-consulted 26 September 2018 following amendments to the original description of the development. No comments or response had been received within the statutory consultation period or by the time this report was prepared:

- Environmental Health Officer (South Kesteven District Council)
- Fulbeck Parish Council
- Caythorpe and Freiston Parish Council
- Lincolnshire Fire and Rescue (Lincolnshire County Council)
- Public Health (Lincolnshire County Council).

17. The application has been publicised by way of two notices posted at the site and the junction of the A607 and Caythorpe Heath Lane (Old Lincoln Road) and advertised in the Lincolnshire Echo on 20 September 2018. Following amendments to the application this was re-advertised again on 4 October 2018. No response/comments had been received within the statutory consultation period or by the time this report was prepared.

#### District Council's Recommendations

18. South Kesteven District Council have no objections to raise.

#### Conclusions

19. The failure to submit a dust management scheme, in accordance with Condition 1(i) of planning permission reference: S16/1138, resulted in the

loss of that permission and therefore consent to carry out the CD&E recycling operations. As a consequence, retrospective planning permission is now sought to retain the use of the site, including the compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction, demolition and excavation waste.

20. The CD&E waste is segregated from the skip wastes brought to the adjacent MRF and thereby meets the objectives and aims of the NPPF and Policies W1, DM1 and DM2 of the CSDMP that seeks sustainable development and increase capacity for the management of CD&E recycling and thereby push the management of waste up the waste hierarchy. The proposal would not comprise or conflict with emerging South Kesteven Local Plan Policy SP1 that seeks to promote sustainable growth.

#### Location

21. Whilst the site at Caythorpe is not a preferred site in the LMWLP-SL it does not necessarily mean that the proposal would be unacceptable and as a consequence the proposal is considered in terms of compliance with Policies W3 and W4 of the CSDMP which sets out the location criteria for waste management facilities. These policies principally promote sites, in and around urban areas but acknowledge that outside of these areas sites linked to existing waste management sites are also acceptable provided they have no adverse impacts. The site is located within and accessed via the entrance of an existing waste management facility and the use of the building for the purpose of processing and storing CD&E waste has previously been considered acceptable in terms of location and hence planning permission granted. The proposal forms part of a wider waste management facility identified on the South Kesteven Core Strategy Proposal Map and the proposal to retain the aggregates recycling site would meet the criteria for Employment Development set out in Policy E1 of that document and Policies E4 and E7 of the emerging South Kesteven Local Plan. Whilst the principle and location of the continued operation of the CD&E recycling operations is therefore accepted, it is also necessary to consider the potential impacts of the operations on the surrounding area in relation to landscape and visual amenity, traffic, drainage and dust in relation to the proposed development.

#### Landscape and visual amenity

22. The proposed development is now partially housed within an open fronted building that forms the eastern and northern boundary of the site, which in combination with the buildings of the larger MRF and the mature trees and shrubs to the north of the application site, wholly screens the CD&E recycling operations from external views from this direction. In addition to the mature trees and shrubs to the north of the site, a three metre bund is retained along the eastern boundary which has been regraded and planted with native trees and shrubs, the maintenance of which would be secured through condition should planning permission be granted. Consideration had already been given to the appropriateness of the open fronted building,

extending the MRF, as being in keeping with existing buildings surrounding it. Given the planting to the eastern boundary and the design of the building being in keeping with those surrounding it, there would not be a significant impact on the visual amenity of surrounding land users or the overall landscape value of the area. As a consequence the proposal accords with the NPPF and Policy DM6 of the CSDMP and does not have unacceptable impacts when considered against South Kesteven Core Strategy Policy EN1 and Policies EN1 and DE1 of the emerging South Kesteven Local Plan that seeks to protect and enhance the landscape character of the District and promotes the provision of well- designed hard and soft landscaping.

### Dust

23. This application is supported by a Dust Management Plan that addresses both the operations of the machinery to segregate different sizes of aggregate and the subsequent storage and handling of the aggregate. The first methods of control and mitigation would be through the use of a water curtain within the open fronted building and in connection with the screeners, trommels and conveyor, transporting the wastes from Unit 12 of the adjacent MRF. Secondly, the management of the storage, transportation and loading of the aggregates would utilise a mobile water bowser to keep hard external surfaces damp. The plan also states that consideration will be given to the climatic conditions including monitoring wind direction which is an issue/concern raised by Councillor Maughan. Subject to a condition being imposed requiring the implementation of the mitigation and controls identified in the Dust Management Plan, I am satisfied that dust would not have an adverse effect on amenity and therefore the development would accord with the NPPF, NPPW and Policy DM3 of the CSDMP and would not be contrary to Policy EN4 of the emerging South Kesteven Local Plan that seeks to mitigate potential adverse impacts on the amenity of neighbouring land users.

### Highways and Traffic

24. Concern has been expressed by Carlton Scroop and Normanton-on-Cliffe Parish Council and re-iterated by Councillor Maughan that the proposed development has not clearly identified the sources of HCV movements relating to the importation and exportation of the CD&E materials to the site. However, the submitted planning statement states that the materials would be received through the existing MRF and the 15,000 tonnes per annum of CD&E would be arising from the existing annual throughput of the wider MRF. As a consequence there would be no additional vehicle movements to and from the site over and above those already approved. Given that the proposal seeks to produce an aggregate product for sale, it is no longer necessary to send bulk loads of CD&E waste off-site for further processing and thereby contribute to reducing HCV travel overall. The Highways Authority confirmed that the proposal would not have significant impacts on the highway network or highway safety. It is therefore considered that the proposal would not be contrary to the NPPF, NPPW and Policies DM 13 and DM14 of the CSDMP or compromise Policies E4 and E7 of the emerging

South Kesteven Local Plan that promotes development that does not have adverse impacts on the local highway network.

#### Drainage

25. The proposal site is subject to the existing surface water management regime whereby waters are directed to a soakaway. No changes are proposed or considered necessary to this existing system and no objections have been raised by the Environment Agency or Highway & Lead Local Flood Authority. As a consequence the proposal meets the criteria set out in the NPPF, NPPW and Policy DM16 which seeks to protect water resources from unacceptable impacts of surface water run-off.

#### Cumulative Effects

26. The proposal site forms part of a wider waste management facility and it is considered that the cumulative effects of this proposal together with those of the existing facility are unlikely to have significant effects on the surrounding area. It is therefore considered that the proposed development is acceptable and conforms to the aims and objectives of the NPPF and Policy DM17. Notwithstanding the cumulative effects the proposed development ensures the continued viability of the MRF and employment of three employees therefore is consistent with the aims and objectives of Policy E1 of the South Kesteven Core Strategy and Policies E4 and E7 of the emerging South Kesteven Local Plan that seeks to preserve employment sites and supports the expansion of existing employment sites.

#### Other Matters Raised

27. Concern has been expressed by Councillor Maughan regarding fire risk posed by the site. Lincolnshire Fire and Rescue have been consulted on the application but have not yet provided a response. Notwithstanding this, the Environment Agency has referred the applicant to the Fire Prevention Guidance required to be adhered to by the Environmental Permit issued by them and which extends to the operations within the proposal site. I am therefore satisfied that given the controls and conditions imposed by the Permit adequate controls and measures are in place to minimise the risk of fire as far as possible.
28. Councillor Maughan also expressed disappointment that the last financial contribution made by the company through a Section 106 Planning Obligation related to highway signage and improvements to a footway some time ago and no further contributions that would benefit the local community had been received. It should be noted that this application, and that which was lost, does not seek to increase the overall throughput of waste at the waste management facility and thereby result in impacts over and above those already experienced. The Highways Officer response confirms that there are no issues relating to highway capacity or safety and no other environmental or amenity adverse impacts were identified that would require mitigation beyond the application site boundary. As a consequence seeking

a Section 106 Planning Obligation would be considered unreasonable and unjustified in this case.

### Final Conclusions

29. Overall I am satisfied that the potential impacts of the proposed development, both on its own and when considered in relation to the existing operations at Mid UK Ltd, Caythorpe Heath Lane, Caythorpe, would be mitigated, minimised and reduced through the implementation of the mitigation measures and controls proposed within the application and additional mitigation and control secured through appropriate conditions. As a consequence the operations to continue processing and storing waste aggregate materials, in part within a building, would result in a benefit to the overall amenity of the site and the wider area and would accord with the relevant policies cited and identified within the Lincolnshire Minerals and Waste Local Plan (2016), South Kesteven Core Strategy (2010) and the emerging South Kesteven Local Plan (2011-2036).

### Human Rights Implications

30. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

<b>RECOMMENDATIONS</b>
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That planning permission be granted subject to the following conditions:

1. 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:
- Documents (date stamped received 26 September 2018)
  - Planning Application Form;
  - Document Ref: JHG/019/19 Rev A – 'Design & Access Statement';
  - Document Ref: Revision 5 Date 25.09.2018 – 'Dust Management Plan'; and
  - E-mail from JHG Planning Consultancy Ltd (date stamped received 18 October 2018); and

#### Drawings

- Drawing No. 151-M-25 – 'OS Plan' (date stamped received 23 August 2018);
- Drawing No. 151-M-26 – 'Site Plan' (date stamped received 23 August 2018);

- Drawing No. 151-M-27a – 'Plan' (date stamped received 26 September 2018); and
- Drawing No. ## - 'Unit 12 – 14' (date stamped received 29 August 2018).

2. All materials being processed through the approved plant and machinery shall be arising from Unit 12 only.

*Reason: To ensure the development is implemented in all respects in accordance with the approved details.*

3. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

- 07:00 to 18:00 hours Monday to Friday
- 07:00 to 13:00 hours Saturday

No operations or activities shall be carried out on Sundays and Public or Bank Holidays.

*Reason: In the interests of the general amenity of the area and to reflect the hours of operation consented by previous planning permission relating to the adjoining waste management facility.*

4. No aggregate materials shall be stored at a height greater than 3 metres above the finished surface level, of any external storage area subject to this planning permission and identified in Drawing No. 151-M-26 – 'Site Plan'.
5. No 'light fractions', identified in Document Ref: Revision 5 Date 25.09.2018 – 'Dust Management Plan' shall be stored in any part of the planning permission area identified in Drawing No. 151-M-25 – 'OS Plan'.
6. All HCV's and skips carrying aggregate, leaving the site, shall be sheeted.
7. (a) Notwithstanding the requirements of Condition 7(b) below, from the date of this decision the temporary dust mitigation/suppression system as detailed in the e-mail from JHG Planning Consultancy Ltd (date stamped received 18 October 2018) shall be retained and be fully operational until the requirements of Condition 7(b) have been complied with and the permanent dust mitigation measures and controls installed.
- (b) Within one month of the date of this decision notice the dust mitigation measures and controls as identified in the Dust Management Plan (Document Reference: Revision 5 Date 25.09.2018 – 'Dust Management Plan') shall be installed and be fully operational and shall thereafter be retained and maintained for the duration of the development.



*Reason: In the interests of the amenity of the area and to secure the installation of a permanent dust suppression system to ensure that there is no escape of fugitive dust.*

8. The level of noise arising from the operations on the site shall not exceed 55dB(LAeq)(1 hour) freehold or background levels +10dB(LAeq)(1 hour) freefield whichever is the lesser at any residential property around the site.
9. All plant and machinery employed on the site associated with the development hereby permitted shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers.

*Reason: To minimise the potential impacts of noise on nearby residents and the wider area.*

10. The landscape planting reference 4.8 in Document Ref: JHG/019/19 Rev A – 'Design & Access Statement' shall be retained and maintained for the duration of the development hereby approved and any trees and shrubs dying, damaged or diseased shall be replaced by the same species.

*Reason: To minimise the visual impacts of the development.*

#### Informative

Attention is drawn to Environment Agency Letter Reference: AN/2018/128000/01-L01 dated 1 October 2018 relating to the existing Environmental Permit.

#### 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.

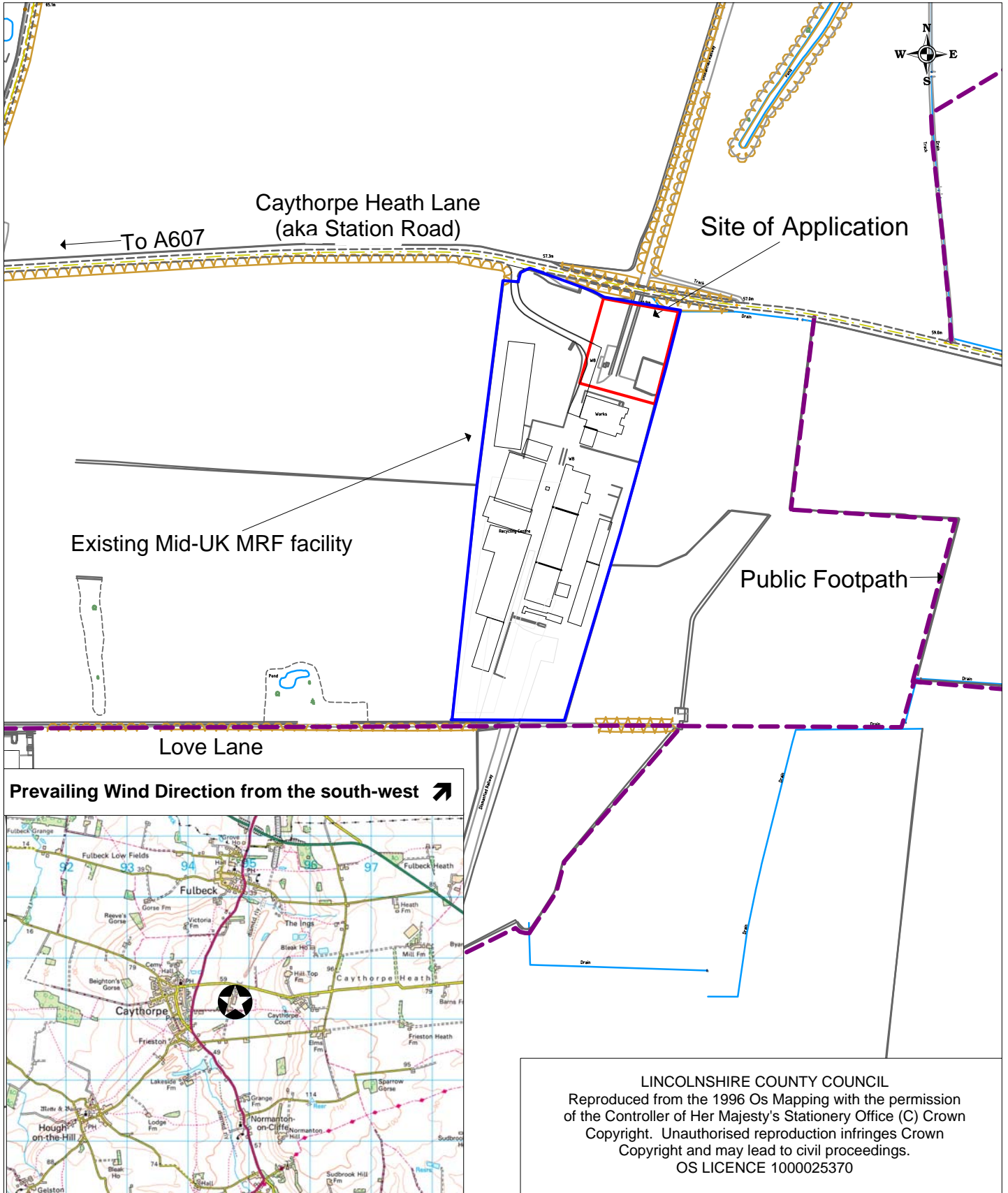
Document title	Where the document can be viewed
Planning Application Files S18/1714 S16/1138	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012) National Planning Policy Waste (2014)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) Site Locations (2017)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Core Strategy (2010) South Kesteven Proposed Submissions Local Plan (2011-2036)	South Kesteven District Council website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

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Appendix A

# LINCOLNSHIRE COUNTY COUNCIL

## PLANNING AND REGULATION COMMITTEE 5 NOVEMBER 2018



**Location:**  
 Mid UK Recycling Ltd  
 Heath Lane  
 Caythorpe

**Application No:** S18/1714  
**Scale:** 1:5000

**Description:**

For retention of a site including compounds and fixed plant for the processing, storage and distribution of recyclable aggregate derived from construction and demolition waste

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