

**Open Report on behalf of Andy Gutherson
Interim Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	14 January 2019
Subject:	County Matter Application - H02-1146-18

Summary:

Planning permission is sought by Agricultural & Environmental Business Consultants for the processing and storage of construction, demolition and excavation wastes to produce soils and aggregate products at land off Bank, adjacent to Decoy Farm, Spalding Road, Crowland, PE6 0LX.

The proposal site covers an approximate area of 4.5 hectares and comprises of an agricultural field which has been in fallow for the last two years. The application proposes to redevelop and use the land for the recycling of construction, demolition and excavation wastes to produce soil and aggregate for use in the construction and landscaping industries. The supporting information accompanying the application states that the site would process no more than 70-75,000 tonnes of wastes per year.

The main issues to be considered in the determination of this application are whether the proposed development is acceptable in this location and/or whether the development would have any adverse environmental or amenity impacts.

Recommendation:

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

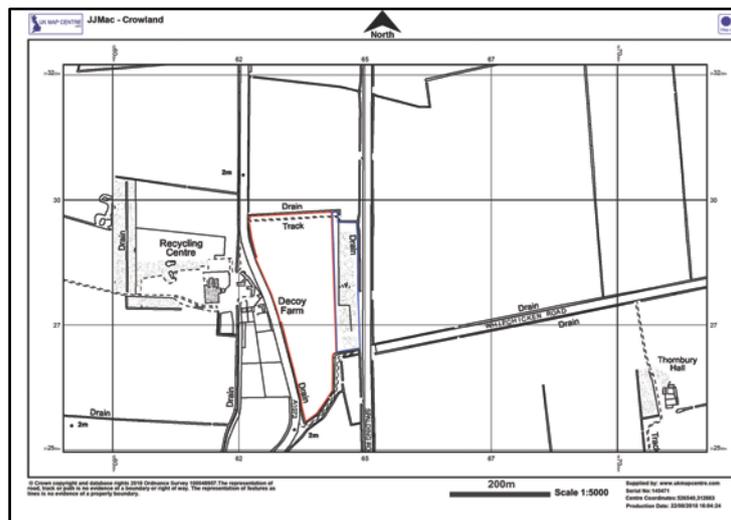
Background

1. In June 2017 the applicant sought pre-application advice from South Holland District Council (SHDC) for the proposed development. This advice stated that *“the proposal would bring economic benefits however it would also have a harmful effect upon the present open character of the countryside. In light of this fact, any proposal would only be favourably considered if it could be satisfactorily demonstrated that the proposed use is essential in this location as opposed to an existing brownfield site in a more sustainable location”*.

2. A planning application was subsequently submitted to SHDC however as the proposed development involved the processing and handling of imported wastes it was later confirmed that this was a "county matter" and therefore should be determined by the County Council (acting as Waste Planning Authority) rather than SHDC. Following confirmation of this, in December 2017, prior to the applicant submitting the application some further advice was given by the County Council which advised the applicant that *"given the size of the proposed development an application would not be supported insofar as it does not meet the criteria set out in Policies W3 and W4 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies"*.
3. Notwithstanding the advice and comments given by both SHDC and the County Council the applicant has submitted a planning application and is seeking permission for the development described above. Details of the proposed development, the applicant's arguments and case as to why this should be supported and an assessment and consideration of the proposal against the policies contained within the Development Plan is set out in this report.

The Application

4. Planning permission is sought by Agricultural & Environmental Business Consultants for the processing and storage of construction, demolition and excavation wastes to produce soils and aggregate products at land off Barrier Bank, adjacent to Decoy Farm, Spalding Road, Crowland, PE6 0LX.

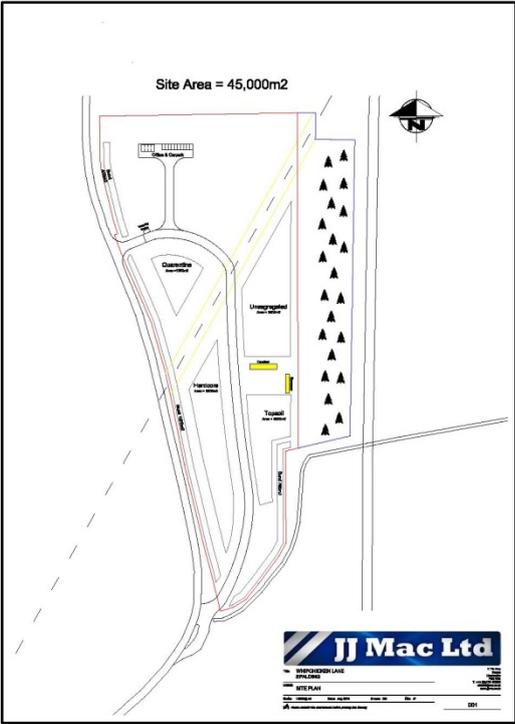


Site Location Plan

5. The application proposes to redevelop and use the land for the recycling of construction, demolition and excavation wastes to produce soil and aggregate for use in the construction and landscaping industries. The supporting information accompanying the application states that the site would process no more than 70-75,000 tonnes of wastes per year with a maximum of 40,000 tonnes being stored on site at any one time. Upon

arrival at the site the wastes would be processed and segregated into different sizes and products using a screener whilst concrete and brick materials would be crushed to produce a recycled aggregate. All wastes and products would be stockpiled in their own dedicated areas whilst wastes that are unsuitable for processing would be stored in a quarantine area awaiting removal off-site. All products would be exported for use elsewhere and so no materials or wastes would be permanently deposited or disposed of within the site.

- 6. The site would be developed and laid out to create separate areas for the stockpiling of imported wastes as well as final products. These areas would be constructed using clean hardcore with a permeable membrane below so as to allow surface waters to infiltrate into the underlying ground. A tarmac access road would be constructed within the site and link two new accesses that are to be created to the north and south. The northern access would be constructed off Barrier Bank (just north and opposite the entrance to the adjacent Decoy Farm Waste Management Complex) with the southern access providing access from the layby (the former Whipchicken Road). These entrances would be constructed with appropriate visibility in both directions, drainage and kerbing along with access gates so as to secure the site when not in use. A 4m high soil screening bund would also be constructed around the southern and western boundaries of the site which would be grass seeded and planted with trees and shrubs.
- 7. A weighbridge would be stationed within the site (near the northern access) and be used to weigh and record wastes and products as they enter and leave. The applicant states that wheelwash facilities would also be available so as to prevent the deposition of mud or other deleterious materials on the highway although no details of this have been provided.



Site Plan

8. A staff carpark and site office/welfare facilities would also be provided at the northern end of the site. The facilities would comprise of four interconnected, prefabricated modular units (each being approximately 6.1m long by 2.44 m wide and 2.57m high) and collectively cover an area of around 65m². The units would house a meeting/training room, two office spaces, toilets and changing/drying room as well as canteen.
9. Finally, the applicant currently employs 45 full time members of staff and it is envisaged that the proposal site will integrate with the existing business offering services to current and new customers. The new site would create an additional 2 full time and up to 2 part time members of staff in its first year and this could increase to 4 full time and 2 part time staff.

Justification and Need for the Proposed Development

10. The Supporting Statement accompanying the application sets out the applicant's case and arguments as to why the proposed development should be supported in this location. A summary of the main arguments and reasons cited are summarised as follows:
 - (i) Development in and around Spalding, whether residential or commercial, results in significant volumes of soil and products which can be recycled into soil and aggregate replacement products. Soils from development sites often end up being stripped and stockpiled on valuable development land until an alternative use can be found or disposed of to landfill. This is contrary to both national and local policy and contradicts the principles of sustainability. The proposed development offers a solution whereby soils can be recovered for re-use as a product, in this instance, construction or landscaping projects.
 - (ii) There is a lack of suitable facilities in the Spalding area to manage soils resulting from development activity. This results in illegal activity and in extreme cases fly tipping which is a significant environmental and financial cost to the taxpayer. This proposal would provide a facility that is able to manage these waste streams and therefore meet a need and address a shortfall in capacity to manage these wastes as acknowledged by Policy W1 of the Lincolnshire Minerals and Waste Local Plan.
 - (iii) The siting of this development in the open countryside is appropriate as the risks associated with noise and dust precludes certain brownfield sites which are either close to residential development (now or in the future) or commercial/industrial development which would give rise to conflict in the pursuit of normal business activity.
 - (iv) Policy SL3 of the Site Locations document (part of the Lincolnshire Minerals & Waste Local Plan) identifies two potential areas in Spalding as suitable for siting new waste developments - these are Wardentree

Lane/Enterprise Park and Clay Lake Industrial Estates. These areas are becoming high profile employment land and well established businesses with interests including retail/wholesale sales, manufacturing and processing would not be supportive of a development incorporating crushing and screening operations being sited in these areas. The applicant has therefore discounted plots of land within these areas due to perceived conflict with neighbouring interests irrespective of whether emissions could be controlled to acceptable levels.

- (v) The development would be carried out in accordance with the terms of Environmental Permit which would impose conditions and controls on matters such as noise, dust and to minimise risks to groundwater/surface water.
- (vi) Discussions with the operator of the adjoining Decoy Farm Waste Management Complex (i.e. Material Change) have taken place with the potential to ameliorate compost with soils to produce a compost for use in landscaping and construction project. The close proximity of the two operations will bring benefits to both companies but also:
 - more widely benefit local developers wishing to export soils from their development sites;
 - free up development land currently used to stockpile soils;
 - produce products capable for use in construction and landscaping projects such as recycled aggregates and soils replacement products. These will reduce the demands for primary aggregate and can be used in less than optimal ground/soil conditions.

Site and Surroundings

11. The application site is located approximately 2km northeast of Crowland, 4km south of Cowbit and 6km southwest of Moulton Chapel. The site covers an approximate area of 4.5 hectares and comprises of an agricultural field (Grade 2) which has been in fallow for the last two years. The site is located between Barrier Bank/Spalding Road (to the west) and the new A16 (to the east). To the south of the field is a layby which prior to the construction of the A16 provided access onto Whipchicken Road. There is a belt of trees/shrubs along the northern boundary of the site and a tree spinney along the eastern boundary which provide a degree of screening. The eastern and southern boundaries are devoid of any soft-landscaping and therefore open views into the site can be gained on approaches to it from both Spalding Road/Barrier Bank and the A16.



View Across Proposal Site

12. The land surrounding the site is predominately in agricultural use however the Decoy Farm Waste Management Complex does lie opposite the site and to the north-west is an aerodrome that houses the Spalding and Peterborough Gliding Club and two businesses. With the exception of two residential properties which are associated and lie within the adjacent Decoy Farm Waste Management Complex, there are few residential properties lying close to the site with the nearest being located approximately 1km to the south and 680m to the east (on the other side of the A16).
13. Access to the site would be gained off Spalding Road/Barrier Bank which is accessed via new major road junctions to the south (off James Road) and which provide access to the A16. As part of this proposal two new entrances would be constructed to serve the site. The northern access would be constructed off Barrier Bank with the other being located to the south and which would provide access from the layby (former Whipchicken Road).



Proposed southern access point



Proposed northern access point

Main Planning Considerations

National Guidance

14. The National Planning Policy Framework (July 2018) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) - 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 view of site from the east, Caythorpe Heath Lane, 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 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).

- 15. 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.
- 16. Planning Practice Guidance [ID28 – updated 15 April 2015] 'Waste' is web-based guidance which provides further information in support of the implementation of waste planning policy.

Local Plan Context

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

Policy M1 (Recycled and Secondary Aggregates) states that planning permission will be granted for recycling/reprocessing of materials for use as secondary or recycled aggregates in appropriate locations as specified in Policy W4, provided that proposals accord with all relevant Development Plan Policies set out in the Plan.

Policy W1 (Future Requirements for New Waste Facilities) directs the County Council, through the Sites Allocation document, to 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.

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the main urban areas subject to the criteria of Policy W4. In this case the main urban area of relevance is Spalding. It is added that proposals for new waste facilities, outside an urban area will only be permitted where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting (see Policy W5);
- the treatment of waste water and sewage (see Policy W9);
- landfilling of waste (see Policy W6);
- small-scale waste facilities (see Policy W7).

Proposals for large extensions to existing facilities, outside of urban 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 the criteria of Policy W4.

Policy W4 (Locational Criteria for New Waste Facilities) identifies the type of land suitable for the purpose in and around main urban areas. Proposals for new waste facilities, including extensions to existing waste facilities, in and around the main urban areas set out in Policy W3 will be permitted provided that 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.

Proposals for the recycling of construction and demolition waste and/or the production of recycled aggregates in and around the main urban areas set out in Policy W3 will also be permitted at existing Active Mining Sites. 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 they have met the above criteria. Small scale facilities that are not in and around the main urban areas will be considered under Policy W7. 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 minerals and waste management developments should address the following matters where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HCVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising.

Policy DM6 (Impact on Landscape) states that planning permission will be granted for mineral and waste development provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements.

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

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

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

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts;

18. Lincolnshire Minerals and Waste Local Plan: Site Locations (2017) - sets out the preferred sites and areas for future minerals and waste development.

Policy SL3 (Waste Site and Area Allocations) identifies the sites and areas where applications for waste development will be permitted where they demonstrate they are in line with the Development Plan. The proposal site is

not within one of these areas with the nearest to the site being those located in Spalding – Wardentree Park/Enterprise Park (ref: WA25-SH) and Clay Lake Industrial Estate (ref: WA26-SH).

19. Although the site may not be within one of these areas 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.
20. South Holland Local Plan 2006 (SHLP) – this is the currently adopted Local Plan covering the District and the key policies of relevance in this case are as follows (summarised):

Policy SG2 (Distribution of Development) states that all proposals for development must be located having regard to sustainable development principles. This includes: adopting a sequential approach which gives priority to the use of previously developed land and buildings within defined settlement boundaries, then to greenfield land within defined settlements and finally to land adjacent to defined settlement limits; which make efficient use of land; which are served by a choice of transport modes, and; ensure that the development is acceptable in terms of traffic generation.

Policy SG3 (Settlement Hierarchy) lists a hierarchy of settlements. All land outside of the identified settlements falls within the area designated open countryside and are subject to Policy SG4.

Policy SG4 (Development in the Countryside) states planning permission will only be granted for development in the open countryside which is essential in the proposed location and cannot reasonably be accommodated within defined settlement limits. Development proposals that would result in an unacceptable impact on the landscape character of an area, either individually or cumulatively will only be permitted where;

- 1) the need of the development in that location outweighs its impact;
- 2) no other site or solution exists to accommodate the proposed development.

Policy SG13 (Pollution and Contamination) states planning permission will only be permitted for development proposal which:

- 1) do not cause unacceptable levels of pollution of the surrounding area by noise, light, toxic and offensive odour, airborne pollutants or by release of waste products;
- 2) provide, as necessary, appropriate treatment of land to clean up pollution and contamination.

Policy SG14 (Design and Layout of New Development) identifies a series of design and layout considerations that new development proposals should take into account. Examples include: the choice of materials; scale, form and height of proposed development; the effect of the development on amenity of nearby residents in terms of noise, smell, etc. Development that

would have an adverse effect on the character and appearance of the locality, or which, would prejudice the comprehensive development or redevelopment of the area, will not be permitted.

Policy SG17 (Protection of Residential Amenity) supports developments that would not cause material harm to residential amenity. Factors to be considered include potential impacts such as noise, nuisance, vehicular activity, smell, emissions and pollutants.

Policy SG18 (Landscaping and New Development) supports the provision of appropriate landscaping schemes as part of the new development proposals. Such schemes should seek to protect existing trees and hedgerows, provide indigenous species which would improve the setting of the development in the wider landscape and which maintain and establish wildlife corridors and habitats.

Emerging Local Policies

21. South East Lincolnshire Local Plan (2011-2036) (SELP) - this plan will eventually replace the current SHLP and was submitted to the Secretary of State on 23 June 2017 for Examination. A Schedule of Proposed Main Modifications was submitted to the Planning Inspectorate for their consideration in September 2018. Given the advanced stage of preparation of this plan greater weight can be afforded to the policies contained in this Plan. The following emerging policies (as amended by the Proposed Modifications) are of relevance to this proposal (summarised):

Policy 1 (Spatial Strategy) – lists a hierarchy of settlements. All land outside of the identified settlements falls within the Countryside and development will be permitted which is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 2 (Development Management) states that development will be permitted provided that sustainable development considerations are met specifically in relation to a range of different factors. Examples include the size, scale, layout and impact on of the development on amenity, trees, character and appearance of the area, access and vehicle generation levels, sustainable drainage and flood risk, etc.

Policy 3 (Design of New Development) identifies a series of design and layout considerations that new development proposals should take into account. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Policy 4 (Approach to Flood Risk) states that development proposed within an area at risk of flooding (Flood Zones 2 and 3 or at risk during a breach or overtopping scenario as shown in the Strategic Flood Risk Assessment) will be permitted, where:

- 1) It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed).
- 2) It can be demonstrated that essential infrastructure in Flood Zone 3a & Flood Zone 3b, highly vulnerable development in Flood Zone 2 and more vulnerable development in Flood Zone 3 provide wider sustainability benefits to the community that outweigh flood risk.
- 3) The application is supported with a site-specific flood risk assessment, covering risk from all sources of flooding including the impacts of climate change and which demonstrates that the proposed use is compatible within the flood zone and/or contains measures to minimise or mitigate flood risk (i.e. protection/resilience measures, evacuation procedures, suitable drainage proposals, etc).

Development in all flood zones, and development over 1 hectare in size in Flood Zone 1, will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

Policy 7 (Improving South East Lincolnshire's Employment Land Portfolio) identifies sites within the District that are reserved and allocated for employment development and where employment uses including those falling within Use Class B1, B2 and B8, together with appropriate employment generating and non-B uses will be supported.

Policy 30 (Pollution) states that proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public; the amenities of the area; or the natural, historic and built environment. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Results of Consultation and Publicity

22. (a) Local County Council Member, Councillor Pepper – is a member of the Planning & Regulation Committee and therefore reserves his position until the application is debated at the meeting.
- (b) Environment Agency – has commented that the application site lies within Flood Zone 3a and whilst a Flood Risk Assessment has been submitted in support of the application this has failed to take account of the current South East Lincolnshire Strategic Flood Risk Assessment (SFRA). The SFRA shows the site lies within a current day and future hazard category classified as 'danger to all' which provides an estimation of flood hazard. As such the site could experience flood depths of 0.5-1.0m arising from a breach in defences during a flood that has a 1.0% chance of occurring in any one year up to 2115.

The Agency has advised that the standing advice contained within the SFRA should be adhered to and therefore recommends that either:

Impose a planning condition requiring the finished floor level of the proposed office building to be sited above the flood level; or
Impose a planning condition requiring the finished floor level of the proposed office building to be sited a minimum 300mm above the existing ground level and require the submission of a flood warning and evacuation plan that demonstrates that the residual risk can be managed during a flood event.

Finally, the Agency also advises that the applicant be informed of the need to apply for an Environmental Permit and contact information regarding this has been provided. If permission is granted, this advice could be appropriately dealt with by way of an Informative.

(c) Natural England – no comments.

(d) Highway and Lead Local Flood Authority - no objection subject to conditions which would require all access/egress to be constructed in accordance with highway standards and the hard-surfacing of a distance of no less than 30 metres from the highway boundary.

23. The following bodies/persons were consulted on 12 November 2018 but no comments or response had been received within the statutory consultation period or by the time this report was prepared:

Crowland Parish Council
Environmental Health (South Holland District Council)
Public Health (Lincolnshire County Council)

24. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 22 November 2018). Letters of notification were sent to the nearest neighbouring businesses/residential properties including the aerodrome located to the north-east of the site.

25. Two representations have been received from local residents living close to the site which object to the proposed development. A summary of the concerns/objections and comments made are summarised below:

- Strong concerns regarding noise levels, vibration, dust, extra traffic movements, lighting and the length of opening hours. All of these will affect amenity and some of these issues are a serious health issue too. Long opening hours could cause noise, vibration and light disturbance during the evenings and early mornings.
- The application is factually inaccurate on several key issues. As a previous owner of the land, it is of good agricultural quality, does not waterlog and generates better than average yields. No crop has been grown on the field (except a large number of weeds) since it was purchased and so the applicants claims are inaccurate.
- The applicant has held discussions with Material Change (operator or the adjacent Decoy Farm Waste Management Complex) however it was concluded that there was no synergy between the two businesses

and so they would not be working together with the applicant. To suggest otherwise is shamefully inaccurate.

- The applicant states that there is demand and no other sites. This is factually wrong. Material Change can do exactly what the proposed user wants to do but doesn't offer this service because there is insufficient demand to transport this type of waste to the area.

A letter of objection has also been received from the owner of the Decoy Farm Waste Management site and summary of their main objections are as follows:

- Whilst a 'screening opinion' has been carried out by the Waste Planning Authority (WPA) there seems to be no obvious reason why this proposal is not EIA development. Although the WPA are entitled to reach its own conclusions on such matters, the owner disagrees with this view and feels the proposal should be considered EIA development.
- There is a distinct lack of information about the proposed development or sufficient assessments undertaken to assess the impacts such as traffic, odour and noise. There are also no details of the proposed bund (other than it would be 4m high) and this would have an adverse impact on the side of Spalding Road for some distance.
- The lack of suitable alternative brownfield sites has not been adequately demonstrated.
- There is no information on where waste material is coming from or where end product is going. It is therefore not possible to assess how sustainable this proposal would be. There is also no relationship between this proposal and Material Change (the operator of the Decoy Farm Waste Management Site).
- The proposal would be contrary to Policy SG4 of the South Holland Local Plan and also contrary to Policies W3 and W4 of the Lincolnshire Minerals & Waste Local Plan. The applicant has also failed to demonstrate compliance with the development management policies including DM1, DM2, DM3, DM4, DM13, DM14, DM15 and DM17.

District Council's Observations / Recommendations

26. South Holland District Council – objects to the application and states that the proposal will create a discordant feature in the open countryside and will have a detrimental impact on the character of the surrounding area as well as highway safety. There are also concerns regarding the storage of loose materials in close proximity to the A16 and the loss of agricultural land.

The proposal is contrary to the criteria within Policy SG4 of the South Holland Local Plan (2006) as the applicant has failed to demonstrate compliance with the criteria. It is added that there are other facilities within the district that already provide this function and a substantive argument as to why the development is essential in this location has not been provided.

Conclusions

27. The main issues to be considered in the determination of this application is whether the proposed development is acceptable in this location and/or whether the development would have any adverse environmental or amenity impacts.

EIA Development

28. A representation has been received which submits that the proposed development should be considered EIA development and therefore supported by an Environmental Statement. Whilst this view is noted the application has been 'screened' in accordance with the requirements of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and despite the proposed annual throughout of the site, in the opinion of your Officers, the development is not considered to be of such a scale or significance that it would be of more than local importance or give rise to unusually complex or potentially hazardous environmental effects. As a result, your Officers disagree with the views expressed in the representation and are satisfied that the proposal is not EIA development and so can be processed and determined based upon the information that supports the application.

Waste Need and Planning Policy Context

29. The proposed facility would process and recover materials from inert CD&E wastes (principally comprising of soils and aggregates) and enable them to be re-used in other developments including construction and landscaping projects. The recovery and re-use of such materials not only reduces the overall quantity of wastes that may otherwise go to landfill but also helps to reduce the demand for the extraction of primary or new virgin minerals. The proposed recycling operations do therefore represent a sustainable waste management practice and would help to move the management of wastes up the waste hierarchy. Consequently, the proposed development is in line with the principles and objectives of the NPPF and Policy W1 of the CSDMP and also meets the criteria set out in the NPPW and CSDMP Policies DM1 and DM2.
30. Policy W1 of the CSDMP supports the development of waste management facilities where these are necessary to meet an identified capacity gap for wastes arising in the County. In the case of aggregate and CD&E recycling facilities, there is currently an adequate number of facilities/capacity available to meet the identified waste needs/demands up to the year 2025, however, beyond this date this capacity is predicted to reduce. Consequently, whilst there will be a need to secure new facilities or increased capacity in order to address a potential capacity gap in the future new sites will only be supported in appropriate locations and where they are capable of being operated without giving rise to any unacceptable adverse environmental or amenity impacts. As a result, all proposals will need to

accord with the spatial and locational criteria set out in Policies W3 and W4 of the CSDMP.

Location

31. The broad thrust and ethos of planning policy is to direct most new development towards urban centres and settlements, sites allocated for such purposes (as identified in the Development Plan) and away from rural areas and the open countryside. This is reflected by SHLP Policies SG2, SG3 and SG4 and emerging SELP Policy 1 which all seek to ensure that development is primarily focused towards settlements and therefore protect the open countryside by restricting development unless it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.
32. Policy W3 of the CSDMP reflects this general approach by supporting the establishment of waste management facilities in and around the main urban areas and stating that only certain types of facility will be granted outside of these such as small-scale facilities and composting and anaerobic digestion plants. Although large extensions to existing facilities outside of urban areas can also be supported it must 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 the criteria of Policy W4. Policy W4 states that new facilities or extensions should be located on previously developed land, existing or planned industrial land, land already in waste management use, sites allocated in the Site Locations Document or Active Mining sites.
33. The applicant has argued that this facility must be located in the open countryside as alternative brownfield field sites (including those within existing and allocated industrial/employment sites such as those identified by Policy SL3 of the Site Locations Document) are not realistic as the operations would be incompatible with other users/businesses due to impacts such as dust and noise. Whilst these arguments are noted, South Holland District Council (SHDC) does not feel a substantive case has been made to demonstrate why the development is essential in this location and therefore state that this development would be contrary to Policy SG4 of the adopted South Holland Local Plan. They add that the development would create a discordant feature in the open countryside and have a detrimental impact on the character of the surrounding area.
34. In terms of location, the proposal site comprises of an agricultural field which is located outside of the development boundaries of Crowland and Spalding (which is identified as one of the main urban areas within Policy W3 of the CSDMP) and therefore lies within the open countryside. The facility cannot be considered small-scale given the proposed annual throughput of 70-75,000 tonnes per annum and although the site is opposite the existing Decoy Farm Waste Management Complex, it is in separate ownership to that facility, physically separated from it by the intervening Barrier

Bank/Spalding Road and would create an entirely separate and independent facility. As a consequence, it cannot be considered as an extension to an existing waste management facility located outside an urban area and therefore the exception criteria within Policies W3 and Policy W4 are not applicable in this case.

35. Having assessed the application it is clear that the site itself is not identified in an adopted or emerging Local Plan as existing or planned industrial/employment land, is not already in waste management use and is also not a site that is being promoted as a suitable for waste management uses within the Site Locations document of the the adopted Lincolnshire Minerals & Waste Local Plan. The establishment of a new large waste management facility of the size and scale proposed would therefore be contrary to the spatial and locational strategies of Policies W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan and Policies SG2 and SG3 of the South Holland Local Plan and Policy 1 of the emerging South East Lincolnshire Local Plan. Furthermore, the applicant has failed to unequivocally demonstrate why a facility of this size and scale has to be located within the open countryside and therefore compliance with Policy SG4 of the South Holland Local Plan and Policy 1 of the South East Lincolnshire Local Plan.

Environmental and Amenity Considerations

36. Representations and objections have been received from South Holland District Council and two members of the public on the grounds of potential unacceptable adverse impacts on amenity and on the local surrounding area by way of increased noise, dust, traffic, etc. Whilst the comments and concerns regarding potential operational impacts are noted, the recycling operations themselves, the plant and equipment and activities that would be carried out at the site are not unusually complex in nature, are well known practices and common of those which are conducted at similar facilities across the County. Given this, if the development had been considered acceptable in all other respects, it is likely that planning conditions could have reasonably been imposed to adequately control, reduce or minimise any impacts such as noise, dust, traffic, flood risk and visual impact to an acceptable level. This is supported by the lack of objection from other statutory and technical consultees which have specialisms in these fields including the Environment Agency and Highway & Lead Local Flood Authority.
37. Consequently subject to suitable conditions, it is likely that the development could have been carried out to an acceptable degree and without giving rise to unacceptable adverse impacts and therefore would not conflict with the environmental and amenity policies identified and contained within the CSDMP, SHLP and SELP. However, the developments compliance with these more general development management plan policies do not outweigh or override the proposals more fundamental conflict and non-compliance with the strategic and locational policies as stated above.

Final Conclusions

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
39. The proposal site comprises of agricultural land and is a greenfield site lying within the open countryside. The site itself is not identified in an adopted or emerging Local Plan as existing or planned industrial/employment land, is not already in waste management use and is also not a site that is being promoted as a suitable for waste management uses within the Site Locations document of the adopted Lincolnshire Minerals & Waste Local Plan.
40. The establishment of a new large waste management facility of the size and scale proposed would therefore be contrary to the spatial and locational strategies of Policies W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan and Policies SG2 and SG3 of the South Holland Local Plan and Policy 1 of the emerging South East Lincolnshire Local Plan. Furthermore, the applicant has failed to unequivocally demonstrate why a facility of this size and scale has to be located within the open countryside and therefore compliance with Policy SG4 of the South Holland Local Plan and Policy 1 of the South East Lincolnshire Local Plan.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

The proposal site comprises of agricultural land and is a greenfield site lying within the open countryside. The site is not identified in an adopted or emerging Local Plan as existing or planned industrial/employment land, is not already in waste management use and is also not a site that is being promoted as a suitable for waste management uses and the applicant has failed to unequivocally demonstrate why a facility of this size and scale has to be located within the open countryside.

The establishment of a new large waste management facility of the size and scale proposed would therefore be contrary to the spatial and locational strategies of Policies SG2 and SG3 of the South Holland Local Plan and Policy 1 of the emerging South East Lincolnshire Local Plan and also contrary to Policies W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan.

Appendix

These are listed below and attached at the back of the report

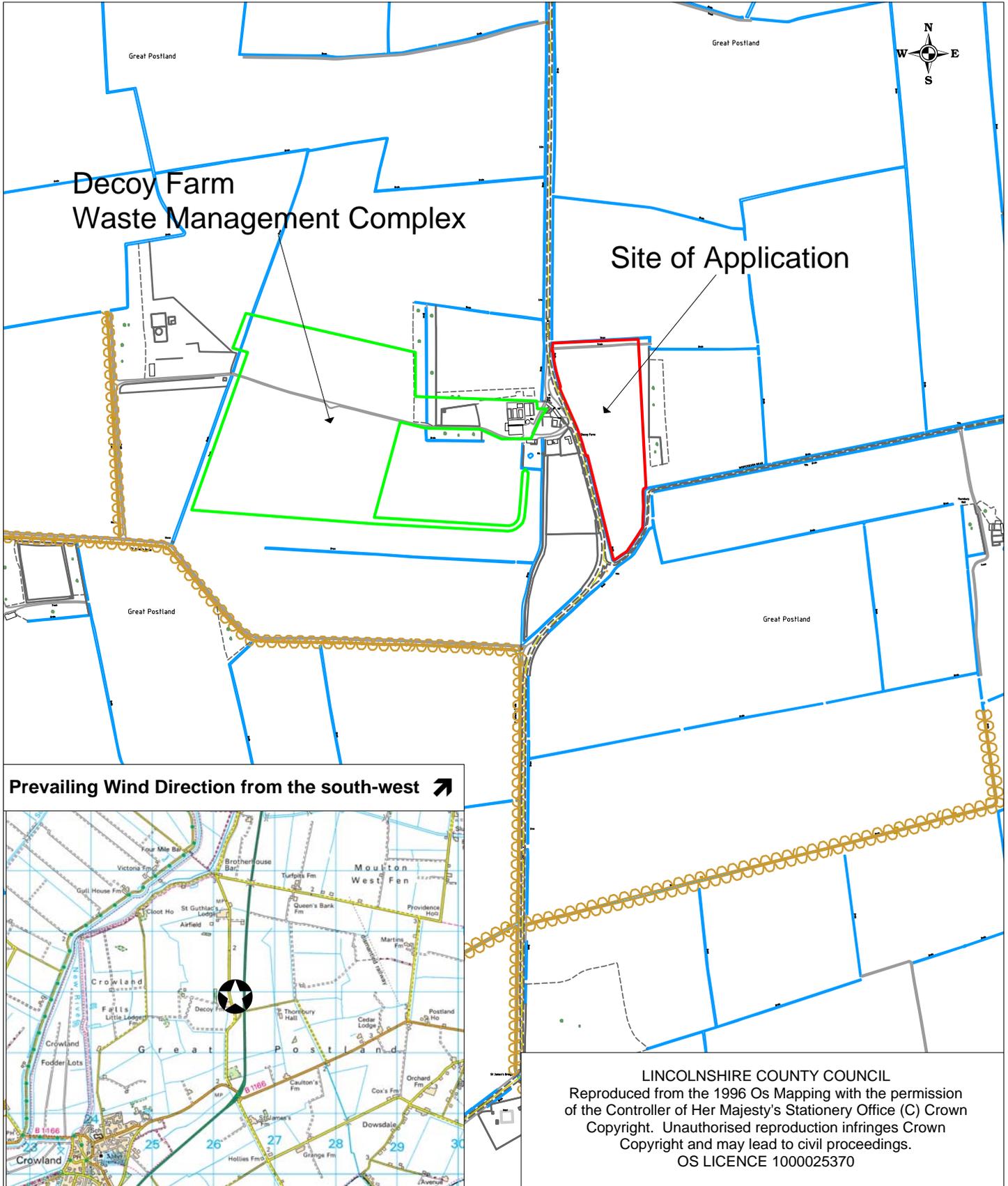
Appendix A	Committee Plan
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Background Papers

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

Document title	Where the document can be viewed
Planning Application File	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) and Site Locations (2017)	Lincolnshire County Council website www.lincolnshire.gov.uk
South Holland Local Plan (2006)	South Holland District Council Website www.sholland.gov.uk
South East Lincolnshire Local Plan (2011 – 2036)	South East Lincolnshire Local Plan website http://www.southeastlincslocalplan.org/
South Kesteven Local Plan (2010) South Kesteven Proposed Submissions Local Plan (2011-2036)	South Kesteven District Council Website www.southkesteven.gov.uk

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



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Location:

Land off Barrier Bank
 Adjacent to Decoy Farm
 Spalding Road, Crowland

Application No: H02-1146-18

Scale: 1:10,000

Description:

For the processing and storage of construction, demolition and excavation wastes to produce soils and aggregate products

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