



**PLANNING AND REGULATION
COMMITTEE
14 JANUARY 2019**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), B Adams, T Bridges, D Brailsford, Mrs P Cooper, Mrs J E Killey, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner and M J Storer

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Planning Manager), Marc Willis (Applications Team Leader) and Mandy Withington (Solicitor)

65 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors L A Cawrey (clash with another meeting), D McNally, H Spratt (clash with another meeting) and C L Strange.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillors B Adams and T Bridges to the Committee, in place of Councillors C L Strange and L A Cawrey, respectively, for this meeting only.

66 DECLARATIONS OF MEMBERS' INTERESTS

It was noted that all members of the Committee had received letters and emails in connection with this item and that the details had been passed to the Planning Officer (minute 72).

67 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 3 DECEMBER 2018

RESOLVED

That the minutes of the previous meeting held on 3 December 2018, be agreed as a correct record and signed by the Chairman.

68 COUNTY MATTER APPLICATIONS69 APPLICATION TO AMEND CONDITIONS 2, 3, 4, 6, 11 & 15 AND THE REMOVAL OF CONDITION 10 OF PLANNING PERMISSION S37/0354/16 TO ALLOW THE IMPORTATION OF NEW WASTE FEEDSTOCKS AND THE CONSTRUCTION OF ASSOCIATED INFRASTRUCTURE AS REPLACEMENTS FOR APPROVED PLANT AND EQUIPMENT AT LAND EAST OF A1, GONERBY MOOR, GRANTHAM - CORNERSTONE PLANNING LTD - S18/2119

Since the publication of the report two further representations had been received from local residents, as detailed in the update, which had been circulated to the Committee and published on the Council's website.

Alan Presslee, representing the applicant, commented as follows:-

- The committee report before you had addressed the context of these proposals comprehensively, explaining the background to the current application and presenting a fair and balanced assessment.
- In summary, we propose to amend a number of conditions of the extant planning permission, brought about principally by the difficulties in sourcing a consistent supply of farm waste (manure), which had originally been intended as the majority feedstock source.
- Furthermore, the Renewable Heat Incentive Regulations required new anaerobic digester plants to secure at least half of the biogas generated from waste. However, this proved to be very difficult when using just manure as it generated only a third of the biogas per tonne that maize could produce. As a consequence, implementing the permitted scheme/conditions would carry a high risk of the entire tariff payment being lost through the use of underperforming feedstock, and thereby rendering the entire project un-fundable/un-viable.
- We had therefore sought the Council's approval to adapt conditions of the extant permission, to facilitate a more diverse feedstock, and some corresponding changes to the plant layout. There was no increase to the consented annual feedstock throughput proposed, just the mix of available feedstock types.
- The application was supported by a revised Transport Statement, noise assessment, odour assessment/management plan, and flood risk assessment/surface water drainage strategy, together with revised plant layout/elevations, addressing the proposed changes to on-site plant and operational changes (i.e. feedstock mix).
- As the report indicated, your Highways and Drainage Officers, together with Highways England, the Environment Agency and South Kesteven District Council, had raised no objections to these proposals.
- The report acknowledged that the application proposals accord in full with the policies of the Development Plan, particularly those concerned with traffic and amenity impacts.

- I hope the Committee would feel able to support these proposals. I am accompanied by Mr Scott-Kerr of the applicants; and would respond to any questions arising.

Alan Presslee responded to questions from members as follows:-

- Maize feedstock would be sourced within five miles of the plant.
- It was proposed to bring manure in from poultry sheds and other food wastes within a 45 mile radius and a transport contract had been agreed for this purpose. There was no proposal to increase the overall tonnage for the plant.
- The replacement of the "Mississippi Paddle Dryer" by a pasteurisation plant was explained and digestate from the pasteurisation plant would be spread on fields within a five mile radius of the site.

Officers responding to questions explained that the total tonnage of the of feedstock processed at the application site would not exceed 55,000 tonnes per annum but what is now sought is to remove the restriction on the proportion of waste permitted, which is currently 33,000 tonnes, so that there is no limit on the amount of waste imported provided it does not exceed 55,000 tonnes per annum.

Comments by members included the relatively modest variation in the conditions requested by the applicant and an enquiry about the effects of the future increase in the use of feed wastes instead of maize which seemed to be a new development.

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

RESOLVED (unanimously)

That planning permission be granted subject to the conditions detailed in the report.

70 FOR THE PROCESSING AND STORAGE OF CONSTRUCTION, DEMOLITION AND EXCAVATION WASTES TO PRODUCE SOILS AND AGGREGATE PRODUCTS AT AGRICULTURAL FIELD, LAND OFF BARRIER BANK, ADJACENT TO DECOY FARM, SPALDING ROAD, CROWLAND - MR JEREMY STOCK - H02-1146-18

Since the publication of the report officers reported that in the "Recommendations", 3rd paragraph, "SG4" should be added after "SG3".

Jeremy Stock, representing the applicant, commented as follows:-

- He represented a locally based, small to medium sized business now employing 50 skilled staff. It undertook a range of infrastructure and civil projects nationally.
- The application sought to recover waste, in particular, construction, demolition and excavation waste and put these to good use by producing soils and aggregate replacement products. These products would be used in the course of projects in which the applicant was involved.

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- It was important to note that within the Council's own policy document, there was an acknowledgement that there was a shortfall of available sites locally which could deal with these type of wastes. This fact was evident given the incidence of illegal activity and fly tipping in the area, including the layby which would form part of the site access.
- The development would lead to additional jobs being created with plans to create 2 full time positions as well 2 apprenticeship places.
- The main concern was associated with the location of the proposed site. The Committee report suggested that the ideal location for such a proposal was firstly Clay Lake to the south of Spalding, recently given the title "Gateway to Lincolnshire". This area already incorporated a service area, hotel and restaurant. The rest of the development was planned for a mix of housing, commercial and industrial uses.
- The second area was to the North of Spalding was Wardentree Lane. This area had a range of businesses which included food processing, packaging, an abattoir, vehicle and machinery sales and various trade counters. These were at odds with the recovery of waste. The proposal would not sit comfortably within either suggested location.
- Nevertheless, approaches had been made to landlords, decision makers and land managers in both locations to better understand their appetite for this proposal. It might come as no surprise that they did not have land available given the likely conflict, if not in the short term, in the medium to long term period.
- I understood and appreciated the comments received from those not supportive of the proposal. However, there was already a well-established waste management operation adjacent.
- The suggested site was positioned 4.8 miles from the southern boundary of Spalding which could be travelled in less than 8 minutes.
- The on-site processing would include crushing and screening by highly efficient and sophisticated equipment. These same machines were used in town centres and built up areas and met the latest environmental noise, vibration and dust controls. It should be noted that the screen and crusher would only operate occasionally.
- In summary, the application would provide many benefits including job creation, the recovery of waste and the reduction in waste miles.

There were no questions asked by members of the applicant.

Comments made by members included:-

- The application site was not identified in an adopted or emerging Local Plan as existing or planned industrial/employment land.
- It was hoped that officers would be able to help the applicant find an alternative site due to the existing approved sites around Spalding being inappropriate for the type of use requested by the applicant.
- Access to the application site would have to come from the south instead of using Barrier Bank. Officers confirmed that there was a weight restriction north of the site on Barrier Bank which prevented HGVs travelling north.

On a motion by Councillor N H Pepper, seconded by Councillor Mrs A M Newton, it was –

RESOLVED (unanimously)

That planning permission be refused for the reasons detailed in the report, subject to the addition of "SG4" after "SG3" in paragraph 3 of the recommendation.

71 OTHER REPORTS

72 MONITORING OF OPERATIONS AT BISCATHORPE OIL EXPLORATION SITE

The Committee received a report in connection with the monitoring being undertaken of the Biscathorpe Oil Exploration development. This monitoring commenced in early October when development commenced on site. The report noted that some breaches of planning control had occurred since the development commenced which had now largely been resolved by the submission of a further planning application or measures taken to address the breaches identified. Various works had been carried out on the site including the construction of the access road, site compound and well pad drilling platform. The drilling phase had now been reached and drilling had now started. A further monitoring report would be brought to the March Committee meeting.

Comments made by members and the responses of officers included:-

- The correspondence received by members did not accord with the report, there was a lack of enforcement, need to monitor the operation carefully and the need for dialogue between the applicant and Community Liaison Group. Officers stated that the site was monitored by the Council, that if there were breaches to the conditions then enforcement was to be carried out subject to evidence being provided.
- The first meeting between the applicant and the Community Liaison Group had been constructive.
- The industrialisation of the Wolds was opposed.
- Who was doing the monitoring and why was there a gap between visits to the site by the Council between mid-November and early December 2018? Officers stated that the site was monitored by the Council's Monitoring Officer and explained that the Committee had met to consider retrospective applications for the site in this period and the Community Liaison Group had also met. The Environment Agency would be monitoring the chalk stream and officers would speak to the Agency about any information they could provide for inclusion in the next monitoring report.
- Concern that the retrospective applications submitted by the applicant were not addressing the issues of the access track and signage issues.
- The issues raised by the Community Liaison Group needed to be addressed and detailed in the next monitoring report to the Committee.
- Who was represented on the Community Liaison Group? Officers stated that the Group comprised the local County Council member, Council officers, the

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Environment Agency, the local Police, the Parish Council and community representatives.

- It was important for the Council to ensure that the Environment Agency monitored the site.
- There was a need for the toxicity assessment to be done properly.
- Officers in response to the infringement allegations by the applicant explained that it was important for the Council to have sufficient evidence of these breaches before any prosecution could be taken for breaching planning controls.

RESOLVED

That the report and comments made by members be noted and that a further report be brought to a future meeting detailing the progress of the development during the drilling phase.

The meeting closed at 11.40 am