

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>7 September 2020</b>
Subject:	<b>County Matter Application - S20/0905</b>

**Summary:**

Planning permission is sought by Bourne Skip Hire (BSH) for the proposed use of land for waste recycling to produce soil, soil substitutes and aggregate and siting of two modular office/welfare units on land at South Fen Road, Bourne.

The proposal site covers an approximate area of 0.69 ha and comprises of an agricultural field that lies outside any land allocated for employment or industrial uses and outside the existing developed footprint of the adjacent warehouse/business units. The application proposes to develop and use the land for the recycling of construction, demolition and excavation wastes to produce soil and aggregate and for the siting of two modular office/welfare units. The supporting information accompanying the application states that the site would process no more than 75,000 tonnes of wastes per year with approximately 10,000 tonnes being stored on site at any one time.

The main issues to be considered in the determination of this application are whether the proposed development is acceptable in this location given its location in the open countryside and 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.

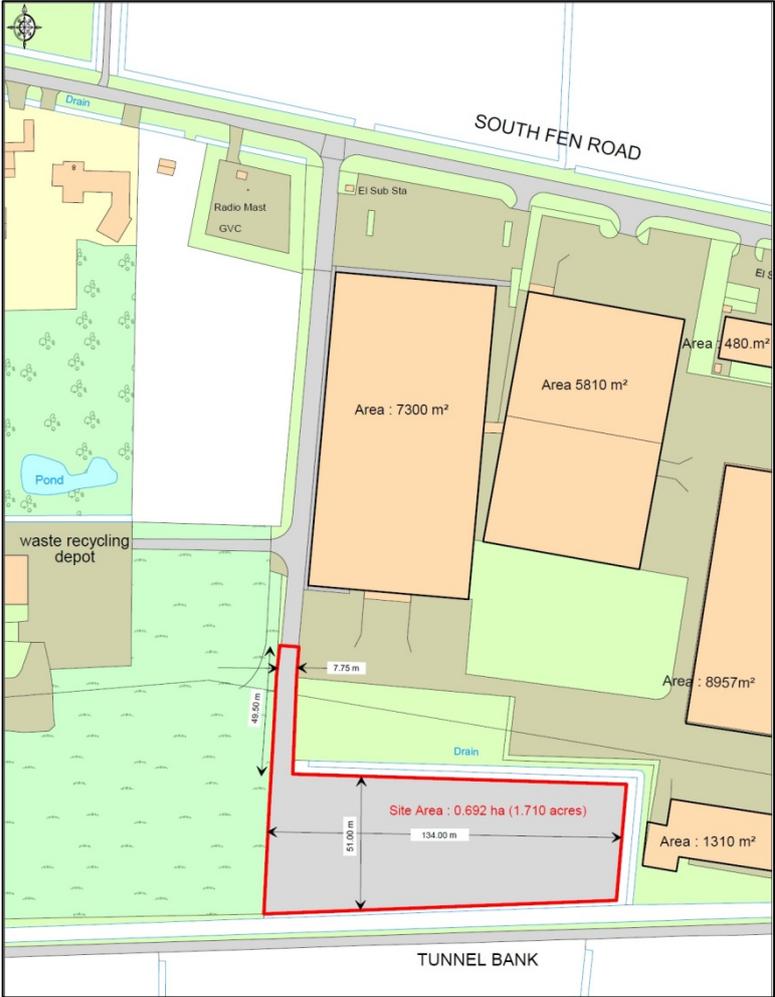
**Background**

1. The applicants business was established in 2002 and provides a range of skip hire, contracting, recycling and waste management services to Bourne and the surrounding area. The main centre and base for the business is located on Cherry Holt Road where the applicant runs a waste transfer station. The applicant states that since 2002 the business has grown rapidly and as such the main site is now operating close to capacity and this has

therefore seen many ancillary uses being relocated elsewhere on Cherry Hold Road to maximise space within the main site. The applicant is now seeking to further expand the business by creating a new site that would support the skip hire and waste management operations and focus specifically on soil and aggregate reclamation.

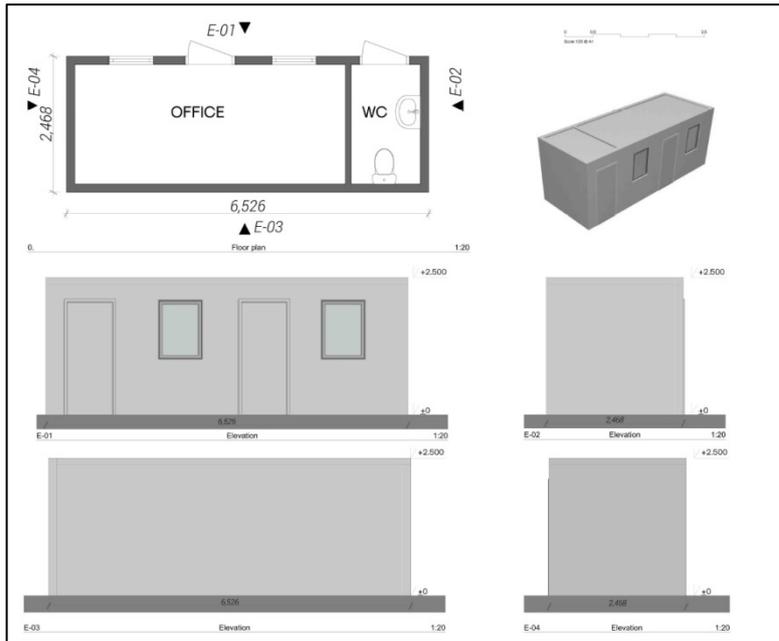
The Application

- 2. Planning permission is sought to change the use of land at South Fen Road, Bourne for waste recycling to produce soil, soil substitutes and aggregate along with the siting of two modular office/welfare units. The site would be used for the recycling of construction, demolition and excavation wastes to produce soil and aggregate and would process no more than 75,000 tonnes of wastes per year with approximately 10,000 tonnes being stored on site at any one time. The proposal site (0.69 ha in size) comprises of an area of land currently used for agricultural purposes. The applicant is seeking permission to use this site as an extension to its main base on Cherry Holt Road, Bourne.



Location plan

3. The site would be used for the sorting and temporary storage of waste materials that would be brought to the site in the applicant's skips. As part of the development the applicant proposes to station two Portakabin style modular units (each being approx. 6.5m long by 2.5m wide by 2.5m high) which would provide office and welfare facilities for staff based at the site. In addition to this, a similar sized freestanding storage container would be stationed adjacent to these buildings for general storage.
4. Upon arrival at the site, unprocessed waste materials would be deposited and stored towards the eastern end of the site in separate bays running along the southern boundary of the site. The bays would be constructed using steel posts and concrete panels and the wastes would be stockpiled to a height of 5m. Along the northern boundary of the site processed wastes would be stored in the same type of bays and to the same height as the unprocessed wastes. Between these two rows of bays, and central to the site, the proposed crushing and screening plant would be sited which would be approximately 4.5m wide by 21m in length.
5. A 4m high landscaped bund is proposed to be constructed along eastern boundary of the site as well as part of the sites western boundary. No bund or screening would be constructed along the southern boundary due to the proximity of the IDB maintained drain (Tunnel Bank). The storage bays along the southern boundary of the site would be set back at least 10m from the drain and no operations would take place within this zone.
6. Staff parking would be provided next to the gated entrance in the northwest corner of the site, with the office and welfare units adjacent to them. These would be separated from commercial vehicle movements by a safety barrier.
7. The western end of the site would provide sufficient space for lorry manoeuvring and a waiting and parking area along with a freestanding weighbridge. The weighbridge would be approximately 0.425m high. Sufficient space is available for all vehicles to enter the site and leave in a forward gear.
8. Access to the site would be gained via an existing track which leads off South Fen Road to the north. Steel security gates would be erected at the entrance of the site. As the site is set back from the public highway and due to the presence of a large industrial building to the immediate north of the site, it would not be visible from South Fen Road. The proposed bund and existing landscaped boundaries to the site would also help to restrict views from the south.



Proposed portakabin style modular units



Proposed site layout plan

## Site and Surroundings

9. The proposal site is less than 2km to the south east of Bourne Town Centre. There are no domestic properties or public footpaths in close proximity to the site and beyond the immediate commercial activity the landscape is more typical of a rural area with flat, level terrain consisting of open fields and defined, low managed hedgerows. Approximately 0.5km west of the proposal site is an existing employment area/industrial estate that is identified and allocated for employment uses within the South Kesteven Local Plan (Policy E4 – site reference: EMP-B9). The proposal site itself lies outside the settlement boundary of Bourne and does not lie within any area allocated or identified for development within the Local Plan.
10. The proposal site itself is an L-shaped (0.69ha) piece of agricultural land (not currently in use) which (given its position outside the settlement boundary and lack of any specific allocation) falls within the open countryside. The site currently has no landscaping and the Tunnel Bank watercourse runs parallel to the southern boundary of the site. The site lies within Flood Zone 2 and access to the site is gained via an estate road that gives access to existing industrial uses/buildings to the north and east of the proposal site (i.e. Brosch Direct, HPC Healthline Warehouse and Bourne Distribution Centre). The estate road is accessed off South Fen Road (to the north) and terminates approximately 50m before reaching the site and therefore access currently comprises of an existing unmade track.

## Main Planning Considerations

### Planning Policy Context

11. The National Planning Policy Framework (February 2019) 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 for decision-taking this means:

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraphs 47 (Determining applications) - applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 163 & 164 (Planning and flood risk) – directs that decisions should ensure that developments do not increase flood risk and is appropriately flood resilient.

Paragraph 170 (Conserving and enhancing the natural environment) – directs that planning decisions should contribute to and enhance the natural and local environment, minimize impacts on and providing net gains for biodiversity.

Paragraph 180 (Ensuring development appropriate for its location) – taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts.

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) and South Kesteven Local Plan (2011-2036).

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.

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.

Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) – this document was formally adopted on 1 June 2016 and as an adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy M1 (Recycled and Secondary Aggregates) states planning permission will be granted for recycling/processing 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 Management Policies set out in the Plan.

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 predicated capacity gaps for waste arising in the county up to and including 2031.

Policy W3 (Spatial Strategy for New Waste Facilities) states that new waste facilities will be permitted if they are in around main urban areas, as listed in the CSDMP document (page 73).

Policy W4 (Locational Criteria for New Waste Facilities in and around Main Urban Areas) states that proposals for new waste developments, including the extension of existing sites will be permitted provided that they are 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
- Site allocated in the Site Locations Document; or
- In the case of biological treatments 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 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 HGVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.
- Minerals – encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new/enhanced biodiversity levels/habitats as part of the restoration proposals to provide carbon sinks and/or better connected ecological networks, and; encourage the most efficient use of primary minerals.

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 to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc.).

Policy DM6 (Impact on Landscape and Townscape) – states that planning permission will be granted 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 and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period.

Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

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 on the environment of an area or on the amenity of a local community, 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.

South Kesteven Local Plan (Adopted January 2020) (SKLP) (2011-2036) the following policies are relevant:

Policy SP1 (Spatial Strategy) states that to achieve new growth the Local Plan includes allocations for both housing and employment land. All allocations proposed in the plan are the most suitable and sustainable

development options and provide for a variety of site types and sizes to ensure choice is offered to the market and delivery is achievable. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of appropriate previously developed land (where possible) and enabling a larger number of people to access jobs, services and facilities locally.

Policy SP2 (Settlement Hierarchy) this policy sets out the settlement hierarchy for the District and states that the majority of development will be focused in and around Grantham in order to support and strengthen its role as a sub-regional centre. Developments which maintain and support the role of the three market towns of Stamford, Bourne and the Deepings will also be supported and that priority will be given to the delivery of sustainable sites within the built up part of the town and appropriate edge of settlement extensions.

Policy SP3 (Infill Development) states that infill development, which is in accordance with all other relevant Local Plan policies, will be supported provided that:

- a. it is within a substantially built up frontage or re-development opportunity (previously development land);
- b. it is within the main built up part of the settlement;
- c. it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties;
- d. it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties.

Policy SP4 (Development on the Edges of Settlements) this policy states that proposals for development on the edge of a settlement which are in accordance all other relevant Local Plan policies, will be supported provided that the essential criteria set out in this policy is met. The essential criteria of relevance in this case are as follows:

- There is demonstrable and clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum, based upon material planning considerations;
- The development is well designed and appropriate in size / scale, layout and character to the setting and area;
- The development is adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan;
- The development must not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area;

- The development will enable the delivery of essential infrastructure to support growth proposals.

Policy SP5 (Open Countryside) states that development in the open countryside will be limited to that which has an essential need to be located outside of the existing built form of a settlement. In such instances, the following types of development will be supported:

- a. agriculture, forestry or equine development;
- b. rural diversification projects;
- c. replacement dwellings (on a one for one basis) or;
- d. conversion of buildings provided that the existing building(s) contributes to the character or appearance of the local area by virtue of their historic, traditional or vernacular form; and
- e. are in sound structural condition; and
- f. are suitable for conversion without substantial alteration, extension or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.

Policy E2 (Strategic Employment Sites) identifies sites are considered to be of strategic employment importance given their relationship to principal areas of growth and their accessibility via the strategic road network. Proposals will not be supported that cause harm to the strategic employment focus of these sites.

Policy E4 (Protection of Existing Employment Sites) states that locally important employment sites identified on the Policies Map will be protected to ensure continued provision of locally important employment opportunities. It should be noted that there is existing, allocated employment land to the west of this application site.

Policy E5 (Expansion of Existing Businesses) the expansion of existing businesses will be supported, provided that:

- existing buildings are re-used where possible;
- vacant land on existing employment sites is first considered;
- the expansion does not conflict with neighbouring land uses;
- the expansion will not impact unacceptably on the local and/or strategic highway network; and
- the proposal will not have an adverse impact on the character and appearance of the area and/or the amenities of neighbouring occupiers.

Policy E8 (Other Employment Proposals) states that other employment proposals in locations not covered by the above policies will be supported, provided there is a clear demonstration that;

- a) there are no suitable or appropriate sites or buildings within allocated sites or the built up area of existing settlements;

- b) there is no significant adverse impact on the character and appearance of the area and the amenity of neighbouring uses;
- c) there is no significant impact on the local highway network;
- d) there is no significant likely adverse impact on the viability of delivering any allocated employment site; and;
- e) there is a business case which demonstrates that the business requires a location outside an allocated employment site.

Policy EN1 (Landscape Character) states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

Policy EN5 (Reducing the Risk of Flood Risk) states that development should be located in the lowest areas of flood risk, and where this is not possible all development must avoid increasing flood risk elsewhere.

Policy DE1 (Promoting Good Quality Design) - seeks to ensure high quality design is achieved throughout the District. Proposals should (amongst other things) ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light; retain and incorporate important on site features, such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancement into the development and provide well designed hard and soft landscaping.

#### Results of Consultation and Publicity

12. (a) Environment Agency (EA) – has no objection subject to a condition being imposed which requires the development to be carried out in accordance with the submitted flood risk assessment.
- (b) Historic Places (Lincolnshire County Council) – no objections regarding this application.
- (c) Highway and Lead Local Flood Authority (Lincolnshire County Council) – no objections regarding this application.
- (d) Welland and Deeping IDB – initially the IDB responded advising that a 9m stand-off would need to be provided from the Tunnel Bank drain and that the applicants then proposed bund along the southern boundary of the site would therefore need to be removed. In response to this the applicant submitted a revised plan which removes this bund and having been re-consulted on the revised plan the IDB has raised no objection.

- (e) Environmental Health Officer (South Kesteven District Council) – a formal response has yet to be received but comments displayed on the Council's website indicate that they have concerns about the proposed operating timings for Saturday starting at 07:00 hours and the potential noise issues.

The following bodies/persons were consulted/notified on 5 June 2020 but no comments/response had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor Robert Reid  
Bourne Town Council  
Public Health (Lincolnshire County Council).

13. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 11 June 2020). Letters of notification were also sent to the nearest neighbouring businesses.
14. An objection has been received in response to this notification from a nearby business that operates within the health and food industry. It is stated that the recycling of materials predominantly from demolition sites could contain deleterious materials along with brick, stone, concrete and mortar and that silica particles arising from the operations could be very injurious to the health of employees on the application site (who would need to wear PPE to protect them). There are also concerns that if planning consent is granted then it would have a serious detrimental effect on both the materials packaged and handled by the objectors business and the health and welfare of its own employees. The objection letter continues to extensively discuss points which they feel would cause detriment to their existing business including impacts on air quality, noise and pollution.

#### District Council's Recommendations

15. South Kesteven District Council has raised no objection to the proposal. Despite acknowledging that the site does not fall within an allocated employment site within the South Kesteven Local Plan, having regard to the proposal, and the fact that the proposal would be located on land adjacent to existing commercial premises, it has no objection in principle to the proposed use. It is however recommended that should permission be granted sufficient controls (e.g. in terms of hours of use of the site and materials handled etc.) are in place to protect the amenity of nearby residents.

#### Conclusions

16. Planning permission is sought by Bourne Skip Hire (BSH) for the proposed use of land for waste recycling to produce soil, soil substitutes and aggregate and siting of two modular office/welfare units on land at South Fen Road, Bourne.

17. The main issues to be considered in the determination of this application are whether the proposed development conforms with the spatial strategies and locational criteria set out in the Development Plan for siting such a development and whether the development would have any adverse environmental or amenity impacts.

#### Need

18. BSH was established in Bourne in 2002 and the business has grown rapidly and now provides a range of skip hire, contracting, recycling and waste management services. The main centre of operations remains in Bourne where BSH operate a substantial waste transfer station on Cherry Holt Road which is relatively close to the application site. The applicant states that the main site is now operating very close to capacity and so the proposed application site would allow further expansion of the business and would focus specifically on soil and aggregate reclamation.
19. As a waste management practice, the recovery and reclamation of materials from inert wastes (principally comprising of soils and aggregates) is sustainable in that it enables materials to be re-used. This 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. This proposed recycling operation does therefore represent a sustainable waste management practice and would help to move the management of wastes up the waste hierarchy.
20. 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 however new and expanded facilities can still be supported where they are 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, in order to be supported this proposal must also accord with the spatial and locational criteria set out in the Development Plan.

#### Location

21. 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. Policies SP1 and SP2 of SKLP reflects this broad approach and sets out the spatial strategy for the siting of new development within the District. These policies seek to focus the majority of new development towards the main market towns of Grantham, Stamford, Bourne and the Deepings with priority being given to sites within the built up part of the town or suitable edge of settlement sites. Policies SP3 and SP4 set out the applicable criteria for proposals relating to infill development or those proposed on the edge of a settlement and whilst Policy SP5 provides

even tighter control on development that falls outside the existing built form of a settlement and which therefore lies within the open countryside.

22. More specific to waste related development, Policy W3 of the CSDMP supports the establishment of waste management facilities in and around the main urban areas and that only certain types of facility will be granted outside of these such as small-scale facilities and composting and anaerobic digestion plants. 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.
23. In this case, the proposal site lies outside the settlement boundary of Bourne and is not an area that is identified or allocated for development within the Local Plan. Although the land to the north of the site has been developed for industrial/commercial uses, the proposal site comprises of an undeveloped agricultural field and lies within the open countryside. The development of this plot would therefore undermine the principle and basis for allocating and safeguarding sufficient land for this type of development (Policies E2, E3 and E4 of the SKLP) and would not comply with Policy E5 which lends support to the expansion of existing businesses as such expansions should be focused towards vacant land on existing employment sites and this is not the case here. Furthermore, the development of this plot would also be contrary to the criteria for infill development or edge of settlement development as set out in Policies SP3 and SP4 as it is not previously developed land; is located outside the main built up area, and; would extend the pattern of development beyond the existing built form and extend development into the open countryside. The proposed type of development is also not one of those which is identified as essential to being located within the open countryside (Policies SP5 of the SKLP and Policy W3 of the CSDMP) and the applicant has not explained or demonstrated why there are not more suitable sites available on land either within the main settlement boundary or within the sites allocated for employment and industrial purposes in the Development Plan or presented a business case that justifies a location outside the allocated employment sites (as required to comply with the criteria of Policy E8).
24. Having assessed the application it is clear that the proposal site is not identified in the recently adopted 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. The site lies in the open countryside and the establishment of a new waste management facility of this type, size and scale would be contrary to the spatial and locational strategies of Policies SP1 and SP2 of the SKLP and also Policies W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan. The development does not meet the required criteria as set out in Policies SP3, SP4, SP5 and Policy E8 and the development of this land would result in an incremental expansion of industrial development into the open countryside and undermine the

objectives of Policies E2, E3 and E4 which allocate and protect land for this very purpose.

### Environmental and amenity considerations

#### Visual and Landscape Impacts

25. The proposal site is located to the rear of a very large industrial building that fronts South Fen Road. Given the presence of this building, and as the site is set back from South Fen Road itself, views of the site would be limited from the north however views of the site would be clearly obtainable especially from Tunnel Bank Road. The applicant had proposed to construct bunds around the site in order to try and limit and restrict views of the site however these are now only proposed along the eastern and western boundaries of the site. A bund had been proposed along the southern boundary however this has since been removed due to concerns raised by the IDB due to its proximity to the Tunnel Bank Drain. The removal of this bund has resolved the IDB's concerns and although its removal means unrestricted views of the processing plant and equipment and stockpiles of processed and unprocessed wastes would be visible from Tunnel Bank Road, when viewed against the backdrop of the large industrial buildings, this impact is not be considered so significant or adverse that it would justify refusal of the proposal on the grounds of visual impact on the local area.

#### Noise and Dust

26. The application site is located to the rear of an existing business and concerns have been expressed regarding potential impacts in respect of contamination of the air, water sources and land. Whilst the comments and concerns regarding potential operational impacts are noted, the recycling operations themselves and the plant and equipment and activities that would be carried out at the site are not unusually complex in nature and 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 and dust.
27. In respect of odours, the types of waste to be handled by the site would be limited to inert materials only so there is unlikely to be any odour as a result of this. Again if the development had been deemed acceptable in all other respects then a condition could have been imposed to restrict the permitted waste types to those identified in the application so as to ensure this is the case.

#### Highways and Traffic

28. The site is accessed via a private road leading from South Fen Road. In order to access the site this would need to be extended to the entrance of

the site so as to create a suitable hard surfaced road for large vehicles to enter and leave the site. The private roads junction with the public highway (South Fen Road) is of a suitable design and construction for use by heavy vehicles and therefore the Highway & Lead Local Flood Authority has not raised any objections to this proposal.

29. In terms of traffic, this would increase as a consequence of this proposal both in terms of number and frequency. The access road is however comfortably wide enough for the passing of two vehicles the increase in traffic would not be significant enough to disturb other road users or cause disruption to adjacent companies.

#### Drainage and Flood Risk

30. The proposal site is within a Flood Zone 2 however is considered to be at minimal risk of flooding from external sources and the proposed development/use would be a 'less vulnerable' form of development as classified by the Planning Practice Guidance. The siting of such a development in this location is therefore acceptable in principle and no objection has been raised by the Environment Agency. As part of the development the applicant proposes to create a small area of new concrete hardstanding which would not result in a significant increased risk of flooding both on site or offsite given its size. The application indicates that surface waters would be managed via a soakaway and no objection has been received from the Environment Agency or IDB to this proposed method of disposal. The wastes types to be handled are inert and so any risk of pollution from them is likely to be low however it is accepted that measures may still be required to manage run-off before its final disposal. There is very limited detail in the application (as submitted) and so had the recommendation been that permission be granted then further details could have been secured by way of a condition. This would ensure suitable measures are taken to protect the water environment and therefore address the concerns raised by the neighbouring business and ensure compliance with Policies DM15, DM16 and Policy EN5.
31. 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 and SKLP.

#### Final Conclusion

32. 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.
33. The proposed development is accepted as being a sustainable waste management practice and also acknowledged that many of the potential

environmental impacts arising from the operations of the site could be mitigated, minimised or reduced through the implementation of the mitigation measures proposed within the application and/or through the imposition of planning conditions. However, the location of the development is not considered appropriate or acceptable as it conflicts with the spatial and locational strategies for siting new development as promoted by the various policies contained within the Development Plan.

34. The proposal site comprises of agricultural land and is a greenfield site lying within the open countryside. The site itself is not identified in the recently adopted South Kesteven Local Plan (adopted January 2020) 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. The establishment of a new waste management facility of the type, size and scale proposed would be contrary to the spatial and locational strategies of Policies W3 and Policy W4 of the CSDMP and also the approach advocated by Policies SP1 and SP2 of the SKLP. The development does not meet the required criteria as set out in Policies SP3, SP4, SP5 and Policy E8 of the SKLP and the development of this land would result in an incremental expansion of industrial development into the open countryside and undermine the objectives of Policies E2, E3 and E4 which allocate and protect land for this very purpose. For these reasons the development cannot be supported.

#### Human Rights Implications

35. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

### **RECOMMENDATIONS**

That planning permission be refused for the following reasons:

1. The proposal site lies outside the settlement boundary of Bourne and comprises of agricultural land located within the open countryside. The proposal would result in an incremental expansion of development into the open countryside and the creation of a new site that lies outside that which has been allocated and safeguarded for such purposes within the South

Kesteven Local Plan (2011-2036) and therefore be contrary to the objectives of Policies E2, E3 and E4.

- 2. The establishment of a new waste management facility of the type, size and scale on this site is also contrary to the spatial and locational strategies and criterion for siting such development as promoted by Policies M1, W3 and Policy W4 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (2016) and the applicant has failed to demonstrate why a more suitable site is not available on land either within the main settlement boundary or within the sites allocated for employment and industrial purposes or presented a business case that justifies a location outside the allocated employment sites. The proposal is therefore also contrary to Policies SP1, SP2 and Policies E5 and E8 of the recently adopted South Kesteven Local Plan (2011-2036).

**Informatives**

Attention is drawn to:

In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

**Appendix**

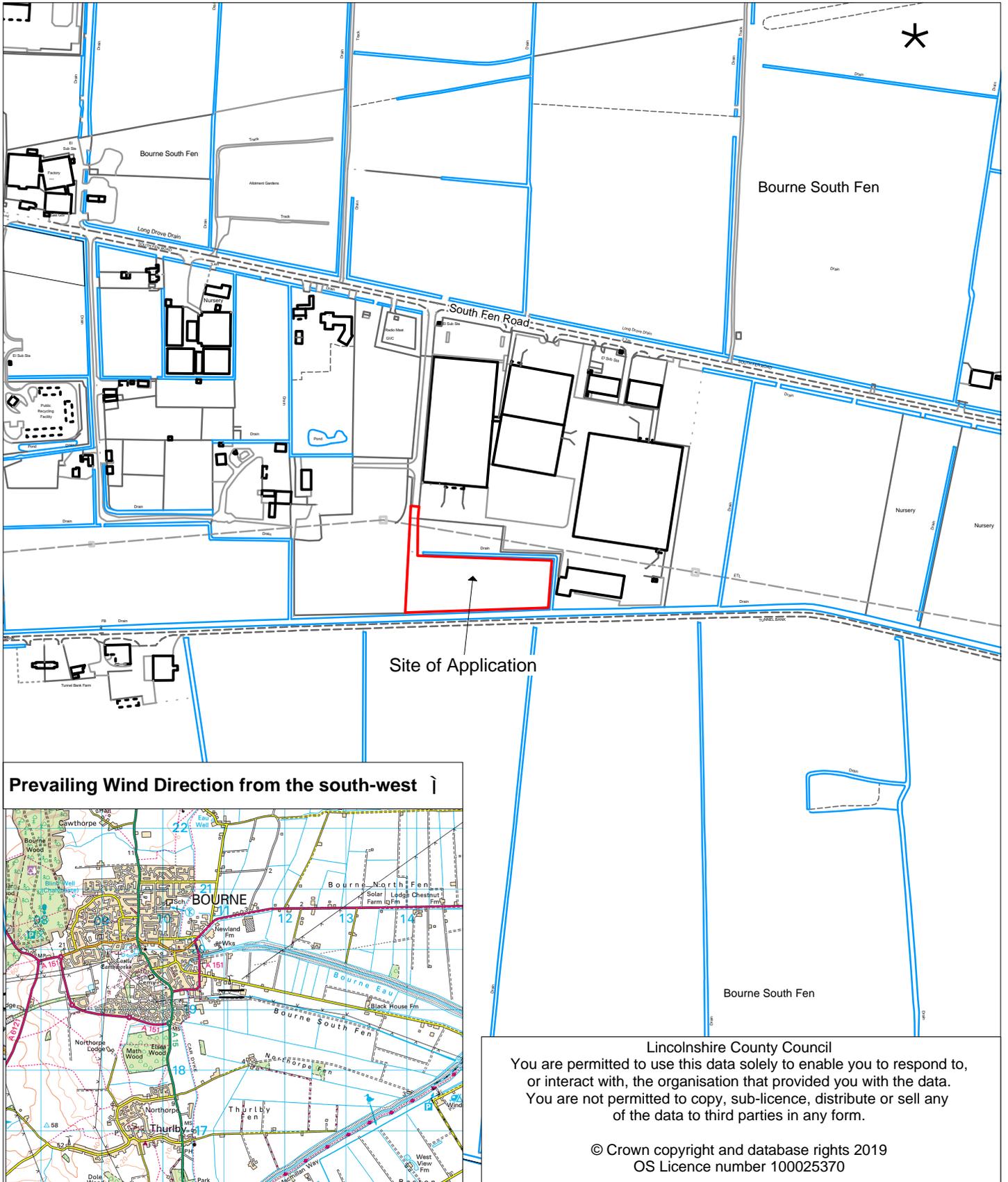
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## 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 File S20/0905	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX <a href="http://lincolnshire.planning-register.co.uk/">http://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2019)  National Planning Policy for Waste (2014)  Planning Practice Guidance [ID28] (2015)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan Core Strategy and Development Management Policies (2016)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Local Plan (2020)	South Kesteven District Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

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**Location:**  
 Land at South Fen Road  
 Bourne

**Description:**  
 For the proposed use of land for waste recycling to produce soil, soil substitutes and aggregate and siting of two modular office/welfare units

**Application No:** S20/0905  
**Scale:** 1:5000