

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

Report to:	Planning and Regulation Committee
Date:	26 July 2021
Subject:	County Council Development - S/176/00794/21

Summary:

Planning permission is sought by Lincolnshire County Council to construct a Household Waste Recycling Centre (HWRC) with a single storey welfare building/office, canopies, improved site access/entrance and surface water attenuation pond at Former Landfill Site, Kirkby Lane, Tattershall Thorpe.

The proposed HWRC is to replace the existing facility which is located approximately 1.2km to the north within the Kirkby on Bain Landfill Site. The landfill site and HWRC are owned and operated by FCC and the existing HWRC is to cease operating in 2021. Without an alternative facility local residents and users of the existing site would have to travel longer distances to dispose of bulky and large household and garden wastes. This proposal would therefore ensure the existing and continued demand and need for such a facility is maintained. In terms of location, the site is located within the open countryside and is a former landfill site. A small-scale facility such as this is appropriate in such a location and on such a site/land where it serves a local need and where any environmental and amenity impacts can be suitably minimised or mitigated. In this case whilst objections and concerns have been raised about the location and impacts of the development, I am satisfied that subject to suitable conditions the development can be carried out without giving rise to any significant or unacceptable adverse effects on the local landscape, highway network or the wider environment and any nearby residents. Therefore the proposal is considered to accord with cited policies contained within the NPPF, Lincolnshire Minerals and Waste Local Plan and East Lindsey Local Plan.

Recommendation:

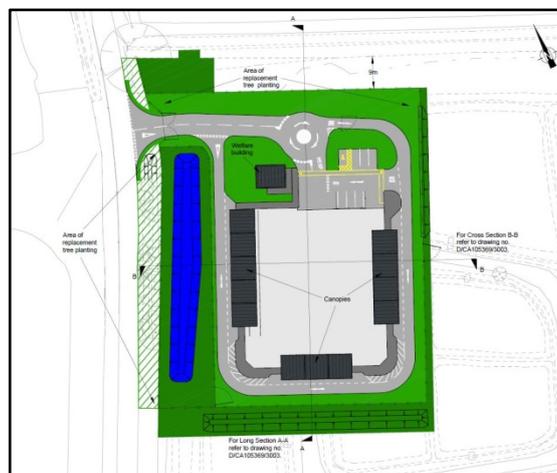
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

1. This report relates to an application for the proposed construction of a new Household Waste Recycling Centre (HWRC) to serve Horncastle and the surrounding area and villages. The proposal site is a former landfill site that was used for the disposal of sewage sludge and liquid wastes.
2. In 1998 planning permission (ref: S176/1107/98) was granted to use part of the site as a household waste (civic amenity and recycling) site. This permission was never implemented however and the site has remained untouched for a number of years.

The Application

3. Planning permission is sought to construct a Household Waste Recycling Centre (HWRC) with a single storey welfare building/office, canopies, improved site access/entrance and surface water attenuation pond at Former Landfill Site, Kirkby Lane, Tattershall Thorpe. The proposed HWRC is to replace the existing facility which is located approximately 1.2km to the north within the Kirkby on Bain Landfill Site. The landfill site and HWRC are owned and operated by FCC and the existing HWRC is to cease operating in 2021. Without a replacement facility residents of the area would have to travel further afield to visit existing HWRC's in Louth, Skegness, Boston, Sleaford or Lincoln. Lincolnshire County Council (LCC) is therefore proposing to construct and operate its own HWRC so as to ensure residents have undisrupted access to a HWRC facility but also to guarantee greater control and power over the use and operations on the site.
4. The purpose of the HWRC is to provide a facility to temporarily store waste and recyclable material delivered from residents of Lincolnshire. These waste and recyclable materials are then transported onwards in bulk carriers to other facilities where materials are processed and recovered for recycling, processed for energy recovery and/or composted to reduce the overall amount of waste that requires final disposal.



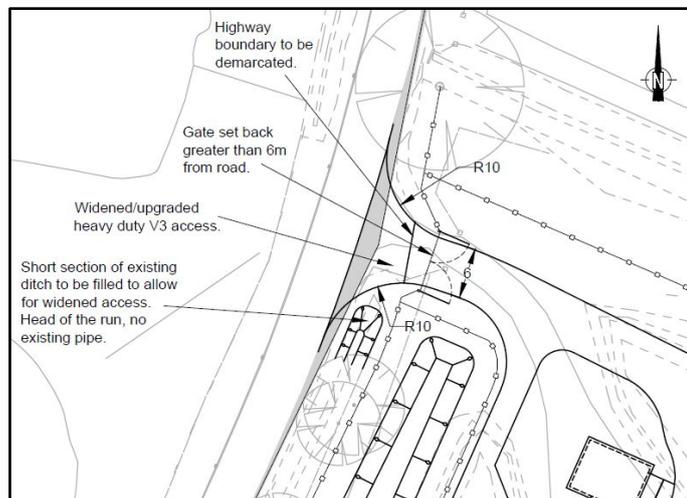
Site Plan

5. An outline of the main elements/features of the proposed development as contained within the application and various supporting documents are summarised below:
6. Annual throughput/capacity and site layout – this is a replacement HWRC and so it is anticipated that the site would handle a similar amount of waste as the existing Kirkby on Bain HWRC (i.e. approx. 5,000 tonnes of waste material per year). Waste materials would be brought to the site for deposit by members of the public in private vehicles.
7. The HWRC has been purposefully designed so as to separate the operational areas of the site from those accessed by the public. Upon arrival at the site the public would be directed in a one-way system around the outer edges of the site. The dedicated waste and skip storage areas would be positioned below canopied structures (approximately 5m high) so as to provide all weather protection to members of the public. Access to the central area of the site would be restricted to staff only and this would enable site operations such as the movement and loading/unloading of skips to continue without putting at risk the health and safety of the public. All wastes brought to the site would be temporarily stored prior to them being transferred off site for recycling and re-use by facilities elsewhere.
8. Staff welfare building – a single storey, 12° mono-pitched roofed building (approximately 7.87m long x 6.08m wide x 4.75m high, at its highest point) would be constructed to provide office, kitchen, storage and toilet facilities for site staff. The facing brickwork of the building would be buff coloured and the roof would comprise of profile steel sheets which would be anthracite grey in colour. Double glazed uPVC windows and black/grey uPVC rainwater goods would also be used. A total of 6 parking spaces (including one disabled space) would be provided within the site for use by site staff.



Welfare Building Elevations

9. Boundary fencing, landscaping and surface water attenuation pond – a 2.4m high steel mesh fence (black in colour) would be erected around the outer perimeter of the site. Double leaf gates to match the new fencing would be used at the site entrance and the non-operational areas of the site would be grass seeded and tree planting carried out along the northern and western margins of the site to compensate and replace those lost as a result of this development. A surface water attenuation pond/lagoon would be constructed along the western margins of the site and discharged to a nearby IDB maintained drain at a greenfield run-off rate of 1.48l/sec/ha.
10. Hours of Operation - the HWRC is proposed to be open seven days a week including Bank Holidays but would be closed on Public Holidays such as Christmas Day, Boxing Day and New Year's Day. The hours of operation would be between 0800 and 1800 hours but would be subject to review depending upon site usage and public demand.
11. Traffic and Access - access to the site would be gained by upgrading the sites existing access onto Kirkby Lane. This access would be widened and upgraded to a heavy duty specification with kerbs and gates set back 6 metres from the carriageway boundary. Suitable visibility splays and clear vision in either direction from the access would be achieved by clearing/cutting back any vegetation within 124m either side of the access.



Highway Access

12. As this is a replacement HWRC, it is not anticipated that there will be any significant change in the number of members of the public using the facility once it has been relocated from the existing Kirkby on Bain site. Based on current figures the HWRC would therefore expect an average of 120 car visits per day (over a five day week), which equates to 31,200 per annum. Similarly it is anticipated there would be an average of one HGV visit per day (over a 5 day week) which equates to 260 HGV visits per annum.

13. Construction and Design Method – the HWRC has been designed to limit the amount of disruption to the former landfill lagoons and therefore prevent any risk of contaminated materials or wastes escaping the site. This is to be achieved by effectively constructing a platform base on top of the former landfill lagoons thereby raising the site level and limiting the amount of material that will need to be excavated within the site. Ground investigations carried out within the site have demonstrated that the existing contaminated material has become naturally compacted over decades and comprises of fairly consistent granular material down to a depth of 3.0m below ground level. Groundwater has not been detected (which may be due to the gravel extraction in the surrounding areas) and the absence of water therefore ensures consistent ground conditions and gives confidence that there will not be any ground movement once the development has been completed.
14. The platform base would be constructed using a Tensar geo-grid, so as to prevent any differential settlement, and a layer of geotextile will act as a barrier between the existing surface and proposed new base so as to prevent any new materials mixing with the existing materials. During the construction works, where a machine is required to access the former lagoons, a working platform would be created for the excavator to track on. This would consist of a layer of polyethylene, Tensar geo-grid and Type 1 stone material to prevent the tracks of the excavator digging up the lagoon material. Any small amount of lagoon material that does need excavating would be dug out and immediately deposited as fill material within the same lagoon from which it derived. This will ensure that no excavated material leaves the site or lagoon from which it is dug out of. Once the machine finishes work it would be washed down in-situ before it moves out of the lagoon. Any dust generated during the excavation works would be controlled by spraying the site with water. Again this would be performed in specific areas so as to not allow any water to enter or leave the lagoons.

Site and Surroundings

15. The application site is located approximately 2km south of Kirkby on Bain, 2.5km north-east of Tattershall and 2.2km south of Coningsby. The site is located within the open countryside and is approximately 0.82 hectares in size and roughly rectangular in shape. The proposal site forms part of a larger area that was once used as a landfill site for disposal of sewage sludge/liquids. The site has been restored and untouched for a number of years and so is dominated by brambles, elder and scrub. The site contains the remnants of old sludge lagoons that are separated by earth bunds and a small tarmac roadway that loops around the site. The site boundaries are unmanaged and contain hawthorn and other woody species including as elder.



Views across existing site

16. Access to the site is gained via an existing gated entrance off Kirkby Lane. Kirkby Lane runs alongside the western boundary of the site and connects Kirby on Bain (to the north) to Tattershall and Conningsby (to the south). The A153 lies to the east of the site (approx. 850m) with areas of agricultural land and irrigation ponds lying between the site and the A153 and areas of existing and former sand and gravel workings lying to the north and north-west of the site.



View of existing site access



View north along Kirkby Lane



View south along Kirkby Lane

17. The nearest properties to the site are those associated with the existing sand and gravel quarry to the north (approx. 500m away) and a few residential properties to the south (approx. 250m away).

Main Planning Considerations

Planning Policy Context

18. National Planning Policy Framework (NPPF) (June 2019) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 11 - Sustainable development

Paragraph 47 - Determining applications and status of the Development Plan

Paragraphs 108 to 110 - Highway impacts when considering applications

Paragraph 127 - Good design and protecting amenity of locals

Paragraphs 155 to 163 - Flood risk and appropriate locations for development

Paragraph 170 - Impacts on the natural environment

Paragraph 180 & 183 - Ground conditions and pollution considerations

Paragraph 212 and 213 identifies where policies are material considerations and weight to be given to local plans that accord with the Framework.

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

Policy W1 (Future Requirements for New Waste Facilities) states that the County Council will, through the Site Locations document, identify locations for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County up to and including 2031.

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. 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).

Policy W7 (Small Scale Facilities) states planning permission will be granted for small scale waste facilities, including small extensions to existing waste facilities, outside of those areas specified in Policy W3 provided that:

- there is a proven need to locate such a facility outside of the main urban areas; and
- the proposals accord with all relevant Development Management Policies set out in the Plan; and
- the facility would be well located to the arisings of the waste it would manage; and
- they would be located on land which constitutes previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages.

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 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 DM9 (Local Sites of Biodiversity Conservation Value) states that planning permission will be granted for minerals and waste development on or affecting locally designated sites, sites meeting Local Wildlife Site criteria and undesignated priority habitats identified in the Lincolnshire Biodiversity Action Plan, provided that it can be demonstrated that the development would not have any significant adverse impacts on the site. Where this is not the case, planning permission will be granted provided that the merits of development outweigh the likely impact and any adverse effects are adequately mitigated or, as a last resort compensated for, with proposals resulting in a net-gain in biodiversity through the creation of new priority habitat in excess of that lost.

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.

East Lindsey Local Plan: Core Strategy (Adopted 2018) (ELLP) - the key policies of relevance in this case are as summarised:

Policy SP1 (A Sustainable Pattern of Places) identifies each of the settlements within the District and is a starting point that helps to guide and support the assessment of where new growth should be directed.

Policy SP2 (Sustainable Development) states a positive approach will be taken when considering planning proposals that reflects the presumption in favour of sustainable development contained within the NPPF. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SP10 (Design) supports well-designed sustainable development, which maintains and enhances the character of the District's countryside by being of an appropriate layout, scale, massing, height and density reflecting the character of the surrounding area. Supports development that includes measure to recycle, re-use or reduce the demand for finite resources. Development should contain adequate protection preventing pollution from entering into the water source.

Policy SP11 (Historic Environment) supports proposals that has regard to the historic interest and the setting of the District's Listed Buildings. Seek the appropriate evaluation, recording or preservation in situ, of any unscheduled

locally significant archaeological site. Seeks to preserve or enhance the quality of the historic landscape and their setting.

Policy SP16 (Inland Flood Risk) requires that all new development must show how it proposes to provide adequate surface water disposal. Where required an application should be accompanied by a site-specific flood risk assessment.

Policy SP22 (Transport and Accessibility) state that support will be given where development shows links with the existing road systems.

Policy SP23 (Landscape) states that the District's landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment.

Policy SP24 (Biodiversity and Geodiversity) states that development proposals should seek to protect and enhance the biodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats.

Results of Consultation and Publicity

19. (a) Local County Council Member, Councillor T Ashton – has requested that this application be brought to the Planning & Regulation Committee and as a member of the Committee will reserve his comments/views on the application until the item is debated.
- (b) Tatterhshall and Thorpe Parish Council – initially responded stating that the members of the Parish Council support the development and request that screening be provided around the site (e.g. trees or banked earth) as this would be of benefit to the overall appearance of the site.

Comments were subsequently received stating that there are key concerns over the previous use of the site and what is contained within it and therefore better assurance is required that the site has been assessed thoroughly and that any proposed development would not interfere with what is underground. Previous investigations and assessments undertaken were based on a previous intended use and not that which is proposed now and appropriate mitigation should be taken.

- (c) Tumby Parish Council – objects as they believe that the site is unsuitable due to the previous use of the site as a dumping site for toxic waste. Insufficient soil testing has taken place as 3 metres deep will only test the sand used to cover the lagoons and not what lies below it. Concerns are expressed as to the stability of the ground - will it be stable enough to hold the vast amounts of concrete which will be needed for the development? There are also concerns about the health and safety of the public, contractors, local

residents and land owners - how will they be protected from any toxic hazards if the plans go ahead?

The Parish Council states that there are more suitable sites for this development in the area which have already been identified but apparently dismissed.

- (d) Environment Agency (EA) – initially responded commenting that the previous use of the site as a landfill presents a risk of contamination that could be mobilised during construction works and so pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposal site is adjacent to a surface water drain that leads to the Old River Bain which is located approximately 120 metres to the east of the site.

The EA commented that, having reviewed the Ground Investigation Report contained within the application as well as the earlier environmental risk assessment and surface water monitoring reports produced between 2016 and 2019, it will be possible to manage the risks posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken on the site. The EA believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission and so recommended that a condition be imposed to secure the submission of this detailed information (i.e. remediation strategy) should permission be granted.

In response to the EA's initial reply the Applicant subsequently submitted additional information to clarify the proposed method of construction and also a remediation strategy that contains further information that seeks to address the requirements of the EA's suggested planning condition. This information was forwarded onto the EA for further comment but no response had been received by the time this report was prepared. Any response will therefore be provided to the Committee by way of either a written or verbal update prior to the item being debated.

- (e) Environmental Health Officer (East Lindsey District council) – has advised that the site is a former waste lagoon and that site investigations have previously been undertaken which included an environmental risk assessment, soil sampling and water monitoring of the Old River Bain. These investigations were concluded in 2018 and two risk assessment reports produced which show that there is no significant human health and environmental risks associated with the site in its current condition (i.e. undeveloped state).

The two previous risk assessment reports have not been submitted in support of this application however the ground investigation report and information that supports this application does not identify any geotechnical or geo-environmental risks. Based on the soil samples taken across the site

the levels of contamination from pollutants such including arsenic, cadmium and chromium are well below those which would require intervention. The site does not pose a significant risk to human health or environmental health as a result of exposure to contaminated soils.

Following receipt of further information, including the remediation strategy, from the applicant, the EHO has commented that the watching brief presented is practical for a HWRC development. During the EHO's assessment of previous site investigation reports and review of monitoring data they did not encounter any ground gas issues or other issues that could generate significant harm to human health and/or wider environment. The EHO confirms that they have no objections to the remediation strategy and development proposal and that the prevailing site conditions and development are within tolerance limits set out in the NPPF and guideline values, as applicable to Environmental Protection Act 1990 for environmental risk management. If at any stage there are concerns about soil contamination then it is recommended that the EHO be contacted and that the Environment Agency should be sought in respect of potential risks and issues relating to groundwater and surface water as a result of the redevelopment of the site.

- (f) Historic Places (Lincolnshire County Council) – has confirmed that the development would have a negligible impact on the built historic environment and there are no known archaeological implications for the above proposal and so no archaeological work is recommended if planning permission is granted.
- (g) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has no objection but has recommended that conditions and an Informative be attached to any permission granted. These include requirements to ensure the proposed site access improvements and suitable visibility splays (as shown on the proposal drawings) are provided and that a Construction Traffic Management Plan and Method Statement (CTMP) be submitted for approval. The CTMP should include details of the measures to mitigate and manage traffic generation and drainage of the site during the construction stage.
- (h) Lincolnshire Police – do not have any objection to this application.
- (i) Ministry of Defence (Safeguarding) – has confirmed it has no safeguarding objections to this proposal.
- (j) Health & Safety Executive (HSE) – has advised that it is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines. The proposal site does not lie with the consultation distance of a major hazard site or major hazard pipeline and therefore the HSE does not need to be consulted on this proposal.

- (k) Lincolnshire Wildlife Trust (LWT) – has no objection to the proposal. LWT has advised that the site is located within the vicinity of a number of non-statutory nature conservation sites including Kirkby on Bain Gravel Pits Local Geological Site (LGS); Kirkby on Bain Pits Local Wildlife Site (LWS); Kirkby Gravel Pits LWS and Lincolnshire Wildlife Trust nature reserve, however it does not anticipate any significant negative impacts from the development on these designated sites. This is partly based on the experience of having the previous/existing waste recycling centre in close proximity to the nature reserve for 20+ years without noticing any issues, alongside the information presented with the present application.

In respect of ecological matters, the LWT are satisfied with the level of survey work undertaken and conclusions and recommendations made. This includes the proposed methodology for site clearance works, the provision of log piles/hibernacula as enhancements to the site and proposed lighting design. It is also noted that an area of botanically interesting acid grassland has been identified within the wider landfill site which meets the Local Wildlife Site criteria for Greater Lincolnshire. This area lies outside the footprint of the proposed works and so should not be affected by this development, however, this area should be protected for the future and management put in place to secure it and help expand it (where possible). It is therefore recommended that a condition be imposed to secure a Landscape and Biodiversity Plan as part of any permission granted which would secure the appropriate management of this area in the longer-term.

Finally, advice and recommendations are also given in respect of the use of low fertility soils and types of grass seed mixes to be used which would help to maximise wildlife and biodiversity potential.

The following bodies were also consulted on the application but no response/comments had been received during the statutory consultation period or by the time this report was prepared:

Public Health (Lincolnshire County Council)
Lincolnshire Fire & Rescue

20. The application has been publicised by notices posted at the site (on 26 April 2021) and in the local press (Skegness Standard and News on 24 April 2021). Letters of notification were also sent to the nearest neighbouring residents to the site.
21. A total of 6 representations have been received as a result of this publicity/notification and a summary of the comments/views received is set out below:

Concerns regarding site history and landfill content:

- Not enough has been done to ascertain the severity of the contamination within the site. Historical records documenting what was dumped and by who has gone missing but in any case the assessments supporting the application do show above safe levels of chemicals including arsenic, cadmium, chromium, copper, lead, nickel and cyanide. There are also anecdotal reports of the site having been used to dispose of asbestos, leaded petrol/jet fuels and also diseased animals with foot and mouth. More work and testing should be carried out to find out what really lies in the site given the potential for groundwater contamination should the landfill be disturbed.
- Concern that the lagoons contain acid tar and that these pose a risk to the environment and those living around the site. Acid tar lagoons can give off toxic and flammable gasses and are a fire hazard. In the 1980's some acid lagoons in Wrexham caught fire and burned for 18 hours causing significant harm to the local area. The lessons of the past should be heeded and not repeated.
- The Environment Agency's initial response recommends further detailed information be provided before the development be built. This supports local residents concerns about the suitability of the previous site investigations and assessments carried out in 2016 and 2018 which have been submitted in support of this application.
- LCC needs to revise its plans and make sure that there is absolutely no risk of any carcinogenic, mutagenic, or otherwise harmful substances leaching from the site. As the risks have been clearly signposted, LCC will be fully responsible should any contamination arise from the site in future. No shortcuts must be taken in making it safe.
- Concerns that disturbing the surface of the site (e.g. through the construction work) could result in the release of toxic dust which would spread across the area. Also concerns that any soils used to cover the lagoons or additional weight created by the development could destabilise and disturb the content of the lagoons. No structural survey has been submitted with the application to show this would be safe.
- Should the development be permitted a scheme of groundwater monitoring should be put in place as a minimum requirement so that any potential release of contaminants is detected quickly. Groundwater monitoring boreholes could be installed around the perimeter of the site and then sampled on a regular basis. This could quite easily be done under a planning condition.

Environmental & Traffic Concerns:

- Objection to the removal of any trees that are currently around the site. These break up any dust clouds or emissions from the site.

- Concerns about the condition and width of the road (C607 – Kirkby Lane) and the volume of traffic on this stretch of the highway. Although the overall traffic volume won't increase the entrance to the site is situated on a bend and when approaching the site from the north, drivers cannot see around the corner. It is critical that the proposed site can therefore hold all traffic and that the development does not result in queuing vehicles on the public highway as this could pose a risk to other road users. To reduce the risk of accident a 40MPH speed limit could be imposed along Kirkby Lane.
- Planning permission was granted on this site previously but nothing went ahead - there is no record of why this development stopped.
- Concerns about potential pollution of the River Bain from this development and the knock on effects for human consumption through food production – there are numerous abstraction licenses on the River Bain for irrigation purposes on green vegetable crops. There are also three clay lined reservoirs that lie on the parcel of land between the site and the River Bain which are also used for irrigation purposes.
- Tumby Estate has two SSSI's and ancient woodland within 2km of the area, as well as a Site of Nature Conservation Interest. There has been no attempt to notify anybody employed by or with interests in Tumby Estate and these areas are especially vulnerable which are under the protection of Natural England.
- The road has changed much since the 1990s with increased traffic, HGVs and poor road surface. There are numerous blind spots on this road and without planned improvements to the road access, this would be a dangerous entrance for HGVs and public vehicles using the HWRC.

District Council's Recommendation

22. East Lindsey District Council has confirmed it has no objection to the use in principle subject to the County Council being satisfied that any harms arising from the proposed use are outweighed by the benefits of it and subject to further surveys and associated mitigation relating to the impact on reptiles on site.

Conclusions

23. The main issues to be considered in the determination of this application are whether the proposed operations in this location are appropriate in planning policy terms and whether it would give rise to any unacceptable adverse environmental, traffic or amenity impacts.

Waste Policy Context and Locational Considerations

24. 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 this case the HWRC would create a replacement facility for members of the public to bring bulky household wastes which are not capable of being disposed of via their normal household waste collection service. A HWRC therefore allows a wider range of wastes and materials to be collected which not only helps maximise the amount and range of wastes that are capable of being recovered for recycling and reuse elsewhere but which also contributes towards reducing the volumes of wastes that would otherwise be disposed of via landfill. Whilst a HWRC itself does not directly process, recycle or reuse wastes it does nevertheless contribute towards achieving the objectives of the NPPW and helps move the management of wastes higher up the waste hierarchy. The creation of this replacement HWRC would therefore guarantee a continuity of service and ensure existing public demand for, and access to, a HWRC is met following the closure of the existing site.

25. In spatial and locational terms, 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 ELLP Policy SP1 but also Policy W3 of the CSDMP which seeks to direct the establishment of most new waste management facilities in and around the main urban areas but which also recognises that certain types of facility can be acceptable outside of such areas including small-scale waste management facilities. Given the anticipated throughput of 5,000 tonnes per annum, this HWRC would be classed as a small-scale facility and therefore Policy W3 advises that consideration be given to the criteria within Policy W7. Policy W7 states that proposals can be supported where:
- there is a proven need to locate such a facility outside of the main urban areas; and
 - the proposal accords with all relevant Development Management Policies set out in the Plan; and
 - the facility would be well located to the arisings of the waste it would manage; and
 - they would be located on land which constitutes previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages.
26. As referenced above, the facility would replace the existing HWRC site which is well used and therefore ensure the public demands on the existing facility continue to be met. This replacement facility would serve the local communities in and around the area which would otherwise have to travel long distances to access a HWRC if a replacement facility is not established. Whilst the proposal site is located in the open countryside, it is land that was formerly used as a waste disposal site and so does constitute 'previously developed/contaminated land' for the purposes of Policy W7. Consequently I am satisfied that the the proposed development is in line with the principles and objectives of the NPPF and Policies W1, DM1 and DM2 of the CSDMP and that three of the four above cited criterion of Policy W7 have been met. However, before it can be concluded that the development is

acceptable on the whole, a consideration and assessment of proposed development against other environmental and amenity policies contained within the Development Plan must be carried out. The main considerations of relevance in this case are set out in turn below.

Contaminated Land and Pollution Risks

27. Given the former use of the site concerns and objections to this proposal have been raised by members of the public and the Parish Council's representing the local communities. These concerns are based on concerns about the nature of the wastes contained within the site and the potential for this development to result in the disturbance and potential mobilisation of contaminants into the wider environment - in particular the surrounding watercourse, Old River Bain and underlying ground.
28. Previous investigations into the site were carried in 2016 and 2018 which were undertaken principally in order to establish whether the site was contaminated and whether in its undeveloped state it was posing any pollution risk to the environment. Soil and groundwater monitoring data taken at that time showed the site to contain elevated concentrations of ammonia, heavy metals, petroleum hydrocarbons and chlorinated solvents. Groundwater monitoring data indicated that groundwater quality had been improving since disposal operations ceased (around 1992) and that there were only minor exceedences of environmental quality standards for surface water. Environment Agency monitoring data of the River Bain also did not show any evidence of impacts to surface water quality from the site. In 2018 sample boreholes were taken across the site and a further programme of surface water sampling undertaken. A total of 29 soil samples were taken which included 17 from the former lagoons, 10 from the site bunds and 2 from the locations between the lagoons and Old River Bain. At that time it was not proposed to develop the site for any particular use/purpose and these previous assessments concluded that the site was therefore unlikely to present an unacceptable risk to receptors either at that time or in the future if it were to remain unchanged.
29. The current proposal seeks to develop part of the wider landfill site and involves works which would disturb (small) parts of the former disposal lagoons and earth bunds. The findings of the previous site and ground investigation works are useful in that they show the site to be stable in its current form but have limited value in terms of assessing any potential risks that may arise from the works proposed by this development. A number of representations and concerns were subsequently raised by members of the public about this issue and calls made for further investigations to be carried out. Although no objection has been received from the Environmental Health Officer at ELDC or the Environment Agency (EA), the EA has recommended that should permission be granted a condition should be imposed which would require an additional site investigation and remediation strategy to be submitted before any development commences. This conditional requirement would ensure that any risk of contamination that could be mobilised during

construction works is appropriately managed and that mitigation or remediation measures are put in place to ensure the risk to controlled waters and the environment are minimised.

30. In response to the public concerns, the applicant has submitted some additional information about the proposed construction and design methodology and also commissioned a specialist consultant to produce an outline remediation strategy for the proposed works. This additional information aims to not only provide more clarity about the extent and nature of the groundworks proposed but also to satisfy the requirements of the EA's recommended condition. The information provided confirms that in order to minimise disturbance of the former disposal lagoons it is intended to construct a concrete pad on top of the site rather than carry out any deep excavations within the site. This method of construction would limit disturbance of the ground, preventing migration and effectively cap off the existing contaminated material within the area of development. Any small areas of existing material that are to be 'scraped off' the surface would be retained and deposited in the same lagoon from which they arose. Any unforeseen contaminated material that arises during excavation would also be retained on site or disposed of at an appropriate location. The outline remediation strategy confirms that following the completion of the development a verification report would be submitted detailing what works and measure (if any) have been carried out and completed.
31. The additional information provided by the applicant, including the outline remediation strategy, has been forwarded onto the Environment Agency and all other consultees and their comments invited. All persons that had made a representation on the application were also notified of this additional information. At the time of writing this report, the EHO has confirmed that they have no objection to the remediation strategy and that the watching brief set out therein is acceptable to them. The Environment Agency had not provided any additional or updated response however the absence of any response does not, in your Officers view, mean the development is unacceptable and that permission should be refused. As is noted previously, the Environment Agency has not objected to the development but has instead advised that a condition be imposed to secure further information and the remediation strategy before the development be allowed to commence. The additional information presented seeks to therefore negate the need for this condition and so if the EA subsequently confirm the additional information provided is satisfactory then the condition would not be required. If however no response is received (or the details submitted not considered sufficient enough) before this item is considered by the Members of the Committee, then it would still be reasonable and acceptable to impose a condition to secure these - as recommended by the Environment Agency.
32. In light of the above, and in the absence of any further response from the EA at this time, it is recommended that a precautionary approach be taken and that should permission be granted the EA's recommended condition be imposed. Although the concerns raised by members of the public are noted, based on the

information available and responses received from statutory consultees, any risks to controlled waters and the wider environment as a result of contaminated materials are capable of being managed and mitigated. Consequently, subject to suitable conditions, the proposed development would not give rise to increased risks of contamination either to the water environment, users of the site or nearby residents and therefore accord with CSDMP Policies DM3 and DM16.

Landscape & Visual Impact

33. The proposal site lies in relatively flat, open area with a mixture of self-seeded and planted trees within the site and more established, unmanaged trees and shrubs around the outer boundaries of the wider site. The trees have all been assessed by the County Councils Arboricultural Officer and the vast majority identified as being of low or poor quality and/or show signs of disease such as Dutch Elm and Ash dieback. As part of the works any existing trees within the footprint of the site would be removed and so permanently lost. Trees that lie outside the immediate footprint such as those along the existing boundaries would be retained with the exception of a small group of trees and shrubs located close to the site access and those which run along the roadside/western boundary of the site which would be cleared and removed. These trees include Elm, Willow, Ash, Field Maple and Hawthorn and have been assessed as Category C trees meaning they are of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. Despite their condition these trees do currently restrict views into the site from the public highway and so their removal would open up views of the HWRC. In the short-medium term this would result in an increased visual impact on the wider area however replacement planting would be carried out as part of the development which, in the longer-term, would help reduce the visual impact and filter views of the site from the roadside.
34. Whilst this proposal would undoubtedly alter the visual appearance of the site it only affects a small part of the wider former landfill site and therefore much of the surrounding land and existing soft-landscaping would be unaffected. Whilst the development would introduce new structures and activities into this countryside setting and result in the loss of trees which currently help to restrict views into the site, mitigation measures have been incorporated into the design and layout of the site to minimise these wherever possible (e.g. limiting external lighting to only those areas needed, setting the site back from the roadside, carrying out replacement soft-landscaping planting). Although these would not completely remove the impact of the development, I am satisfied those impacts are not so significant or adverse to justify refusal of this proposal and would not have an unacceptable adverse impact on the amenity value of the area. Therefore the proposal does not conflict with the objectives of CSDMP Policy DM3 and DM6 and ELLP Policy SP23.

Historic Environment

35. The proposal site is a former landfill site and several boreholes taken across the site have shown that at least the top 1m of the existing site is made ground. As part of this proposal the finished site levels will be built up and given the former use of the site the Historic Environment Team has confirmed that there would be no archaeological impacts as a result of this development. The site itself is also not located close to or contains and designated heritage assets such as listed buildings and therefore would not have an adverse impact on the historic environment. The proposal is therefore considered to comply with Policy DM5 and ELLP Policy SP11.

Noise

36. The HWRC would create a new source of noise to the local area. A noise assessment has therefore been carried out in order to assess the potential noise levels generated during both the construction and operation of the site.
37. During the construction phase, noise arising from site activities would vary and depend on the particular work being undertaken at any time. Initial site preparation works are likely to involve the use of plant and machinery such as an excavator and the movement of HGVs, concrete mixers and paving machines. In addition to these sources of noise, ancillary equipment such as small generators and compressors may be used during this phase. To assess the potential impacts of noise, a noise assessment has been carried out in accordance with the methodology given in BS 5228-1:2009+A1:2014 '*Code of Practice for Noise and Vibration Control on Construction and Open Sites*'. This assessment has used identified sound power levels for each likely noise source and taken into account any attenuation between the site and the nearest noise sensitive locations which include the properties located to the south along Kirkby Lane and a property located to the east. The results of this assessment indicate that noise generated by construction works are unlikely to exceed existing residual sound levels at the noise sensitive locations and that 'best practicable means' could be applied on site during construction works to minimise noise levels.
38. During the operational phase, typical sources of noise arising from the HWRC are identified as including: noise arising from the movement of cars along the site access road; noise associated with the manoeuvring of HGVs and the loading and unloading of skips; the deposit of wastes into skips/bins and operation of hydraulic compactors; and the operation of mobile plant around the service yard area. In order to assess the likely noise levels arising from such sources empirical data recorded at similar HWRC sites was used and a background noise survey carried out to establish a baseline upon which potential noise impacts could be assessed. The background noise survey was conducted over a 4 day weekend period (i.e. Friday to Monday). This period was purposefully chosen as it was considered to represent the lowest likely background noise levels experienced in the area given other nearby operations such as the quarry would not be operational and noise from traffic would be lower. Background noise level readings were taken at the

closest accessible position or similar distance relative to the nearest noise sensitive locations. This survey indicated that existing background noise is formed by local intermittent road traffic, distant road traffic movements and intermittent train movements and that sound levels experienced at the noise sensitive locations during the monitoring period (0900 to 1600 hours) varied between 38dB and 50dB LA90. In predicting the impact of noise arising from the HWRC site, the calculations allow for car movements onto site along with the cumulative effect of the HWRC in operation and all sources of noise and activity operating on site at same time (i.e. all impacts during offloading, compaction and car movement, skip movement events). This therefore represents a worst-case scenario rather than that which is more likely to be experienced.

39. The noise assessment concludes that predicted noise contribution from the HWRC at the nearest noise sensitive locations is shown to be between 32dB to 34dB LAeq1hr which is well below existing residual and background sound levels. The noise assessment has also considered the 'worst-case' and so in reality the resultant rating level is likely to be below the representative background sound levels. When considering impact events such as the movement and compaction of waste on HWRC site, the results also show that the resultant level experience at the most sensitive receptor would be between 38dB to 54dB LAmax which compares with the existing ambient measured LAmax levels of 67dB to 91dB. With the proposed development in operation, the assessment therefore concludes that noise levels are unlikely to be significant at the nearest noise sensitive locations when considering the context of the existing acoustic environment and the design proposed.
40. No objections have been received to this proposal from the Environmental Health Officer and therefore I am satisfied that any noise arising from this development would not be significant nor have a detrimental impact on the surrounding environment and therefore accords with CSDMP Policy DM3 and ELLP Policy SP10.

Odours

41. The majority of wastes accepted at the HWRC would be stored in sealed skips or containers and these would be frequently rotated and emptied so as to reduce the residency time of such wastes on site. In order to minimise dust and litter problems, the sites surface would be kept clean and any loose wastes collected by site operatives. The proposed security fencing around the site would also act as a barrier to any windblown wastes thus preventing them from escaping beyond the site boundaries. Additionally, as wastes would be stored in sealed skips and containers and would not be stored for long periods, pests and vermin are unlikely to be a problem, however, to prevent any infestation the applicant confirms the site would be regularly inspected and if necessary baiting traps employed.
42. The above practices are employed at several other HWRC's and are effective and therefore, subject to the implementation and adoption of the above practices, your Officers are satisfied that the development is not likely to have an adverse

impact on the surrounding area or lead to unacceptable nuisance. As a result the proposed development is considered to accord with the relevant cited policies/statements contained in the NPPF, NPPW and CSDMP Policy DM3 and Policy SP10 of the ELLP.

Hours of Operation

43. The existing HWRC at Kirkby on Bain Landfill is usually open between 0900 and 1600 hours, 5 days a week (i.e. Friday, Saturday, Sunday, Monday and Tuesday). In order to give sufficient flexibility to amend operational hours in response to site usage and public demand, permission is being sought to allow this replacement HWRC to operate 7 days a week and between the hours of 0800 and 1800 hours. The site would also be open on Bank Holidays but closed for Public Holidays such as Christmas Day, Boxing Day and New Years Day.
44. Given the remote location of the site and limited identified operational impacts (e.g. noise, dust and odour, etc) the proposed hours of use are acceptable and would not give rise to unacceptable impacts on the wider area or unduly impact on the amenity of any nearby residents (thereby complying with CSDMP Policy DM3 and ELLP Policy SP10).

Highways & Access

45. The proposed HWRC is located close the existing facility and so vehicular routes to and from the site would be the same as those currently used. Access to the site would be gained by upgrading the sites existing access onto Kirkby Lane. These works would involve widening and upgrading the entrance/apron to a heavy duty specification with kerbs and gates being installed which would be set back 6 metres from the carriageway boundary. Although the site entrance is located close to a bend in the road suitable visibility splays and clear vision in either direction would be achieved by clearing/cutting back any vegetation within 124m either side of the access.
46. In respect of anticipated traffic numbers, as this is a replacement HWRC, it is not anticipated that there would be any significant change in the number of vehicles visiting the site. Based on current figures the HWRC would therefore expect an average of 120 car visits per day (over a 5 day week), which equates to 31,200 per annum. Similarly it is anticipated there would be an average of 1 HGV visit per day (over a 5 day week) which equates to 260 HGV visits per annum. It is accepted that the number and frequency of these movements may vary throughout the year but the levels of traffic are modest in number and are using the road to access the existing site so no significant changes to the current situation is predicted. Although objections have been received due to concerns about the position of the site on the bend, suitability of the highway network and size of vehicles, the Highways Officer has confirmed that they have no objection to the proposal. The development is not considered likely to have a sever adverse impact on the function or safety of the highway network therefore, subject to suitable conditions,

is considered to accord with the objectives of the NPPF also Policies DM3, DM14 and EELP Policy SP22

Nature Conservation

47. An ecological survey has been carried out which updates the findings of an earlier survey conducted in 2018. The survey has assessed the entire former landfill site and therefore covers a larger area than that which forms part of this application and which is planned to be developed. The survey contains an assessment of the habitat types and plant species present within the site and also an appraisal of the site to support a range of difference species including bats, badgers, birds, reptiles and invertebrates. A further reptile survey was carried out in May 2021 and a copy of this report has also been submitted in support of the application.
48. The site has been vacant and undisturbed for a number of years and as a result overtime parts of the site have naturally re-vegetated and become overgrown. The surveys conclude that most of the site is dominated by tall ruderals dominated by common nettle, with infrequent scattered hawthorn and elders with occasional areas of ephemeral/short perennial vegetation with an interesting mix of grassland species. The most interesting grassland areas lie outside the footprint of the proposed HWRC site and so would not be affected by this proposal however given the assemblage of plants present in these areas it is recommended that these be maintained and enhanced for biodiversity gain. The Lincolnshire Wildlife Trust (LWT) support this recommendation as the assemblage plants/grasses identified are such that they meet the Local Wildlife Site criteria for Greater Lincolnshire. Therefore the recommendations of the ecological survey are supported and LWT recommended that a condition be imposed to secure a Landscape and Biodiversity Plan as part of any permission granted to ensure this area is protected and, where possible, enhanced.
49. In respect of individual species, there is no evidence of the site containing features to support roosting bats and the lack of suitable aquatic habitat in the immediate vicinity suggests that the area is unlikely to be used as habitat by great crested newts. In relation to badgers (which are a protected species) there is evidence of an outlier sett nearby however this is in an area that is not to be directly impacted. However, in order to ensure this sett is protected it is recommended that a buffer zone be set up around this sett to ensure this is not adversely impacted upon. Recommendations are made to ensure any vegetation and ground clearance works are carried out outside the bird breeding season (or alternatively checked by an qualified ecologist prior to any works taking place) to ensure impacts on any birds present are prevented. Finally, in respect of reptiles, during an extensive reptile presence / absence survey only a single grass snake was confirmed as being present within the site. This species, although relatively widespread nationally and regionally, are typically localised within Lincolnshire, with a small population scattered throughout. Given the extensive nature of the survey and the number of refugia used during the survey the provision of a receptor site as mitigation is considered disproportional especially given that much of the wider landfill site will

be retained and left undisturbed. However, like with breeding birds, it is recommended that site clearance works be overseen by a qualified ecologist and as a precaution passive displacement be undertaken should the works take place during the active reptile season.

50. Subject to suitable conditions to ensure the mitigation measures and recommendations identified are secured, including the submission of a management plan covering the land that lies outside the application site (but which is owned by the applicant), I am satisfied the development would not have an unacceptable adverse ecological impact and would in fact secure biodiversity gains and therefore accords with the objectives of the NPPF and CSDMP Policies DM3 and DM9 Policies SP10 and SP24 of the ELLP.

Flood Risk and Drainage

51. The proposal site predominately lies within Flood Zone 1 with a small area in Flood Zone 2 on the northern edge. Flood Zone 1 is the preferred location for the siting of new development as it is considered to be of the lowest risk and probability of flooding from main rivers or the sea and whilst the northern edge of the site lies within Flood Zone 2, this area falls within the 9m easement of the watercourse and so is to be left undeveloped.
52. The proposed drainage arrangements have been designed so as to minimise any risk of increased flooding off-site and to prevent any contaminated waters or discharges from being able to leave the site. The development would create an impermeable concrete pad and surface waters would be managed by directing these to an attenuation pond constructed along the western side of the site. The attenuation pond would be constructed outside the footprint of any former landfill cells and therefore not disturb any previously landfilled wastes. The pond would also be lined so as to prevent any potential for contaminants entering the pond through underground seepage. Waters diverted to the pond would pass through an interceptor to remove oils/fuels/chemicals and be temporarily attenuated before being discharged at a controlled rate into the nearby IDB watercourse. This would prevent any increased risk of flooding off-site and downstream. Foul waters from the welfare facilities would be discharged into the a cesspool tank which would be emptied via tanker as an when required.
53. Although objections and concerns have been raised by local residents on the grounds of potential increased flood risk and contamination of the water environment, no objections have been received from the Environment Agency, the Highway and Lead Local Flood Authority or Internal Drainage Board. A HWRC is a waste management facility and is classified by the Planning Practice Guidance 'Flood risk and coastal change' as being a 'more vulnerable' use of land in terms of its flood risk vulnerability. The siting of such a development within Flood Zone 1 (and to 2) is identified as being appropriate and subject to the development being carried out in accordance with the details contained within the application, I am satisfied the development would not have an unacceptable adverse impact on the

water environment or flood risk and therefore accords the relevant cited policies/statements contained within the NPPF and CSDMP Policies DM15 and DM16 and ELLP Policy SP16.

Human Rights Implications

54. 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.

Final Conclusions

55. The proposed HWRC would replace an existing facility which is located just to the north of this site. The existing facility is soon to close and without an alternative facility local residents and users of the existing site would have to travel longer distances to dispose of bulky and large household and garden wastes. This proposal would therefore ensure the existing and continued demand and need for such a facility is maintained. In terms of location, the site is located within the open countryside and is a former landfill site. A small-scale facility such as this is appropriate in such a location and on such a site/land where it serves a local need and where any environmental and amenity impacts can be suitably minimised or mitigated. In this case whilst objections and concerns have been raised about the location and impacts of the development, I am satisfied that subject to suitable conditions the development can be carried out without giving rise to any significant or unacceptable adverse effects on the local landscape, highway network or the wider environment and any nearby residents. Therefore the proposal is considered to accord with cited policies contained within the NPPF, Lincolnshire Minerals and Waste Local Plan and East Lindsey Local Plan.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

Commencement

1. The development must be begun no later than the expiration of three years beginning with the date of this permission. Written notification of the date of commencement of development shall be sent to the Waste Planning Authority within seven days of commencement.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Documents and Plans

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans, unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions.

Documents (received 29 & 31 March 2021; 19 May 2021, and 29 June 2021)

Planning Application Form;

Design & Access Statement;

Updated Ecological Appraisal (January 2021) and Reptile Survey (May 2021)

Ground Investigation Report (March 2018)

Flood Risk Assessment (ref: CA105369/FRA)

NVC Noise Impact Assessment (ref: R20.0301/DRK)

Remediation Statement and Tetra Tech Remediation Strategy (ref: 784- B030132)

Plans/Drawings (received 29 March 2021 and 29 June 2021)

Drawing No. D/CA105369/3000 – Location Plan

Drawing No. D/CA105369/3001 Rev.A1 – Site Plan

Drawing No. D/CA105369/3002 Rev.A1 – Concept Diagram

Drawing No. D/CA105369/3005 Rev.A1 – Indicative Drainage Layout

Drawing No. D/305369/3006 –Rev.A1 – Highway Access

Drawing No. C/CA105369/3003 – Sections

Drawing No. D/CA105369/3001 – Welfare Building Plan and Elevation

Drawing No. D/CA105369/3007 – Earthworks Plan

Drawing No. C/CA105369/3008 – Earthworks Sections (1 of 3)

Drawing No. C/CA105369/3009 – Earthworks Sections (2 of 3)

Drawing No. C/CA105369/3010 – Earthworks Sections (3 of 3)

Reason: To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.

Contaminated Land

3. Other than vegetation clearance works and works associated with the upgrading and construction of the existing site entrance, no building or engineering operations shall commence within the site until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to, and approved in writing by, the Waste Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the approved strategy with any changes to these components having first received the written consent of the Waste Planning Authority.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

4. Other than vegetation clearance works and works associated with the upgrading and construction of the existing site entrance, prior to the Household Waste Recycling Centre being brought into public use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Waste Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: If any site remediation is required, to ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Waste Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Construction Management Plan & Site Drainage

6. Other than vegetation clearance works, no building or engineering operations shall take place within the site until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Waste Planning Authority. The Statement shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development and shall include:

- phasing of the development to include access construction; the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

Following the written approval of the Waste Planning Authority the Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

7. Surface water runoff generated from the site shall be attenuated with a controlled discharge into the existing IDB maintained drain to the north of the site. The runoff from the site will be restricted to a rate of no more than 2l/s/ha. All runoff from the site will pass through a Class I bypass separator before being discharged into the attenuation pond approved as part of the development.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

Permitted Hours of Use

8. The permitted hours of opening are as follows:

08:00 to 18:00 hours Monday to Sunday including Bank and Public Holidays but excluding Christmas Day and Boxing Day.

Reason: For the avoidance of doubt and to define the hours of operation.

Noise

9. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be undertaken within a reasonable period, the equipment affected should be taken out of service.

Reason: In the interest of minimising noise pollution on the wider area.

Highways and Access

10. Prior to members of the public being allowed to enter the site, the existing access to the site shall be upgraded and constructed to reflect the details as shown on Drawing No . D/305369/3006 Rev.A1 – Highway Access. All obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on Drawing number D/305369/3006 Rev.A1 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height*.

**See Informative for more information*

11. The entrance gates shall be set back a minimum of 6m from the highway boundary and maintained at that distance for the life of the development unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of highway safety and so as to ensure drivers entering the highway at the access have sufficient visibility of approaching traffic in order to judge if it is safe to complete the manoeuvre.

Landscaping , Ecology & Lighting

12. Prior to the site being brought into use a detailed landscaping scheme shall be submitted to and be approved in writing by the Waste Planning Authority. The landscaping scheme shall include information on the species, numbers, spacing and positions of all grasses, trees, shrubs, hedgerows and bushes to be planted as part of the development and include details of the long term maintenance and aftercare proposals to ensure their success for a period of five years commencing from the date of completion of the development. Any plants which at any time during the development and/or 5 year aftercare period die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species*.

**See Informative for more information*

13. No external or artificial lighting other than that shown on the approved drawings and details within the application shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Waste Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reasons: To minimise and protect the character and appearance of the area and ensure appropriate landscape treatment of the site is secured.

14. Prior to the site being brought into use, a Landscape and Biodiversity Management Plan (LBMP) shall be submitted to, and be approved in writing by, the Waste Planning Authority (in consultation with the Lincolnshire Wildlife Trust). The LBMP shall set out the measures to be taken to secure and promote the future and on-going management of the retained area of the former landfill site that sits outside the boundaries of the permitted Household Waste Recycling Site (i.e. the land edged blue on Drawing No. D/CA105369/3000 – Location Plan). The approved LBMP shall thereafter be implemented in accordance with the approved document while the development hereby permitted subsists.

Reason: The land identified contains botanically interesting acid grassland which meets the Local Wildlife Site criteria for Greater Lincolnshire and so should be protected and enhanced in the interests of biodiversity.

15. No soil stripping or vegetation clearance works shall be undertaken between March and September inclusive unless otherwise agreed in writing with the Waste Planning Authority. If these works cannot be undertaken outside this time, the land affected should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

16. A minimum 10m buffer/exclusion zone shall be set up around the outlier badger sett affected by this development prior to any vegetation clearance, groundworks or site preparation works taking place.

Reason: In the interests of safeguarding nesting birds and badgers which are protected by law.

Informatives

Attention is drawn to the following:

- (i) Condition 3, 4 & 5 – Contaminated Land

Refer to the advice contained in the Environment Agency letter dated 10 May 2021.

(ii) Condition 10 – Highways and Access

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

(iii) Condition 12 – Landscaping

Refer to the email from the Lincolnshire Wildlife Trust dated 2 June 2021 with regard to their advice and recommendations on the grass seed mixes to be used within the site and the attenuation pond and specification for external lighting.

(iv) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application, seeking further information to address issues identified/enhancements to the proposal and by processing 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

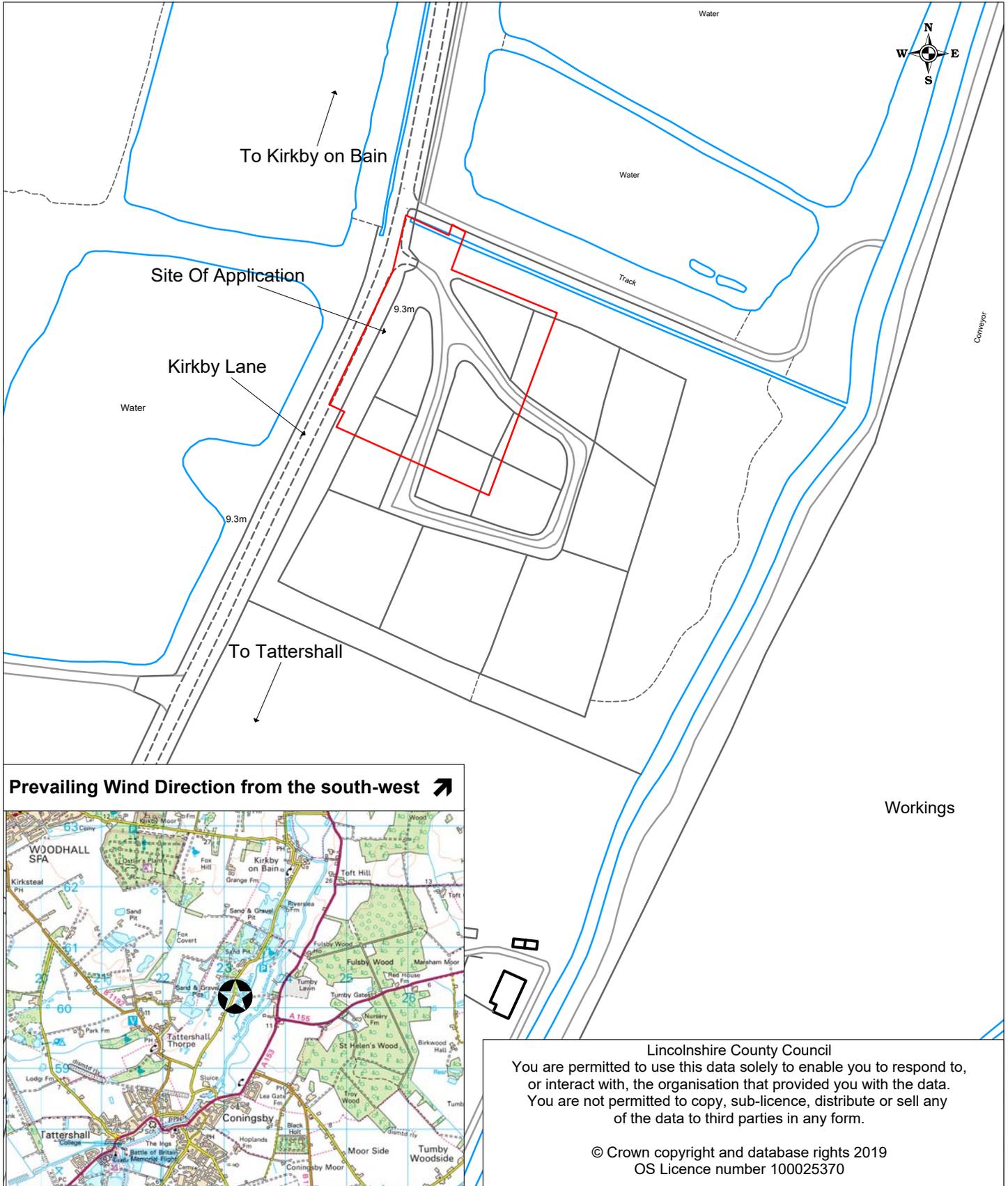
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S/176/00794/21	Lincolnshire County Council's website http://lincolnshire.planning-register.co.uk
National Planning Policy Framework (2019)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
East Lindsey Local Plan (2018)	East Lindsey District Council's website www.e-lindsey.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 26 JULY 2021



Location:
 Former Landfill Site
 Kirkby Lane
 Tattershall Thorpe

Application No: S/176/00794/21
Scale: 1:2500

Description:

To construct a Household Waste Recycling Centre (HWRC) with a single storey welfare building/office, canopies, improved site access/entrance and surface water attenuation pond

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