

**PLANNING AND REGULATION COMMITTEE
26 JULY 2021**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), P Ashleigh-Morris, Mrs A M Austin, S A J Blackburn, I D Carrington, A M Newton, N Sear, P A Skinner and T Smith

Councillors: Mrs P A Bradwell OBE and R Parker attended the meeting as observers

Officers in attendance:-

Robert Close (Democratic Services Officer), Jeanne Gibson (Programme Leader: Minor Works and Traffic), Martha Rees (Solicitor) and Marc Willis (Applications Manager)

The following officers joined the meeting remotely via Teams:-

Neil McBride (Head of Planning)

13 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor Pepper and Macey

14 DECLARATIONS OF MEMBERS' INTERESTS

Chairman stressed that he hadn't had any contact with Bardney Parish Council or local parishioners; He felt comfortable to sit in the Chair for minute 16. In addition, he noted that he was the local member for Bardney and Cherry Willingham.

In respect of Minute 22A Councillors Ashton, Austin and Skinner declared that they were Boston Borough Councillors, and had been invited to consultations prior to this meeting. However, this in no way pre-determined their position and they would be approaching this application with an open mind.

Councillor Ashton clarified that he would be speaking as local member for Minute 21A, thus would abstain from voting.

15 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 5TH JULY 2021

RESOLVED:

That the minutes of the previous meeting held on 5 July 2021, be approved as a correct record and signed by the Chairman.

TRAFFIC ITEMS

16 BARDNEY, SILVER STREET - PROPOSED WAITING RESTRICTIONS

The Committee considered a report in connection with a 97 signature petition and two objections received to the proposed introduction of waiting restrictions on Silver Street, Bardney. It was noted that Bardney Group Parish Council requested for waiting restrictions to be considered at other locations within the village and not at the site under consideration. The alternative locations were monitored but the introduction of restrictions here couldn't be justified. Assessment of parking at Silver Street however indicated that waiting restrictions proposed would facilitate traffic flow whilst having a low impact on the availability of on street parking.

Members noted that an objection suggested that disabled people may have a reduced convenience; however, blue badge holders would actually be entitled to park over yellow lines for a limited period of time.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor P Skinner, it was:

RESOLVED (unanimous)

That the objection be overruled so that the public advertisement of the proposal, as shown at Appendix B of the report, could be carried out.

17 LINCOLN, WESTGATE - PROPOSED ZEBRA CROSSING FACILITY

The Committee considered a report in connection with a funding bid for the introduction of a zebra crossing in Lincoln, as show at Appendix B of the report.

Councillor R B Parker was invited to address the Committee in his capacity as local member for Carholme, City of Lincoln. His comments were as follows:

- A parent whom was a risk manager, felt concern about potential road safety difficulties both at the start and end of the school day. This resulted in Highways Officers and the Road Safety Partnership meeting with Councillor Parker to consider safety options.

- Both he and the Headteacher supported the recommendations made within the report. As he understood, the Headteacher often had complaints from parents about near misses because of the substantial traffic outside of the school.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor T R Ashton, it was:

RESOLVED (unanimous)

1. That the criteria set out in the Pedestrian Crossing Policy be considered and the submission of a funding bid for a feasibility study, design and installation of a Zebra crossing at this location be supported.
2. That the submission of a funding bid for a feasibility study, design and installation of a zebra crossing in the vicinity of Lincoln, Westgate be approved.

18 LINCOLNSHIRE COAST - PROPOSED OFF STREET PARKING PLACES ORDER AT:
HUTTOFT - HUTTOFT TERRACE CAR PARK OFF HUTTOFT BANK AND MARSH
YARD/MOGGS EYE CAR PARKS OFF ROMAN BANK, ANDERBY - ANDERBY CREEK CAR
PARK OFF SEA LANE AND WOLLA BANK CAR PARK OFF ROMAN BANK, CHAPEL ST
LEONARDS - CHAPEL SIX MARSHES CAR PARK OFF ANDERBY RD

The Committee considered a report in connection with objections to the introduction of a proposed off street parking places order at the above sites. In summary, the report outlined that the proposed parking places order would result in the car parks being closed from 10:00 p.m. to 6:00 a.m. throughout the year, and between Good Friday and 31st October, charges would be levied between 10am and 5pm daily. Additional restrictions on larger vehicles would also be introduced. Payment via a cashless system (Pay by Phone) is proposed. The scheme aims to manage parking in these car parks to maximise space and improve access within the sites.

Local residents submitted objections that they would no longer be able to visit the beaches at any time without charge. Other objections were made on the grounds of exclusion of those without mobile phones and disadvantage to those on a low income. In addition, anglers raised objections as they currently have access to these car for overnight fishing via a permit system, which would no longer apply should the scheme be approved. The Council intended to set up a permitting system to facilitate anglers to park overnight. This however would take some time to put in place.

Councillor C J Davie was invited to address the Committee in his capacity as local member for Ingoldmells Rural, East Lindsey. His comments were as follows:

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- These sites have had considerable problems for a number of years; thousands of pounds had been lost in assets through damage to barriers etc.
- These sites had become increasingly popular recently causing particular traffic management issues for residents.
- A permit system for anglers was an absolute certainty, and its implementation would be a priority.

Members were concerned that anglers hadn't been effectively advertised to, advising them of the proposed changes. They suggested that signage was erected at the sites, detailing the amendments to parking. In addition, they were worried that a delay of up to a year for permits wouldn't support the view of Lincolnshire being open and accommodating to tourism. The mobile booking system may discriminate against less technologically adept residents; Members suggested that permits be extended to local residents.

On a motion proposed by Councillor Mrs A M Newton and seconded by Councillor T J Smith, it was:

RESOLVED (9 to 1)

That this application be deferred until the next meeting of the Planning and Regulation Committee to allow further exploration and consideration of a permitting system.

20 COUNTY MATTER APPLICATIONS

20a For a sidetrack drilling operation from an existing borehole at Saltfleetby B Well Site to enable a lateral borehole to be drilled up to 1500m to the south west at Saltfleetby B Well Site, Howdales, South Cockerington - AECOM Limited - N/158/1011/21

The Committee considered a report where planning permission was sought by Angus Energy Weald Basin No.3 Limited for a sidetrack drilling operation from an existing borehole Well Site to enable a lateral borehole to be drilled up to 1500m to the south west at Saltfleetby B Well Site, Howdales, South Cockerington. The proposal sought to allow the applicant to access currently inaccessible reserves of natural gas within the existing gas field to ensure the longer term future of the Saltfleetby Well Sites. The proposed drilling operations would be temporary and production would be managed through the existing infrastructure and allow the development of the approved processing plant to permit direct supply of natural gas to the National Transmission System.

The Applications Manager guided members through the report and set out the main issues to be considered in the determination of the application.

The report recommended that, following consideration of the relevant development plan policies and the comments received through consultation and publicity, that conditional planning permission be granted.

George Lucan, CEO of Angus Energy Limited ("Angus"), was invited to address the Committee in his capacity as applicant for this proposal. This application was part of a larger project of restoring production at the field following the closure of Theddlethorpe refinery. There were three parts; pipeline, process, and side-track. The pipeline, which bypassed the Theddlethorpe refinery, was 90 per cent complete and already approved by this Committee. He was proud to have spent approximately £500,000 locally on this work alone. The process facility, also approved by this Committee, replicates some of the facilities at Theddlethorpe in cleaning and compressing gas for National Grid. This would be completed this year, drawing on further expertise from the Humber basin. He expected 10 FTEs on the site as a consequence. The side-track accelerated production from the field at a time Angus would need the cash flow most in order to pursue their other net zero projects and was critical to the commercial success of the remainder of the project. Angus is committed towards the net zero energy transition and we welcomed the recent Energy white paper. The applicant's skills as drillers had prompted them to explore geothermal power as our means of contributing to the nations efforts in transitioning away from carbon intensive energy production. If successful today, he expected to be able present a further pilot geothermal application to this Committee for the field itself, utilising existing wells on the field. In this part of Lincolnshire there was good heat at reasonable depth. Angus was also energetically acquiring sites elsewhere in the UK and geothermal projects have genuinely occupied over 50 per cent of management time over the last year. However, deep geothermal was a pioneering technology and it would demand considerable upfront investment. Without on-going revenues from careful husbandry of their existing fields, he would not be able to pursue these projects. This side track was truly important to their ability to fulfil the government's aims as set out in the White Paper last year. In addition to the NG pipeline, they would install a second connection to the Uniper KIPS pipeline to the Killingholme Power Station on the Humber. This would bring this field directly within the ambit of the Humber net zero initiative including the consideration of hydrogen storage or carbon capture opportunities. In that regard, for the final stretch of pipeline he had employed the first H2 tight pipe on a commercial grid connection in the UK. 3222

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor T R Ashton, it was:

RESOLVED (Unanimous)

That conditional planning permission be approved.

21 COUNTY COUNCIL APPLICATIONS

- 21a 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 - Lincolnshire County Council - S/176/00794/21

The Committee considered a report where Planning permission was sought by Lincolnshire County Council to construct a Household Waste Recycling Centre (HWRC) with a single storey welfare building canopies, improved site access and surface water attenuation pond at Former Landfill Site, Kirkby Lane, Tattershall Thorpe. The proposed HWRC was to replace the existing facility which was located approximately 1.2km to the north within the Kirkby on Bain Landfill Site. The landfill site and HWRC were owned and operated by FCC and the existing HWRC was 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 was maintained. In terms of location, the site was located within the open countryside and was a former landfill site. A small-scale facility such as this was appropriate in such a location and on such a site where it served a local need and where any environmental and amenity impacts could be suitably minimised or mitigated. In this case, whilst objections and concerns had been raised about the location and impacts of the development, officers were satisfied that, subject to suitable conditions, the development could 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 was considered to accord with cited policies contained within the NPPF, Lincolnshire Minerals and Waste Local Plan and East Lindsey Local Plan.

The Applications Manager guided members through the report and set out the main issues to be considered in the determination of the application.

The report recommended that, following consideration of the relevant development plan policies and the comments received through consultation and publicity, conditional planning permission be granted.

Mike Reed, Delivery & Transformation Manager (Waste), was invited to address the Committee in capacity as the applicant for this proposal. He explained that, if a replacement facility wasn't provided, then a big gap in household waste service would appear. There was a large population in Horncastle, Coningsby and Woodhall Spa that would have to travel

further afield to dispose of their material; the nearest sites would be in Sleaford or Market Rasen. This would represent an inconvenience to service users. In addition, an environmental risk of fly tipping would likely ensue. Fly tipping would also have an impact on District Councils whom would have a responsibility to collect fly tipped materials. The Council did own and operate ten other facilities around the County; many were in built up areas. People were initially concerned about implications of such developments; however these concerns proved to be unfounded. Operation was permitted under very tight restrictions from the Environment Agency; this gave officers a lot of confidence in their ability to operate this type of facility. Four facilities had residential properties as immediate neighbours but no complaints were ever raised.

Councillor Mrs P A Bradwell was invited to address the Committee in her capacity as adjoining local member for Woodhall Spa and Wragby, East Lindsey. Her comments were as follows:

- She hadn't had any complaints from anyone about this application. Local parish council meetings also offered their support to the application. She had sent parish councils the officers' full report of this application.
- Both she and the parish councils were aware of the importance that this application be approved due to considerable distance to the next available service.
- Had any consideration been given to both an excess and egress to the site because she suspected demand would increase as normality returned.

Councillor T B Ashton was invited to address the Committee in his capacity as local member for Tattershall Castle, East Lindsey. His comments were as follows:

- Local residents were concerned that the road used to access this site was already busy with quarry traffic.
- The previous uses of the site should be fully known and understood by the members of the Committee in determining this application. He made reference to these in the report, showing his appreciation.
- The risk of potential contamination was of concern to adjacent land owners. These residents were concerned that the previous uses weren't fully appreciated.
- River Bane ran close to this site, however he was satisfied that, in its current form, the application posed no risk. The proposed development would disturb it in a limited sense, although this wouldn't be unforeseen. The Committee needed to be sure that there wouldn't be any risk of unexpected contamination to the River Bane.
- There was an absolute need for a house hold waste recycling centre to service the residents of the area. Failure to provide a service in this area could result in waste being fly-tipped within the district.

- He welcomed this application, however, sought assurance that condition three of the reconditions as sufficient.

Members understood that a site such as this was always going to be challenging, however comprehensive mitigation measure had been recommended. The conditions proposed appeared to be multi layered, which offered assurance that appropriate protections were provided. Recycling was a key part of the environmental strategy of the Council, and it had to deal with matters of house hold waste disposal. Officers' thorough and comprehensive report was appreciated by Members.

On a motion proposed by Councillor I G Fleetwood and seconded by Councillor I Carrington, it was:

RESOLVED (9 with 1 abstention)

That conditional planning permission be approved.

22 OTHER REPORTS

22A APPLICATION BY ALTERNATIVE USE BOSTON PROJECTS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE BOSTON ALTERNATIVE ENERGY FACILITY AT RIVERSIDE INDUSTRIAL ESTATE, BOSTON - ALTERNATIVE USE BOSTON - EN010095

The Committee considered a report where planning permission was sought through the Development Consent Order (DCO) procedure by 'Alternative Use Boston' for the Boston Alternative Energy Facility at Boston. The proposal was to construct Energy from Waste Plant that would have an annual throughput of 1.2 million tonnes of Refuse Derived Fuel (RDF) that would be brought to the site by boat via the River Haven. The facility would have a total gross generating capacity of 102 MWe and would deliver approximately 80 MWe to the National Grid.

The Head of Planning guided members through the report and set out the main issues to be considered in the determination of the application.

The report recommended that, the Committee confirmed that the proposed scheme was contrary to the policies of the Minerals and Waste Local Plan and the Planning Inspectorate was informed of the Councils objections to the scheme together with the conclusions of the other matters that fell under the responsibility of the County Council to comment on.

Councillor Smith vacated the room for a period during officers' report and abstained from the vote to determine this application. He continued to contribute to the discussion.

Sam Williams, Boston Alternative Energy, was invited to address the Committee in capacity as the applicant for this proposal. Boston Alternative Energy had been in the in operation for over 25 years and had developed sites within the county including a gasification site adjacent to the subject site. The Boston Alternative Energy Facility was classed as a Nationally Significant Infrastructure Project resulting in the need for a development consent order. Lincolnshire County Council was one of the statutory consultees in this process. While this project may not be totally adherent to the Council's waste polices, he hoped to convince the Committee of its benefit. A wharf would be constructed to avoid undue impact to the port or adjacent road network. The energy from waste plant itself had a capacity of 1.2 million tonnes to produce approximately 85 MWe of electricity. Resources were being put into offering a carbon capture facility for this application. A lightweight aggregate facility was proposed to mitigate ash residue from the energy from waste process. The feedstock for the plant was subject to existing contracts; however, the applicant sought to work with the Council to seek waste policy compliance. 350 skilled jobs would be created during construction and 160 skilled and semi-skilled jobs during operation. Apprenticeship opportunities would be offer with the support of Boston College. Contracts and agreements were already in place with the Port of Boston for use of their pilot services. As part of the development of the site, the habitats for wildlife would be improved across the edges of the River Haven. Local retail and hospitality would also see a benefit from this development. Boston Alternative Energy was open to receiving processed waste from Lincolnshire County Council subject to contracts and permissions.

Referencing the suggestion that this application would include the facility for carbon capture, Members sought clarity as to what degree this offer would extent. Mr Williams advised that carbon capture capacity was one of the main requirements for this for this application, it was proposed to extend to two of the three lines on the site, capturing 20 per cent of carbon per line. As technology progressed, it was anticipated that the carbon capture offering of this application would increase. The carbon capture provision from this site would be made into food grade; however, an agricultural alternative would also be possible. In a follow up comment, Members registered their appreciation that of the carbon capture offering, considering it a positive environment step. They estimated that this application would not only emit less carbon than a typical land fill, but also capture more carbon than common power plants.

Similar sites had been functional through the use of mining buried waste; the Committee asked if any consideration had been given to this prospect. Mr Williams explained that this application sought to address processed RDF waste. If, in future, a plant such as this had insufficient fuel, then consideration could be given to alternative methods.

Referencing the suggestion within the report that the decision maker should start with a presumption in favour of granting consent to applications for energy NSIPs unless any more

specific policies set out in relevant NPSs clearly indicate that consent should be refused, the Committee asked if there were any examples of NPSs indicating that consent should be refused. The Head of Planning explained that the Council wasn't the decision maker when considering this application, it was only a consultee. He noted that within the Planning Policy Statement, there was reference to the requirement for local Planning Policy to be considered. As it stood, this application was in conflict to the Council's Minerals and Waste Local Plan.

The Committee sought clarity on how Policy W1 applied within the context of this application. The Head of Planning explained that, amongst other matters, the Lincolnshire Minerals and Waste Local Plan looked at making provision for facilities for waste that were processed in Lincolnshire. In the development of the Minerals and Waste Local Plan there was a requirement to co-operate with other waste planning authorities to assess the amount of waste leaving Lincolnshire to be processed elsewhere and also to make provision for waste that comes into Lincolnshire from other areas. Therefore, policies in the Minerals and Waste Local Plan were required to take into account both waste generated in Lincolnshire and waste that came into Lincolnshire from other areas. Policy W1 was therefore relevant to this application. He explained that the applicant suggested that the proposal was in accordance with Policy SL3 of the Minerals and Waste Local Plan Site Location Document and the site was allocated for energy recovery through waste. However, officers took the view that the allocation suggested was limited to waste that was needed to be processed in Lincolnshire pursuant to Policy W1. Policy DM2 referenced locations being identified that reduced distances travelled by HGVs, the Committee noted that the tonnages received by this plant via ship negated thousands of HGV journeys per year.

Policy DM2, amongst other matters, referenced locations being identified that reduced distances travelled by HGVs, the Committee noted that the tonnages received by this plant via ship negated thousands of HGV journeys per year.

Members commented that, although the service offered by the site extended beyond Lincolnshire, the issue of climate change affected everyone regardless.

Referencing the impact to the 1km of public rights of way, Members felt that the footpath was currently unsightly and this application was an opportunity to improve this area.

Members commented that energy capacity for both incoming industry and domestic electric vehicle charging had been an issue in the area. They saw this application as an opportunity to increase the energy supply in the County.

Noting that, within the report, there wasn't a suggestion that carbon capture facilities would be offered, the Committee felt that, if they offered their support, they would like to encourage that use of carbon capture wherever possible. The Head of Planning stated that

officers had doubts that this facility could realistically offer a carbon capture capacity based on the current scheme proposed due to the current and anticipated future industries that will require carbon capture in the Boston area.

The report indicated that food waste would be channelled away from general waste, thus increasing the proportion of plastics within that waste, potentially leading to EFW impacts being pushed above landfill leading to unnecessary emissions; Members sought an assessment on this possibilities likelihood. The Head of Planning noted that the material that would be used for this project needed to be carefully selected, noting that there could be an impact to the recycling hierarchy

On a motion proposed by Councillor Ashton and seconded by Councillor Austin, it was:

RESOLVED (8 to 1 with 1 abstention (Councillor Smith))

1. That the Committee support this application and includes an informative that the Committee would encourage the use of carbon capture if that was feasible.
2. That the Head of Planning, in Consultation with the Chair and Vice-Chair of the Planning and Regulation Committee, be given delegated authority to amend the Council's response to this application during the Examination Process should further information be provided that addresses Members' comments and observations.

The meeting closed at 1:30 p.m.