

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

Report to:	Planning and Regulation Committee
Date:	11 April 2022
Subject:	County Matter Applications N/163/00352/22 - To vary conditions 5 (dust management) and 10 (sheeting) of planning permission (E)S163/1599/02 (as amended by permission (E)N163/2338/14); and N/163/00353/22 - To vary conditions 7 (sheeting) and 8 (dust management) of planning permission (E)S163/2206/02

Summary:

Planning permission is sought by GBM Waste Management to vary conditions attached to two separate planning consents which cover the mineral and waste management operations being carried out at South Thoresby Quarry, Greenfield Lane, South Thoresby.

Planning permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14 covers the mineral operations site whilst planning permission (E)S163/1599/02 covers the inert waste recycling operations. Conditions are attached to each of these permissions that require:

- i) all lorries laden with mineral/materials leaving the site to be sheeted before they enter the public highway; and
- ii) the site operations to be carried out in accordance with the dust management scheme previously approved pursuant to conditions attached to each of these consents. The approved dust management scheme includes a requirement for all vehicles to be sheeted before leaving the site and therefore extends the requirement beyond just lorries.

The combined effect of the existing conditions is that all vehicles carrying materials/mineral from the site (whatever they are) are required to be sheeted. The operator/applicant has submitted two separate applications which propose to amend/vary these conditions by replacing the existing approved dust management scheme with an updated version and amending the wording of the conditions which relate to the sheeting of vehicles.

Recommendation:

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

Background

1. South Thoresby Quarry is a historic and active chalk quarry that also has permission for the operation of an inert waste recycling operation. The permissions relevant to this case(s) are as follows:

(E)S163/2206/02 (as amended by permission (E)N163/2338/14) (the 'Mineral Permission') - Under the provisions of the Environment Act 1995, the old mineral planning permissions and conditions relating to the site were reviewed and a new schedule of conditions were approved in July 2003 (ref: (E)S163/2206/02). In August 2016 a S73 application was submitted and approved which amended permission (E)S163/2206/02 by allowing a variation to Conditions 5 and 15(a) to reflect revisions to the approved working and restoration schemes for the quarry (ref: (E)N163/2338/14).

Condition 7 of this permission(s) currently reads as follows:

7. *All lorries leaving the site laden with minerals shall be sheeted before entering the highway.*

Reason: In the interests of highway safety and safeguarding the local environment.

Condition 8 required the submission of a dust management scheme to be submitted for the approval of the Mineral Planning Authority (MPA). Such a scheme was submitted and approved on 4 November 2003. The approved dust management scheme includes a requirement for all vehicles to be sheeted before leaving the site and therefore extends the requirement of Condition 7 which only refers to lorries.

(E)S163/1599/02 (the 'Waste Permission') – this permission allows for the siting and operation of a 30,000 tonne per year inert construction waste recycling facility within the quarry.

Condition 5 required the submission of a dust management scheme for the approval of the MPA and such a scheme was submitted and approved on 7 July 2004. Like the scheme approved pursuant to Condition 8 of the Mineral Permission, the dust management scheme includes a requirement for all vehicles to be sheeted before leaving the site and therefore extends the requirement of Condition 10 which only refers to lorries (as referenced below).

Condition 10 reads as follows:

10. *All lorries leaving the site laden with materials shall be sheeted before entering the highway.*

Reason: In the interests of highway safety and safeguarding the local environment.

The combined effect of the above existing conditions is that all vehicles carrying materials/mineral from the site (whatever they are) are required to be sheeted. Despite this requirement, following complaints of vehicles leaving the site unsheeted, Breach of Condition Notices (BCON) were served on the operator for failure to comply with the requirements of the above conditions. The applicant has now submitted two separate applications which seek to vary the conditions subject of the BCONs. Details of the proposed revisions sought are detailed below.

The Application(s)

2. Planning permission is sought by GBM Waste Management to vary conditions attached to two separate planning consents which cover the mineral and waste management operations being carried out at South Thoresby Quarry, Greenfield Lane, South Thoresby.
3. Planning permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14 covers the mineral operations site whilst planning permission (E)S163/1599/02 covers the inert waste recycling operations. Conditions are attached to each of these permissions that require:
 - i) all lorries laden with mineral/materials leaving the site to be sheeted before they enter the public highway (Conditions 7 and 10); and
 - ii) the site operations to be carried out in accordance with the dust management scheme previously approved pursuant to conditions attached to each of these consents. The approved dust management scheme includes a requirement for all vehicles to be sheeted before leaving the site and therefore extends the requirement beyond just lorries (Conditions 5 and 8).
4. The operator/applicant has submitted two separate applications which propose to amend/vary the conditions which currently require the sheeting of lorries and the implementation of the existing approved dust management scheme. The applications are as follows:

Planning Application: N/163/00352/22 - this application seeks to vary Conditions 5 (Dust Management) and 10 (Sheeting) of planning permission (E)S163/1599/02. Permission (E)S163/1599/02 covers the inert waste recycling operations taking place in the quarry (the 'Waste Permission').

Planning Application: N/163/00353/22 - this application seeks to vary Conditions 7 (Sheeting) and 8 (Dust management) of planning permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14). This permission covers the mineral operations being carried out within the quarry (the 'Mineral Permission').

5. This report deals with both applications given the inter-relationship of the two permissions and as the planning issues and matters to be considered in the determination of the applications are the same.

Revised Dust Management Plan (amendment to Condition 5 and Condition 8)

6. Conditions 5 and 8 of the Mineral and Waste Permissions required a dust management scheme to be submitted for the approval of the MPA. Dust management schemes (DMS) have previously been submitted and approved pursuant to these conditions and set out the procedures to be implemented at the site to minimise dust generation and prevent dust beyond the site boundary.
7. One of the commitments identified and stated within the currently approved DMS is a requirement that *"All vehicles entering and leaving the site will be sheeted, using the sheeting bay provided to sheet on departure from the site"*. This commitment therefore extends the requirements of Conditions 7 and 10 (attached the Mineral and Waste Permission referred to below) to all vehicles, which includes tractors and trailers which are regularly used by local farmers when carrying smaller loads of materials from the quarry for local use (e.g. construction of trackways, hardstandings, etc.).
8. Despite the requirement to carry out operations in accordance with the terms of the approved DMS (and existing sheeting conditions), there have recently been incidences and evidence of vehicles, including lorries and tractors and trailers, leaving the site unsheeted. This is a breach of planning control and hence led to the serving of Breach of Condition Notices (BCON) on the operator/applicant. The operator/applicant is unable to appeal against a BCON and so instead has submitted two separate applications which propose to amend/vary the conditions which currently require the sheeting of lorries and the implementation of the existing approved DMS. The operator/applicant submits that the requirements of the current DMS are out of date and vague and as such has submitted an updated Dust Management Plan (DMP) which it proposes replaces that approved pursuant to Conditions 5 and 8. The applicant is proposing that this updated DMP be specifically cited and referenced within the wording of revised conditions which would read as follows:

The development shall be implemented in accordance with the approved Dust Management Plan dated Feb 2022. The approved Dust Management Plan shall be implemented for the duration of the permitted operations.

9. The updated DMP is intended to cover all the on-going operational activities at South Thoresby Quarry. The updated DMP states that the quarry manager will be

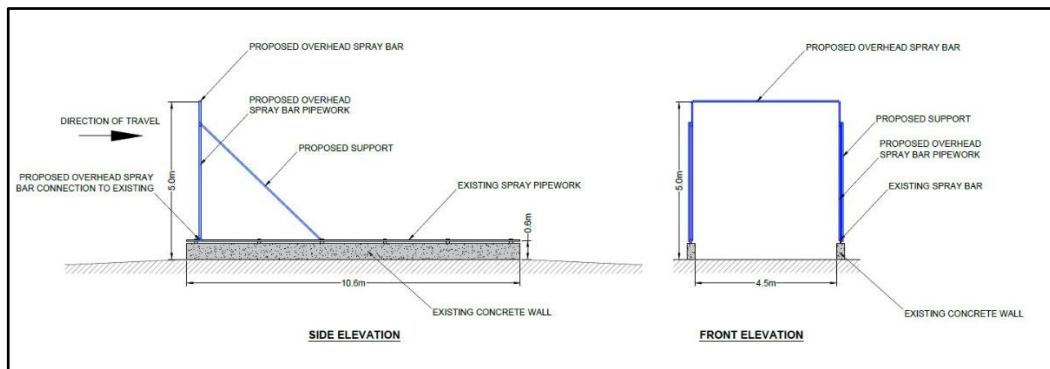
responsible for the implementation of the DMP and that dust assessment will form part of daily site inspections. The DMP identifies the main sources of dust associated with the site and the measures to be adopted to minimise and reduce any impacts. Such measures are primarily identified as being good operational practices and include (inter alia):

- Regular visual inspections to evaluate the extent of dust generation.
- Cessation of operations where significant dust generation is identified.
- Utilisation of dust suppression features on plant and equipment to effectively control dust (e.g. upward facing exhausts to prevent dust generation).
- Spraying/dampening of stockpiles (where necessary) to prevent dust emissions with very dusty materials kept to lesser heights to further reduce the potential for wind whipping.
- Avoiding/minimising double handling of materials to reduce the opportunities for dust to arise.
- Making available an adequate supply of water on site at all times and use of a water bowser to dampen surfaces/haul roads to minimise dust generation (where appropriate).
- Reducing drop heights to minimise dust.
- An on-site speed limit of 10 miles per hour will be strictly controlled and monitored to reduce dust generation by vehicles. The number of vehicle/plant movements on site shall be kept to a minimum to reduce the likelihood of dust generation.
- Regular maintenance of all dust suppression systems and equipment to ensure it is maintained in working order at all times.

10. One of the most notable differences between this updated DMP and the currently approved DMS is the requirement in relation to the sheeting of vehicles. Within the updated DMP it is stated that HGVs leaving the quarry carrying processed mineral and secondary aggregate material will be sheeted (where available) and where HGVs that do not have the ability to safely sheet their loads, then these would be required to pass through a spray bar system that would dampen loads to avoid dust generation outside of the site. Details of the proposed spray bar system to be installed within the site are included as part of this application and so, if approved, would require to be implemented and operational. Essentially the updated DMP proposed would replace the existing blanket requirement for all vehicles leaving the site to be sheeted (as required currently under the terms of existing DMS) with an alternative arrangement whereby vehicles that cannot be sheeted for any reason would have their loads dampened prior to leaving the site.



Location of proposed spray bar system



Proposed spray bar system

Vehicle Sheeting (amendment to Conditions 7 and 10)

11. Conditions 7 and 10 of the Mineral and Waste Permissions are very similar in their wording and require lorries leaving the site to be sheeted before entering the public highway. The reason cited for the condition(s) is the same and is cited as being *"In the interests of highway safety and safeguarding the local environment"*.
12. The applicant submits that the objectives of Conditions 7 and 10 can be achieved through the implementation of the updated DMP (referred to above) and so has proposed that the condition(s) either be deleted entirely or updated to read as follows:

Proposed amended Condition 7 of permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14) to read as follows:

Lorries leaving the site laden with mineral shall be subject to the requirements of the approved Dust Management Plan (Condition 8) before entering the Highway.

Proposed amended Condition 10 of permission (E)S163/1599/02 to read as follows:

Lorries leaving the site laden with material shall be subject to the requirements of the approved Dust Management Plan (Condition 5) before entering the Highway.

Site and Surroundings

13. South Thoresby lies to the east of the A16, 5km west of Alford and 11km south of Louth. The quarry is located to the north-east of the village and lies immediately adjacent to, but not within, the boundary of the Lincolnshire Wolds Area of Outstanding Natural Beauty. The quarry itself covers an area of approximately 14.4 hectares (including worked and permitted areas) and has been selected as a Local Geological Site (LGS) due to important geological exposures which are present within the site. The nearest statutory ecological designation is Calceby Marsh SSSI located approximately 350m to the west of the quarry. Another statutory designation is Swaby Valley SSSI located 1.1km to the northwest. The nearest non-statutory ecological designation to the site is South Thoresby Warren Local Nature Reserve located 1.2km to the southwest.
14. Access to the quarry is gained off an unnamed/unclassified road which connects to the A16 to the south-west and which passes through the nearby villages of Aby and Claythorpe before connecting to the B1373 to the north-east. The roadside verges west of the quarry and the A16 have been designated as Local Wildlife Sites (LWS) as they support a diverse range of rare flora and fauna.



Site Access

15. There are a number of residential properties in close proximity to the site with the nearest being a Grade II Listed Cottage (15m east of Lynne Cottage) which is adjacent to the south-western boundary of the quarry and a Grade II Listed Limepits Farmhouse which lies on the opposite side of the road to the western boundary of the quarry. Views into the quarry are filtered by the existence of established tree planting surrounds the site boundaries which help to limit views into the site and wider operations.



Views along route to quarry and neighbouring residential properties

Main Planning Considerations

Planning Policy Context

16. The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) state that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways. These three objectives are: economic; social and; environmental.

For decision-making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting planning permission unless:

- the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

Paragraph 38 (Decision making) states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 2, 47 & 48 (Determining applications) state that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 55 & 56 (Use of planning conditions) state that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 111 (Highway impacts) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 221 (Mineral development) advises that in considering proposals for mineral extraction, minerals planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.

Lincolnshire Minerals & Waste Local Plan: Core Strategy 2016 (CSDMP) – the following policies are of relevance:

Policy DM3 (Quality of Life and Amenity) states planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising from a range of factors which includes dust, migration of contamination and traffic to nearby dwellings and other sensitive receptors.

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

East Lindsey Local Plan: Core Strategy (Adopted July 2018) (ELLP) – the following policy is of relevance:

Policy SP10 (Design) sets out a range of criteria that development is required to meet in order to ensure it maintains and enhances the character of the Districts towns, villages and countryside. Specific extracts relevant in this case state that development *“will be supported if it ... does not unacceptably harm the rural or dark-sky character of a settlement or landscape or any nearby residential amenity; ... and it does not unacceptably harm or reduce the safety of highways, cycleways and footways”*.

Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor H Marfleet – was notified of the applications on 22 February 2022 but no comments/response had been received by the time this report was prepared.
- (b) Swaby Group Parish Council – objects to the application(s) and has provided the following comments in respect of the existing and proposed Dust Management Plan(s) (DMP):

In respect of the current/adopted DMS there are already provisions contained within it which require:

- all vehicles (including HGVs and tractors pulling trailers) entering and leaving the site to be sheeted;
- the site operator to provide a sheeting bay to assist in complying with the above;
- the site operator to have available a sufficient number of mobile spraying units to wet the ground to minimise dust emissions;
- that during adverse weather conditions the handling of potentially dusting materials has to be avoided or the plant not run at all;
- haul routes to be regularly maintained by grading to minimise dust generation;
- a mechanical road sweeper to be used on both internal and external metalled roads where required; and
- the internal metalled haul roads have to be extended in step with the quarrying operations.

It is stated that all the above provisions should be included in any new Dust Management Plan (DMP).

In respect of the proposed DMP submitted as part of these application it is commented that:

- any new dust management plan should enhance and not reduce the requirements for dust management. The proposed replacement DMP fails to enhance and actually reduces the requirements for dust management when compared to the currently approved DMP;

- much of what is stated requires the quarry manager to make a decision based on his/her opinion (e.g. as to what is or is not a significant dust generation) which leaves room for argument about whether a particular provision in the proposed replacement DMP has or has not been complied with;
- paragraph 4.3.2 (g) of the proposed DMP refers to 'the external site area' but does not explain what that is (what is the relevance of the word 'external');
- paragraph 4.3.2 (l) allows vehicles other than some HGVs to leave the site unsheeted;
- paragraph 4.4.6 refers to 'the regulator' but does not identify who that is;
- paragraph 4.6 refers to the Environment Agency but the response from the EA to both applications indicates that they are not interested;

Finally, the Parish Council questions, isn't LCC the Authority responsible for enforcing the planning conditions relating to the quarry and the Authority responsible for the upkeep of the public highway used to access the quarry, and are not ELDC the Authority responsible to clean that public highway and to deal with any off site environmental problems?

- (c) Aby with Greenfield Parish Council (adjoining Parish) – object to application N/163/00352/22 stating its views are in line with those of Swaby Parish Council (above). Although a response was not received in connection with application N/163/00353/22 it is assumed these comments also apply to that application.
- (d) Environment Agency – has responded stating it has no comments to offer on either application as it did not originally recommend the conditions to which the proposed variations relate.
- (e) Lincolnshire Wolds Countryside Service – does not support the proposals. Having read the documents in relation to the site and assessed any potential impacts on the Lincolnshire Wolds AONB, the Wolds Service cannot support any measures which would reduce the current dust management plan. The Wolds Service considers that there would be fewer measures in place (i.e. potentially less sheeting of vehicles leaving the site) and this would have a negative impact on the surrounding area and on the AONB. Therefore, the Lincolnshire Wolds Countryside Service does not support either application.
- (f) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has responded stating that the proposals do not have an unacceptable impact on the safety of the public highway or surface water flood risk and as such does not object to either application.

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

Environmental Health Officer (East Lindsey District Council)
Historic Places (Lincolnshire County Council)
Public Health (Lincolnshire County Council)
Lincolnshire Wildlife Trust
Lincolnshire Police

The applications have both been publicised by notices posted at the site (posted 2 March 2022) and in the local press (Skegness Standard and News on 9 March 2022) and letters of notification were sent to the nearest neighbouring residents to the site.

18. A total of 16 representations have been received in response to both applications (8 representations made to each application). An outline and summary of the objections/comments/issues contained within those representations is set out below:
- Over the years there have been problems with the speed of traffic and uncleaned roads, due to excessive debris and weather conditions. Extremely concerned that if the proposals are allowed to go ahead then the safety of residents and pedestrians walking through the village would be at risk from falling debris from unsheeted vehicles of all types (inc. HGVs, tractors and trailers) entering and leaving the site.
 - The proposed new Dust Management Plan will impact on the use of resident's front gardens as they will be covered in a constant film of dust and opening windows would be more limited as dust would come into the house.
 - It is abundantly clear that the quarry operators are not meeting their current standards and there is sufficient vagary in the proposed applications to suggest that they would not comply with the new plans, being able to counter challenge any possible enforcement.
 - The operator is unable to manage or operate in a way that minimises the nuisance to nearby receptors and there is nothing in the proposed new Dust Management Plan that would make a difference or provide comfort. The area is a disgrace with hedges that look more like plaster of paris, rather than green and a significant absence of road cleanliness.
 - These are regressive proposals which appear to allow the quarry to become self-regulatory in relation to dust suppression/sheeting of transport carriers and highway hazards (i.e. mud). There is no benefit to residents subjected to the current regime nor to the village environment. In fact, we would rather see stricter enforcement of the current regulation by LCC.
 - The proposals seek to reduce the requirements already in place, which can only lead either to no change in the current unsatisfactory situation, or to a further deterioration. Whilst it is appreciated that the quarry has been operational for many years we would suggest the residents quality of life must carry an equal weight, and we therefore request that the proposals are carefully reviewed with the above in mind.
 - Concerns about the speed of HGVs which frequently exceed speed limits.

- The Department of Transport has issued a Code of Practice for safety of loads on vehicles. Section 10 of that Code of Practice deals with loose bulk loads and paragraph 10.8 of that Code reads as follows:

“The load compartment should be covered if there is a risk of part of the load falling or being blown from the top of the vehicle. The type of cover used will depend on the nature of the load being carried. Materials such as dry sand, ash, and metal turning swarf are particularly susceptible to being blown off and should always be covered by a suitable sheet. Covering with a net can sometimes adequately retain loads that consist of large items, such as scrap metal and builder’s waste. If a net is used the mesh size should be smaller than the items being carried and the net should be strong enough to prevent any article being carried from escaping”.

The Government’s website also refers to The European Commission Directorate - General for Energy and Transport best practice guidelines and Section 7.7 contains similar provisions to those of the above Code of Practice, namely – *“The load compartment should be covered if there is a risk of part of the load falling or being blown from the top of the vehicle. The type of cover used will depend on the nature of the load being carried. Materials such as dry sand, ash, and metal turning swarf are particularly susceptible to being blown off and should always be covered by a suitable sheet. Covering with a net can sometimes adequately retain loads that consist of large items, such as scrap metal and building waste. If a net is used the mesh size should be smaller than the smallest items being carried and the net should be strong enough to prevent any carried article from escaping”*

The applicants’ proposal does not comply with the Code of Practice and the EU best practice guidelines.

District Council’s Observations Recommendations

19. East Lindsey District Council has confirmed it has no objection to either application subject to the County Council being satisfied that the measures proposed would be sufficient to ensure the amenities of local residents would not be harmed.

Conclusions

20. This report deals with two separate applications that are both seeking to amend/vary conditions attached to planning permissions that cover the mineral and waste management activities being carried out at South Thoresby Quarry.
21. The conditions proposed to be amended require lorries transporting minerals/materials from the site to be sheeted, and; for all site operations to be carried out in accordance with a previously approved dust management scheme. The combined effect of these existing conditions is that all vehicles carrying materials/mineral (whatever type) are required to be sheeted. The sheeting of

vehicles is a well-established practice adopted across the minerals and waste industries and imposed as a planning condition by many Planning Authorities as a reasonable and practical means by which to control both dust emissions from a site and prevent debris being deposited on the public highway. The existing conditions are therefore typical of those imposed on many mineral and waste sites across the County and the existing conditions are deemed to be necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects.

22. The applicant's proposal to update/amend the terms of the existing conditions to refer to an updated DMP is not, when compared with the existing control/conditions, considered adequate or sufficient to secure the same level of control and protection as the current conditions do. The updated DMP does contain measures and practices to minimise dust emissions from site operations and these are largely acceptable and reflective of those already contained within the approved DMS. A key difference between this document and the existing conditions/DMS however are the provisions in relation to the sheeting of vehicles. More specifically, whilst the updated DMP confirms HGVs that are capable of being sheeted will continue to be sheeted before leaving the site, the updated DMP suggests that HGVs or vehicles that cannot be sheeted for any reason would instead be required to pass through a spray bar system to dampen their loads. Whilst the proposed spray bar system could (if implemented) potentially minimise dust from unsheeted vehicles, such a system is not as effective as a physical cover/sheet and would not necessarily prevent or reduce the risk of larger materials (i.e. recycled aggregates) from being ejected/deposited onto the public highway. Tractors and trailers are commonly used at South Thoresby Quarry to transport minerals/materials from the site and whilst tractors can be lower in speed than a HGV often JCB Fastracs (or similar) are used by farmers and these are not dissimilar in terms of speed when compared to a HGV. Additionally, the large and softer nature of tractor tyres is such that they can lead to more 'bounce' as they travel along a road and this could result in a higher risk of dust through displacement and materials being ejected when compared to a sheeted trailer/vehicle. Consequently, if vehicles carrying material/mineral are not sheeted then there remains a risk that debris and materials will be deposited on the public highway. This can result in slurry/slippery surfaces that are hazardous to other road users as they can affect vehicle braking and lead to an increased risk of accidents. Larger debris that may be ejected such as rock/stone can also damage vehicles directly or cause accidents as drivers manoeuvre to avoid them whilst finer deleterious materials such as mud, dust etc can have a negative impact on the local environment from a visual and pollution perspective by contaminating roadside verges and hedgerows.
23. Objections have been received from residents, the Parish and adjoining Parish Council's as well as Lincolnshire Wolds Service. East Lindsey District Council has raised no objection subject to the County Council being satisfied that the measures proposed would be sufficient to ensure the amenities of local residents would not be harmed. The objections received are largely based on a view that the updated

DMP would lessen the commitments and obligations placed on the site operator/applicant and would lead to a worsened situation in terms of off-site dust and debris. Having taken into account the information contained within the application and the comments received during consultation, Officers agree with the objectors and are of the view the applicant's proposal to vary the conditions and replace the current DMS with an updated DMP is not acceptable. The proposed updated DMP and alternative use of a spray bar system for unsheeted vehicles is not considered as robust or effective as the current requirements/conditions which require all vehicles to be sheeted. The proposed variations sought would therefore offer less protection and could lead to an unacceptable adverse impact on the local environment, the amenity of nearby residents and other road users and so would be contrary to the objectives of Policy SP10 of the ELLP and DM3 and DM14 of the CSDMP and notably paragraphs 111 and 211 of the NPPF which seek to ensure that minerals developments do not have an unacceptable impact on highway safety and that impacts such as dust and particle emissions are controlled, mitigated or removed at source.

Human Rights Implications

24. 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, planning permission should be refused and such a decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

That planning permission be refused for the following reasons:

1. Planning Application: N/163/00352/22

The updated Dust Management Plan and proposed revised conditions are not considered as robust or effective as the current requirements of Conditions 5 and 10 of permission (E)S163/1599/02 which, in combination, require all vehicles leaving the site to be sheeted. The proposal to use a spray bar system to dampen the loads of any unsheeted vehicles (as promoted within the Dust Management Plan) is not considered as effective as a physical cover/sheet and could lead to a worsened situation in terms of off-site dust and debris.

The proposed revisions could therefore lead to an unacceptable adverse impact on the local environment, the amenity of nearby residents and other road users and so would be contrary to the objectives of Policy SP10 of the ELLP and DM3 and

DM14 of the CSDMP and notably paragraphs 111 and 211 of the NPPF which seek to ensure that minerals developments do not have an unacceptable impact on highway safety and that impacts such as dust and particle emissions are controlled, mitigated or removed at source.

2. Planning Application: N/163/00353/22

The updated Dust Management Plan and proposed revised conditions are not considered as robust or effective as the current requirements of Conditions 7 and 8 of permission (E)S163/2206/02 (as amended by permission (E)N163/2338/14) which, in combination, require all vehicles leaving the site to be sheeted. The proposal to use a spray bar system to dampen the loads of any unsheeted vehicles (as promoted within the Dust Management Plan) is not considered as effective as a physical cover/sheet and could lead to a worsened situation in terms of off-site dust and debris.

The proposed revisions could therefore lead to an unacceptable adverse impact on the local environment, the amenity of nearby residents and other road users and so would be contrary to the objectives of Policy SP10 of the ELLP and DM3 and DM14 of the CSDMP and notably paragraphs 111 and 211 of the NPPF which seek to ensure that minerals developments do not have an unacceptable impact on highway safety and that impacts such as dust and particle emissions are controlled, mitigated or removed at source.

Informative

Attention is drawn to:

- (i) In dealing with this application the Mineral & Waste Planning Authority has worked with the applicant in a positive and proactive manner 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

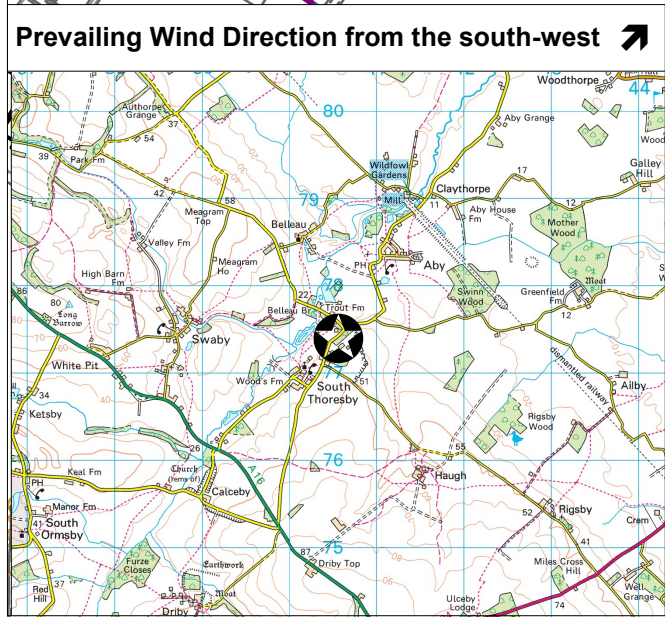
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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 N/163/00352/22	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	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

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