

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>13 March 2023</b>
Subject:	<b>County Matter Application - S/049/0069/23</b>

**Summary:**

Planning permission is sought by Dyson Farming Ltd (Agent: GP Planning Ltd) to vary condition 11 of planning permission S/049/01560/19 to allow construction traffic and HCV tankers to access the site via Hungram Lane rather than Edlington Road at Woodbecks Farm, Edlington Road, Edlington.

Planning permission was granted in August 2019 for the construction of a digestate storage lagoon and silage storage pad at Woodbeck Farm. Conditions 11 requires that all associated traffic access and egress the farm via an existing vehicular access point and track onto Edlington Road. At the time this permission was granted this was the only access serving the site. Since then, planning permission has been granted by East Lindsey District Council (ref: S/049/00980/22) for a new access into the site from Hungram Lane. The new access would enable a one way system for traffic associated with the farm to be implemented with the Hungram Lane access being used as 'entry only' with all traffic leaving the site via the northern access onto Edlington Road.

The main issues to be considered in the determination of this application are whether or not the proposed variation of conditions is acceptable and whether the proposed revised access arrangement can be utilised without causing unacceptable harm or detriment to the local amenity, the environment or highway safety.

**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. Planning permission was granted in August 2019 (ref: S/049/01560/19) for the construction of a digestate storage lagoon and silage storage pad at Woodbeck Farm. Condition 11 requires all construction traffic and HCV tanker to access and

egress the site via an existing access onto Edlington Road whilst Condition 12 requires all traffic to turn left when exiting the site in order to prevent traffic from travelling through Edlington village.

2. On the 18 July 2022, East Lindsey District Council granted planning permission (ref: S/049/00980/22) for a new farm access at Woodbeck Farm. The new vehicular access is an upgraded existing field access onto Hungram Lane and would allow a one-way system for farm traffic to be implemented on site. The new access onto Hungram Lane would be used as 'entry only' with all traffic now leaving the site via the northern access onto Edlington Road.

#### The Application

3. Planning permission is sought to vary Condition 11 of planning permission S/049/01560/19 to allow construction traffic and HCV tankers to access the site via Hungram Lane rather than Edlington Road.
4. Condition 11 of planning permission S/049/01560/19 states: *"All construction traffic and HCV tanker access and egress shall only be via the Woodbecks Farm access illustrated in Drawing No. GPP/BDF/E/19/03 REV 3"*.
5. The access referenced on the cited drawing is an existing established farm access onto Edlington Road to the west of the farm complex.
6. This proposal seeks to amend Condition 11 so as to allow HCV tankers to utilise a new access which has been granted planning permission (ref: S/049/00980/22) by East Lindsey District Council (ELDC). The ELDC approved access would facilitate the operation of a one-way system through the farm, with 'entry only' provided from Hungram Lane and 'egress only' via the existing farm access (as required by Condition 11). No vehicles would be permitted to egress the farm via the new agricultural access onto Hungram Lane and all tankers would continue to be required to turn left when leaving the site so as to avoid travelling through Edlington village (as required by Condition 12).
7. The ELDC access is located approximately 65m to the southeast of the junction of Hungram Lane with Edlington Road that leads to the farm - where current access/egress is gained. The ELDC access has been approved as simple priority junction with 5m wide carriageway and 6m kerb radii. The access would be hard surfaced for the first 15m back from the highway, after which the access and associated access track would be formed as a bound stone surface. The access track will tie into the access track alongside the permitted digestate storage lagoon and silage pad. A spur off the access track is proposed to facilitate access for agricultural vehicles to the wider farmland to the south and east of Woodbeck Farm respectively.



Approved NMA Site Location Plan PL/0140/19



Approved ELDC Access Plan

Site and Surroundings

8. Woodbeck Farm is located approximately 1.5km to the southwest of Edlington Village, and 4km northwest of the town of Horncastle. The farmyard contains several agricultural buildings, a farm dwelling, and a brick-built site office. There are two agricultural reservoir lagoons to the north of the farm complex. The existing vehicular access to Woodbeck Farm is located at the north-western boundary of the farm and comprises a simple priority junction onto an unnamed access track. The access is constructed with a metalled surface and is therefore more formalised than a traditional farm access. To the northeast, the unnamed access track routes through the nearby village of Edlington, whilst the south of Woodbeck Farm it meets Hungram Lane at a simple priority junction. The recently approved ELDC farm access will utilise an existing field gate onto Hungram Lane.
9. The nearest residential properties are situated off Hungram Lane, approximately 250 metres to the southeast of the Application Site. A small group of residential properties lie approximately 470m to the north of the site.
10. The site is in Flood Zone 1, which represents an area with the lowest probability of flooding at 1:1000 annual probability. The site is designated as open countryside and there are no identified important designations within the location of the application site on the policies map of the East Lindsey Local Plan.

## Main Planning Considerations

### Planning Policy Context

11. 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 few paragraphs are of relevance to this application as summarised:

Paragraph 111 - 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.

Paragraphs 126 to 130 (Achieving well-designed places) - states that good design is a key aspect of sustainable development and promotes decisions to ensure that developments function well and sympathetic to local character and landscape setting.

Paragraphs 218 to 220 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016) and Site Locations (2017) and East Lindsey Core Strategy (2018).

East Lindsey Core Strategy (ELCS) 2018 in line with NPPF, due weight should be given to relevant policies of the NPPF. The following policies (summarised) are of relevance to this proposal:

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 the water source.

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

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

Policy DM3 (Quality of Life and Amenity) - states that planning permission will be granted, if it does not generate unacceptable adverse impacts arising from Odour, Emissions, Illumination, Visual Intrusion, Runoff to protected waters or Traffic to

occupants of nearby dwellings and other sensitive receptors. Development should be well designed.

Policy DM14 (Transport by Road) - states that planning permission will be granted for waste development involving transport by road where the highway network is of appropriate standard for use by traffic generated by the development and would not have an unacceptable impact on highway safety.

#### Results of Consultation and Publicity

12. (a) Thimbleby Parish Council – no objection.
- (b) Environment Agency (EA) – no objection.
- (c) Lincolnshire Police – no objection.
- (d) Ministry of Defence - no safeguarding objections to this proposal.
- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has no objection to this proposal. It is commented that the establishment of a one-way, anti-clockwise gyratory system, with the inbound vehicles using the recently consented vehicle access and outbound vehicles using the farm's long-established access, can only benefit highway safety in so far as large inbound and outbound vehicles would no longer have to cross paths within the farm entrance onto Hungram Lane. Accordingly, having given due regard to the appropriate local and national planning policy guidance (the National Planning Policy Framework), the proposed variation of Condition 11 would not be expected to have an unacceptable impact upon highway safety.

The following persons/bodies were notified of the application on the 13 January 2023, but no response had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor Mrs PA Bradwell  
Edlington with Wispington Parish Council  
East Lindsey District Council (Planning)  
East Lindsey District Council (Environmental Health)  
Historic Places (Lincolnshire County Council)

Public Health (Lincolnshire County Council)  
Lincolnshire Wildlife Trust

13. The application has been publicised by notices posted at the site and in the local press (Skegness Standard and News on 18 January 2023) and letters of notification were sent to the nearest neighbouring residents. A total of four representations have been received in response to this publicity/notification and a summary of the objections, comments and concerns raised are set out below:

- It makes sense for tankers to enter Woodbeck Farm via the new access as this will provide a one-way route however HGVs should under no circumstances access the A158 via Edlington village as there is a weight restriction in place. Similarly, HGVs should not access Woodbeck Farm by transiting through Wispington village. The road is too narrow with blind bends, particularly on the south side of the village. This road is also known as Wispington Road and not Hungram Lane as stated in the application.
- It is suggested that a site visit takes place to view the roads in the area, especially from Dyson Farming via Hungram Lane to Woodbeck Farm. Hungram Lane is very narrow with no passing places and the roads are already used by cars, post-vans, cycling clubs etc. and so would create chaos if they were to meet Dyson vehicles.

## Conclusions

14. The main issues to be considered in the determination of this application are whether the proposed variation of conditions is acceptable and whether the proposed revised access arrangement can be utilised without causing unacceptable harm or detriment to the local amenity, the environment or highway safety.
15. Condition 11 currently requires all HCV tankers to access and egress the site using the existing farm access on Edlington Road only. At the time permission for the lagoon was granted this was the only access serving the site however since then planning permission has been granted by East Lindsey District Council (ref: S/049/00980/22) for a new access into the site from Hungram Lane.
16. The applicant is seeking to vary Condition 11 so that a one-way system can be implemented at the site. If permitted HCVs would access the site via Hungram Lane and leave via the existing access to the north-west of the site. This arrangement would help reduce the risk of HCV's meeting each other along the short section of road between the currently permitted access and Hungram Lane and therefore reduce potential conflicts and improve site operational efficiency. Condition 12 is not proposed to be changed and so would remain in force and continue to require HCV tankers to leave the site away from the village.
17. Objections have been received regarding the routes taken to and from the farm and arguments made that the road network is not suitable for the size of vehicles associated with the site. These comments are noted however planning permission already exists for the lagoon and the impact of traffic movements associated with its use have previously been assessed and deemed acceptable (subject to conditions). Those conditions include Condition 11 which requires traffic to use a single point of access/egress onto Edlington Road and Condition 12 which requires all traffic to turn left only when leaving the site to avoid it travelling through Edlington village. No objections to the proposed revision have been raised by the Highways Officer and one of the objectors acknowledges that the operation of a one-way system would 'make sense'. Therefore, whilst I note the concerns raised,

I am satisfied that the proposed revised access arrangements sought through the variation of Condition 11 are acceptable and would not give rise to any significant harm or sever impacts on local amenity, the environment or highway safety and therefore accords with the requirements of Policy SP10 and SP22 of the ELCS and Policies M3, DM6 and DM14 of the CSDMP.

18. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. As the new access onto Hungram Lane has yet to be constructed this amended permission (and revised condition 11) cannot take effect until this has been completed. Therefore a standard three year commencement condition is recommended to be imposed on any decision issued and until such time this permission is implemented the site would be required to continue to operate in accordance with permission S/049/01560/19. Subject to this, and for clarity and the avoidance of any doubt, it is also recommended that the decision notice be issued with a comprehensive set of conditions which updates and (where relevant) recites, amends, or removes (where no longer relevant) any conditions that were originally included and attached to the current planning permission.

#### Human Rights Implications

19. 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 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.

<b>RECOMMENDATIONS</b>
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That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced within three years of 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 Section 91 of the Town and Country Planning Act 1990.*

2. The development and operations hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by



conditions attached to this notice or details subsequently approved pursuant to those conditions.

Documents:

- Application Forms (received 13 August 2019 and 21 December 2022)
- Document Ref: B036-12/PDAS – 'Planning, Design and Access Statement'(received 13 August 2019) as amended by the Planning Statement (received 21 December 2022)
- 'Ecology and Protected Species Survey' dated June 2019; (Appendix 1 of Planning, Design and Access Statement)

Drawings:

- Drawing No. GPP/BDF/E/19/02 REV 1 – Location Plan (received 13 August 2019)
- Drawing No. GPP/BDF/E/19/03 REV 3 – 'Digestate Storage Lagoon & Concrete Apron At Woodbecks Farm, Edlington – 'Site Layout Plan'; (received 20 September 2020) and
- Drawing No. DJS-ES-NGH-P372-01 REV G – 'Proposed Lagoon and Containment Apron Scheme Design' (received 23 September 2020)

*Reason: To ensure that the development is completed in accordance with the approved details.*

3. A total of no more than 3300 cubic metres of liquid digestate shall be brought to the site as shown within the red line boundary on Drawing No. GPP/BDF/E/19/03 REV 3 per calendar year, for the purposes of the development hereby permitted. The operator shall maintain records of their annual digestate imports to the site which shall be retained for at least two years and be made available to the Waste Planning Authority within 28 days of a written request.

*Reason: To enable the Waste Planning Authority to monitor digestate throughput.*

Archaeology

4. Deleted – no longer relevant as details previously approved.
5. No site preparation or ground clearance works that would involve the destruction or removal of vegetation shall be undertaken during the months March to August (inclusive) unless otherwise agreed in writing with the Waste Planning Authority. If these works cannot be undertaken outside of this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No works shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

*Reason: To avoid disturbance to birds during the breeding season in the interests of wildlife conservation.*

6. All construction operations required in association with this development and HCV tanker deliveries of digestate, including the accessing and egressing of the site, shall only be take place between the hours of:

07:00 and 18:00 Monday to Friday; and  
07:00 and 13:00 Saturday; and

No construction operations or deliveries shall be carried out on Sunday, Public and Bank Holidays.

*Reason: In the interests of general amenity of the area.*

7. The outer slopes of the containment bunds (as illustrated in Drawing No. DJS-ES-NGH-P372-01 Rev G) shall be maintained free of noxious weeds for the lifetime of the development.

*Reason: To prevent soils erosion and maintain the integrity of the lagoon containment.*

8. The wildflower seeding carried out as part of the development (as detailed in the 'Ecology and Protected Species Survey' dated June 2019) shall be maintained for the duration of the development.

9. Within two months of the date of this decision confirmation will be provided to the Waste Planning Authority of the location of the kestrel nest box that was to be erected in site as set out in the approved 'Ecology and Protected Species Survey' dated June 2019. The kestrel box shall be retained and maintained for the duration of the development.

*Reason: To enhance biodiversity as directed by NERC Act 2006.*

10. No external lighting shall be installed on site until details of such lighting, including intensity of illumination and predicted lighting contours have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

*Reason: In the interests of protecting ecology and visual amenity.*

11. All construction traffic and HCV tanker shall only access the site via the entrance off Hungram Lane and shall only egress the site via the Woodbecks Farm access as illustrated on Drawing No. GPP/BDF/E/19/03 REV 3.

12. All construction traffic and HCV tanker shall only turn left onto Edlington Road when exiting Woodbecks Farm.

13. The signage directing HCV drivers to only turn left when exiting the site (previously approved by the Waste Planning Authority pursuant to condition 13 of planning permission S/049/01560/19 as confirmed by the decision notice dated 28 September 2020) shall be retained and maintained for the duration of the development.
14. The surface of the access and internal site roads shall be kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.

*Reason: To prevent mud or other deleterious materials derived from the development being transferred onto the public highway in the interests of highway safety and safeguarding the local amenity and the environment.*

#### Informatives

Attention is drawn to:

In dealing with this application the County 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.

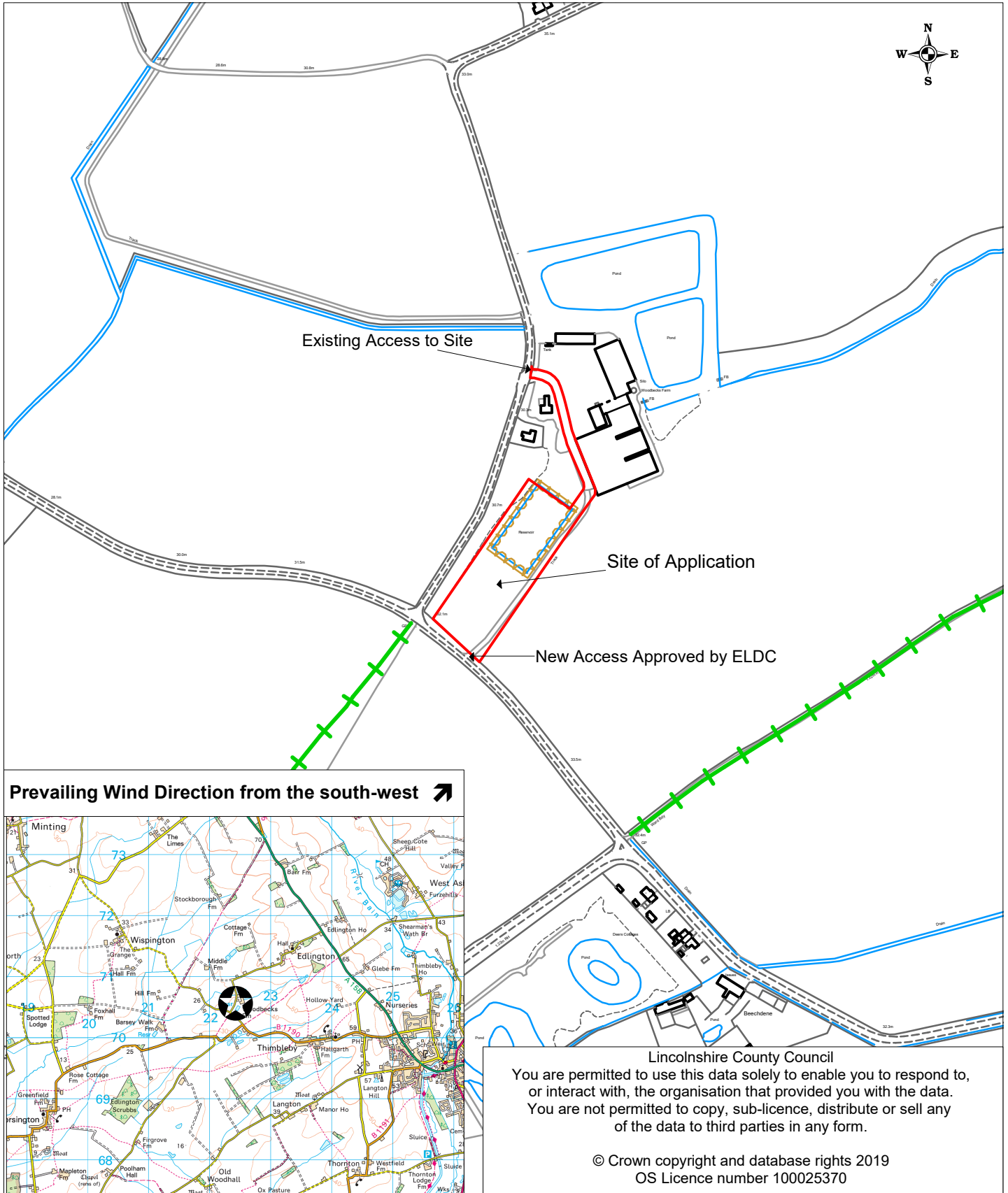
Document title	Where the document can be viewed
Planning Application Files	Lincolnshire County Council's website

S/049/0069/23 S/049/01560/19	<a href="https://lincolnshire.planning-register.co.uk/">https://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2021)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
East Lindsey Local Plan (2018)	East Lindsey District Council's website <a href="http://www.e-lindsey.gov.uk">www.e-lindsey.gov.uk</a>

This report was written by Eloise Shieber, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)

# LINCOLNSHIRE COUNTY COUNCIL

## PLANNING AND REGULATION COMMITTEE 13 MARCH 2023



**Location:**  
 Woodbecks Farm  
 Edlington Road  
 Edlington

**Application No:** S/049/0069/23  
**Scale:** 1:5000

**Description:**

To vary condition 11 of planning permission S/049/01560/19 to allow construction traffic and HCV tankers to access the site via Hungram Lane rather than Edlington Road

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