

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

Report to:	Planning and Regulation Committee
Date:	17 April 2023
Subject:	County Matter Application - S22/2466

Summary:

Planning permission is sought by New Earth Solutions (West) Ltd for the installation of new internal plant, replacement external cladding and external doors, roof mounted photovoltaic panels and the retention of lean-to extension to accommodate a materials recovery facility and variation of operating hours within Buildings 9 & 10 at New Earth Solutions (West) Ltd, Heath Lane, Caythorpe. This application is now part retrospective insofar as the plant and equipment for which planning permission is being sought has already been installed within the building however this has yet to become operational and the other works/developments subject of this application have yet to commence (e.g. replacement cladding, PV panels, etc).

The application is primarily a resubmission of an earlier planning application (ref: S22/0354) which was withdrawn in July 2022. This earlier application sought permission for a very similar development but was withdrawn by the applicant to allow them time to address queries that arose during the consideration of that application. The current application has been revised and expanded upon to address the queries and issues raised previously and amended to now seek permission for PV panels on part of Building 9 and on the roof of Building 10 - rather than on the central section of Building 9 as was previously proposed.

The main issues to be considered in the determination of this application are:

- purpose and need for the new waste processing plant and equipment;
- whether the new waste processing plant and its operation, in particular during the early morning and night-time period, would give rise to any unacceptable adverse impacts on the amenity of nearby residents or the area; and
- whether the proposed alterations to the building fabric and installation of the PV panels would have an adverse impact on the visual appearance of the site or the local area considering its countryside location.

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 originally granted in 1998 for a waste transfer station including the refurbishment of an existing building at land off Heath Lane, Caythorpe. Since that time, the site has had a complicated planning history with a number of further permissions granted which has resulted in the development of the site into a Materials Recovery Facility (MRF).
2. The Caythorpe Materials Recovery Facility (MRF) now provides an integrated waste management service designed to recycle and/or recover materials from a range of different waste streams, thereby helping reduce the amount of waste that might otherwise go to landfill. Wastes are generally bulk collected from customers and transported to the site for sorting and processing within the MRF complex. Although some waste handling operations have taken place in open areas of the site, over time several buildings have been erected which house a range of different waste processing plant and equipment and which now cover the greater part of the facility.
3. The proposal subject of this report is primarily a resubmission of an earlier planning application (ref: S22/0354) which was withdrawn in July 2022. This earlier application similarly sought permission for the installation of new internal plant, roof mounted photovoltaic panels, new external doors, retention of lean-to extension and variation of operating hours. The application was however withdrawn by the applicant to allow time for them to address queries that arose during a peer review of the Noise Assessment Report which accompanied the application. The current application has been revised and expanded upon to address the queries and issues raised previously and amended to also now seek permission for solar photovoltaic (PV) panels on part of Building 9 and on the roof of Building 10. Previously the PV panels had proposed to be installed on the central section of Building 9 only however following the withdrawal of application S22/0354, as this element of the overall project fell within the scope of 'permitted development', the applicant instead sought and obtained consent for these works via a prior notification application/procedure. On 13 December 2022, the Waste Planning Authority confirmed that prior approval for these works was not required and that the installation of panels on Building 9 as proposed fell within the scope of permitted development. In light of that decision, whilst PV panels are still proposed as part of this project, they are now proposed on different parts of the building and would supplement those which benefit from the prior notification/approval consent (ref: PL/0118/22).

The Application

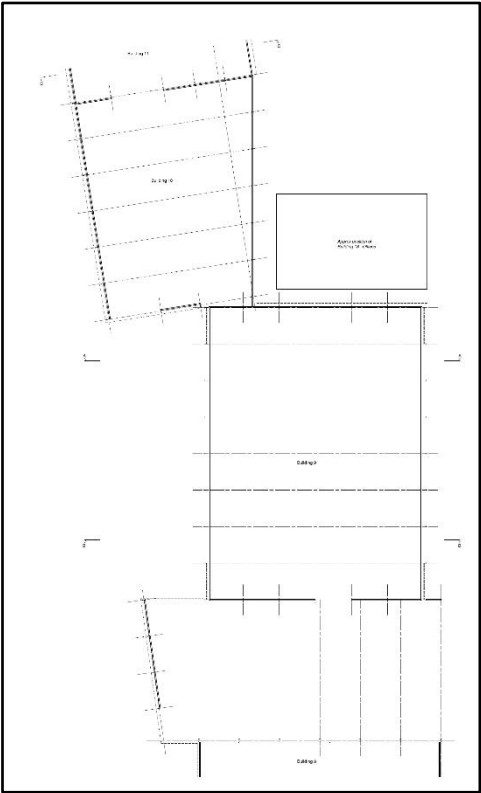
4. Planning permission is sought by New Earth Solutions (West) Ltd for the installation of new internal plant, replacement external cladding and external doors, roof mounted photovoltaic panels and the retention of lean-to extension to accommodate materials recovery facility and variation of operating hours within Buildings 9 & 10 at New Earth Solutions (West) Ltd, Heath Lane, Caythorpe. This application is now part retrospective insofar as the plant and equipment for which planning permission is being sought has already been installed within the building however this has yet to become operational and the other works/developments subject of this application have yet to commence (e.g. replacement cladding, PV panels, etc).
5. The application site comprises of existing steel portal framed buildings (referred to as Buildings 9 and 10) with ancillary hardstanding which are situated adjacent to the western boundary of the established New Earth Solutions (West) Ltd Caythorpe MRF.



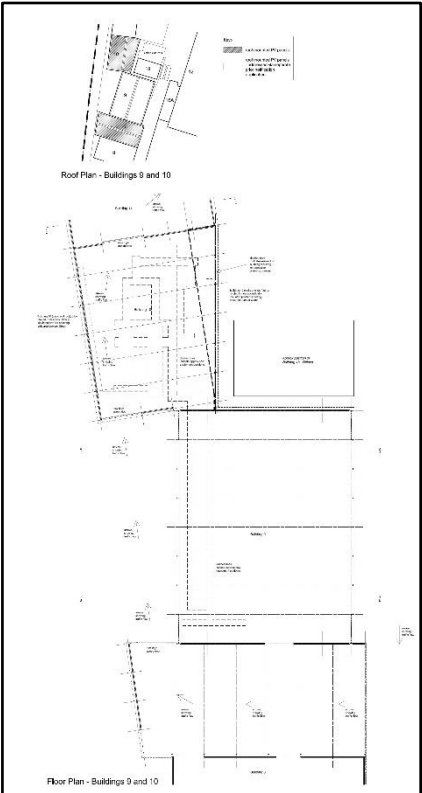
Location Plan

6. Building 9 benefits from an existing planning permission (ref: S/04/1702/20) for the storage and baling of recycled products. The planning permission covering this building does not include any restrictions upon operating hours. In 2008 planning permission was granted (ref: S/08/0818/08) for an additional storage building to the north of Building 9 and an 'infill' building to the south. The 'infill' building was constructed and operationally integrated into Building 9 so that it effectively functioned as a single structure. The additional building constructed to the north of Building 9 was later subdivided with the southern section being used as additional storage space ancillary to the waste treatment/baling operation taking place in Building 9. This southern section of building is now referred to as Building

10 and a lean-to extension to the eastern elevation of Building 10 was constructed at some time around 2010 without the benefit of planning permission.



Floor Plan Existing



Floor Plan Proposed

- 7. In recent years, Buildings 9 and 10 have effectively fallen into a state of disuse as the original waste baling operation ceased as a higher proportion of dry mixed recyclable waste is now transferred for treatment/management to the operator’s other advanced MRF site at Barkston Heath. Unlike the Barkston Heath MRF, many of the waste processing techniques present at the Caythorpe site are not capable of recovering problematic/higher value recyclable materials and this has led to core operations at the site being focused on aggregate processing, timber processing and materials sorting/waste transfer. Such operations alone do not meet the applicant’s objective of providing a holistic materials recovery service and the limits the type and volume of wastes that can be recovered and processed at the site. Due to these issues the annual tonnage of material processed at the Caythorpe MRF has consequently fallen below the permitted 200,000 tonnes per annum allowance with approximately 140,000 tonnes of waste being received per annum which is 10,000 tonnes per annum less than that received in 2021 and 15,000 tonnes less than that received during 2020. This is proving to be detrimental to the commercial viability of the Caythorpe MRF site and has resulted in the loss of some employees and so in order remedy this situation substantial new investment has been made through the introduction of new waste processing plant and equipment which will help to improve recycling rates and deliver operational efficiencies.

New internal plant and equipment within Buildings 9 & 10

8. As indicated above, to improve the recycling operations and long-term viability of the Caythorpe MRF site, the applicant has installed an advanced materials processing plant within Buildings 9 & 10. The new processing plant would allow the removal/recovery of specific polymer types and fibre, by grade, from construction, Local Authority Collection Waste (LACW) and commercial/industrial waste streams and therefore improve the recycling and processing operations at the Caythorpe MRF site. Currently these materials cannot be extracted using the existing plant and equipment and as a result must be transferred to the Barkston Heath MRF site. The new plant/equipment would therefore enhance the recycling rate at the Caythorpe site by an additional 30% - 35% and enable more materials to be recovered so that they can be recycled and re-used to produce products for use in manufacturing and thus transformed from a problematic waste into a valuable commodity.
9. The new plant and equipment are housed wholly within building(s) and comprises of an integrated series of ballistic separators; eddy current separators; density air separators and near infra-red Titech optical separators. An electric Liebherr LH26 360 grab and Volvo large loading shovel would operate within the buildings and be used to load and transfer wastes to the processing plant.



New processing plant installed within building (non-operational)

10. The applicant states that the cost of purchasing, constructing and installing this new processing plant equates to around £4,500,000 and so represents a significant

investment into the site. In order to provide a sufficient timely return on this investment the plant would need to process approximately 60,000 tonnes of waste per annum and it is also proposed to extend the operational working hours for this plant to help achieve this (see below). The 60,000 tonnes of waste however would not result in an exceedance of the existing Caythorpe MRF's total permitted 200,000 tonnes per annum capacity as at least 50% of the throughput would comprise of material that is already on site and derived from the initial sorting/line picking in adjacent Building 12 (skip waste). Therefore, the facility's net tonnage is only anticipated to increase from around 150,000 tonnes per annum at present to 174,000 tonnes per annum and so still within the higher permitted limit of 200,000 tonnes. As the majority of wastes are also already delivered to site, this proposal would not result in a significant increase in HGV movements over and above that currently experienced with the expected increase associated with any new waste being no more than an additional 5 vehicles per day (10 vehicle movements access and egress). This increased number would still be less movements than was experienced when the site was working at its full capacity.

Revised Hours of Operation

11. As mentioned above, this application is seeking permission to allow the newly installed plant and equipment within Buildings 9 & 10 to operate a longer period of time per day than is currently allowed for other operations carried out within the site. These extended hours are stated as necessary to enable a timely payback/return on the investment made but also to allow the proposed 60,000 tonnes per annum to be achieved. Other than extended hours of operation all other aspects including vehicle delivery and cleaning/maintenance operation hours would remain consistent with those applied to the wider facility. The applicant has therefore proposed that the following condition be attached should permission be granted:

'Internal operations and activities authorised or required in association with this development, shall only be carried out between the following hours:

*0400 to 2200 hours Monday to Friday
0700 to 1300 hours Saturdays*

The access and egress of delivery/commercial vehicles associated with this operation shall be restricted to the hours of:

*0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays*

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.'

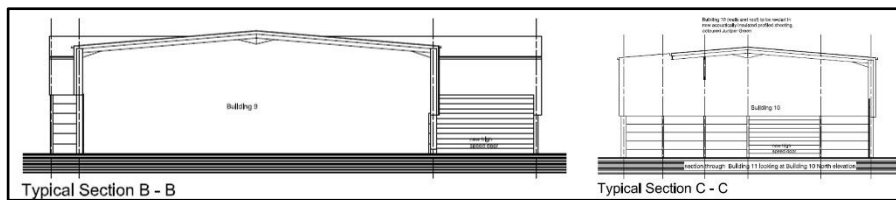
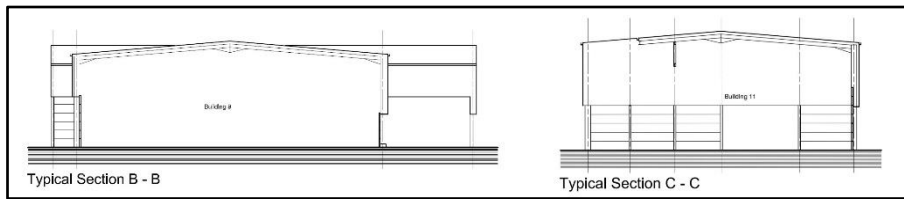
The above proposed operating hours would affect the use of Buildings 9 & 10 only with all operations and activities associated with the remaining surrounding complex continuing to operate in accordance with the extant conditions (i.e. operating and delivery hours unchanged). As the new plant and equipment is proposed to operate for longer periods (and this includes the night-time period) the applicant carried out and submitted a Noise Assessment in support of this proposal.

12. The Noise Assessment (and a subsequent additional technical note) are the same as those which supported the previous application however, an additional Technical Note has now been produced which expands upon the earlier two documents. Collectively the noise assessment/information presented by the applicant claims that the plant and equipment associated with this proposal can operate during the extended early morning and night-time periods to such a level that it would not result in disturbance in the bedrooms of the nearest noise sensitive residents.

Minor elevational changes

13. Buildings 9 and 10 comprise steel portal framed structures clad in profiled steel sheeting coloured Juniper Green. Building 10, which is physically integrated with both Building 9 and 11, features a marginally higher pitched roof with north to south alignment.
14. Externally, Buildings 9 and 10 will not fundamentally change however following the withdrawal of the previous application (ref: S22/0354) an assessment of the buildings' condition has been carried out which has identified that Building 10's existing external cladding has suffered a degree of damage and degradation. As Building 10 would be host to the majority of the 'high value' proposed MRF plant, the applicant is now proposing to re-clad the structure with new profiled steel sheeting coloured Juniper green (effectively matching the existing cladding). This would not only future proof the building and help avoid scenarios such as PV panels needing to be removed to facilitate roof repairs or the plant being out of action for extended periods but also acts as additional acoustic insulation to help mitigate and further allay concerns expressed by the local community regarding night-time noise impact.

15. Other external alterations include the installation of ‘rapid close’ doors within existing entrances and the fitting of roof mounted PV panels (explained below). Existing external lighting is considered fit for purpose and the development will not therefore require additional lamps/flood lights.



Location of new rapid close door

Solar PV Panels

16. This revised proposal includes the installation of roof mounted photovoltaic panels on the roof of Building 10 and also on the southern section of Building 9. The amount of electrical energy produced by the PV panels is estimated to be 267 kWp (0.267 MW) and the electricity produced would be used to assist in meeting the energy needs of the site. The panels proposed would supplement additional PV panels which are to be installed on the central section of Building 9 and also on the roof of Building 1 and 12. The panels to be installed on those buildings have since been confirmed as constituting permitted development as granted by Schedule 2, Part 14 Class J of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

Site and Surroundings

17. The Mid UK Recycling Ltd MRF is located to the east of Caythorpe village separated by the A607 (between Lincoln and Grantham) with an access off Caythorpe Heath

Lane which runs east/west to the north of the site. Public Right of Way Cayt/1085/1 Footpath/Bridleway runs along Love Lane to the south of the boundary of the site. The site lies on the border of the Trent and Belvoir Vale and the Southern Lincolnshire Edge. The site is largely covered by linked buildings. There are a limited number of open areas used for skip storage, vehicle parking and processing of aggregate and glass.

18. The buildings are of varying heights between 9.0 metres and 12.0 metres to the ridge and the outer walls of these buildings provide screening from external views into the site. Between gaps in the building, the site has screening bunds planted with native species or mature trees and shrubs. The whole site is secured by a palisade fence.
19. The most proximate dwellings are situated along Love Lane approximately 550 metres to the southwest of the application site and at the junction of A607 and Caythorpe Heath Lane approximately 560 metres to the west. The village of Caythorpe is located beyond the A607 a little over 670 metres to the west of the site. Limited intervisibility is achievable between Buildings 9/10 and this public carriageway. Views of the site are also attainable from Heath Lane.
20. The Environment Agency flood hazard map depicts the proposed site within Flood Zone 1, which indicates no risk of fluvial or sea flooding. There is no evidence to suggest that the site has been subject to localised flooding or drainage problems attributed to surface water discharge.
21. The application site is not located within or adjoining a Conservation Area or any other area of identified habitat/landscape importance (e.g. AONB's, SSSI's, Local Wildlife Sites). The proposed site is not within the setting/curtilage of a Listed Building or any other designated heritage asset.

Main Planning Considerations

Planning Policy Context

22. 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) – presumption in favour where planning has three overarching objectives being economic; social; and environmental.

Paragraphs 119 to 123 (Making effective use of land) – states that use of land meeting the need for other uses should safeguard and improve the environment. Encourage multiple benefits for rural land, including improve public access to the

countryside and reflect changes in the demand for land. Alternative uses should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

Paragraphs 126 and 130 (Achieving well-designed places) – promotes the creation of high quality and sustainable buildings and places and ensure that developments are visually attractive and create places that are safe, inclusive and accessible with a high standard of amenity.

Paragraph 174 (Conserving and enhancing the natural environment) – planning decisions should contribute to and enhance the natural and local environment and minimise impact on biodiversity.

Paragraph 185 (Ensuring development appropriate for its location) – taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts.

National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to noise, traffic and access and potential for conflict with other land use.

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

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, amongst others, the following matter where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.

Policy DM3 (Quality of Life and Amenity) – states that planning permission will be granted, provided that it does not generate unacceptable adverse impacts arising from, noise, dust, vibration, odour, litter, emissions, illumination, visual intrusion, run off to protected waters or traffic to occupants of nearby dwellings and other sensitive receptors.

Policy DM6 (Impact on Landscape and Townscape) – states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period. Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

Policy 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.

Policy DM17 (Cumulative Impacts) – states that planning permission will be granted where the cumulative impact would not result in significant adverse impacts, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

South Kesteven Local Plan (2011-2036) (SKLP) – the key policies of relevance in this case are as follows (summarised):

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

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

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

Policy EN4 (Pollution Control) – states that (amongst other matters) development that, on its own or cumulatively, would result in significant air, light, noise, land, water or other environmental pollution or harm to amenity, health well-being or safety will not be permitted. Development will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals..

Policy DE1 (Promoting Good Design) – states that, amongst other matters, development proposals should ensure that there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime etc.

Results of Consultation and Publicity

23. (a) Local County Council Member, Councillor A Maughan – has been consulted and discussed initial concerns with the Case Officer but has not subsequently submitted any formal comments to the planning application.
- (b) Caythorpe and Freiston Parish Council – the Parish Council (PC) strongly object to extending the working hours to between 0400hrs hours and 2200hrs. The Council states that it has previously been assured that hours would not be extended and so it respectfully suggests this be adhered to. In addition, the PC feel that the residents of the village and guests of PGL Caythorpe Court be afforded peaceful weekends and Bank Holidays, which is currently working in harmony with Mid UK. We also await updates from noise monitoring which can on occasion be excess and intrusive to a number of local residents.
- (c) Environment Agency (EA) – no objection to the proposal but advise that the applicant be reminded that any changes to site waste processes and procedures must be reflected in the written Site Management System which forms part of the sites Environmental Permit (issued and monitored by the Agency). A variation to the Environmental Permit would therefore be needed before any new processes are brought on-line.
- This advice can be dealt with by way of an Informative as this variation would be subject to the separate pollution control regime and not the land-use planning regime.
- (d) South Kesteven Environmental Health Officer – has no comments to make as the site is regulated by an Environmental Permit issued by the Environment Agency.
- (e) Highway and Lead Local Flood Authority (HLLFA) (Lincolnshire County Council) – note that this is a resubmission following the withdrawal of a

previous application due to noise concerns. In respect of this proposal, it would generate an additional 5 HGV movements per day passing through Caythorpe Heath Lane and in highways terms, this volume of traffic can be accommodated at the junctions within capacity and will not result in an unacceptable impact on highways safety. The HLLFA also does not consider this proposal to increase flood risk in the immediate vicinity of the site.

Impacts on resident's amenity, noise, air pollution are for the Planning Authority to consider and not within the remit of the HLLFA.

Overall, having reviewed this revised application, the HLLFA raise no objection as the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk.

(f) Lincolnshire Police – no objections.

The following bodies/persons were also consulted on the application on 21 December 2022 but no comments or response had been received within the statutory consultation period or by the time this report was prepared:

Carlton Scroop Parish Council
Conservation Officer (South Kesteven District Council)
Fulbeck Parish Council
Lincolnshire Wildlife Trust
Lincolnshire Fire and Rescue
Ministry of Defence (Safeguarding)
Public Health (Lincolnshire County Council)

The applications have been publicised by way of notices posted at the site and the junction of the A607 and Caythorpe Heath Lane (6 January 2022) and also in the press (advertised in the Lincolnshire Echo 29 December 2022). Notification letters were also sent to the nearest residential properties to the site as well as any persons that made a representation on the previous application was which subsequently withdrawn.

A total of 60 individual response/comments have been received and an outline and summary of the objections and comments received is set out below:

- Object to any proposal to allow HGVs to access the site from 0400 until 2000 hours. The site is served by the A607 which passes through many villages which have historic buildings constructed close to the footpath. It would be unreasonable to expect residents to tolerate an additional seven hours of traffic. The permitted hours for traffic should be kept as they are currently these being between 0700 and 1800 weekdays.

- The amount of traffic already is a major contributing factor to the speed at which the local roads have been deteriorating. Any increase in traffic would worsen the situation and lead to further damage.
- Objections and concerns raised about the speed of traffic and the safety of pedestrians especially along the A607.
- Objections/concerns regarding excessive noise and disturbance especially during spring and summer months when residents are likely to have windows open. Residents do not want to be woken up or prevented from sleeping due to this facility.
- Extending operating hours would only worsen current problems experienced as a result of noise, smell and heavy traffic. Any wind from the north, north-east or south-west carries the noise/odours and this affects residents.
- Objections/concerns that the site would be operating when any ambient noise would be at its quietest thus making it far easier for residents to hear the plant operating and leading to greater disturbance.
- Concerns raised about litter already leaving the site which is contaminating the countryside with small particles of plastic that can be eaten by domestic, wild and farm animals as well as small animals which are eaten by the local bird population.
- The site is already an eyesore with burned out buildings having failed to be rebuilt and has a negative impact on the local area as a result of light pollution, rubbish spillage, noise pollution and gives nothing back to the village. Any expansion should be resisted.
- The need for site improvements that might benefit residents is understood but the extension of working hours is a fundamental problem, specifically at the weekends or during the night time beyond the originally agreed hours for which the site is licensed. As it is 6pm is a welcome relief for residents particularly during the summer and should continue to be so.
- Difficult to understand how the noise impacts arising from this plant and equipment can be properly assessed and conclusions reached on a hypothetical and non-existent process. Since the sites inception there has been 'mission creep' albeit within the original hours permitted but it is now proposed to expand these hours by another 7 hours per day and during unsociable hours. This is a quantum leap and totally unacceptable.
- Concern that the rapid roller shutter doors proposed will lack any acoustic features and so there could be considerable noise breakout through these doors. If it is decided to grant permission then it should be a requirement that these doors remain closed between 0400 and 0700 hours and 1800 and 2200 hours to prevent this.
- Concern that Building 9 is not going to be reclad with acoustic cladding and therefore noise breakout between the two buildings could have a significant impact on the overall external noise level.
- The Noise Assessment acknowledges that there will be an increase in noise from the site if the machinery is installed but is based solely on the noise produced when the doors are closed. We do not believe that these doors will remain closed, especially if there is a heatwave, as they appear to be the only ventilation for these buildings. The operating times should remain as they are.

- This large waste site should never have been allowed close to villages and further expansion would be detrimental to the well-being of villagers.
- The amount of rubbish falling off lorries exiting the site and which is blown out of the site in windy conditions is destroying the local environment. Nevermind increasing the opening hours, the site should be closed permanently/reduced in size or moved to a more suitable industrial area.
- When permission was granted for the overnight cleaning, the consultants representing Mid UK assured the County Council's Planning Committee, after the Parish Council had expressed its fear that this was the thin end of the wedge, that the Company would look to extend operating hours. A couple of years later and now they are seeking to extend the operating hours. The next step will be to apply for 24 hour working. This is unacceptable.
- The current owners of the site knew about the restrictions when they bought the business and should have no right to overturn them now. The justification for longer operating times rests solely on the payback time for the machinery. This is not a good reason to allow the company to adversely impact the quality of life of local residents and it should not be taken into account.
- The extended hours are proposed in order to get a quicker payback on the investment spent on the plant and equipment part. The additional noise and disruption this proposal will cause will impact upon the residents of the area until such time as it ceases and so the economic payback reasoning promoted by the applicant should be ignored and processes put in place to achieve this during normal working hours without impacting local residents

District Council's Observations

24. South Kesteven District Council has confirmed it has no objections to raise to this proposal.

Conclusions

25. Planning permission is being sought by for the regularisation of new plant and equipment which has been installed within the site and which is planned to be used to improve the waste management activities and expand the types of wastes that can currently be recovered at the site. In addition, permission is sought for replacement external cladding and external doors to the building; the retention of a lean-to extension and installation of roof mounted photovoltaic panels, and the variation of operating hours within Buildings 9 & 10.
26. The main issues to be considered in the determination of this application are:
- purpose and need for the new waste processing plant and equipment;
 - whether the new waste processing plant and its operation, in particular during the early morning and night-time period, would give rise to any unacceptable adverse impacts on the amenity of nearby residents or the area; and

- whether the proposed alterations to the building fabric and installation of the PV panels would have an adverse impact on the visual appearance of the site or the local area considering its countryside location.

Purpose and need for new waste processing plant and equipment

27. The development seeks to bring redundant waste storage and baling buildings back into beneficial use through the introduction of an advanced materials recovery plant. The new plant and equipment is housed entirely within the existing building(s) and although it has been installed it is currently non-operational. When operational (subject to permission being granted) the plant and equipment would allow problematic dry mixed recyclable wastes to be recovered and separated out into a series of precisely graded materials that would then be suitable for recycling/re-use elsewhere. The new plant and equipment represents a significant investment into the site which would not only improve the recycling/recovery rates but also create new and additional employment opportunities (cited as being for around 20 new staff) which would help reverse recent job losses and help to sustain the financial viability of the site as a whole.
28. In principle at least, the new plant and equipment would therefore improve waste recovery processes at the site and enable more wastes to be recovered which would help increase the marketable value of those recovered wastes/products whilst also contributing to pushing the management of more waste further up the waste hierarchy. The proposed development would therefore meet the aims and objectives of the NPPF, NPPW and Policies DM1 and DM2 which put great emphasis on the need for sustainability and support the movement of waste up the waste hierarchy.

Impacts arising from the operation of the new plant and equipment

29. As mentioned previously the new plant and equipment is housed entirely within existing buildings and therefore would not be visible externally and so not have any impact on the visual appearance of the site or wider area. The new plant and equipment would also not result in any increase to the amount of waste permitted to be received and handled by the wider MRF per year but instead improve the efficiency of the recovery process and ensure a greater volume of wastes are recovered for reuse. Therefore the objections raised with regard a potential increase in waste throughput and traffic movements to and from the site are noted but are unfounded. No objections have been received from the Highway Officer and I am satisfied that the proposals would not increase traffic movements over and above that which is already capable within the permitted annual throughput of the site. Therefore the proposal would not result in an adverse or severe impact on the function or safety of the local highway network and therefore is compliant with the NPPF and Policy DM14 of the CSDMP.
30. The vast majority of the objections and representations received in response to this application are concerned that the proposed extended hours and operation of

the new plant and equipment, especially during early morning and late evening, would lead to increased noise and disturbance to local residents and the wider area. Some state that noise from the existing site, both from existing operations and traffic/HGVs, already have an adverse impact and so any proposal to extend the hours of use, including for HGV movements, should be resisted. Some also claim that the applicant has previously stated it would not seek to extend hours outside those currently permitted and therefore this proposal is a retraction of this commitment and could be a precursor to a future request to operate 24 hours.

31. In terms of noise from existing operations, whilst it is acknowledged that noise can be heard and experienced when close to the site boundaries, this noise does dissipate with distance away from the site and falls to such a level that this is not considered unacceptable by the time it is experienced at the nearest properties. Previous permissions granted at the site, including that which recently allowed overnight maintenance and cleaning operations, contain conditions setting prescribed noise limits and/or have required noise surveys to be conducted to demonstrate that noise levels arising from the site fall within acceptable limits. No breaches or exceedance of permitted levels have been identified and therefore whilst the objections/concerns about current noise are noted these have thus far been unsubstantiated.
32. With regard the current proposal, it should be noted that the extended hours sought only apply to the operation of the plant and equipment in Buildings 9 & 10 and no changes are proposed to the existing hours for the remainder of the site (other than those permitted and associated with the night-time maintenance/cleaning operations) and this includes traffic/HGV movements to and from the site. Comments therefore made concerning the impact of HGV traffic and disturbance outside the current hours permitted are therefore not a matter for consideration in the determination of this proposal.
33. The concerns/objections that are relevant to the consideration of this application are those regarding potential noise impacts associated with the operation of the new plant and equipment during the proposed extended hours. To address these the applicant has carried out a Noise Assessment and submitted additional supporting technical notes which expand upon the original Noise Assessment which together aim to demonstrate that noise from this proposal would not have an unacceptable adverse impact on nearby residential properties. The Noise Assessment and supporting technical notes have assessed the sources of noise from the plant and equipment that is proposed to operate between 0400 and 2200 hours and is based on a 'worst case scenario' which assumes all plant operating at the same time and downwind weather conditions. The information presented by the applicant includes the findings of a noise survey which recorded existing background noise levels experienced at identified sensitive receptors close to the site; an assessment of the likely noise levels that would be derived from the operation of the plant and equipment (without any correction applied for tonal or impulsive noise elements), and; what the resultant noise levels would be experienced during the extended hours at those receptors. The applicant submits

that despite the low background noise levels experienced during the early morning and late evening (which range from 23dB to 34dB L_{A90}) and subject to the embedded and additional mitigation offered as part of this proposal (e.g. recladding of the building, new shutter doors, operational noise of the plant and separation distances involved) the plant and equipment could operate during the early morning and late evening as proposed and would avoid disturbance in bedrooms at night and so be compliant with BS4142 as well as World Health Organisation "*Guidelines for community noise*" and BS 8233:2014 "*Guidance on sound insulation and noise reduction for buildings*".

34. Like the previous application (later withdrawn), an independent noise consultant has been commissioned by the Council to carry out a peer review of the Noise Assessment and information submitted by the applicant. The noise consultant has also previously carried out their own noise survey and so has been able to use their data to compare, validate and verify the findings and conclusions being promoted by the applicant. As before the Council appointed noise consultant has reviewed the information presented by the applicant and identified what they consider to be failings in the approach and way the data and noise assessment has been presented by the applicant which, in their view, does not follow or meet the prescribed standard as set out in BS4142. This is disappointing but not surprising given much of the information supporting this application is the same as that which supported the previous application which was eventually withdrawn in light of these same issues/criticism raised previously. However, this revised application does differ from the previous in that it also now contains a further technical note which expands upon the information presented previously and includes a proposal to improve the cladding of main building housing the new plant and equipment in order to improve the fabric of the building and provide increased sound attenuation. Notwithstanding the criticisms identified previously with regard the way in which the noise data has been presented by the applicant (which remain), having regard to the noise consultants own survey findings and the data presented as part of this revised application, the Council appointed noise consultant has concluded and advised that it is likely that residents would not suffer a loss of amenity as a result of the operation of the development proposed subject to:

- (i) the plant and equipment when in operation not having any tonal or impulsive audible elements as assessed (e.g. noise from the plant is not of a single frequency that is more noticeable or would generate sudden and instant bursts of sound);
- (ii) the improvements proposed to the sound attenuation of the buildings being secured; and
- (iii) the imposition of planning condition (as recommended by the noise consultant) that specifies noise levels shall not exceed 29dB L_{Aeq} , free field at any noise-sensitive property between the extended hours proposed; that noise must have no audible tonal or impulsive nature as experienced inside or outside any noise-sensitive property, and; that a noise survey be undertaken within 3 months of operation with the results submitted for the

approval in order to validate the noise levels emitted meet/comply with the requirements set above.

35. With regard to (i) the applicant has confirmed the new plant and equipment proposed is the same as that which operates at the applicants sister site at Barkston. This plant does not have any tonal element when operational and would operate continuously with no intermittency (unless there's a fault). As a consequence, no acoustic correction has been applied (as assumed by the Council appointed noise consultant).
36. With regard to (ii) & (iii) the proposed improvements to the cladding of the building form part of the development proposed and a condition could be imposed to ensure these works are completed before the plant and equipment is allowed to operate. The Council appointed noise consultant has also recommended that a condition be imposed which specifies that noise levels shall not exceed 29dB LAeq, free field at any noise-sensitive property between the extended hours proposed; that noise must have no audible tonal or impulsive nature as experienced inside or outside any noise-sensitive property and that a noise survey be undertaken within 3 months of operation with the results submitted for the approval in order to validate the noise levels emitted meet/comply with the requirements set. This condition would be reasonable and enforceable and therefore provide sufficient safeguards to ensure that noise from the operation of the plant and equipment does not have an unacceptable adverse effect on local residents whilst also ensuring the Waste Planning Authority has an ability to enforce against any breaches or issues of non-compliance should these occur.
37. Consequently, despite the objections and concerns raised by local residents, subject to the imposition of conditions as recommended, the proposal is considered acceptable and would not conflict with the aims and objectives of Policies DM3 and DM17 of the CSDMP or compromise Policies EN4 and DE1 within the SKLP and as such Officers advise that there is no basis or justification to refuse this proposal on the grounds of noise.

Alterations to the building and solar PV panels

38. As part of this development it is proposed to reclad Building 10 (which hosts the majority of the new plant and equipment) and install 'rapid close' doors within existing entrances. These alterations would be visible but would not significantly alter the external appearance of the building and would not have an adverse impact on the character and setting of the surroundings or to the visual appearance of the building or site as a whole. Therefore these proposed works are considered acceptable and would not have an adverse or unacceptable impact on the visual appearance of the site as a whole and so comply with CSDMP Policy DM6 and Policies SP5, EN1 and DE1 of the SKLP.
39. In addition to the above works, this revised proposal also includes the installation of roof mounted photovoltaic panels on Building 10 and on the southern section of

Building 9. The panels would be at an elevated level and low profile with dark grey coloured fixtures meaning they would not be conspicuous when viewed from ground level/outlying visual receptors. The amount of electrical energy produced by the panels is estimated to be 267 kilowatts 'peak' (kWp) meaning if the panels are working at their maximum capacity for one hour they would generate 267 kilowatt hours (kWh) of electricity. The total amount of electricity the system would generate per day/year would depend on weather conditions and the number of hours of daylight but nonetheless they would contribute and help the site to become energy self-sufficient and reduce its reliance on the external electricity network. This element of the development would therefore fit well with the aims of Policy D2 of the CSDMP. I am also satisfied that the panels would not have an adverse or unacceptable impact on the visual appearance of the site as a whole or the wider area and therefore would also accord with the objectives of CSDMP Policies DM3, DM6 and Policies SP5, EN1 and DE1 of the SKLP.

Human Rights Implications

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

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. This permission and conditions apply only to the land and buildings edged red on Drawing No. 416-N-1a – OS Plan.

Reason: To define the development and land/buildings subject of this decision for the avoidance of doubt.

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.

- Planning application form and Design & Access Statement (received 6 December 2022);

- Sharps Redmore Noise Assessment Report dated 11 January 2022 (received 3 January 2023) and supporting Technical Notes (received 6 December 2022) dated 4 May 2022 and 28 November 2022;
- Drawing No. 416-N-1a – OS Plan (received 6 December 2022)
- Drawing No. 416-N-5c – Buildings 9 & 10 – Plan, Roof Plan – Proposed (received 3 January 2023)
- Drawing No. 416-N-6b – Buildings 9 & 10 – Elevations, Sections – Proposed (received 6 December 2022)

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

3. The plant and equipment hereby approved and housed within Building 10 (as shown indicatively on Drawing No. 416-N-5c) shall not be brought into use until the walls and roof of Building 10 have first been reclad/replaced and roller shutter doors installed in accordance with the details shown on Drawing No. 416-N-6b. The Waste Planning Authority shall be informed in writing of the date of completion of those works.

Reason: To safeguard the amenity of nearby residents by ensuring that the sound attenuation afforded by the proposed recladding and roofing materials is in place before the plant and equipment hereby approved is brought into use.

4. (a) With the exception of those operations/activities specified in Condition 6, all internal operations and activities authorised or required in association with the operation of the plant and equipment hereby approved and carried out within Buildings 9 & 10 (as defined on Drawing No. 416-N-1a) shall only be carried out between the following hours:

0400 to 2200 hours Monday to Friday
0700 to 1300 hours Saturdays

- (b) The access and egress of delivery/commercial vehicles associated with this operation shall be restricted to the hours of:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

5. Cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No such operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reasons: To safeguard the amenity of nearby residents by ensuring that the extended hours of use are restricted only to the operation of the plant and equipment subject of this approval and to ensure the hours of operation for the wider waste management site are consistent with those approved by other permissions.

6. Between 1800 and 0700 hours noise levels shall not exceed 29dB LAeq, 15 minute free field at any noise-sensitive property and noise must have no audible tonal or impulsive nature as experienced inside or outside any noise-sensitive property.
7. The external roller shutter doors as shown on Drawing No. 416-N-6b shall be kept closed at all times except when required to allow the access and egress of vehicles and movement wastes.
8. Within three months of the date the Waste Planning Authority received written notification that the plant and equipment hereby approved and housed within Building 10 (as shown indicatively on Drawing No. 416-N-5c) has been brought into use (in accordance with the requirements of Condition 4), a noise survey shall be undertaken between 1800 and 0700 hours to determine the Specific Level and Rating Level of sound emitted from the operations hereby permitted, in accordance with BS4142:2014+A1:2019. The survey should be carried out at the boundary of the nearest two residential noise-sensitive receptors. The results of the survey shall be forwarded to the Waste Planning Authority for written approval within one month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary, these shall be identified within the report and implemented within one month following their written approval by the Waste Planning Authority.

Reasons: To protect the amenity of nearby residents by ensuring roller shutter doors are closed to prevent noise breakout during the extended hours of use and that noise levels arising from the operations conform to those identified and which have been deemed acceptable.

Informative

Attention is drawn to:

- (i) 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. 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

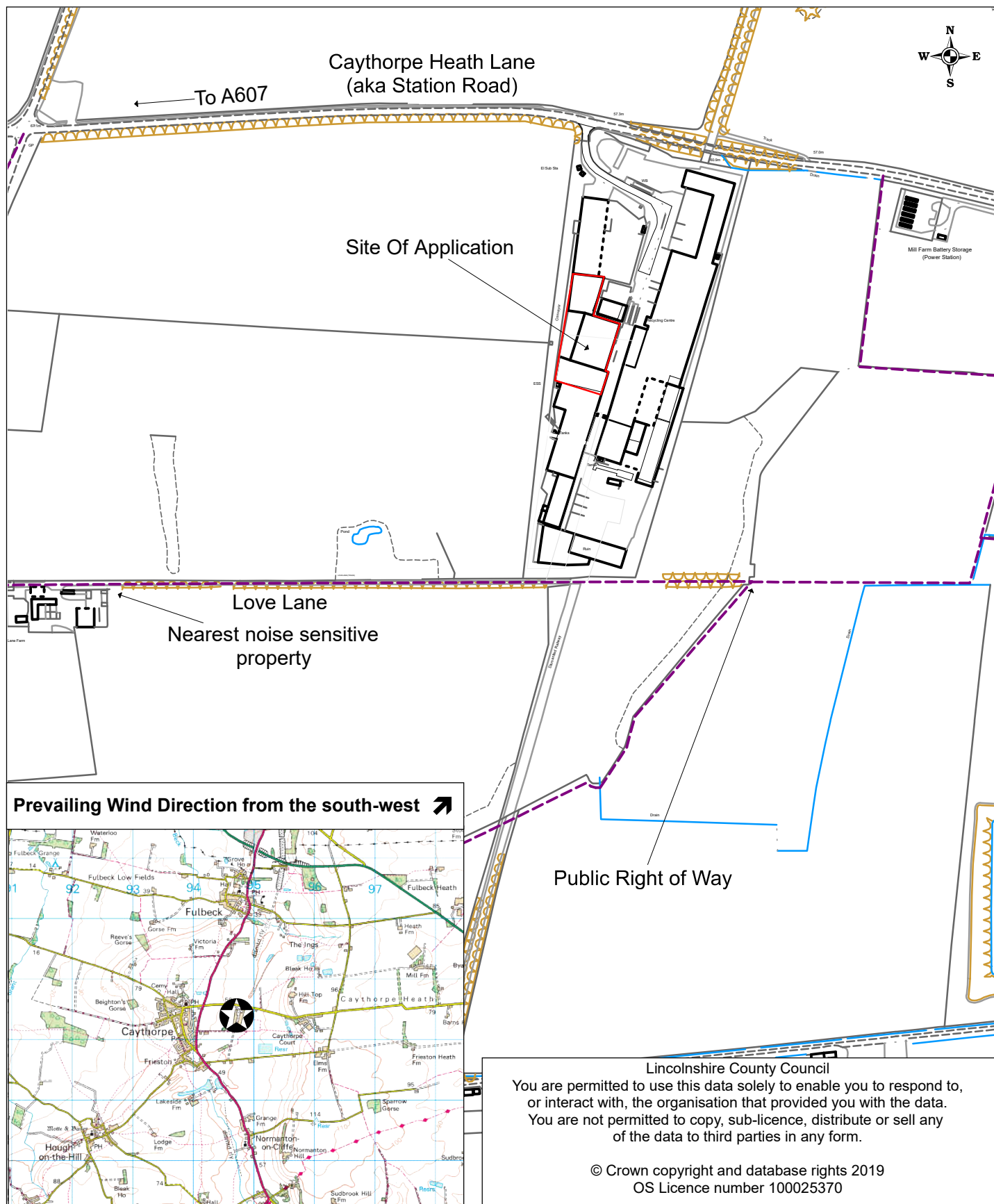
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S22/0354	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
South Kesteven Local Plan (2020)	South Kesteven District Council's website www.southkesteven.gov.uk

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 17 APRIL 2023



Lincolnshire County Council
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Location:
 New Earth Solutions (West) Ltd,
 Caythorpe Heath Lane, Caythorpe

Application No: S22/2466
Scale: 1:5000

Description:
 For the installation of new internal plant, replacement external cladding and external doors, roof mounted photovoltaic panels and the retention of lean-to extension to accommodate materials recovery facility and variation of operating hours within Buildings 9 & 10