

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE UPDATE – 4 December 2023

- Attached county map showing location of applications

ITEM

- 6.1 **Further representation** – a further objection to this proposal has been received which states they are opposed to the development as it is close to people’s homes and that it is not wanted locally and would ruin the village.

Applicant – Since the report was published, Officers have agreed minor changes to the wording of the proposed conditions and the Applicant has offered to secure a vehicle routing restriction which would limit HGV movements through Manby/Grimoldby and avoid movements during school pick up/drop off times.

A revised schedule of conditions is therefore set out in Appendix A (attached to this update) which reflect minor changes to wording as agreed and which also includes a new condition (Condition 2).

With regard vehicle routing, the Applicant has offered to enter into an agreement that would prevent HGVs associated with the construction or operation of the AD Plant from using Tinkle Street, Grimoldby or Carlton Road, Manby except where those vehicles are collecting feedstock or delivering fertiliser to locations within a 5km radius of the AD Plant. The 5km radius is proposed because whilst they have not had any conversations with a laying unit to the east of Manby, should they secure a contract in the future to supply wastes from this site (or others that may lie within this zone) then this caveat would allow some flexibility for local deliveries/collections to occur. The agreement would however also impose a restriction preventing HGVs from using these highways between 0800-1000 and 1400-1600 hours so as to avoid peak periods such as school pick up/drop off.

Head of Planning Response/Recommendation: The additional objection reflects comments as already set out in the report but does introduce anything materially new or alter the Officers recommendation.

The proposed vehicle routing/timing restriction is welcomed and the 5km radius proposed considered acceptable and so should the Planning & Regulation Committee be minded to grant permission, it is recommended that the decision be issued following completion of a S106 Planning Obligation to secure the terms of the routing restriction as set out above and subject to the conditions as set out in Appendix A instead of those as contained within the report.

Appendix A

Commencement & Notifications

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority (WPA) within seven days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Written notification of the date the commissioning and testing phase of the development hereby permitted has been completed shall be sent to the Waste Planning Authority (WPA). Such notification will be given within seven days of the completion of that phase.

Reason: To enable the WPA to monitor operations and permitted.

Approved Documents & Drawings

3. The development hereby permitted shall be carried out in strict accordance with the details contained in the application and in full compliance with the mitigation measures identified and set out in the supporting Environmental Statement (including supporting technical appendices) and the drawings set out below, unless otherwise agreed in writing with the WPA, or where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions:

Documents

- Planning application form, Design & Access Statement and Statement of Community Involvement (received 9 May 2023)
- Planning Statement (dated 23 June 2023)
- Environmental Statement (inc. appendices) & Non-technical Summary (received 9 and 17 May 2023)

Drawings/Plans (all received 9 and 17 May 2023)

- Drawing No. RAC/8951/01 – Location Plan
- Drawing No. RAC/8951/03 – Gas Pipeline Alignment and HDD Pit Locations
- Drawing No. RAC/8951/04 Rev.A – Site Plan
- Drawing No. RAC/8951/05 – Reception and Straw Building - Elevations
- Drawing No. RAC/8951/06/S1 Rev.A – Digestate Separation and Fertiliser Production Building – Side Elevations and Floor Plan

- Drawing No. RAC/8951/06/S2 Rev.B – Digestate Separation and Fertiliser Production Building – End Elevations
- Drawing No. RAC/8951/07 – Tanks, Stacks and Silos – Elevations
- Drawing No. RAC/8951/08 - Technical Buildings Elevations
- Drawing No. RAC/8951/09 - Ekogea Micronisation Building – Elevations
- Drawing No. RAC/8951/10 - Biogas Upgrade Equipment – Elevations
- Drawing No. RAC/8951/11/S1 - Elevations As Proposed (Reception & Office)
- Drawing No. RAC/8951/11/S2 Rev.A – Plans As Proposed (Reception & Office)
- Drawing No. RAC/8951/12 Rev.B - Odour Unit, Flare and Condenser – Elevations
- Drawing No. RAC/8951/13 - Digestate Separation and Fertiliser Production Building - Roof Plans
- Drawing No. RAC/8951/14 - Gas Pipeline Compression and Chilling Equipment – Elevations
- Drawing No. RAC/8951/15 Rev.B - Grid Entry Compound Layout and Elevations
- Drawing No. RAC/8951/16 Rev.B – Site Elevations

Reason: To ensure that the development is carried out in an acceptable manner and for the avoidance of doubt as to the development that is permitted.

Permitted Tonnages & Feedstocks

4. The feedstock materials for the anaerobic digestion plant shall be restricted to no more than 305,000 tonnes per annum comprising of cattle/pig manure, chicken litter and straw and no more than 50,000 tonnes per annum of organomineral fertiliser additives. All materials brought to the site shall be weighed at a weighbridge within the site and weighbridge records shall be retained for at least two years and be available for inspection by the WPA upon request.

Reason: To define the permitted waste streams and to limit the scale of operations in the interests of the amenities of the area.

Pre-commencement Conditions

Construction Activities

5. No development shall take place until a Construction Environmental and Transport Management Plan (CETMP) has been submitted to and approved in writing by the WPA. The CETMP shall include details of measures to be adopted to minimise and mitigate potential impacts during the construction phase including (inter alia):
 - the measures to avoid the pollution and discharge of any substances, including surface water run-off into controlled waters;

- the measures to be adopted during all works to minimise the incidence and impacts of noise and vibration arising from construction equipment and vehicles;
- the measures to be adopted during all works to ensure that dust emissions are minimised;
- details of the measures to ensure vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway (e.g. wheel cleaning facilities);
- hours of working for construction activities and traffic routes to be taken by HGVs for the delivery of construction materials.

The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.

Reason: To minimise the impacts of the construction operations and impacts such as noise, dust and light pollution on the local landscape and nearby residents.

Surface & Foul Water Drainage

6. No development shall take place until written details of the surface water drainage scheme and foul water drainage system (which must be substantially in accordance with the principles as set out in the Flood Risk Assessment and Outline Drainage Strategy as contained within Appendix 13.1 of the Environmental Statement) have been submitted to and approved in writing by the WPA. The scheme shall include details of the maintenance and management of the system after completion and shall be implemented in accordance with the approved details prior to the development coming into operation.

Reason: To ensure surface and foul waters from the development are managed appropriately so as to prevent increased risk of flooding, both on and off site and ensure the surrounding water environment is not at risk from pollution or contamination from any discharges from the site.

Archaeology

7. (a) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the WPA. The scheme of archaeological investigation shall thereafter be carried out and implemented in accordance with the approved details.
- (b) The applicant will notify the WPA of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the WPA.

- (c) A copy of the final report will be submitted within three months of archaeological work being completed to the WPA for approval (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site.

Noise

8. No development shall take place until details of the noise attenuation and mitigation measures to be implemented as part of the design of the authorised buildings and fitted to mechanical plant and equipment (as identified within Section 8 of the Noise Assessment contained within Appendix 11.1 of the Environmental Statement) have been submitted to and approved in writing by the WPA. The details shall include information to demonstrate and confirm that the external wall / roof and roller shutter doors of each building (excluding the Combined Heat and Power Unit) provide a minimum sound insulation performance of 30dB Rw and details of the acoustic specification for vents to be used in the Combined Heat and Power Unit. The details should demonstrate that operational noise rating levels do not exceed 35 decibels at residential properties. The noise attenuation and mitigation measures identified and approved within the submitted scheme shall thereafter be implemented in full.

Reason: To protect the amenity of nearby residential properties.

Hours of Operation

Construction Phase

9. With the exception of internal building works such as plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of internal fixtures and fittings, unless minor variations are otherwise agreed in writing with the WPA, all vehicle movements and the operation of plant and machinery during the construction/building phase shall only be carried out between 0700 and 1900 hours Monday to Friday and between 0700 and 1300 hours Saturdays. No such operations or activities shall take place on Sunday, Bank or Public Holidays.

Operational Phase

10. Once commissioned and operational the anaerobic digestion plant hereby permitted may operate continuously 24 hours a day, 7 days a week.

11. Except as may otherwise be agreed in writing with the WPA, no HCV's are permitted to enter or exit the site associated with the delivery of feedstock materials and/or the export of the products between 2400 hours and 0600 hours.

Reasons: In the interests of general amenity of the area and to minimise the impact of noise from construction and operations on the site including from passing HGVs on residents living close to the site during the night-time period.

Landscaping & Ecology

12. No vegetation removal may start until a Landscape and Ecology Management Plan (LEMP) has first been submitted to and been approved in writing by the WPA. The LEMP should be substantially in accordance with the principles as shown indicatively on the Landscape Proposal Plan of the Biodiversity Net Gain Assessment contained within Appendix 8.5 of the Environmental Statement and include details of all proposed soft landscaping works and ecological mitigation and enhancement measures to be implemented as part of the development. The Plan should include (inter alia):
- a. the location, number, species, size and planting density of any proposed planting including details of any proposed tree and hedgerow planting and details of the provenance of any seed mixes to be used;
 - b. contain the results of soil testing which shall first have been carried out the area of land which is proposed to be converted into wildflower meadow. The soil testing should establish the nutrient condition of the soil and confirm this as being suitable for wildflower meadow to flourish. If the soil testing results do not demonstrate this then details of alternative proposals for the treatment of this land shall be detailed within the scheme;
 - c. subject to (b), demonstrate how the plan proposals will contribute to the achievement of a minimum of 10% biodiversity net gain in habitat units and a minimum of 55% biodiversity net gain in hedgerow/liner units as indicated in the Biodiversity Net Gain Assessment (contained within Appendix 8.5 of the Environmental Statement);
 - d. detail how the landscaping and ecological measures proposed in the plan will be managed and maintained during the operational life of the authorised development;
 - e. contains details relating to the number, type and location of bird and boxes that are to be installed on retained trees within the development footprint;
 - f. contain details of all permanent fences, walls or other means of enclosure proposed around the main AD Plant site and the Grid Entry Compound (as shown indicatively in Drawing No. RAC/8951/15 Rev.B).

The approved soft landscaping/planting scheme shall be implemented in full in the first available planting season following completion of the construction phase. All

trees, shrubs and bushes shall be adequately maintained and all losses shall be made good for the lifetime of the development

13. All trees and shrubs not scheduled for removal and which are to be retained as part of the development shall be protected during the demolition/construction works in accordance with the recommendations of BS5387 'Trees in relation to design, demolition and construction – recommendations'. All protection fencing, barriers and measures implemented to protect trees and shrubs shall be maintained during the course of the construction works on site and be removed following their completion.

Reasons: In order to ensure the landscaping proposals and biodiversity enhancements identified to be delivered as part of the development are secured and managed to minimise the long-term impacts of the development on the local landscape.

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

Reason: To protect breeding birds during the nesting season.

Highways & Access

15. No building or engineering operations associated with the development hereby permitted shall commence until site access onto the B1200 and the roadway to the site have been improved and the works completed in accordance with details that have first been approved in writing by the WPA. The design of the access improvement works shall be in accordance with the details shown indicatively on Figure 5.2 within Chapter 8 of the submitted Environmental Statement*.

**See Informative for further details.*

16. The metalled surface of the site access and any internal routes shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development.

Reasons: To ensure the site access improvements proposed as part of the development so as to ensure safe and adequate means of access to the permitted development is secured and to prevent mud or other materials from the site being transferred onto the public highway in the interests of cleanliness and highway.

Odour

17. Prior to the acceptance of feedstock materials to the site, an Odour Management Plan shall first have been submitted and have received written approval from the WPA. The Odour Management Plan shall include details of the odour abatement and associated mitigation measures (in accordance with the principles set out in the Environmental Statement) and an associated an odour monitoring scheme, detailing how, where and when odour will be monitored from the site and how any issues identified will be addressed or remedied. The approved Odour Management Plan shall thereafter be implemented in full for the duration of the development.

Reason: To ensure odour emissions from the plant are actively monitored so as to minimise any impacts on the locality and to protect the amenity if local residents.

18. The roller shutter doors to the technical building shall be kept closed at all times except when required to be open for the movement of vehicles in and out of the building.
19. There shall be no external storage on the site of any feedstock materials or resultant solid or liquid digestate at any time.
20. All HCVs entering and leaving the site carrying slurries/liquid feedstock materials shall be suitably sealed so as to minimise the escape of odour in transit.

Reasons: To minimise potential nuisances and impacts of odour from the development on the surrounding area.

Noise

21. Within one month of the date of the completion of the commissioning and testing phase (as notified under Condition 2) a detailed noise monitoring scheme shall be submitted to and be approved in writing by the WPA. The scheme shall identify the locations for noise monitoring to be carried out and following approval of the scheme noise monitoring shall be carried out in accordance with the approved scheme. The results of the noise monitoring shall be made available to the Waste Planning Authority within seven days of commencement of monitoring.
22. In the event that the noise monitoring scheme (approved pursuant to Condition 21) indicates that noise levels have exceeded the maximum permitted noise level, the input of feedstock materials into the plant and processing of digestate into fertiliser shall cease and shall not recommence until such time that further noise mitigation measures which shall be firstly approved in writing by the WPA have been installed and employed within the site.

23. All vehicles, plant and machinery operated at the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be effected within a two days, the vehicle, plant or machinery affected shall be taken out of service.

External Lighting

24. No fixed lighting, including security lighting, shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the WPA. The details shall ensure that the lighting is designed to minimise the potential nuisance of light spillage outside of the site, including the public highway and potential impacts on bats. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reasons: In the interests of the amenities of the surrounding area and to protect bats.

Contaminated Land

25. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the WPA. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval, in writing, of the WPA.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the WPA.

Reason: To ensure that risks from land contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out.

Lincolnshire County Council
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