

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

Report to:	Planning and Regulation Committee
Date:	12 February 2024
Subject:	County Matter Application - 147385

Summary:

Planning permission is sought by Gainsborough Skip Hire and Aggregates (Agent: ARQ design) for change of use of agricultural land to be used for the storage and process of inert materials as part of an existing waste transfer station at Gainsborough Skip Hire, Laughton Lane, Morton.

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. Anecdotal evidence suggests that the site, now known as Gainsborough Skip Hire, has an historical association with waste management, having been used as an overspill area when the site was previously operated by the local authority in the 1960s, and possibly before this. The first waste related planning permissions in the 1970s and early 1980s resulted in the site being developed as a vehicle scrap yard.
2. In 1991 planning permission was granted (ref: W64/673/91) to formalise the use of the site as a waste transfer compound. Conditions imposed on this permission restricted the waste types to inert and semi-inert waste only. In 2004 a further planning permission was granted (ref: W/132/04) to extend a shed at the site. Further planning permissions granted are summarised as follows:
3. W64/132305/14 – permission to vary Condition 2 of W64/0673/91 which authorised the storage mounds of demolition rubble and hard core to be increased from 2m to 3.5m in height.

4. W64/135110/16 - to replace the existing household waste processing unit with a larger unit to accommodate the increase in household waste arriving at the site. The work on this unit started in 2019, but the building is still under construction as the applicant can only erect part of the approved building due to the amount of inert material that is being brought in restricting space.
5. In May 2022 the applicant sent a pre-application request (ref: PAD00084) to the Waste Planning Authority proposing an extension to the existing site of 2.6 hectares. This would have resulted in an increase in area of almost one and a half times the size of the existing site and was considered to be a large extension within a countryside location. At that time no evidence had been submitted to demonstrate that the proposal met any of the exceptions as set out in the Lincolnshire Minerals and Waste Local Plan - primarily that there is a need for the expansion and that the site would be well located to the arisings of any such need/waste that it would manage. The response to the applicant was that the proposal would therefore be unlikely to receive Officer support. Having reviewed the Officer response to that request the applicant has revised the original proposals and submitted a planning application for this revised proposal which is also supported by information aimed at demonstrating and addressing the issues raised previously. This report contains details of this revised proposal.

The Application

6. Planning permission is sought for a change of use of agricultural land to be used for the storage and process of inert materials as part of an existing waste transfer station at Gainsborough Skip Hire, Laughton Lane, Morton.

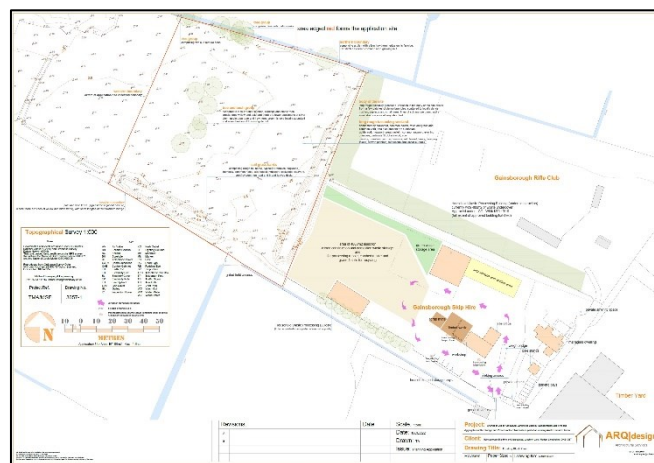


Location Plan

7. The extension area would be approx. 1.6 hectares in size and located to the rear of the existing site which is approx. 1.5hectares in size. The proposed extension area has therefore been reduced from a 2.6 hectare plot which the applicant had

originally put forward as part of the pre-application advice request. Whilst the proposed extension areas footprint covers 1.6 hectares, the actual area that would be under waste management use would be less as the applicant proposes to construct a bund around the site and there would a significant stand-off distance between the site boundary and the start of the bund.

8. The site currently handles a total of around 9,000 tonnes of waste per annum which comprises of a mixture of household wastes; green wastes; wood and timber; scrap metal and inert construction, demolition and excavation wastes (e.g. soils, brick, concrete, rubbles). The volumes of waste stored on site at any one time varies for each waste stream but the applicant states these do not exceed 4010 tonnes for inert materials, 40 tonnes for metals and 320 tonnes for household wastes. In addition to the existing planning permission the site operates under an Environment Agency Waste Management License which allows for a maximum of 25,000 tonnes per annum to be accepted at the site.



Existing Block Plan

9. The applicant states that Gainsborough Skip Hire has been operating for approximately 40 years and the size of the site is now constraining current operations. The main purpose of the proposed extension therefore is to create more space to carry out the existing operations and to help reorganize the site to enable more efficient working practices. In the short to medium term, the proposed extension would allow waste materials stored within the site to be relocated which would then enable the applicant to complete construction of the new household waste unit subject of permission W64/135110/16. Household waste is and must be managed undercover to comply with the Environment Agency's Permit and so without the completion of the unit the site cannot properly accommodate household waste as permitted. In the longer term, a larger site would also enable the applicant to expand the business and accommodate greater volumes of waste should demand increase. The applicant notes that the population of Gainsborough has increased from approximately 18,000 (1991 census) to 23,000 (2021 census) and this figure will rise further with the large residential development located off Foxby Hill nearing completion of its first phase. There are also other larger residential developments permitted around the town

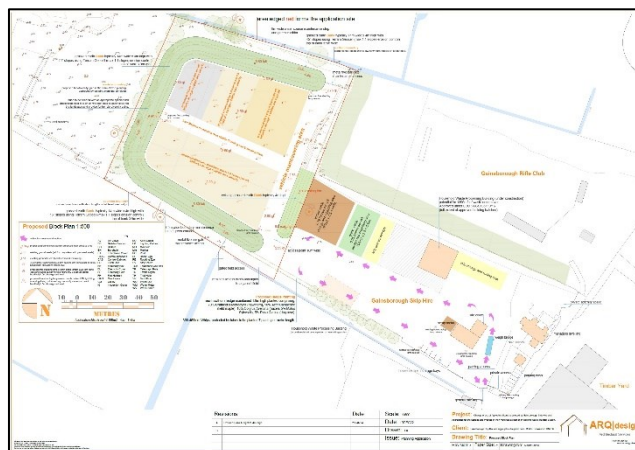
which will undoubtedly lead to further construction and household waste in the near future. There has also been a large increase in the amount of fly tipping in and around the Gainsborough area in recent years and the applicant submits that the lack of a local facility in the area that can accept larger quantities of inert materials could be a contributing factor to this. Therefore, whilst there is no intention to increase the overall volume of materials accepted at the site at this stage, a larger site would ensure that there is sufficient capacity within the site to allow for this should demand increase in the future.

Proposed Site Layout

10. The proposed extension area would be surrounded by an earth bund and between the bund and the site boundary there would be a green strip which would be approximately 8m wide at its widest point on the northern boundary; 7.5m on the southern boundary and approximately 3m wide on the western boundary. The applicant had originally proposed that the bund be 6m high however following concerns raised by Officers that this would itself be an intrusive and significant feature, the applicant has confirmed their intention that this would now be to 4m high. The bund would extend 14m with a 45 degree angle slope and the top of the bund would be 2m wide. It would be seeded and there would be tree planting along the western boundary.

11. Internal to the bunded area the site would be divided into specific sections for the storage of different waste types. The northern section would be for processed rubble, crushed rubble, and grade 1 soils. The southern section would store mixed construction and demolition waste. A mobile crushing and screening plant would be sited in the area. Access into the area would be in the southern corner of the site, where it joins into the existing site, and a dedicated vehicle manoeuvring area would be along the eastern boundary.

12. There would be three free standing lighting columns which would be situated in the far northeastern corner, the southwestern corner and centrally along the western boundary. All three columns would be positioned inside the bunded area.



Proposed Block Plan

Hours of Operation and Traffic Movements

13. The permitted site operating hours are 0800 to 1700 hours Monday to Friday and 0800 to 1200 hours on a Saturday. Waste material typically arrives at the site in two streams – mixed household waste and inert material. There are no restrictions on vehicular movements at the current site and generally wastes arrive in skips which vary between 20-40 per day. Once the waste has been picked and sorted any waste for energy is sent to the energy from waste incinerator. Inert material comes to site either via small local builders or larger companies who use transits, car trailers or HGVs which can be up to eight wheelers. The numbers vary between 10-40 per day, depending on the time of year, and outgoings of recycled material is around 10-20 per day. The application states that this is variable, and in the winter, it can be 25 entering and leaving, and in summer it can be as high as 50-60 per day. The applicant has approximately 250 skips and covers a 25 km radius and contends that whilst this is sufficient to serve the area in the short to medium term, the number of residential developments either under construction or with planning permission it is expected that demand will increase.
14. The applicant states that the number of vehicles is not expected to increase in the short term as the extension would primarily allow reorganisation within the site. In fact, there could even potentially be a reduction in the number of vehicle movements initially as more space would allow wastes to be bulk transported off site rather than removed in smaller and more frequent loads due to the need to create more space within the site. More space would also facilitate a more manageable working yard, allowing for a better turnaround of the waste streams and less risk of cross contamination.

Minerals Assessment

15. The site falls within a Sand and Gravel Minerals Safeguarding Area and so the applicant has submitted information as part of the application (a Minerals Assessment) which seeks to address the requirements of Policy M11 of the Minerals & Waste Local Plan and demonstrate that this proposal would not jeopardise or conflict with the aims and objectives of this policy.
16. The applicant states that the site is situated within a superficial sand and gravel area and, as it is landlocked in all directions, it would be highly unlikely a company would pursue extraction close to an area with residential dwellings and established buildings, when there are areas suitable for extraction to the north towards Blyton and beyond. As a result, it is argued the loss of this land within a safeguarding area would not undermine or conflict with the purpose or objectives of the safeguarding policy.

Other Supporting Documents

17. The following documents were submitted in support of the application and the findings of these documents are summarised as follows:

Archaeological Assessment
Ecology and Protected Species Survey
Flood Risk Assessment
Transport Statement

Archaeological Desk- Based Assessment

18. The proposed development site is in an area that has been developed in recent decades as a mixed industrial/leisure activity hub, with a scattering of private houses along Laughton Lane. There are few known archaeological monuments in the vicinity, which include cropmarks of a probable Roman Villa approximately 1km to the north of the site. The assessment concludes that there is negligible potential for prehistoric, Saxon, medieval and modern date within the site. The potential for Roman archaeology cannot be entirely discounted due to the presence of the cropmark complex to the north, indicating a Roman presence in the area, although the likelihood is very small.
19. The majority of the boundaries would remain unchanged with one being removed to allow for the yard expansion, but this boundary is now represented by the existing bund rather than an historic hedgerow and therefore this will not impact the archaeological record.

Ecology and Protected Species Survey

20. The site is essentially long rough tussocky grassland, with scattered patches of dense brambles, bushes, saplings and sub-mature trees predominantly along one part of the northern boundary. The site has no statutory nature conservation designation and the nearest statutory nature conservation sites are Owlet Plantation Local Nature Reserve which is approximately 2.8km northeast of the site and Mother Drain Misterton Site of Special Scientific Interest (SSSI), the closest part of which is 2.4km to the northwest and within the impact risk zone of the SSSI.
21. Other than the small, shaded ditch along the northern boundary there are no open water habitats, and the ditch is not considered to have the right conditions to support water voles and otters. There was no evidence of barn owls and conditions are not considered to be suitable, no birds' nests were seen and recorded birds at the time of the survey were kestrel, blackbird and mallard. Similarly, there was no evidence of reptiles and the habitat for reptiles is considered to be unsuitable, as they require habitat variation which is not considered to be adequate at the site. The site has no scope to support roosting bats.
22. The proposed development would require the site to be cleared and hard surfaced and bunds created along the west, north and south sides. There would however be a standoff of approximately 10m from the site boundaries to the start of the bunds, which would mean that existing habitats features on the southern and

northern boundaries would be retained. The new bunds could be planted with trees and shrubs to create habitat.

23. There are no constraints related to habitats at this site and the sites most mature trees, which are the oaks along the northern boundary would be retained in the stand-off area. The nearest statutory nature conservation site would not be affected as it is at quite some distance and separated by extensive areas of farmland. Although the site is within the Impact Risk Zones for the nearby SSSI, the development is of small scale and at a distance that is not considered to have an adverse impact. Any vegetation clearance should take place outside of the nesting season and reasonable avoidance measure mitigation is recommended in relation to reptiles and hedgehogs.

Flood Risk Assessment

24. The proposed development site is in Flood Zone 3 and is not at significant flood risk and would not increase flood risk to others. The site is at high residual risk of flooding from fluvial sources, due to a breach in defences, but at a low risk of flooding from other sources including pluvial, groundwater, existing sewers and the failure of a large-raised reservoir. The proposed use for the site is classed as 'less vulnerable' and therefore no further flood mitigation is proposed.

Transport Statement

25. Vehicles to and from the site typically take the route along Laughton Lane to join Walkerith Road and then through Morton to join the junction of Blyton Road and Morton Road to go south through Gainsborough.
- The operator currently has approximately 250 skips and between 20 and 40 enter and exit the site per day. It is not expected that the proposed extension would result in an increase in skip related movements.
 - The number of vehicles coming to and leaving the site in association with inert material varies according to the season, with 25 in and out during the winter and in the summer it can be as high as 50-60. It is not expected that there would be an increase in movements associated with inert material, and better management would result in less need to move material as frequently as required currently.
 - Household waste is ultimately sent to the waste for energy plant and it is not expected that vehicle movements associated with this waste stream would increase over the current 5-10 times per week.
 - Timber waste movements are currently 5 to 10 times per week and are not expected to increase as a result of the proposed extension.
26. The number of vehicles entering and leaving the site has increased over the years and is reflective of the growing population of Gainsborough and the surrounding area. The proposal is not expected to generate additional vehicle movements,

over and above present numbers, and there are no highway or transport reasons as to why planning permission should not be granted.

Site and Surroundings

27. Gainsborough Skip Hire is located approximately 1km north of the centre of Morton, a village that is physically linked with the outskirts of Gainsborough. Laughton Lane has pockets of residential houses and access tracks leading to farms. Gainsborough Skips is located to the rear of a timber yard, the site is substantially screened from Laughton Lane by the buildings and stocked yards of industrial units, and views from the southeast are screened by an Equestrian Centre. The southern boundary is defined by a hedge and a row of mature evergreen trees. The western boundary, which is the rear of the site, is a vegetated bund, it is approximately 3.5 metres high and provides some screening from the west. To the north of the site is a shooting range which is separated from the site by a screen and soil bunds. The site backs onto open countryside and agricultural fields.
28. The existing site is approximately 1.5 hectares, and the weighbridge and site office are in the southern portion of the site and the main sorting shed is midway in the site, flush with the northeastern boundary. The site entrance is 180m to the west of Laughton Lane and access to the site is via a hard surfaced access track shared by a storage business and the equestrian centre. The nearest residential property, that is not connected to the business, is adjacent to the private access track and fronts onto Laughton Lane.
29. The application site is a low grade agricultural rectangular shaped field that adjoins the existing site on its eastern boundary, it is currently separated by the bund. The southern boundary is partly post and wire fence against adjacent pasture, with lines of willow and birch trees. The northern boundary is a ditch with a low hawthorn hedge on the far side, and the western boundary is undefined and runs into a further area of rough grassland.
30. The application site can be accessed either by a dedicated access track, which runs immediately adjacent to both the southern boundary of the existing site, or through the main recycling yard, over an existing embankment. The site is overlain by sandy soil, which is considered to be unsuitable for agricultural use.

Main Planning Considerations

Planning Policy Context

31. The National Planning Policy Framework (December 2023) 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:

Paragraph 11 - plans and decisions should apply a presumption in favour of sustainable development. Proposals that accord with an up-to-date development plan should be approved without delay and where there are no relevant development plan policies granting permission unless NPPF policies provide a clear reason for refusal or any adverse impacts of doing so would outweigh the benefits when assessed against the policies in the Framework.

Paragraph 38 - Local planning Authorities should approach decisions in a positive and creative way, using the full range of planning tools available to secure developments that will improve the economic, social, and environmental conditions of the area. Sustainable development should be approved where possible.

Paragraph 47 - Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 55 and 56 - Consideration should be given to whether unacceptable development could be made acceptable through the use of conditions or planning obligations.

Paragraph 85 - Policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.

Paragraph 88 - Supporting a prosperous rural economy- states that policies and decisions should enable sustainable growth and expansion of all types of business in rural areas.

Paragraph 114 - Highway impacts when considering applications, appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access can be achieved, any significant impacts can be effectively mitigated.

Paragraph 115 - Development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.

Paragraph 131 and 135 - Achieving good design, which is a key aspect of sustainable development and creates better places in which to live and work.

Paragraph 180 - Conserving and enhancing the natural environment- planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity and minimising impacts on and providing net gains for biodiversity.

Paragraph 186 - if development would result in significant harm to biodiversity, then planning permission should be refused.

Paragraph 189 -191 - planning policies and decisions should ensure that the site is suitable considering ground conditions, including contamination. The site should be appropriate for its location considering the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from development.

Paragraph 194 - planning regulations and pollution control – planning policies and decisions are concerned with the acceptability or otherwise of a proposed use on the land. The control of processes or emissions is subject to separate pollution control regimes, where these apply.

National Planning Policy for Waste (October 2014) - the government is seeking a more sustainable and efficient approach to resource and management and identifies positive planning as playing a pivotal role in achieving this. Waste Planning Authorities should consider the likely impact on the local environment and on amenity, against the criteria set out in Appendix B- Locational Criteria. Of relevance to this application are considerations relating to landscape and visual impact and potential land use conflict.

Lincolnshire Minerals and Waste Local Plan 2016 (LMWLP) - the following policies are of relevance to this application:

Policy M11 - Safeguarding of Mineral Resources
Policy W3 - Spatial Strategy for New Waste Facilities
Policy W4 - Locational Criteria for New Waste Facilities in and around main urban areas
Policy DM1 - Presumption in favour of sustainable development
Policy DM2 - Climate Change
Policy DM3 - Quality of life and amenity
Policy DM6 - Impact on Landscape and Townscape
Policy DM13 - Sustainable Transport Movements
Policy DM15 - Flooding and Flood Risk
Policy DM17 - Cumulative Impacts

Central Lincolnshire Local Plan 2023 (CLLP) - the following policies are of relevance to this application:

Policy S1 - The Spatial Strategy and Settlement Hierarchy
Policy S5 - Development in the Countryside
Policy S34 - Non-designated Employment Proposals in the Countryside
Policy S53 - Design and Amenity
Policy S60 - Protecting Biodiversity and Geodiversity
Policy S61 - Biodiversity Opportunity and Delivering Measurable Net Gains

Morton Neighbourhood Plan (2019-2036) (MNP) - the site is situated within an area described as Laughton Lane and Rural Area (north). There are seven objectives in the Plan and the following objectives are relevant to this application:

Objective 1 - Acknowledging the considerable constraint of Environment Agency flood risk requirements, limited new development will help to meet local needs and aspirations.

Objective 6 - Local business and employment will be supported where concerns on environmental impact, local character and traffic can be addressed.

The Policies that are set out in the MNP that are of relevance to this application are:

Policy MNP 1 - Sustainable Development Principles

Policy MNP 2 - Flood Risk

Policy MNP 5 - Local Character and the Design of New Development

Policy MNP 6 - Key Views

Policy MNP 12 - Local Employment and Business

Results of Consultation and Publicity

32. (a) Morton Parish Council – comment that Policies MNP6 and MNP12 are relevant to this proposal and that they would like to see the proposed screening bund put in place at the earliest opportunity and preferably before any other site work commences. The Parish has also stated that a condition should be imposed to show that the level of traffic travelling through the village and using the existing rural lanes is managed and being kept to a minimum, with data being kept on how many vehicles are accessing the site.
- (b) Environment Agency (EA) – have no objection to the application and do not wish to comment further.
- (c) Historic Places (Lincolnshire County Council) – agree with the conclusions of the archaeological desk-based assessment that the potential to impact upon archaeological remains is negligible and therefore no further archaeological input is required. Similarly, there would be a negligible impact on the built historic environment.
- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has commented that the proposed extension would be to allow improved organisation within the site and would not increase vehicular movements currently associated with the site. The site is currently served via Laughton Lane which is in good condition and suitable to continue to serve the site and the existing access is suitable to accommodate an expansion. Therefore, it is not considered that the proposed development would have an unacceptable impact on highway safety or a severe residual cumulative impact on the local

highway network or increase surface water flood risk and therefore have no objection.

The application would not have an unacceptable impact in terms of surface water flood risk and would not increase flood risk in the immediate vicinity of the site.

- (f) Ministry of Defence (Safeguarding) – has confirmed that the proposed development falls outside of its Statutory Safeguarding Areas and therefore has no concerns with this proposal.

The following organisations and individuals were consulted on 27 September 2023 but had not responded within the statutory consultation period or at the time this report was prepared:

Local County Council Member Councillor Perraton-Williams
Morton by Gainsborough Parish Council
Natural England
Lincolnshire Wildlife Trust
LCC Trees Officer

33. The application has been publicised by notices posted at the site (4 October 2023) and in the local press (Lincolnshire Echo on 5 October 2023). Letters of notification were also sent to the nearest neighbouring residents. 22 representations have been received as a result of this publicity, 20 of which support the application and 2 which object.

A summary of the comments contained within the 20 representations received in support of the application are summarised below:

- There is a general lack of capacity both at the site and within the local area and on occasion the business hasn't been able to accept any additional loads.
- The application would create jobs in the local area and would help other local businesses.
- There would be a reduction in carbon footprint, as more material could be stored and processed locally.
- The site is a good position as it can be suitably screened and the land itself has sandy soil which is no good for agriculture.
- The site is well run and there have been no issues in its 50 years of operation.
- Several representations give testament to the applicant's good character.

A summary of the comments contained within the 2 letters of objection are summarised as follows:

- The land is Green Belt land and there are concerns for wildlife.
- It is not a suitable site for waste management and should be in an industrial area.

- Laughton lane is not suitable for large vehicles.
- Concerns about potential noise, dust and litter.
- The site is undisturbed and has become a haven for wildlife and a number of bird species have been seen at the site include, amongst others, tree sparrow, greenfinch, willow warbler, whitethroat, blackcap and blackbird. Some of which are red and amber listed, which means they are in danger and at risk.
- Other species which breed and over winter in the adjacent land, ponds include lapwing, oystercatchers and Little Owl.
- Reference is made to the State of Nature Report (September 2023), which highlights that one in six species are at risk of extinction in Britain.
- Distressing that the ecological report advocates the destruction of habitat used by birds during the non-breeding season to prevent birds breeding the following year.
- Concerns about continual loss of green belt, farmland and these sorts of developments should be restricted to brownfield sites.

District Council's Recommendation

34. West Lindsey District Council (WLDC) has commented that it notes local residents and a number of consultees have been consulted and that the site appears overgrown, has the potential to be of ecological value, lies within Flood Zone 3 and access to the site is immediately north of neighbouring residents. WLDC has no objection to make subject to the above matters and all other material considerations being considered and found to be acceptable and not having undue adverse impacts on the overall amenity of the area.

Conclusions

35. The application is seeking planning permission for an extension to the existing Gainsborough Skip Hire Waste Management site. The application is seeking a change of use of agricultural land to land located to the rear of the existing site so that it can be used to store and process inert waste materials. As discussed, the proposal to extend the area is not seeking to change the types of materials or principally proposed to increase the quantity of material coming into the site and instead is sought to allow for improved organisation of the site to enable more efficient working practices.

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

- Whether the site would be a suitable location;
- Visual and amenity issues;
- Ecological impacts;
- Transport and vehicular movements.

Site Location

36. The proposal would result in an extension to a long-established waste facility and at 1.6 hectares in size would result in a doubling of the current size of the existing facility. The proposed extension site is located on land which is identified as Open Countryside in the Central Lincolnshire Local Plan (CLLP). Policies S1, S5 and S34 of the of the CLLP set out the development hierarchy and identify what types of development would be acceptable in the open countryside. The general thrust of these policies is to direct development to the existing urban areas and to protect countryside settings.
37. Policy S1 sets out Countryside settings as areas where development should be directed away from unless specific exceptions apply. These exceptions include other relevant policies in the Local Plan, including Policy S5. It also states the relevance of policies in a neighbourhood plan, and whether the development is minerals or waste development and in accordance with separate Minerals and Waste Local Development Documents as factors to be considered.
38. Policy S5 of the CLLP addresses development in the Countryside and Part E states that proposals for non-residential development will be supported provided four criteria are met:
- The rural location of the enterprise is justifiable to maintain or enhance the rural economy or it is near to existing established businesses or natural features.
 - The location is suitable in terms of accessibility.
 - It would not conflict with neighbouring uses.
 - It is of a size and scale commensurate with the proposed use and rural character of the location.

Taking each of the above into account, it is considered that by virtue of the proposed extension being adjacent to the existing established waste facility, it would comply with the first criterion. The site would be accessed from the existing access off Laughton Lane, which has previously been considered to be acceptable for the existing operations and furthermore it is not anticipated that vehicular movements would increase as a result of the proposal but could potentially reduce.

39. The development would be adjacent to the existing waste management site and is located in a pocket of other commercial and semi-industrial uses, and for these reasons it is considered that it would not conflict with the surrounding uses and would be of a size and scale that would be compatible with the specific features of this location. In summary, it is considered that it would meet the requirements of Policy S5 and therefore it would not be contrary to Policy S1.
40. Policy S34 states that non-designated employment proposals in the countryside will, amongst other exceptions, be limited to the expansion of an existing employment use and that provided it would be consistent in scale with its rural location; would not adversely affect existing local community services and

facilities; would be compatible with the landscape setting and not harm any protected natural sites, both designated and non-designated and; it would not impact unacceptably on the local and or strategic highway network.

41. The requirements of Policy S34 are similar to those set out under S5 and for the reasons set out above it is considered that the development would comply with Policy S34. In summary, it is considered that the proposal would not be contrary to the policy requirements of the Central Lincolnshire Local Plan.
42. In assessing the application against the policies in the LMWLP, Policy W1 addresses the future requirements for new waste facilities in the County, which are identified through the Site Locations document. The proposed site is not within an identified location and consideration must be given to Policy W3 and Policy W4 which set out the criteria for new waste facilities as well as extensions to existing facilities, both within identified areas and outside of these areas.
43. Policy W3 of the LMWLP seeks to direct new and extended waste management facilities to the main urban areas which includes Gainsborough. Large extensions to existing facilities, outside of the built up and main urban areas, can also be supported where they:
 - meet an identified waste management need;
 - are well located to the arisings of the waste it would manage;
 - are on or close to an A class road; and
 - where it meets the criteria of Policy W4.

Taking each of these criteria in turn:

- **Need** – The application has highlighted the challenges of effectively operating on the existing site, and whilst the application is not seeking to increase the quantity of material coming into the site, the size of the site and the supply of existing material mean that loads are sometimes turned away and material is being exported off site in half loaded trucks, in order to make space for other material coming in. The confines of the site also result in plant and operatives having difficulty accessing certain areas of the site and having to go over waste to reach them. The need for the additional area is in effect a need for the site to adequately manage the current situation.

The application and representations received during consultation have highlighted the lack of nearby waste facilities and this, combined with the increase in population of Gainsborough and the surrounding area demonstrates a need for a facility of this type, with sufficient capacity, in the area.

- **Proximity to waste arisings and location** – The existing site serves Gainsborough and the surrounding area, and it is considered that evidence to

support this is already in existence by virtue of the existing customer base . I am therefore satisfied that this element of the Policy has been met.

- **Sites proximity to an A Class Road** – It is accepted that the site itself is not on an A Class Road with the nearest being the A159 which is approximately 1km from the site. However, the current routes to and from the site are along Laughton Road and through Morton until the junction with the A159. The proposed extension would not alter the existing routes taken by traffic associated with the site and whilst there is the potential for traffic to increase in the future should the volumes of waste handled increased due to demand, the primary purpose of the extension is to create more space to allow more efficient working, rather than increasing quantities. In this case, I am therefore satisfied that the whilst the site is not directly accessed of a A class road it is located sufficiently close to one and given traffic using the site already use this route then this development is acceptable in terms of its broad location whilst not entirely complying with this particular criterion.

- **Policy W4 criteria** – Policy W4 expands upon Policy W3 and supports the development of large extensions to existing waste facilities outside of urban areas provided they are located on the following types of site/land:
 - previously developed and/or contaminated land; or
 - existing or planned industrial/employment land and buildings; or
 - land already in waste management use; or
 - sites allocated in the Site Locations Document.

Although the land immediately adjoins an existing waste management site, it is an agricultural field and so not currently in waste management use. It is also not allocated in the Site Locations Document as a site suitable for waste management uses and is not planned employment land or buildings. The proposed extension site does not therefore meet any of the criteria set out under Policy W4 in terms of being one of the types of land suitable for such proposals. However, the failure to comply with the criteria of a single policy does not mean that the development is unacceptable and instead consideration needs to be given to how the proposal conforms or otherwise with other policies contained within the Local Plan(s) when considered as a whole. A proposal that therefore is in considered to be general conformity with the policies contained within the Development Plan can still be supported in certain cases. It is therefore necessary to also take into account other considerations such as those detailed below.

Visual and Landscape Impacts

44. The site is an irregular shaped rectangular field located directly to the rear of an existing waste management site. The existing site is set back from its access with Laughton Lane and is significantly screened in all directions, by virtue of the position of the existing buildings and businesses that surround it, the established

belt of trees on the southern boundary and the bund at the rear of the site which forms the western boundary of the application site. The significant screening and position of the existing site, means that the proposed extension would also be significantly screened.

45. A 4m high bund is now proposed around the extension area which would limit views on all sides and planting would be incorporated which would soften the development. It is considered that the creation of a bund would have the effect of 'pushing out' the existing bund which defines the existing site and would make the development look less of a significant change. There would be mobile plant, but no buildings are proposed on the site and the height of the bund would screen the activities. For these reasons it is considered that the application would not be contrary to Policies DM3 and DM6 of the LMWLP Policy S53 of the CLLP and Policy MNP5 and MNP6 of the Morton Neighbourhood Plan all of which seek to protect the landscape and views into it and visual amenity.

Ecological Impacts

46. The site would be located on agricultural land, which although not in agricultural use, is an undisturbed area of land which supports a combination of semi mature trees, hedgerow, shrubs and flora. The findings of the ecological report submitted with the application was that there is no evidence of significant wildlife habitat or significant species or colonies.
47. An objection received through the consultation process stated that the site supported a range of birds, some of which are on the amber and red alert list and that the report under recorded and undervalued bird life at the site. The applicant responded that the details of the objection are a list of birds recorded on and near the site, made from many and frequent visits to the site, over the course of a year. The more often a site is visited, the more information is collected, particularly for animals, and it is not reasonable to make comparisons between the site surveys.
48. It is not considered relevant that certain birds were recorded as breeding and wintering on adjacent land, since this is open farmland, which is a different habitat to the site. The ecology report identified that areas of certain habitats would be lost to the development and that these habitats are common and widespread types, which are found elsewhere in the local area and further afield, and not unique, which means that the bird life associated with them is also common and widespread. The assessment of importance of a habitat is based on various factors, including how rare or common it is, essentially it is a value judgment on the significance of the habitat in site, local, regional and national terms, and the same would be true for the bird community of a site. Therefore, other sites with trees, scrub and rough grass would be expected to have the same bird community as the development site. Some of the birds noted in the objection letter are on the BoCC Red and Amber lists, but they are common in Lincolnshire (e.g. yellowhammer, song thrush, tree sparrow, dunnoek, reed bunting).

49. The recommendation to clear trees and shrubs outside of the breeding season, such that active birds' nests are not lost, is standard ecology practice and is a much better approach than clearing vegetation during the bird breeding season under supervision, since even with supervision and searches for active nests, it cannot always be guaranteed that no active nests would be lost.
50. It should be noted that the development retains the existing trees and shrubs which occur on the site's northern and southern boundaries, and this includes the oak trees which are the most mature. Also, the development proposes to plant a line of trees along the western edge of the site, which in time would provide habitat for birds and it would link the northern boundary to the southern. It is proposed to sow the screening bunds with wildflower seed, which would produce a diverse grassland.
51. The development would result in a margin of approximately 8m between the boundary of the site and the start of the bund which would be left undisturbed. It is also proposed to incorporate planting within the margins of the site and to sow the bund. A condition of any planning permission could be to incorporate biodiversity net gain and a requirement for the site to be cleared outside of the bird nesting season. If these were to be included it is considered that the development would accord with Policies S60 and S61 of the CLLP which seek to protect and enhance biodiversity.

Highways and Traffic

52. A Traffic Assessment was submitted in support of the application, the main findings of which were that it is not expected that there would be any issues related to highway safety and there would be no increase in vehicular traffic. The development could even result in a reduction in vehicular traffic as an increase in space would allow waste to be stored for longer and would facilitate trucks to leave the site at capacity, rather than half-filled, as sometimes currently happens.
53. The Highways Officer is satisfied that vehicular movements would not increase and that the Laughton Lane is in good condition, and it is considered that in relation to highways and traffic issues the application would not contravene Policies DM3 or DM14 of the LMWLP. These policies respectively seek to protect local amenity from any adverse impacts related to traffic, and to ensure that there would not be any unacceptable impacts on the highway or highway safety because of the development.

Final Conclusions

54. The application is seeking permission for an extension to an established waste management facility. The application site is in a countryside setting but, as has been discussed, it would meet the exceptions of Policies S1, S5 and S34 of the CLLP which address development proposals in the countryside. In relation to the relevant waste management policies in the LMWLP, whilst the proposed extension

site would not accord with Policy W4, in this case it is considered that the application can be allowed as the purpose of the development would be to allow for more efficient and ultimately more sustainable methods of operation whilst continuing to operate for an identified and established need within the area.

Human Rights Implications

55. 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. 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 within seven days of such commencement.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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. The approved documents and plans are as follows:

- Planning Application Form (received 8 September 2023)
- Supporting Planning Statement incorporating Design and Access Statement and Minerals Assessment (received 8 September 2023)
- Archaeological Desk Based Assessment (received 8 September 2023)
- Ecology and Protected Species Survey & Further Information (received 8 September 2023 and 13 December 2023)
- Flood Risk Assessment (received 8 September 2023)
- Transport Assessment (received 8 September 2023)
- Drawing No. ARQ/1199/01 Location Plan (received 8 September 2023)
- Drawing No. ARQ/1199/02 Existing Block Plan (received 8 September 2023)

- Drawing No. ARQ/1199/03 Rev A Proposed Block Plan (received 29 January 2024)
- Drawing No. ARQ/1199/04 Rev B Site Cross Sections and Proposed Grass Bank Details (received 29 January 2024)

3. Prior to the site first being brought into use, details of a landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. Such a scheme shall include details of the numbers, species, heights on planting and positions of the trees, shrubs and other landscaping and details of the five-year maintenance and aftercare programme to be adopted. The approved scheme shall be carried out in its entirety in the first available planting season following confirmation of the written approval from the Waste Planning Authority and any plants which die, are removed or become seriously damaged or diseased within the five-year aftercare period shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure the screening proposed as part of the development is acceptable in the interests of the amenity of the area.

4. No waste materials shall be stored or stacked on the site to a height exceeding 3.5 metres.

Reason: In the interests of the amenities of the open countryside and amenity of local residents.

5. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the hours of 08:00 – 17:00 Monday to Friday and 08:00-12:00 on Saturdays. No operations or activities shall be carried out on Sundays or Public or Bank Holidays.

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

6. 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.

7. No soil stripping or vegetation clearance works shall be undertaken between March and September inclusive unless otherwise agreed in writing with the Waste Planning Authority. 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 the breeding bird population.

8. Details of the free standing columns shall be submitted to and approved in writing by the Waste Planning Authority prior to the site being first brought into operational use.

Reason: To protect the amenity of the area.

Informatives

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 and seeking further information to address issues identified. 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

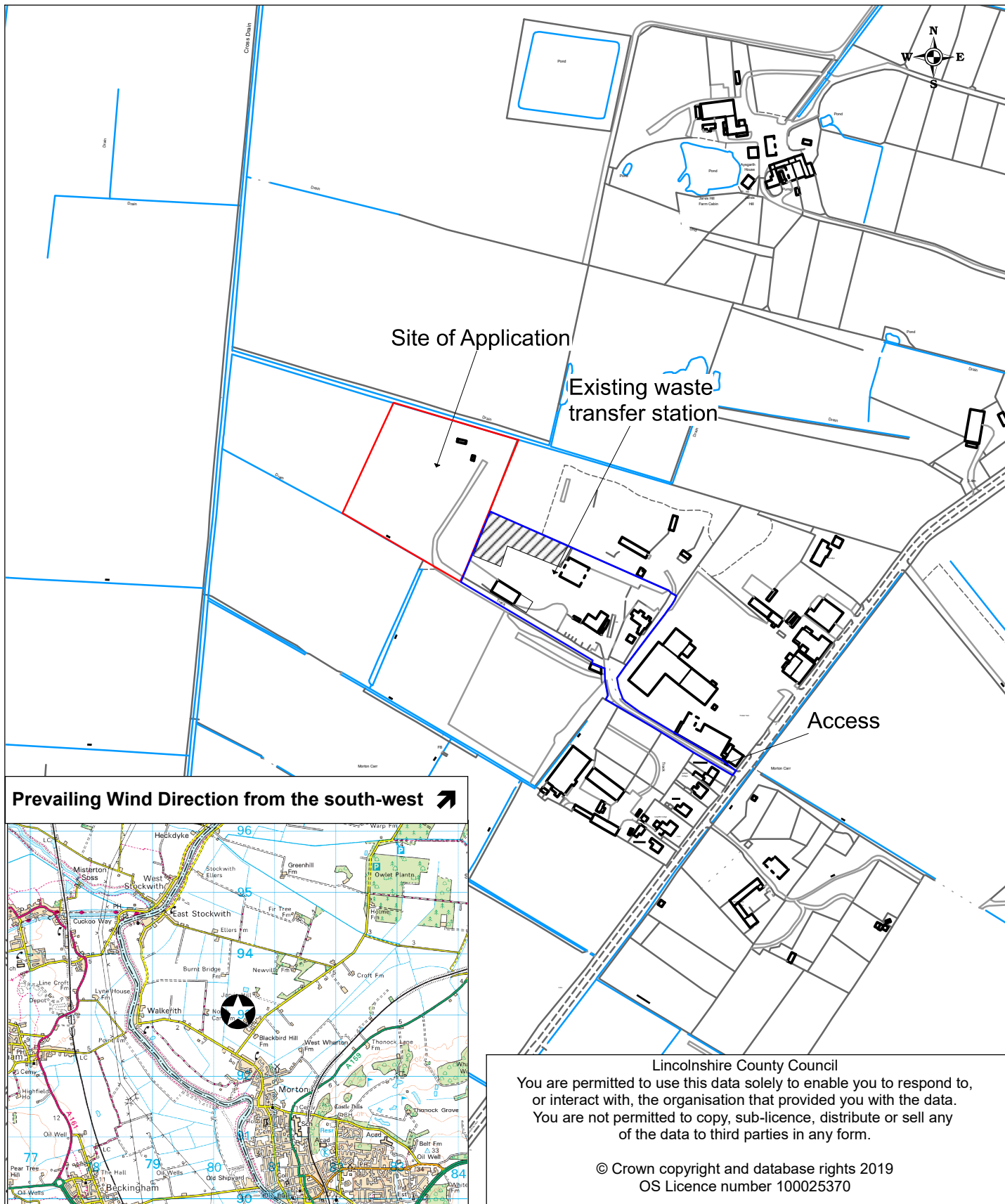
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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 147385	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
Central Lincolnshire Local Plan (2023)	West Lindsey District Council's website www.west-lindsey.gov.uk

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



Location:
 Gainsborough Skip Hire
 Laughton Lane
 Morton

Description:
 For change of use of agricultural land to be used for the storage and process of inert materials as part of an existing waste transfer station

Application No: 147385
Scale: 1:5000

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