

<b>APPLICATION NO</b>	<b>PA/2018/859</b>
<b>APPLICANT</b>	Mr Simon Wright, Air Liquide aB&T UK
<b>DEVELOPMENT</b>	Planning application to vary condition 1 of WD/2016/1916 to alter route of proposed pipeline along Bonby Lane
<b>LOCATION</b>	Bio Waste Solutions, Bonby Lane, Bonby, DN20 0PJ
<b>PARISH</b>	Elsham
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Saxby Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 sets out that there is a presumption in favour of sustainable development which lies at the heart of the NPPF.

Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 93 states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 97 states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources.

Paragraph 109 sets out a variety of ways in which the planning system should contribute to and enhance the natural and local environment.

Paragraph 118 advocates the conservation and enhancement of biodiversity.

Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location and that the effects of pollution on health, the

natural environment, general amenity and the sensitivity of the area or development to adverse effects from pollution should be taken into account.

Paragraph 121 further advocates that sites must be suitable for their new use taking account of ground conditions and land instability and that after remediation, as a minimum, land should not be capable of being determined as contaminated land.

Paragraph 122 states that local planning authorities should focus on whether the development itself is acceptable use of the land, and the impact of the use, rather than the control of processes or emissions which are subject to approval under pollution control regimes.

Paragraph 123 aims to protect health and quality of life by avoiding or mitigating noise impacts.

Paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

### **North Lincolnshire Local Plan:**

Policy RD2 (Development in the Open Countryside)

Policy HE9 (Archaeological Evaluation)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T14 (The North Lincolnshire Strategic Road Network)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy W1 (Applications for Waste Management Facilities)

Policy W2 (Groundwater Protection)

Policy W7 (Waste Management Facilities and Humberside International Airport)

Policy W9 (Handling of Waste)

Policy W11 (Processing of Waste Materials)

Policy W17 (Anaerobic Digestion)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Flood Risk)

Policy DS21 (Renewable Energy)

### **Supplementary Planning Guidance 3 (SG3) (Design in the Open Countryside)**

#### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS11 (Provision and Distribution of Employment Land)

Policy CS16 (North Lincolnshire's Landscape, Waterscape and Greenspace)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS20 (Sustainable Waste Management)

Policy CS25 (Promoting Sustainable Transport)

#### **Planning for Renewable Energy Development SPD:**

Policy 2 (Landscape)

Policy 3 (Visual Effects)

Policy 7 (Community Impact)

Policy 8 (Noise)

Policy 10 (Cumulative Effects)

## Housing and Employment Land Allocations DPD

### CONSULTATIONS

**Highways:** No objection. Recommend standard informative be placed on the decision notice informing the applicant that they will require consent from Highways prior to works commencing.

**HER (Archaeology):** The applicant has submitted a satisfactory Written Scheme of Investigation for a programme of archaeological monitoring and recording along the pipeline route, which is under construction. Recommend conditions should consent be granted.

**Tree and Landscape:** The location of the amended pipeline route covers areas where trenches will be required in close proximity to fieldside hedges and trees. All work should be at least to NJUG recommendations, and for trees, the BS5837:2012 recommendations need to be adhered to for the distance requirements.

**Ecology:** The proposed revised route would result in the installation of the pipeline along Bonby Lane, affecting Bonby Road Verges Local Wildlife Site (LWS). Along Bonby Lane, we will require a more detailed management plan and the working methods used for the rest of the pipeline route will not be acceptable within the LWS. The applicant's ecologist has now put together a working method that restricts any disturbance to the first 1200 millimetres from the carriageway. That area will also need to be restored in line with specific requirements and will require ongoing management for an aftercare period to be agreed. A planning condition should be used to ensure that the submitted plan is followed.

**Environmental Health:** Recommend a condition relating to land contamination. (It is noted that no such condition exists on the extant consent, which was originally granted by the Planning Inspectorate.)

**Environment Agency:** No objection. Make informative comments in respect of the proximity of historic landfill sites.

**Humberside Fire & Rescue:** Make informative comments. No objection.

### PARISH COUNCILS

#### Bonby Parish Council:

24/05/2018: The parish council feels that the application does not provide sufficient information to make a decision and requests an extension of time to obtain further information. Secondly, the parish council feels that there is a constant and deliberate policy of varying conditions and this puts the local area and residents at a disadvantage and is a tactic used to push through large-scale expansion.

20/06/2018: Following further information provided by the applicant, the parish council confirms that they have no comments to make on the application.

**Saxby All Saints Parish Council:** Objects to the application on the grounds that Biowaste Solutions Ltd continue to undermine conditions imposed on the site and seem to be committed to a strategy of continuously and incrementally increasing the size of this industrial waste processing plant without any regard to its effect upon the local environment or communities.

## **PUBLICITY**

The application has been advertised by site and press notices. No comments have been received.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No statement of community involvement has been submitted with the application. This application is for a variation of condition only.

## **ASSESSMENT**

### **Site**

The application site is a parcel of land contained within the grass verge running along Bonby Lane between the consented Biowaste Anaerobic Digestion Plant and the junction with Middlegate Lane. Access to the site, and the waste facility, is via Bonby Lane, a small C-class road linking Brigg Road to the north-east and Middlegate Lane to the south-west. The surrounding area is predominantly agricultural in nature, the application site being surrounded by arable fields, except to the south-east where it abuts the existing aerobic waste facility. Field boundaries are mostly defined by hedgerows and there are small strands of plantation woodland to the north and west.

### **Proposal**

Planning permission was granted at appeal on 18 November 2015 (APP/Y2003/W/15/3006726) for the installation of an anaerobic digestion (AD) plant and ancillary infrastructure on the site, including the installation of a 6.9 kilometre gas pipeline and compressor compound. The layout and design of the AD plant was subsequently varied under planning permission WD/2016/1916. This current application seeks planning permission to vary condition 1 (plans) of this extant permission. The proposed amendment consists of a re-routing of the consented pipeline along the Bonby Lane stretch. Currently the pipeline is consented to run along the back of the hedgeline running parallel to Bonby Lane and is contained within the adjacent agricultural field. The proposed re-routing would see the pipeline run within the grass verge immediately adjacent to Bonby Lane.

**The main issues in the determination of this application are whether the proposed re-routing of the pipeline would have unacceptable impacts with regard to ecology and archaeology.**

### **Principle**

The principle of the development has been established by the previous planning permissions referenced above, which included the granting of consent for the installation of a gas pipeline.

## **Ecology**

The proposed revised route of the pipeline would result in the installation of the pipeline along Bonby Lane, affecting Bonby Road Verges Local Wildlife Site (LWS). Work has already been undertaken on the pipeline from the compressor compound near Elsham, along Middlegate Lane towards the junction with Bonby lane; this section of pipeline remains unaltered in respect of its routing. For much of the length of the pipeline along Middlegate Lane the verges have been disturbed from the hedge bottom to the carriageway and will require significant restoration works. The council's ecologist has confirmed that this approach to pipe-laying would not be acceptable along Bonby Lane where the verges are a Local Wildlife Site.

A biodiversity management plan is required for the restoration of verges along the pipeline route that have already been worked. The requirement for restoration is for the soil to be inverted, to leave the chalky subsoil at the surface. This should be levelled and cultivated to a fine tilth ready for seeding with an agreed wildflower and seed mix of UK origin. Weed treatment is also likely to be required and, at the end of the restoration, the resulting grass and wildflower growth will require management and to be levelled so that it can be mowed.

Along Bonby Lane a more detailed management plan will be required and the working method employed along the rest of the pipeline route will not be acceptable within the Bonby Road Verges Local Wildlife Site. The applicant's ecologist has provided a working method for the Bonby Lane section of the pipeline, which restricts all disturbance to a small strip of the verge consisting of the first 1.2 metres from the road. This will mitigate the ecological harm of the proposal, as the section of verge immediately adjacent to the carriageway has the lowest biodiversity value. Notwithstanding this fact, this area of the verge will also need to be restored in line with the requirements set out above and will require ongoing management for an aftercare period to be agreed between the applicant and the council's ecologist. Subject to the working methods proposed by the applicant's ecologist and suitable restoration, management and maintenance, it is considered that the harm to the Bonby Lane Local Wildlife Site will be adequately mitigated to a level which is considered to be acceptable. A condition is recommended which will secure the agreed management plan and ensure that it is followed. On this basis the proposal is considered to be acceptable from an ecological perspective.

## **Archaeology**

Due to the proposed re-siting of the pipeline along Bonby Lane there is the potential for archaeological impact due to the required trenching works. However, as the proposed re-routing is not significant (essentially moving the pipeline from one side of the hedge to the other) and the length of the pipeline is not altered, it is considered that there will be no significant additional impact above and beyond what could be expected from the currently consented pipeline route. The applicant has submitted a satisfactory Written Scheme of Investigation for a programme of archaeological monitoring and recording along the pipeline route, which is under construction. The council's archaeologist has confirmed that there is no objection to the proposed re-routing subject to a condition securing the completion of the archaeological programme in accordance with the agreed scheme.

## **Highways**

The development as currently consented includes the construction of a pipeline between the AD plant and the compressor compound near Elsham. The proposal would see a minor

re-siting of a relatively small section of the pipeline and will not result in additional vehicle movements above and beyond the consented scheme. However, the revised position of the pipeline would require works to take place immediately adjacent to the carriageway of Bonby Lane, which will require traffic management and will potentially require the road to be closed for a short period of time whilst works are undertaken. This will result in some inconvenience during the construction period. However, once works have been completed, the verge will be reinstated and there will be no impact on highway safety along Bonby Lane. All works within the verge will be subject to the agreement of the council's Highways department, who will ensure that they are carried out to the necessary standard to protect highway safety.

### **Other matters**

As the pipeline is sited below ground there will be no additional impact on the character or appearance of the area, nor will it have additional impact on the amenity of local residents.

The council's Environmental Health team has requested a condition requiring contaminated land assessments to be carried out due to the presence of historic landfills in the surrounding area. However, there were no such conditions imposed on the original permission granted by the Planning Inspectorate, or subsequent amendments. Furthermore, the new site of the Bonby Lane section of the pipeline is immediately adjacent to the highway and as such is extremely unlikely to lie on one of the former landfills. For these reasons it is considered to be unreasonable to attach additional conditions in respect of land contamination on this variation of condition consent. Notwithstanding this, the Environment Agency has provided informative comments in respect of the aforementioned landfills and these comments will be included on any approval notice for the attention of the applicant.

Comments have been made by local parish councils in respect of the number of amendments that have been proposed in respect of this site and that this appears to be a deliberate tactic to force through a significant expansion of the site. It is not uncommon for amendments to be necessary, especially in respect of major developments; this is due to changes in technologies and construction requirements. However, it should be noted that the currently proposed amendment relates to the re-siting of a section of pipeline and will not expand the AD plant. The pipeline is buried and as such its re-siting will not affect the appearance of the area, or the amenity of local residents.

### **Conclusion**

The proposed amendments are minor in nature and will have no unacceptable impact on the character of the area, the amenity of neighbouring properties or highway safety, and will pose no unacceptable risk of contamination. On this basis the proposed development is considered to be acceptable and this application should be supported.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: Drg. No. 1A "Pipeline Route", Drg. No. 2C "Proposed Site Layout", Drg. No. 3 "Proposed Plan/Section", Drg. No. 4 "Proposed Elevations", EI434 (PL)002 rev A, EI434 (PL)003 rev A, EI434 (PL)005 rev C, EI434 (PL)006 rev B, EI434 (PL)007 rev B, EI434 (PL)008, EI434 (PL)009 rev B, EI434 (PL)010 rev A, EI434 (PL)011, Drg. No. 2

"Amended Bonby Lane Pipeline", 319/01/IR/104 rev B, 319/01/IR/105 rev D, 319/01/IR/106 rev B, 319/01/IR/107 rev B, 319/01/IR/108 rev B, 319/01/IR/109 rev B, 319/01/IR/110 rev D.

2.

All pipeline works and biodiversity enhancements shall be carried out strictly in accordance with the submitted document, Biodiversity Management Plan: Bio Waste Solutions, Bonby Lane, Bonby, North Lincolnshire, dated April 2018. The management prescriptions set out in sections 5.1, 5.2 and 6 of the management plan shall be carried out in their entirety in accordance with the timescales set out. All biodiversity features shall be retained thereafter.

3.

The approved scheme for the provision of the access junction with Bonby Lane shall be implemented in full prior to the buildings and structures hereby permitted being brought into use.

4.

The approved scheme of landscaping shall be carried out within 12 months of the commencement of the development hereby permitted and any trees or plants which, within a period of 5 years from the date of planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

5.

The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment for Proposed Anaerobic Digestion Plant at Bonby Lincolnshire - 22nd November 2012 Revision B.

6.

Not more than 75,000 tonnes of waste/digestate shall be delivered to the site in any single calendar year. A record shall be kept of all waste/digestate tonnages delivered to the site that shall be available to view on written request by the local planning authority and shall be available for inspection within 10 working days from the date of any said request.

#### **Informative 1**

The applicant is advised that the proposed route runs close to or directly past two authorised and several historic landfill sites. The site names and approximate grid references are:

Bonby tip, TA 00800 15900  
Disused workings, TA 00600 15700  
North Worlaby, TA 01500 14700  
Worlaby Top, TA 01600 14800  
School Hill quarry, TA 03700 13200  
Worlaby landfill, TA0250013980  
Elsham landfill, TA0370013300

These sites may affect, or be affected by, the laying of the proposed pipeline; the applicant should consider obtaining further advice from a suitably qualified consultant and/or engineer. Further advice in this regard can be obtained from the Environment Agency (EA) on 02030 255023.

**Informative 2**

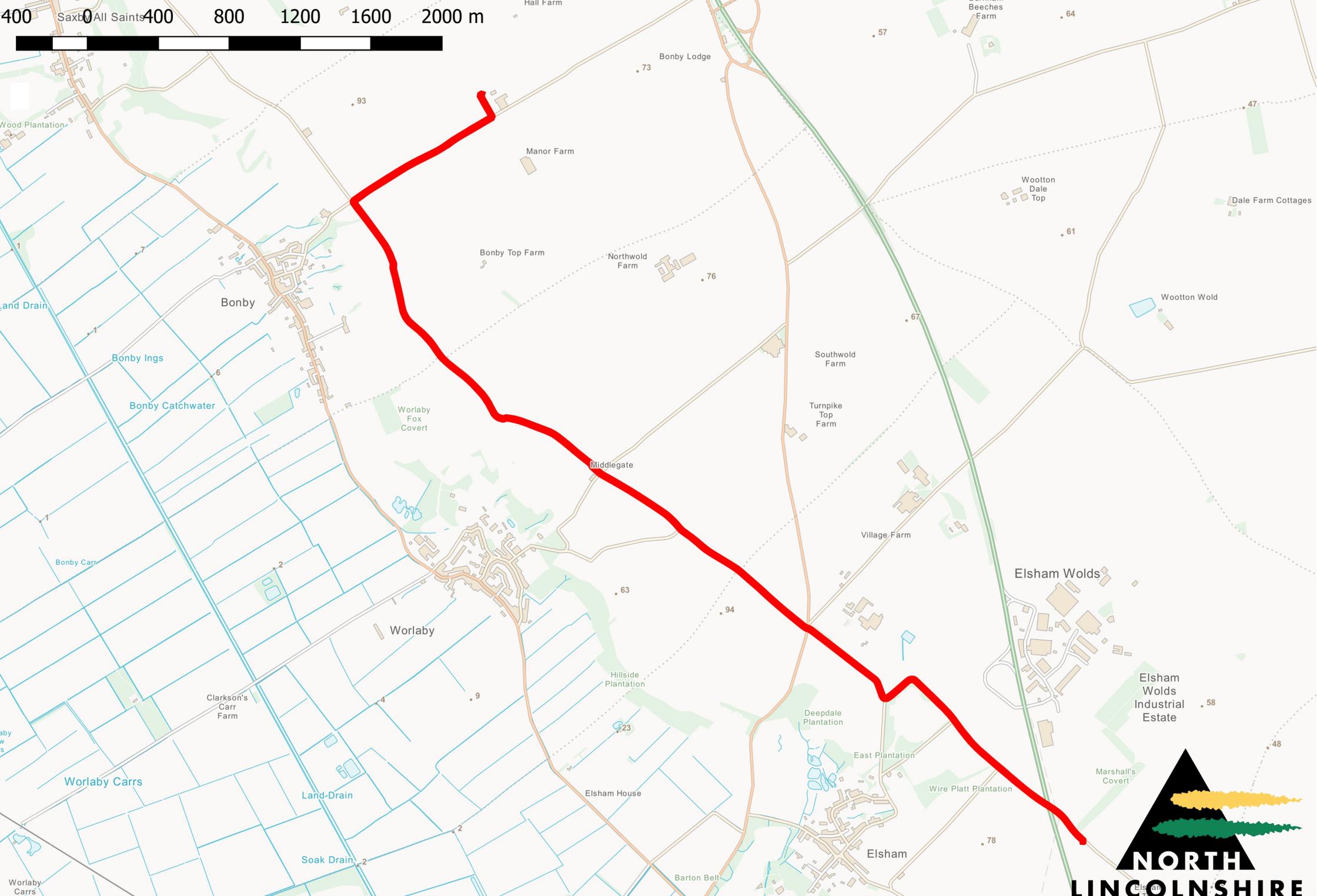
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 3**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

0 400 800 1200 1600 2000 m

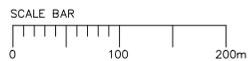


**PA/2018/859**

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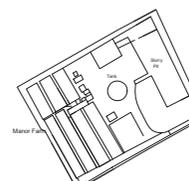
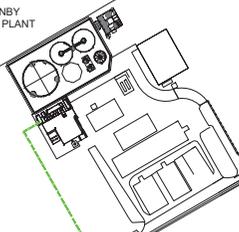


# PA/2018/859 Pipeline position (not to scale)



KEY:  
 PROPOSED IP MAIN/2 BARG TO 7 BARG

BONBY AD PLANT



Bonby Top Farm



All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale If in Doubt Ask.



MATCHLINE  
 CONTINUED ON DRG No. 319/01/1R/104  
 MATCHLINE

Revisions	Date			
<b>Robert Farrow (Design) Ltd</b> Architecture : Planning - Construction Topographical Surveys Millar House, 32 Northgate, Hessle, East Riding of Yorkshire, HU13 9AA [Redacted]				
<b>Client:</b> Air Liquide				
<b>Title:</b> Amended Bonby Lane Pipelina Proposed pipeline between Bonby AD Plant and Elsham Compound, Bonby, Brigg, North Lincolnshire DN20 0PJ				
Scale	Drawn by	Dwg no.	Date	Contract no.
1:2500	SB	2	Apr18	17044

Scale correct when printed at A1