

<b>APPLICATION NO</b>	<b>WD/2015/0977</b>
<b>APPLICANT</b>	Merlin Renewables
<b>DEVELOPMENT</b>	Planning permission to vary condition 17 on previously approved application WD/2012/1336 dated 01/03/2013 to 'Unless otherwise agreed in writing with the local planning authority, material shall be imported to or exported from the site only as follows: Monday to Saturday: between the hours of 7am and 7pm. The following Sundays between the hours of 7am and 7pm: first Sunday in July; penultimate and last Sundays in September; all Sundays in October; first Sunday in November. Not at all on Bank Holidays.'
<b>LOCATION</b>	Merlin Renewables, Redbourne Road, Hibaldstow
<b>PARISH</b>	<b>HIBALDSTOW</b>
<b>WARD</b>	Ridge
<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 Redbourne Parish Council
<b>POLICIES</b>	
	<b>North Lincolnshire Local Plan:</b> Policy DS1 (General Requirements)
	Policy DS11 (Polluting Activities)
	<b>National Planning Practice Guidance:</b> Use of planning conditions.
<b>CONSULTATIONS</b>	
	<b>Highways:</b> No objection.
	<b>Environmental Health:</b> No objection.
	<b>Ecology:</b> No objection.
	<b>Historic Environment Record:</b> No objection.
	<b>Humberside Airport:</b> No objection.
	<b>Environment Agency:</b> No objection.

## PARISH COUNCILS

**Redbourne Parish Council:** Strongly object to the proposed variation of condition on highway safety and residential amenity grounds. The inspector's reason for approving a haul road to the quarry was to alleviate traffic on the B1206. This is an agricultural area and not industrial. Lorries should be used rather than tractors and then deliveries could use the A15 and haul road. Condition 17 should not be varied as this would have a detrimental effect on residents in Redbourne village.

**Hibaldstow Parish Council:** No objection.

## PUBLICITY

Neighbouring properties have been notified by letter and site and press notices posted. No letters of objection or comment have been received from nearby residential properties.

## ASSESSMENT

### Site

The application site is located outside the development boundaries of both Hibaldstow and Redbourne, within the open countryside. The site is located on Hibaldstow Airfield, and is surrounded by agricultural land and adjacent to agricultural buildings. The area is rural and flat in character and the landscape comprises rolling arable fields. The application site is located less than 350 metres from the nearest residential properties, which are located adjacent to Hibaldstow Airfield. Properties in and around Redbourne are located just under 600 metres from the application site.

### Proposal

The original application (WD/2012/1336) involved the construction of a locally sourced biomass fuelled, renewable energy facility. This facility was anticipated to supply gas for 2,500 homes in winter and 40,000 homes in summer. This development involved the building of a biomass plant comprising a number of buildings and structures including three tanks and a silage clamp of earth bund design. Access to the site is via the existing access on Redbourne Road.

The application now submitted aims to vary condition number 17 of the original consent. The original condition is worded as follows:

*Material shall not be imported or exported from the site between the hours of 7pm to 7am the following day and not at all on Sundays or Bank Holidays unless otherwise agreed in writing with the local planning authority.*

It is now proposed to vary this condition to:

*Unless otherwise agreed in writing by the local planning authority, material shall be imported to or exported from the site only as follows:*

- *Monday to Saturday: between the hours of 7am and 7pm*
- *the following Sundays between the hours of 7am and 7pm:*

- *first Sunday in July*
  - *penultimate and last Sundays in September*
  - *all Sundays in October*
  - *first Sunday in November*
- *not at all on bank holidays.*

This variation allows the applicants to transport material into the site on a maximum of nine Sundays per year whilst still preventing the transportation of material to/from site on bank holidays.

A previous application (WD/2014/1291) to allow deliveries on all Sundays and bank holidays was recently refused at planning committee on the grounds that the restriction on Sunday and bank holiday deliveries is necessary to protect the amenity of neighbouring properties and the surrounding area.

### **Planning assessment**

Planning condition 17 was imposed to prevent adverse environmental impacts in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan (NLLP). As such it must be considered whether the proposed condition still prevents adverse environmental impacts. It must also be considered whether the amended condition still passes the tests for conditions as outlined within the suite of documents which comprise National Planning Practice Guidance (NPPG).

Planning condition 17 was recommended by the council's Environmental Health team.

Environmental Health have been consulted as part of this application and they have raised no objections to the proposed variation. It was confirmed that the condition was originally imposed as a precaution due to the number and type of vehicle movements anticipated during the harvest season and the disruption this would cause to local residents on Sundays and bank holidays. It has been confirmed that no complaints have been received from local residents since the plant became operational.

Condition 17 only restricts the importation and exportation of material, it does not restrict operating hours. Condition 16, which will remain enforceable, prevents the dry feeder and separator plant from operating between the hours of 11pm and 7am the following day. This condition does not prevent this machinery from operating on Sundays and bank holidays.

There are also no restrictions for other vehicle movements, only those vehicles importing and exporting materials.

A traffic statement was submitted in support of the original application (WD/2012/1336), which anticipated 52 agricultural vehicle movements per day during the three-month harvest season. 10% of this traffic will use roads through Hibaldstow village and 45% will use roads through Redbourne. This equates to 28 vehicle movements per day during the three-month harvest season through local villages; these vehicles will take the form of tractors with trailers from local farms.

The proposed condition is significantly altered from the variation previously sought (WD/2014/1291), which proposed deliveries on all Sundays and bank holidays. Whereas the currently proposed condition will only allow transport of material to/from the site on a maximum of nine Sundays and allows no transportation of material on bank holidays.

It is not considered that this number of traffic movements causes unacceptable disruption over such a restricted number of Sundays, especially when those traffic movements are agricultural movements from the local area. Hibaldstow and Redbourne are rural areas and agricultural traffic movements must be expected in these areas, especially during harvest time. It is not anticipated that local farmers will be subjected to restrictions on agricultural movements and as such it is considered that the proposed variation will not have a significant additional impact on the amenity of the area or local residents.

Finally it is considered that the proposed condition meets the tests outlined within the NPPG. The timescales are suitably precise and enforceable and the reason for the condition continues to be relevant to the development permitted and to planning, necessary and reasonable.

## **Conclusion**

It is not considered that the proposed variation will result in an unacceptable impact upon the amenity of local residents. The condition proposed continues to comply with the tests outlined within the NPPG.

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

1.  
Any trees or plants that form part of the agreed landscaping scheme which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

### **Reason**

To enhance the appearance of the development in the interests of amenity.

2.  
The height of the tree boundary around the development shall not exceed 15 metres from ground level at any time.

### **Reason**

In the interests of the safety for users of Skydive Hibaldstow in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.  
The approved landscape and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

### **Reason**

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

4.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A (November 2012) and the revised Appendix A (January 2013). Specifically, surface water run-off generated by the development shall be limited so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site. The mitigation measures shall be fully implemented prior to occupation of the site.

Reason

To prevent flooding by ensuring the satisfactory storage and/or disposal of surface water from the site in accordance with policies CS19 of the adopted North Lincolnshire Core Strategy and DS16 of the North Lincolnshire Local Plan.

5.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

6.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

7.

No external lighting shall be installed on the site without the prior approval in writing of the local planning authority.

Reason

In order to safeguard the amenity of the locality in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

The energy facility hereby permitted shall only accept non-waste plant material as a feedstock.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

9.

The approved plant and all attenuation measures shall be implemented in full and retained thereafter.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan .

10.

The approved dry feeder and separator plant shall not operate between the hours of 11pm and 7am Monday to Sunday inclusive.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

11.

Material shall be imported to or exported from the site only during the following hours:

- 7am to 7pm Monday to Saturday
- 7am to 7pm the first Sunday in July, the penultimate and last Sundays in September, all Sundays in October and the first Sunday in November
- not at all on any other Sunday or on bank holidays

unless otherwise agreed in writing with the local planning authority.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

12.

The approved biogas engine shall be installed, operated and maintained in accordance with the manufacturing and servicing company's instructions.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

13.

Sampling of emission parameters as identified in the approved sampling proposal shall be implemented at a timescale agreed in writing with the local planning authority and shall be no more than six months later than the date the gas engine is brought into use. A written report detailing the results, sampling and operating conditions shall be submitted to the local planning authority for written approval no less than eight weeks following sampling and shall demonstrate that emissions from the engine meet the standard specified in Table 3.1 of SR2010 No 16.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

14.

All liquid and solid digestate derived from the energy facility hereby permitted shall not be subsequently mixed with any additives or waste materials prior to being spread to land.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

15.

The approved odour management plan shall be implemented in full and retained thereafter. Any amendments to the odour management plan shall be approved in writing with the local planning authority prior to implementation.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

16.

The anaerobic energy plant hereby permitted shall process no more than 35,000 tonnes per annum of non-waste plant material.

Reason

To prevent adverse environmental impact in accordance with planning policies DS1 and DS11 of the North Lincolnshire Local Plan.

17.

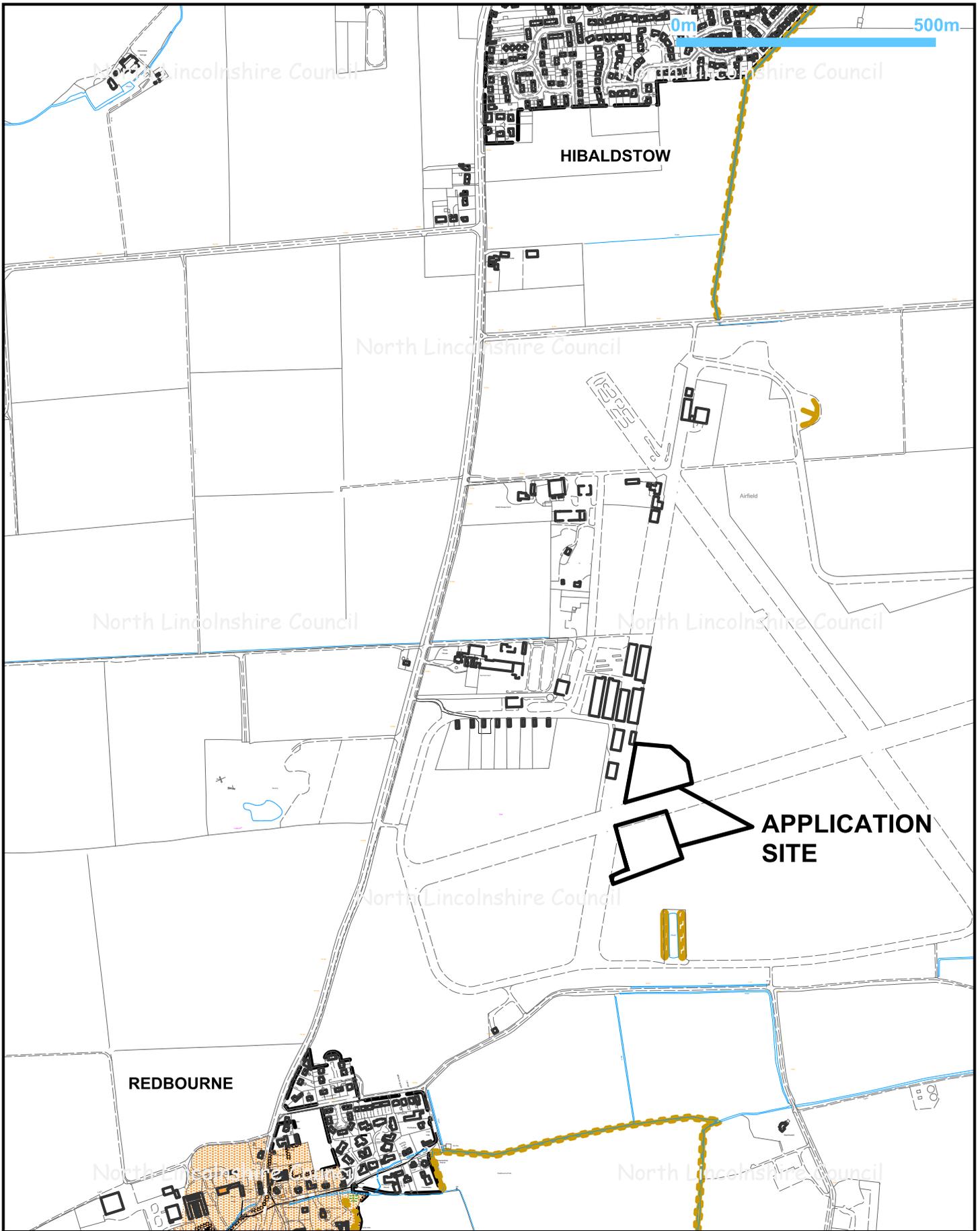
The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of secured by design to improve community safety and crime.

Reason

In order to safeguard safety and security in accordance with policy DS3 of the North Lincolnshire Local Plan.

**Informative**

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.

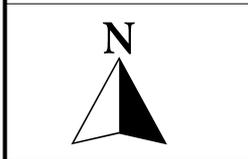


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