DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0528-24**	**Applicant:**	**Franklin Bros Limited**
Proposal:	Erection and use of mobile asphalt plant		
Location:	Greenworld Park Sutton Bridge Spalding		
Terminal Date:	17th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
35	Delivering the Spalding Transport Strategy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 Achieving Sustainable Development
Section 4 Decision Taking
Section 6 Building a Strong, Competitive Economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment
Section 17 Facilitating the sustainable use of minerals.

National Planning Policy Framework (NPPF), December 2024.

Planning Practice Guidance (PPG)

-Noise

The Institute of Air Quality Management 'Guidance on the Assessment of Odour for Planning' 2018

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	1	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	2	0	0	0
OTHER STATUTORY BODIES	0	0	0	5
RESIDENTS	268	0	0	10

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the erection and use of mobile asphalt plant.

The proposal involves the stationing of a semi-mobile asphalt plant on the site, with a temporary fence and gates erected around it for security reasons. An array of plant and machinery, together with aggregate storage bays make up the installation. The asphalt plant would be situated on an established employment site, inside an existing storage and distribution plant.

Whilst the description includes the word 'mobile' - the plant will be fixed in its proposed position. This term is to describe that fact that it is technically demountable and could be dismantled and moved elsewhere. For the purposes of this application the proposal be treated as though it would be

permanently erected in the proposed location.

Aggregate and additives are brought to the site, stored in a variety of open storage bays and silos and then mixed together to produce asphalt which is then taken from the site, to order, for use in highway maintenance and construction around the area. The plant will produce up to 26,000 tonnes of asphalt per year which essentially means there will be 26,000 tonnes of material imported each year to make the same amount of product. The hot asphalt is made using clean aggregate and does not involve the use of road planings. The (hot) bitumen is brought to the site in 30 tonne insulated tankers and the asphalt leaves the site in 20 tonne insulated lorries with insulated covers over. The proposal will occupy a small section of the existing site which is currently used as a transport and storage depot with access onto the A17. A canopy has been added to three sides of the hoppers with a roof to minimise dust during the shovel filling process, to control airborne dust. A plant delivery conveyor is included and covered to ensure airborne dust does not occur. The proposals include a dryer drum/bag filter. The dryer heats the sand and aggregates to 200 degrees C with the dust collected within the bag filter and reused within the mixes via a filler silo.

The application is accompanied by a Noise Assessment, an Air Quality Assessment, an Odour Assessment and a Photoviewpoint assessment.

The maximum height of the equipment will be 15.3 metres.

Site Description

The site is on the southern part of Sutton Bridge with the A17 along the southern boundary on an industrial estate, inside the settlement boundary with the wider settlement of Sutton Bridge, a Main Service Centre. The proposal is situated on existing hardstanding within the wider site associated with Nene Transport (Lincs).

The nearest residential properties to the site is approximately 90 metres away from the site in Church Gate and Flint Gate. Residential properties in Kenzie Drive are approximately 160 metres away. Other residential streets existing nearby including Tycho Close. The edge of Sutton Bridge Memorial park is approximately 58.5 metres away, whilst Curlew children's Playground is approximately 105 metres away. Sutton Bridge Memorial Park also contains sports pitches and open space and a community building, situated immediately to the north east of the site. Many respondents to this application, including the Parish Council, describe the park, sports pitches and children's play area as of particular community significance, with cultural value as a community hub. Linear deciduous trees occupy a former railway which is a leisure walk/area adjacent to the application site. Saint Matthew's Church is 250 metres away from the site and its graveyard is approximately 150 metres away. When standing in Memorial Park in winter, the site and HGV vehicles are visible through the trees adjacent to the site, as is the building on the wider employment site. In summer, the site is much less visible as the trees are deciduous and leaves obscure the site more substantially. Whilst the overall employment site is on the edge of the settlement, the surrounding uses are mixed within a urban context, comprising of residential, leisure uses, other employment uses, and at a greater distance away retail.

Access to the site is via the existing roadway, off the A17 to the south. The site has excellent transport connections and is within a sustainable location.

The site is an existing Brownfield site which is identified in the Local Plan as an Established Employment Site. This means the employment uses were present for many years and is lawful. The most recent use approved on the site as a whole is for B8 uses approved in 2019 - storage and distribution. No hours of use exist on site for the existing use, due to the historical nature of the lawful use.

A former railway line exists to the north of the site which is now a leisure use, as it represents a

stretch of land that has been planted by trees.

The site is an area of tarmac and concrete within the overall site, used for parking and turning of HGVs, trailers, materials, all of which are associated with the large storage building further west in the centre of the site. The site is relatively close to its boundary.

History

Site identified as SB004 - Railway Lane East - in the Local Plan: Established Employment Site

H18-0098-19 - Change of use of former Greenworld site to storage and distribution (Use Class B8) including security fencing. Approved 25 March 2019.

H18-0956-15 - hard-surfacing of an area adjacent to the existing storage facility to provide additional bagged, finished compost product storage. Approved 17 November 2015.

H18-0577-14 - The hard-surfacing of an area adjacent to the existing storage facility to provide additional bagged, finished compost product storage. Approved 11 July 2014.

Consultation Responses

Response dated 10 January 2024

SHDC Environmental Protection

Comments are provided on potential impacts due to noise, odour, air quality, construction management and contaminated land.

Should planning permission be granted, a permit to operate will be required under The Environmental Permitting (England and Wales) Regulations 2016 Schedule 1- Activities, installation and mobile plant - section 6.3 Tar and Bitumen Activities Part B - heating of bitumen in connection with any manufacturing activity and, if planning permission is granted, it will be regulated by South Holland District Council. At the time of writing, an application for this has not been received.

The permit is a live document and requires operation in accordance with Best Available Techniques (BAT) which can improve over time. Therefore some of the areas discussed below are better controlled through an environmental permit rather than through the planning regime. However comments are given below to help guide the decision as to whether this is an appropriate place for the proposed plant to be situated.

General operation

Environmental Protection request conditions in relation to sheeting of any vehicles delivering aggregate to the site, or leaving the site with asphalt, are covered/sheeted.

No waste or recycled materials shall be processed at, or brought into this site.

A restriction on the operating time of the plant to between 0700-1800 hours.

Noise - recommend REFUSAL

Environmental Protection have reviewed:
· Blue Tree Acoustics report ref 03786-730102 dated 6/12/24
· Robert Doughty Consultancy drawing 'Proposed vehicle movements' dated 15/08/24 drawing number 1589-1_PL_SP03 Rev A

In making these comments regard has been had to the guidance given by https://www.gov.uk/guidance/noise--2 and the Noise exposure hierarchy table.

Our initial concerns were related to hours of operation, and overall impact. There has been some confusion in the documents and in our correspondence with the agent over the operating hours. The noise report states that in the night time hours - 0500-0700 operations will be limited to vehicle

movements, however, it would be vehicle movements and loading activities. The agent stated by email that this would be limited to 0630-0700 which disagrees with the report. As the permission is for 0500-0700 we have based our reasoning on this below.

The report suggests that night time noise impact is thought to be NOEL (No Observed Effect Level) however this is based on as activities in the night time described as 'essentially vehicle movements'. However, the plant will be unloading asphalt into the lorries. A +3dB correction has been applied for 'occasional impulse activities' and in the absence of further information specific to the loading activities we feel this could be conservative.

During the daytime at both location 1 (Flint Gate) & location 2 (Kenzie Drive), there is predicted to be an Adverse impact when assessed in accordance with BS4142, with a noise level of +6dB above the current background. In planning terms we consider this would represent an Observed Adverse Effect level. Making reference to the noise exposure hierarchy table, this would be described as 'present and intrusive':

Noise can be heard it can cause small changes in behaviour, attitude or elicit other physiological responses
e.g. turning up volume of television; speaking more loudly; or where there is no alternative ventilation, having
to close windows for some of the time because of the noise. It affects the acoustic character of the area such
that there is a small actual or perceived change in the quality of life.

The developer is therefore required to mitigate this and reduce it to a minimum.

The applicant has already made changes to the design to reduce the noise impact from +9dB to +6dB. They propose to achieve this by enclosing some parts of the machinery with insulation. We would prefer to see this reduced below +5dB.

As we have some concerns over the impact of loading between 0500-0700 and the proposed observed adverse effect daytime impact, we recommend REFUSAL at this time.

Constriction & Traffic Management - Recommend conditions

Environmental Protection recommend conditions in relation to white noise and hours:

The applicant has expressed that they do not propose to move the plant to other locations and has not included information relating to potential noise impacts during mobilisation or debmobilisation from the site. However this application is for a mobile asphalt plant, and therefore should permission be granted we would request a condition restricting the hours in which this may occur. This is because it is reasonable to expect that a mobile plant may be moved, and that the noise of mobilisation / demobilisation will be different to its usual operation.

Reviewing the proposed vehicle movements, most lorry movements should be in forward gear only, other than the unloading of raw materials.

Suggested Condition: Only white noise reversing alarms shall be operated on vehicles used in loading and unloading activities.

Suggested Condition: Works to enable mobilisation or demobilisation of the plant to/from site shall only take place between 0730-1730 Monday - Friday 0800-1300 Saturday. No works relating to mobilisation/demobilisation shall occur outside of these times, nor on bank holidays or Sundays.

Air Quality - No Objections

Environmental Protection have reviewed:

-NoiseAir report AIR QUALITY ASSESSMENT NENE TRANSPORT (LINCS), SUTTON BRIDGE Report Ref: P6732-R1-V4 Issue Date: 5th December 2024 Document Status: Version 4.

We request that the above documents form part of the approved plans and make no objections on the ground of air quality, but do comment as follows:

Based on the report submitted there is a proposed decrease in local air quality, with predicted Nitrogen Dioxide concentrations in Church Gate and Bridge Lane expected to increase by between 2% & 5%. However this is still low at around 7.2-7.3 µgm-3 compared with the regulatory limit of 40µgm-3. To give this some context, monitoring undertaken by SHDC at our closest monitoring point (around 650m NW of the site) shows an annual mean of 6.8 µgm-3 in 2023, with a slight downward trend from 9.6 µgm-3 in 2019.

A similar 2-5% change is expected in the predicted PM2.5 concentration.

Predicted concentrations are below the relevant Air Quality Objectives and interim targets and the impact of the change is described as not significant in accordance with the IAQM guidance.

As stated previously, should permission be granted, the plant will operate under an environmental permit. This permit is specifically aimed at reducing the impact to air of potentially polluting activities. The permit can be reviewed at any time (by either the operator or regulator) and will require that the Best Available Techniques (BAT) are used to minimise impacts to air. It is highly likely that the permit will require onsite monitoring for airborne particulate matter. The permit is therefore a more appropriate tool to control emissions to air than the planning process. On that basis we have not requested any conditions relating to air quality.

Odour - Request Planner/Committee Decision:

Environmental Protection have reviewed:

-NoiseAir report ODOUR ASSESSMENT NENE TRANSPORT (LINCS), SUTTON BRIDGE Report Ref: P6732-R2-V3 Issue Date: 24th October 2024 Document Status: Version 3.

We request that the above documents form part of the approved plans. As with air quality, we believe that the environmental permit would be the better scheme to control odour emissions from the plant, if planning permission is granted.

The report is qualitative, as opposed to quantitative. The reasons given for this are:
·that it is for screening purposes,
·that the development is likely to have a low risk of adverse effects,
·that there is insufficient information to carry out detailed modelling and that there are wide uncertainties such that detailed modelling would be financially unbeneficial or could lead to a false impression accuracy in the numbers predicted.

However, the odour generating activity is heating asphalt and emission from the plant. The applicants report suggests that at properties on Flint Gate and Church Gate odour will be of a 'slight' significance. No assessment has been undertaken on the park which is closer as the exposure will be transient. However, we have expressed concerns that the frequency of use of the park will be impacted in an area where access to public open space is important.

The methodology does not describe what a 'slight significant impact' is in actual terms of frequency of exposure or effect on normal daily living, but it does conclude that the odour emissions from the development are 'not significant'. Had a quantitative risk assessment been undertaken it may have been possible to recommend a condition to limit the odour but this is difficult to do when no quantitative estimate has been provided.

It must be noted that the impact here is to amenity, rather than to health, and that at the levels predicted should give rise to annoyance rather than nuisance. The impact may be sufficient that people change their daily behaviour, for example chose not to hang washing on the line or open windows/ spend time in the garden.

The environmental permit will have odour conditions and potentially an odour management plan but even if the installation is meeting the Best Available Techniques there still will be odour from the installation that may or may not be able to be controlled.

Therefore we recommend the decision if this activity is suitable for the character of the neighbourhood is for the planning department or planning committee to decide.

Lighting - Recommend Condition

No information is given as to the proposals for lighting the compound. Therefore we recommend the following:

Suggested Condition: No Lighting (either temporary or permanent) shall be erected or utilised on site without the prior consent in writing of the Local Planning Authority.

Contaminated Land - Precautionary Condition

Due to the sites historic use as railway land, we request the standard precautionary condition be placed on any permission granted:

Informative about permit

We have already given advice to the applicant's agent as follows:

A permit to operate will be required under The Environmental Permitting (England and Wales) Regulations
2016, Schedule 1- Activities, installation and mobile plant under section 6.3 Tar and Bitumen Activities Part B
under heating of bitumen in connection with any manufacturing activity.

In case it helps the client, here is a rough timeline looking at the timeframes specified in the regulations:

-We have 10 days from receipt of the form and payment to duly make the application.
-There is then a 30 day public consultation period from the date that the application is duly made.
-We have 4 months to determine the application.
-A 'section 5 notice' may be issued if more information is required from the operator, and this 'stops the clock'
on the application until the information is submitted.
-A draft permit would be sent to the applicant for comments before it is issued, with a 14 day time period to
respond.

Once a permit has been issued there is an annual fee. We inspect the installation on a frequency that is determined by a risk ranking that we undertake. For our currently operational permits this varies between twice a year and once every two years. Inspections are unannounced. Permits can be varied at any time, and are subject to a review at least every 8 years. Any change to the plant may require a variation to the permit, and there is a requirement to operate using Best Available Techniques (BAT).

However In order to assist the applicant we recommend that the following informative be placed on any permission granted:

Informative:

The applicant is advised that a permit to operate will be required under The Environmental Permitting (England and Wales) Regulations 2016. We recommend that you contact the Environmental Protection Team at South Holland District Council on publicprotection@sholland.gov.uk for further advice.

Local Highway Authority and Lead Local Flood Authority

Response dated 12 July 2024

The application site forms part of the operational base for Nene Transport (Lincs) Limited consisting of an area of tarmac and concrete used for the parking and turning of HGV's, trailers, materials, all of which are associated with the large storage building further west. The proximity of the site to key road networks, such as the A17 accessing Lincoln to the north and the A47 connecting Peterborough and Norwich, ensures great accessibility and connectivity. Moreover, the accessibility of the nearby port presents opportunities for importing raw materials, thereby providing business resilience and a modal shift away from the use of heavy goods vehicles. The entire site is identified in the South East Lincolnshire Local Plan as allocation 'SB004' (Railway Lane East) which is an

'Established Employment Site' and suitable for B1 (now use class E), B2 (general industry) and B8 (warehousing or storage). The proposed use falls within use class B2 and is compatible in principle with the designated use of the site and therefore compliant with local plan Policy 7: Improving South East Lincolnshire's Employment Land Portfolio.

The proposal essentially involves the stationing of semi-mobile asphalt plant on the site, with a temporary fence and gates erected around it for security reasons. An array of plant and machinery, together with aggregate storage bays make up the installation. The operation is straightforward in that aggregate and additives are brought to the site, stored in a variety of open storage bays and silos and then mixed together to produce asphalt, which is then taken from the site, to order, for use in highway maintenance and construction around the area. The plant will produce up to 26,000 tonnes of asphalt per year which essentially means there will be 26,000 tonnes of material imported each year to make the same amount of product. The hot asphalt is made using clean aggregate and does not involve the use of road planings. The (hot) Bitumen is brought to the site in 30 tonne insulated tankers and the asphalt leaves the site in 20 tonne insulated lorries with insulated covers over. The proposal will occupy a small section of the existing site which is currently used as a transport and storage depot with access onto the A17.

There are significantly more traffic movements associated with the existing use of the site and so the proposal will not result in a demonstrable increase in vehicles entering and leaving the site. This in turn will have an even smaller impact (increase) on the volume of traffic using the A17.

The overall site is identified as an established employment use and therefore the impact of the proposal in highway terms is negligible and complies with local plan Policy 2(4) in highway terms.

The process therefore involves approximately 870 HGV movements into the site per year, 72.5 movements per month, 17 per week or 2.5 per day. The export of hot asphalt will result in approximately 1300 movements per year, 108 per month, 25 per week, 3.5 per day. On average therefore there will be 6 HGV movements (in and out) per day based on a 7 day week or 8.5 movements based on a 5 day week plus the car movements associated with 4 members of staff.

There is sufficient parking and turning facility within the site to allow vehicles to enter and leave the existing access arrangements which are acceptable, safe and has the capacity to accommodate the movement of traffic associated with this proposal. Therefore, it is considered that this proposal would not would not present a severe impact on highway safety or capacity issues in accordance with the National Planning Policy Framework.

Sutton Bridge lies within Flood Zone 3a, and a separate Flood Risk Assessment considers the impact arising from tidal and fluvial flooding. The proposal complies with local plan Policy 4: Approach to Flood Risk in that the proposal is not at risk from flooding. Having regard to the fact that the site is already sealed and drained, it will not result in flooding to adjoining land uses or users. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application. No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Environment Agency

Response dated 16 July 2024

No objection subject to the Local Planning Authority listing the submitted Flood Risk Assessment as an approved document.

A flood warning and evacuation plan, referred to as a 'flood evacuation plan' is recommended.

A breach in the flood defences can occur prior to the issuing of a severe flood warning alert, meaning the plant may be in operation when a breach occurs. This should be considered in the provision of emergency response procedures.

Planning practice guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.
In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

Flood resistance and resilience We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

SHDC Conservation Officer

No objections.

Police

No objections

South Holland Drainage Board

Response dated 27 June 2024

IDB consent is not required under Byelaw 10 or Section 23 of the Land Drainage Act 1991. No drainage strategy has been demonstrated. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Sutton Bridge Parish Council

Response dated 20.12.2024

Following meeting of 17th December, reconfirm previous objections.
-Impact on residential amenity - not appropriate location, detrimental to health and well being of residents and park users. Elderly and vulnerable residents nearby. Park is very well used. Pavilion and PlayZone have attracted £1.2m in grants. Health centre also close. Reports not reliable.
-Noise nuisance, operating hours from 5am -6pm everyday will result in significant noise and disturbance to surrounding residential area.
-Odour nuisance - to local residents. No confidence in odour assessment report.
-Particulate emissions - detrimental
-Visual impact - overshadowing, out of character, size of industrial buildings
-Environmental impacts - adjacent to tree lined footpath
-Traffic Issues.

Response dated 19.11.2024

Councillors are very concerned that the new facilities coming to the park in the near future - a revamped play area, PlayZone and Pavilion will be compromised by the close proximity of an asphalt plant.

All the objections outlined in the comments submitted in June remain, and the development is considered unacceptable for the local population in terms of air pollutants, noise, traffic and the

likely loss of amenity at our Memorial Park. Councillors are very concerned that the new facilities coming to the park in the near future - a revamped play area, PlayZone and
Pavilion will be compromised by the close proximity of an asphalt plant.

Response dated 26.6.24

At a meeting on 25th June 2024 Sutton Bridge Parish Council resolved to object to application H18-0528-24 on the following grounds:

1. Impact on Residential Amenity
The development within the settlement boundary is not appropriate, its proximity to residential areas and the Memorial Park would be detrimental to the health and well-being of residents and Park users. Some of the closest residents are a population of vulnerable and elderly residents in an established retirement community. The site is also adjacent to the Memorial Park with users of all ages - daily walkers, children and families using the play area open space. The park is used for sport and is the home of Sutton Bridge United Football Club teams and supporters. The park is also used for village events and gatherings.
2. Noise nuisance
The operating hours in the application from 5am - 6pm everyday will result in significant noise and disturbance to the surrounding residential area.
3. Odour nuisance
The Council are concerned that the odour emissions will cause a nuisance to residents. The odour from this type of facility is likely to be unpleasant and an irritant. There was no confidence in the odour assessment report, meteorological data used was from a distance away.
4. Particulate matter
Emissions from the plant will be detrimental to residents and park users health - this is the only large open space within the village community for sport and leisure activities. Breathing in the particles from the fumes released by the plant, and the dust from the loading of materials will be harmful to anyone nearby. There was no confidence in the air quality assessment, meteorological data was from a distance away.
5. Visual Impact
The size and height of the proposed buildings would overshadow the area and be out of character for the edge of a rural village. industrial buildings of this size on the edge of the village will have a negative visual impact on the landscape and overall aesthetic of the community.
6. Environmental Impact
The plant would be sited directly adjacent to a tree lined footpath the Arnie Broughton Walk. This area is a natural wildlife haven, lined with trees listed in TPO order 15a and 15b. The noise, odour and emissions will have a detrimental impact on the local wildlife. It has been noted that the application does not have an environmental impact report.
7. Traffic Issues
The development will increase traffic movements on an already very busy road.

Natural England

No objection.

Fenland District Council

Response dated 3 July.

Requested more information.

Health and Safety Executive

No objection received.

Historic England

No comment.

Sir John Hayes

-Highly detrimental to local residents
-Environmental impact of an industrial facility operating long hours would be significant, located so

close to Memorial Park, where children play sport, which hosts public events for residents, health concerns from emissions, nuisance of noise.
-Many houses and places to work nearby. Large numbers will be exposed to harmful emissions on a daily basis.
-Hours will be every day, 365 days a year.
-Wholly unacceptable, especially with PM2.5 and N02.
-Concerned about odour and noise. Stench and noise will spread more widely.
-Concerned about lack of EIA.
-Public meeting was held - 80 people attended. Lack of consultation.
-Height of towers. Unclear on 'mobile' definition. Benefits are unclear to residents of Sutton Bridge.
-Will affect health, wellbeing and amenity of the community it affects.

Councillor Brewis

Response dated 31 October

-Most affected properties are elderly sheltered people, in close proximity: at Church Gate, Flint Gate and Sedec Mews.
-At not point area these sites mentioned at all in the submission, deeply concerned that most vulnerable residents and properties have and no consideration from the applicant at all.
-Detailed EI assessment needed for these locations which has not been done.
-Remain disappointed that such a cavalier attitude to the most adjacent properties has thus far been shown.

Councillor Booth

-This is totally the wrong place as it buts up to SHDC sheltered housing estate also to the west a housing estate - Peter Scott Way - I have had lots of complaints from this estate when Greenworld were operating there, with dust and toxic materials that were stored in the open, I believe this will be the same problem.
-Memorial Park also buts up to the site, the Parish Council has been working very hard on improving the sports and leisure facilities. The Parish Council have three projects, a new sports pavilion, an play zone area at a cost of about one and a half million.
-It will deter people using these very important projects and it would also be bad for the surrounding estates.
-Would like this to go to planning committee.

Sutton Bridge United Football Club

-On behalf of Sutton Bridge United Football Club, Committee Members, All players (you and seniors). parents and supporters.
-Our football teams train and play in Memorial Park. Site is unsuitable for such a project due to close proximity to where young people congregate for sport and other activities. By-products of the plant could be hazardous to all people using the Park.

Public

427 responses have been received which report objections, some of which are repeated, which raise some or all of the following points:

-No Environmental Impact Assessment, Noise, Odour, Particulates, dust, extra traffic and congestion, dirt, smell, adverse health impacts especially on vulnerable with breathing problems, residential uses close by, children's park, play area, football pitches, church, shops, Memorial Park too close, toxic smell, pollution, eye and lung irritation, emissions, error in flood risk assessments, inadequate consultation, fumes, too close to sheltered housing, effects on children and elderly, village not a dumping ground, skin cancer, headaches, effect on air quality, location unsuitable.
-Local People and Parish Council have been working hard to submit bids to improve facilities, this will affect the projects.
-Effect on Memorial park, effect on protected trees, wildlife, wider Wash, crops.
-This specific type of activity not suitable in this location.
-Height and overlooking Memorial park, park users vulnerable to pollution, effects on cardiac and

respiratory diseases.
-Out of keeping with village, effect on tourism, effect on bridge, effect on house prices, needs relocating, effect on birds.
-negative impact on amenity, previous uses caused issues and was served abatement notices.
-Conflict with Health and Safety legislation, Environmental legislation.
-odour and air quality concerns.
-health concerns
-concerns about the smell, air quality decreasing use of leisure facilities, tourism, visitors to the town, the effect of the character of the town, that this application signifies that it is a 'dumping ground'
-many residents saying they have existing breathing problems expressing their fears for their own and other people's health, especially vulnerable young and old residents nearby.
-noise, traffic, congestion, inappropriate location, smell.
-needs to not be located in a town, effect on shops, listed buildings, character, residents.
-Still object. We rent a unit from SHDC on neighbouring industrial estate, our units faces the site. Concerns re: fumes and noise, as the units only have one large roller door to enter the unit, in the summer the doors are usually open.
-Sheltered housing for the elderly are the Memorial Park affected aswell as the Industrial Estate.
-Tree Belt runs alongside the proposed site that is full of wildlife. The fumes/noise would have a detrimental impact on this.
-odour will be unacceptable close to residential areas, schools, children's play areas. Odour comes from minute particles in the air which settle on all surfaces as well as being breathed in.
-wild will carry particles all over the area causing breathing problems for many
-Putting a plant so close to a residential area is not acceptable.
-Village is the gateway to Lincolnshire and slowly getting better. This will make it a disgrace to the county.
-Needs to be situated miles from any residential area
-I have COPD, am living close enough to impact my health
-Birds will be affected.
-inappropriate location, regardless of any mitigation measures proposed.
-negative impact on local amenity, local residents, public playing field including children's playing field.
-Noise, dust and odours, detrimental using outdoor amenities.
-previous owners served two abatement notices by the Local Authority in relation to dust, noise and odours, yet the problem still continued as raw material was tipped into the external yard left uncovered and exposed to prevailing South Westerly winds.
-plant will cause daily repeat of all previous issues on site, relating to particles becoming airborne odours and excessive noise from raw materials, fumes, bad smell, noxious.
-constant reversing of loading shovels, shovel hitting the ground and the reversing warning beaper on the mechanical plant which will be like a constant alarm clock.
-Local inappropriate, residents, farms and rare birds in vicinity.
-Huge impact on residents in Church Walk, wind will carry debris and smells that are harmful.
-Have sick child who enjoys being in garden, will have impact on his health. I beg the company to look elsewhere.
-Impact on house prices.
-Will overlook Memorial Park - well used for sport and keep fit. Users of park vulnerable to pollution, fumes, particulates - implicated in cardiac and respiratory disease.
-Very close to housing estate impacted
-Excessive noise known to cause illness.
-Frequently used churchyard attached to St. Matthew's Church will be subject to continuous noiuse. People need a peaceful and respectful environmental when visiting and tending graves. There are 61 war graves in the churchyard.
-out of keeping with village, as only light industrial is situated near housing or village amenities. Unlikely that barriers could reduce pollution to an acceptable level.
-Direction of prevailing wind will result in wide area of village being impacted by noise, fumes and particulates.
-village has number of listed buildings including the Bridge, the former Hydraulic Engine House and several houses between the church and the bridge, St. Mathews' Church - the only flint stone church in Lincolnshire, is also listed. Pollution would have a deleterious impact on the structure and appearance of these buildings.
-Increase traffic on the by-pass because of the number of vehicles required to service the asphalt plant. It is frequently congested, particularly at weekends and during the school holidays. Drivers may try to find an alternative route to the by-pass through the village.
-odour, toxic substances such as hexane, phenol, polycyclic organic matter, formaldehyde and

toluene. Accumulative exposure to these toxins can cause respiratory problems, cancer and skin irritation. Emissions can affect human and animal respiratory systems even if within Government guidelines.
-compensation should be paid.
-plant should be moved away from residential areas.
-odour, traffic, air quality, pollution, dust ash and noise issues, from vehicles and plant.
-submitted reports are vague and do not assure no impact on residents
-will devalue quality of life
-There is no way to hiding the odour.
-Will not keep to normal working hours.
-Changing chimney height will not make any difference to emissions.
-Not a temporary structure despite the name.
-people will need to keep windows closed
-should build away from communities.
-emissions will enter water supply, effect on soil pollution, flora and fauna, detrimental to wild flowers including orchids.
-A17 already busy, will make it worse. Already accidents. Access to A17 roundabout is concern, is a pinch point for traffic delays.
-Village is not a dumping ground. Messy processes get put into poorer areas, not affluent areas.
-Will affect health and welfare of entire village.
-odour in a residential area should never be approved.
-No one will use park or new pavilion due to odour. Will ruin any functions/football matches held with lots of visitors. Far too close to the village.
-Smell generated will have a negative effect on local area, and everyone in immediate area.
-Odour assessment is flawed. Similar in Wrexham and Newhaven - locals say smell is really bad. In the summer it stops them sitting in their gardens. Building right next to elderly accommodation and children's park is irresponsible. Needs to be away from residential areas
-Bad for the environment, bad pollution, damage to children and people.
-proposal backs onto community park, very close to homes, this is not an industry that should be in an environment like this, should be away from housing on a proper estate.
-noise of loading, air pollution and smell will affect community, will affect local businesses, cause traffic congestion. Smell will ruin our small village and local businesses and their livelihoods. Prevailing wind will mostly go towards village.
-Warehouse and power plant already eyesore. Adding yet another factory will make it look worse
-Air quality affected, quality of life and enjoyment of local facilities. Bi-products will cause particulate matter, C02, Sulphur Dioxide, N02, OC, asphalt (Bitumen) fume and hazardous air pollutants. Will affect local residents and village.
-Toxic chemicals. Chemical Leaks. Light pollution (as operating in the dark). Odour Emissions very unpleasant, Operational Noise.
-Will not be able to sit in garden.
-Inward investment to Memorial Park will be affected.
-Iconic swing bridge affected
-No one would want to have that smell on their doorstep, especially when we have the pretty, open space of the River Nene which would totally spoil it. I would also like to note the landscape behind Greenworld Park, that backs onto the local playing field would be impacted. Its a lovely walk with lots of wildlife. The extra noise, traffic and general disturbance will have a negative impact on the wildlife we have in the village.
-The Asphalt plant is situated to the west and south of the proposed Play areas, the prevailing wind in Sutton Bridge is from the South West, any pollution will be naturally blown towards and over these play areas. The Memorial Park of itself has 2 football pitches, which are used by the Local Football Club with both Junior and Senior teams, and is a location where parishioners walk, with or without their dog
-concerns for myself, livelihood, community, pensioners we feed, customers, visitors we bring to the coastal walks and so on.
-Riven Nene mudflats identified as protected habitat, will affect this and farms. Health concerns. Concerned about impacts on surrounding listed buildings. Will be covered in black tar.
-There are a number of restaurants/eateries in that small area - Pippa's Pantry, The Top Shop Chippie & Riverside Bar & Restaurant. These restaurants are popular and well supported - emissions from the proposed development will have a major negative impact on these.
-Slight impact or negligible impact is still an impact that we do not experience now.
-will impact our village which is a gateway to Lincolnshire. Not great for a first impression. Will affect people with lung conditions. No confidence that there will not be noxious emissions. Very long hours, 7 days a week will affect people.
-Sutton Bridge is in a unique position in the Wash. VOCs, aromatic hydrocarbons, carbon

monoxide, sulphur dioxide, N02 released.
-Ammonia and VOC barely mentioned in the Air Quality Assessment. Noxious smells. No conclusion to Section 4. Authors are clearly playing down the strength of the smell of asphalt, do not take into account of prevailing and swirling winds. As Cllr Brewis has pointed out, Church Gate, Flint Gate and Sedlec Mews are all close to the site and inhabited largely by vulnerable elderly people. Table 7 says prevailing winds ignores the fact that smells will be carried directly over these residents.
-magnitude measure should not be applied to storage bays, but in asphalt process, score would be high. Unpleasantness does not show up in any assessment, which should be high. Mitigation is small and should be medium. These skew the results in Table 8. R1, 6, 7, 8, 9 and 10 are passed over by prevailing south west winds.
-Am woken early mornings from the port which is further away. House shakes aswell. 15m stack will be visible for all locals and will spoil the outlook of the village, over towering church and tower. Stack visible from Mill Lane. Unsightly stack. More industry will not be welcoming. Will disfigure church. Will affect local economy.
-North East wind only blows now and then. Even with filtration, smell will still be particles released, causing respiratory problems. More traffic and vehicles. Cause distress to rescue animals.
-Not going to make any jobs for our young people.
-Sutton Bridge already has Power Station which produces noise and extreme light, Priory Gun Club causes a noise nuisance. Asphalt plant that will cause a strong smell - a step to far.
-metres away from bungalows which are homes for elderly, many in poor health.
-Site near only green space in Sutton Bridge. It is a venue for events, children's play and football. Health concerns, including Polycyclic aromatic hydrocarbons - mutagenic and carcinogenic. Not a mobile plant.
-Noise assessment based on predictions, assumptions and possibilities. None of which are guarantees.
-UK Biodiversity Plan protects hedgerows. Great row of trees edging the 1918 railway line is only structure separating the asphalt site from FlintGate and the Memorial Park and is a wildlife corridor, will be severely affected by emissions, disturbance and continuous noise.
-Concerns about water discharge, and pollution.
-No report on vehicles.
-End of noise report has an adamant disclaimer which removes all responsibility from its own report.
-pollution and proximity to people's homes.
-Wrong type of development in the wrong location.
-effect on wildlife.
-a haulage company does not have the same impacts as an asphalt plant
-data collection points strange, not in correct position downwind. Incorrect weather data. Not correct baseline data. Poor quality data. Do not use local datea.
-adverse health impacts.
-noise and pollution. Cumulative impact.
-operating hours will cause disturbance to a large number of residents.
-amenity value of the park will be affected and chimney will be visible in the tree line
-effect on mental heath of those living nearby. People will be forced to move.
-updated air quality and sound assessments are not convincing. Air and noise pollution associated with vehicles servicing the proposed plant have not been taken into consideration
-hours of use unacceptable, severe impact on those living nearest in Flint Gate.
-odours produced will prevent people being outside, having an effect on physical and mental health of local residents.
-stack will spread emissions widely.
-families attend the park 3 times a week, using free gym equipment and walk pets. Park is very busy, and is part of the community, functions and family fun days are held there, as well as charity days. It is loved by the whole village.
-will stop children playing in the playground. People will not be able to enjoy their gardens, home and park. Noise and fumes will disrupt lives, will affect mental health and wellbeing.
-Reports are inaccurate.
-There are no real employment opportunities.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the

Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.
Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The application site in this instance is within Sutton Bridge, a Main Service Centre, which is high up in the sustainable development settlement hierarchy and lies within the defined settlement boundaries as detailed by Policy 1. The site is therefore within a sustainable location. On the Policies Map, the site has been identified as SB004 - the Railway Lane East Established Employment Site.

Policy 7 of the SELLP recognises that these sites perform an important role in the local economy and will be protected for new B1, B2 or B8 development and/or redevelopment in Class B1, B2 or B8. This is caveated with the phrase "providing the development is of a scale that respects the character of the area and/or neighbouring land uses." This is presumably because these sites pre-existed the Local Plan and developed over time, and in some situations this means that certain industrial uses may not be suitable due to the proximity of surrounding land uses, or if they are located within settlement boundaries near sensitive uses such as residential or leisure uses. This is balanced with the protection Policy 7 offers in general for these uses which are sometimes difficult to allocate due to their impacts.

Paragraph 4.2.10 of the supporting text states that "Established Employment Sites preform an important role for the local economy, and therefore are in need of protection for employment (B2) purposes. Some are traditional industrial estates within a settlement boundary, others are businesses of considerable scale, within or well-related to the edge of higher-tier settlements. Policy 7 sets out a flexible approach to help ensure that businesses can continue to operate or expand with confidence should business needs require additional or different provision."

In context of this, this proposal is seeking approval for a B2 industrial use, albeit a particular type of industrial use, within an established employment site, which is currently operating as a B8 industrial use. The result will be an industrial B2 use within a B8 use that surrounds it. The site will have an intensification of use that was not present previously. Despite the fact this is an intensification, the overall principle of B2 industrial development within this location is considered to be appropriate and would be in accordance with the overall principles of the spatial strategy, but subject to the detailed wording of Policy 7 when considering the details of this particular type of B2 use, in connection with the adjoining land uses and mixed land uses in the vicinity. This is discussed in the subsequent sections of this report.

As such, the proposal is considered to be in accordance with the requirements of 1 of the South East Lincolnshire Local Plan when viewed in principle.

This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, including noise and odour, impact on highway safety and flood risk, and the requirement in Policy 7 which states "providing the scale that respects the character of the area and/or neighbouring land uses" . These aspects are discussed under subsequent headings.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds

positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

In terms of general layout, the proposed facility sits on tarmac, and the red line boundary of the site extends to the furthest extent of the portion of the site that is covered in tarmac. The site is within an existing established employment site. Tree screening exists around the edges of the site which is thick in summer but the site is visible through the trees in winter. The larger site is well maintained with an internal road network. An important consideration of the scheme is the external height of the asphalt plant, in relation to its surroundings. Its position within the settlement boundaries is potentially prominent given the overall layout of the settlement at the landscape scale, particularly in relation to the adjoining park.

Height

Originally the equipment was 16.5 metres in height but this was subject to an amendment initiated by the agent to lower the overall height of the structures.

The tallest part of the development are the two Bitumen tanks which are 50 cubic metres each with a height of 15.32 metres. The stack, is slightly lower at 15.31 metres in height. The hot storage mix equipment is 12.5m high. A key aspect to consider is the mature vegetation that surrounds the site. In summer, this restricts views inside and outside of the site, but this tree screen is less dense in winter time due to the absence of leaves, and views are possible into the site at this time.

The agents submitted a Photoview Assessment in order to demonstrate the effects of the equipment on the surrounding landscape in terms of height. This was conducted in summer.

A representative high point was located on the maps to equate to the highest point in the structure. A 16.5m long weighted plumb line was marked (which is higher than the maximum height of the equipment, due to the amendments). The plumb line was used to accurately determine the data point height. The plumb line was attached to a cherry picker. High visibility material was used to clearly identify the data point, creating a visible target 16.5m above ground. The cherry picker was then extended to 16.5m to accurately determine the height above ground. This was used at selected viewpoints to assess the visibility to produce a photographic record.

Photoviewpoint 1

Photoviewpoint 1 shows the application site and location of the surveyed high point. This is situated behind mature trees which are at heights of between 17.1m to 15.2m. The results show that the highest part of the stack would not be visible from the adjoining park, at least in summer. This is due to the thick tree screen along the boundary during the summer months. No data was submitted for the winter period.

Many objections related to the height of the proposals and the adverse impacts the scheme would have in the immediate vicinity, the effects on the settlement, residential properties and the town as a whole. Some cited concerns that this would affect the visitor economy and the way residents of the settlement view the village as well as the character of the area in general. Some considered that

this added to the impression that the settlement was a 'dumping ground' and its visibility would be harmful as a result. These objections have been taken into account. The application site is set within an industrial site which is well screened in summer. The A17 and the northern boundaries have thick tree and vegetation screens with only glimpse views being evident in the summer period. The trees from where Photoviewpoint 1 was taken are evidently higher than the maximum height of the facility.

In the winter months, the height of the trees remains the same but the absence of vegetation makes the facility more visible through the trees. This will mean the facility is partially visible through the trees when no leaves are on them. The bulk of the structure will be at least partially visible in the adjoining park, children's play area and sports facility, including its bulk, which does affect the character in the immediate locality. The remaining trunks will still obscure the facility to some extent, however, mitigating to some extent the overbearing nature of the highest parts of the development. The effect of the proposals in terms of height and visual impact in the winter months are very finely balanced in terms of visual harm, and the impact on the character of the area, taking into account that the land uses in the vicinity include leisure uses through the use of the park, children's play area, sports pitches and residential. The buildings and HGVs are visible from the adjoining park in winter time through the trees, and are likely to be visible from residential gardens that are close to the site which have the same tree screening. However, on balance, the fact that the structures will be visible through the trees, rather than the structures looming above the canopy height, would not represent such a dominant features that would significantly adversely affect visual amenity due to them being overbearing or visually intrusive. The height of the structures in such close proximity to well used leisure facilities are close to residential are a significant concern, but the winter trees provide some mitigation to the visual impact to some extent, and it is considered this is sufficient to avoid substantiating a distinct reason for refusal. It is considered that the increased visibility of the structures would have an adverse effect, and it is correct that the proposals do not add to the overall character of the area in a positive way, and are not visually attractive. They also do not incorporate landscaping on the application site of the site, for example, by incorporating evergreen trees that would completely obscure the view of the structures from the park. However, an adverse visual effect through trees is not considered, on balance, reasonable grounds for refusal.

Taking account of the photoview information it is not considered that the height of the structure would cause significant loss of light, overlooking or significantly adverse views when viewed from surrounding locations. It is not considered that the proposal would significantly adversely affect views into or out of the site, would not affect character or other landscape aspects or long term views. It is not considered that the height of the structures would adversely affect the townscape or street scene.

On an industrial estate is it to be expected that equipment will be utilitarian in appearance. In general design terms the layout has been arranged to facilitate the making of asphalt. For the wider site, the site also has a very large industrial building outside of the red line boundary. This is visible from the surrounding areas in winter, but is more obscured by the mature landscaping in summer. The design of the fencing is considered to be poor, as it gives a temporary appearance. However, because this is not readily visible, this is not in itself to be a significant concern in design terms given the nature of the industrial estate.

Location to other uses and consideration of character

Normally asphalt plants are located within minerals and waste sites, away from populated areas. They tend to be screened by significant bunding around the perimeter, with mature vegetation on top of the bunds providing further screening. Distances and distances from any nearby uses tend to be extremely generous, in the hundreds of metres, so typically, surrounding uses tend to be the waste and minerals sites themselves. Generous landscape buffers, of significant thickness (not just a few metres) tend to be incorporated into the edges of sites such as this, and often sites include concrete batching plants. Conflict with other uses, especially residential, is minimised due to the physical proximity away from large population centres. The landscape buffers increase the distance from any nearby uses such as residential. It is therefore unusual to consider a proposed facility in such close proximity to an urban centre with a mix of uses. This calls into question, despite the fact that the site is an employment site, whether or not the use is an appropriate use of land for this

particular type of industrial use, in line with paragraph 201 of the National Planning Policy Framework, December 2024 where it states "the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes." The height of the stack in other similar asphalt plants observed in other locations has been much higher in comparison with the proposed stack. Had the stack or bitumen tanks been above the trees, the facility would be harmful to the townscape. Any subsequent application to increase the stack would likely be unacceptable due to the impact upon townscape and character. The numerous objections citing the impact on the visitor economy to the town highlight the concern in terms of overall height.

Paragraph 200 of the NPPF states that "planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities". Part of the consideration of this aspect relates to character, and part of it relates to amenity. To fully consider this point, this is discussed in further detail in the next section.

On balance, it is not considered that the proposal would be contrary to policies 2 and 3 of the SELLP in terms of the height of the structures as part of the development. However, if permission was granted the height of the stack would need to be controlled so that it was not higher than surrounding trees. If the surrounding trees were to be removed, or if environmental monitoring via the Environmental Permit were to require mitigations that increased the height of the stack above the treeline, then these conclusions would no longer be valid - the compliance with policies 2 and 3 is entirely dependent upon screening by the existing boundary trees and the proposed height of the bitumen tanks and stack - if either of these were changed it is likely that a higher stack would have a negative impact on the townscape and would represent a dominant an overbearing feature. This emphasises the finely balanced nature of the consideration as to whether or not this site is suitable for the proposed use. Had the stack been higher or is required to be higher to mitigate, for example, air quality or odour concerns, the visual impact on the locality and landscape would be highly likely to be unacceptable.

The conclusion as to whether or not the proposal is considered to be acceptable in terms of policies 2 and 3 on other aspects of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2024), is interconnected with amenity and other material considerations and discussed in greater detail in the following sections of this report.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 2 of the SELLP relates to the impact of amenity, character, and the relationship to adjoining land uses, together with the impact on neighbouring land uses by reason of noise and odour. Policy 3 states that all development will create distinctive places and design which is inappropriate to the local area, or which fails to maximise opportunities to improve the character and quality of an area will not be acceptable. This includes the need to demonstrate how the following issues will be secured: landscape character of the location, ensuring public spaces are accessible to all, and residential amenity.

Policy 30 states that development proposals would not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area by way of odour and noise. Proposals will be refused if impacts cannot be suitably mitigated or avoided. This is replicated here to demonstrate that policies 2, 3 and 30 are interconnected in relation to amenity.

Paragraph 7.4.2 of the reasoned justification states that "development will impact local amenities, and could, depending on the use, impact on a wider area. Development may be also impacted by the area immediately around the site. For instance uses that emit fumes, noise and odours will have the ability to detrimentally impact on neighbouring uses, and if carried on the wind, those further afield."

Whilst Policy 7 has a presumption in favour of industrial development on established employment sites, this is caveated with a an aspect related to amenity and scale: "providing the scale that respects the character of the area and/or neighbouring land uses".

Paragraph 201 of the National Planning Policy Framework, December 2024 states that "the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes." This consideration has an amenity element contained within it because it is discussing the suitability of the use, in the same way that part of Policy 7 seeks to respect the character of the area and neighbouring land uses. Policy 7 is not permissive of all industrial uses regardless of scale, and regardless of impacts upon character as it seeks to 'respect' character. Similarly, the NPPF does not solely focus upon processes or emissions, and brings the decision maker back to consideration of whether or not a proposal is an acceptable use of land - this is asking the decision maker to consider amenity and character in context of a development site and the proposed use.

Paragraph 200 of the NPPF states that "planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities"...as well as "Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In this context it is a material consideration that existing surrounding land uses should not have unreasonable effects of the development placed upon them that alter the way those community facilities are utilised.

This scheme has received an extremely large number of objections, on a variety of points - but the vast majority relate to amenity concerns, the inappropriate location of the site in relation to nearby land uses - particularly the proximity of the proposal to the nearby Memorial Park, Curlew children's play area, the Curlew Centre, and the nearby sports pitches on the park grounds, as well as in proximity to nearby residential streets, some of which have vulnerable residents living in them, the nearest being approximately 80 metres away from the site.

The Parish Council in particular, with the support of numerous local residents, have expressed concerns about the new facilities coming to the park in the near future which will be compromised by the close proximity of an asphalt plant - a revamped play area, Play Zone and Pavilion, which are being realised due to a significant amount of investment by multiple agencies and grant funding. The Parish Council were able to obtain grant funding for improvements to outdoor community facilities, as the area is considered multi-deprived, and in such areas users and residents are less likely to use open space and undertake exercise due to their socio-economic circumstances, so it is important that improved facilities are not adversely affected to make them less likely to be used for the benefit of the population. This is again where the character of existing community facilities could be adversely affected by a development, which calls into question if the proposal is an appropriate land use. This is a key consideration in this case.

In particular, the Parish Council and objectors have concerns with the proximity to residential and leisure areas including the Memorial Park and they feel it would be detrimental to the health, well-being of residents and Park users, and character, emphasising that some of the closest residents are a population of vulnerable and elderly residents in an established retirement community. They point out the Memorial Park has users of all ages - daily walkers, children and families using the play area, open space, and sport users. It is the home of Sutton Bridge United Football Club which has regular matches attended by supporters. The park is also used for village events and gatherings. This is the only open space within the village community for open space, sport and leisure activities. The plant will also be sited directly adjacent to a tree lined footpath called the Arnie

Broughton Walk which the Parish Council point out is a natural wildlife haven, lined with trees listed in TPO order 15a and 15b. Amenity in this location has a particular community focus as a result, that goes to the heart of the character of the mixed urban area.

Further consideration of the impacts of the proposal are as follows:

Pollution, and whether proposed development is an acceptable use of land

One of the main issues to consider in relation to this scheme relates to pollution: Section 2 of the National Planning Policy Framework, December 2024 (NPPF), relates to achieving sustainable development . Paragraph 8 has three main objectives in achieving sustainable development:

a) an economic objective - heling to build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the rights places, and by identifying and co-ordinating the provision of infrastructure.
b) a social objective - to support strong, vibrant and healthy communities.... by fostering well-designed, beautiful and safe spaces, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;
c) an environmental objective, that seeks to protect and enhance our natural, built and historic environment, including making effective use of land, minimising waste and pollution.

A mobile asphalt plant would play a part in maintaining infrastructure as it is concerned with repairing roads and would be an investment into the local economy, but at the same time it is important that the natural, built and historic environment are protected by minimising pollution.

Section 15 of the National Planning Policy Framework, December 2024, relates to conserving and enhancing the natural environment and paragraph 187 e) stresses that decisions should contribute to and enhance the natural and local environment by "preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... air... or noise pollution". Development should, wherever possible, help to improve local environmental conditions such as air quality, taking into account relevant information." A key issue in relation to this application is to ensure the development does not pose an unacceptable risk to neighbouring uses, including residential dwellings and users of the park and leisure facilities nearby. Knowing the extent of that risk is important as that in turn helps to determine whether or not the site is an acceptable use of land, and whether or not those impacts affect character.

Paragraph 198 of the National Planning Policy Framework, December 2024, states that planning decisions should ensure that new development is appropriate for its location "taking into account the likely effects (including cumulative 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 the development.

Paragraph 199 of the National Planning Policy Framework, December 2024 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Paragraph 200 of the NPPF states the decisions should ensure that new development can be integrated effectively with existing businesses and community facilities, and should not have unreasonable restrictions placed on them, whereas paragraph 201 of the NPPF states that decisions should:

"focus on whether proposed development is an *acceptable use of land*, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It goes on to say that "planning decisions should assume that these regimes will operate effectively."

In other words, planning permission could not reasonably be refused due to lack of compliance with

Health and Safety legislation, Environmental Permits, Environmental Impact Regulations or other regimes unrelated to planning that would be involved in controlling levels of pollution, points made by many objectors. It is, however, reasonable to consider if the location and use of the land is appropriate in terms of pollution impacts on amenity.

Policy 30 of the South East Lincolnshire Local Plan, 2019 states that development proposals will not be permitted where, taking into account any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. heath and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of
4. air quality, including fumes and odour;
5. noise including vibration.

Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Paragraph 7.4.3 of the supporting text to this policy states that "If planning emission is granted, the suggested solutions may require conditioning to ensure continued protection of amenities. Where impacts cannot be suitably mitigated, planning permission will be refused as in some cases the only solution may be identifying a better site with fewer constraints."

The potential impacts within the context of national and local policy are discussed in terms of Air Quality, Noise and Odour as follows:

Air Quality

The Air Quality Strategy (AQS) was produced by the Department for Environment, Food and Rural Affairs (DEFRA) and published in April 2023 . The document contains standards, objectives and measures for improving ambient air quality, including a number of Air Quality Objectives (AQOs). These are maximum ambient pollutant concentrations that are not to be exceeded either without exception or with a permitted number of exceedences over a specified timescale.

Atmospheric emissions from the plant at the site have the potential to cause air quality impacts at sensitive locations during normal operation. The purpose of the submitted air quality assessment, as amended, is to establish baseline conditions and consider potential effects. Dispersion modelling was undertaken in order to look at pollutant concentrations at sensitive locations as a result of emissions from the plant. Impacts were quantified and the results compared with the relevant Air Quality Objectives, Interim Target and significant criteria. The modelling included meteorological data sets, but not from the site itself.

The Air Quality assessment shows a series of models showing impacts on sensitive receptors (meaning places which are susceptible for pollution - including nearby dwellings). The modelling shows the extent of various pollutants measured on a map showing streets nearest to the site, which include Kenzie Drive, Tycho Close, Bridge Road, King Street and Church Gate.

Nitrogen Dioxide - (N02)

At the national level, the legal annual mean target that should not be exceeded for Nitrogen Dioxide is 40 micrograms per cubic metre.

Based on the submitted reports, there is a worsening of local air quality, with predicted Nitrogen Dioxide concentrations in Church Gate and Bridge Lane expected to increase by 2% and 5%. However, the increases are still low - around 7.2-7.3 micrograms per cubic metre, compared with

the regulatory limit of 40 micrograms per cubic metre. To give this some context, monitoring undertaken by SHDC at the closest monitoring point (around 650m north west of the site) shows an annual mean of 6.8 micrograms in 2023, with a slight downward trend from 9.6 micrograms per cubic metre in 2019.

The predicted levels of Nitrogen Dioxide can be compared with UK annual mean concentrations recorded in the UK by government between 1990 to 2023. The annual mean concentration of NO2 at urban background sites was 14.2 micrograms per cubic metre in 2023. The equivalent for rural areas is 5.2 micrograms per cubic metre. Both of these have declined in recent years as a result of large reductions in emissions in the UK as newer road vehicles, which are subject to stricter emission standards, enter the fleet, and power generation moves away from the use of coal.

As the site is a Main Service Centre, high up in the settlement hierarchy, and inside the settlement boundary, it is classed as an urban area. As a result, the predicted changes are not considered to be at a level regarded to be significant because Paragraph 199 of the National Planning Policy Framework, December 2024, states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. For Nitrogen Dioxide, limit values are not breached. The conclusions of the modelling state that Nitrogen Dioxide is negligible at all receptors. South Holland's Environmental Protection Officer agrees with this conclusion. As such, overall Nitrogen Dioxide impacts are considered to be not significant in accordance with the Institute of Air Quality Management guidance. These levels are not high enough to be considered as unacceptable adverse impacts upon the heath and safety of the public as expressed by Policy 30 of the South East Lincolnshire Local Plan, 2019.

Concentrations of PM10 and PM2.5 Particulates

Particulate Matter (PM) is defined as everything in the air that is not a gas. Due to the small size of many of the particles that form PM, some of these toxins may enter the bloodstream and can be transported around the body, entering the heart, brain and other organs. Therefore, exposure to PM can result in serious impacts on health, especially in vulnerable groups of people such as the young, elderly and those with respiratory problems. It is recognised that a significant number of objections in the vicinity of the site list air quality and health concerns, many state that they have breathing problems and pockets of residential properties within the vicinity of the site have vulnerable and/or older residents who are extremely worried about the impacts on their health.

PM is classified according to size. The UK currently focuses on estimating the fractions of PM emissions where particles are less than 10 micrometres in diameter (PM10) and less than 2.5 micrometres in diameter (PM2.5). This approach is based on scientific consensus and longstanding evidence regarding the extent to which different sizes of particles penetrate into the respiratory system, and are absorbed by the lungs.

At the national level, The Environmental Improvement Plan 2023 was published in January 2023, providing Interim and Long-term Targets in order to reduce population exposure to PM2.5. For PM2.5s the annual mean air quality target is 12 micrograms per cubic metre (which means levels should not go above this).

PM 2.5

In general, annual average concentrations of PM 2.5 at urban background sites in the UK have decreased from 12.4 micrograms per cubic metre in 2009 to 7.2 micrograms per cubic metre in 2023, the lowest recorded. The decline in concentrations of PM 2.5 at urban background sites approximately follows the trends seen for PM10 at urban background sites.

For the application site, the annual mean PM 2.5 concentration levels are predicted to worsen slightly - with an increase of 1% from background levels for Receptor 1 on Railway Lane, and

Receptor 2 on Tycho Close, with an increase between 2-5% for Receptors R3 and R4 for Bridge Lane and Church Lane. There are no increases for any of the other Receptors. The increases for Receptors 1 to 4 are low. For all of the results - the impact significance is classified as negligible.

Predicted concentrations are below the relevant Air Quality Objectives and interim targets and the impact of the change is described as 'not significant' in accordance with the Institute of Air Quality Management guidance.

PM10

At the national level, there has been an overall decrease in UK annual mean concentrations of PM10 at urban background sites from 36.1 micrograms per cubic metre in 1992 to 12.3 micrograms per cubic metre in 2023, the lowest recorded.

In terms of PM10s for the application site, the Annual Mean PM10 concentration levels were modelled to be between 15.2 and 15.6 micrograms per cubic metre at the furthest contour which included some parts of Bridge Road, the gardens of Tycho Close, the lower part of Church Gate and Flint Gate.

The Air Quality Standards Regulations (2010) require that concentrations of PM in the UK must not exceed an annual average of 40 micrograms per cubic metre for PM 10s;

It is recognised that a considerable majority of objections relate to the adverse impacts of air quality and health, and this is acknowledged. Environmental Protection do no object to the proposal in terms of Air Quality, because the predicted concentrations of Nitrogen Dioxide, Particulate Matter in terms of PM10s and PM2.5s are predicted to be below the relevant Air Quality Objectives and Interim Target for all receptor locations. A review of the dispersion modelling results indicated that impacts on Nitrogen Dioxide, and particulates were predicted to be negligible in all receptors. Overall impacts were considered to be not significant in accordance with the Institute of Air Quality Management Guidance. The Air Quality Report concludes that air quality issues are not considered to be a constraint to planning consent for the proposal, meaning that it predicts that there would be no significant impacts on nearby uses including residential, leisure uses and other facilities within Sutton Bridge, taking into account the location and existing background pollution levels, and their long term trends.

The reason for these conclusions is because in air quality terms, and due to the efficiency of the equipment to be used, these levels are not high enough to be considered to create unacceptable adverse impacts upon the heath and safety of the public; the amenities of the area; or the natural, historic and built environment as expressed by Policy 30 of the South East Lincolnshire Local Plan.

Odour Assessment

Policy 2 of the South East Lincolnshire Local Plan, 2019 relates to the impact of amenity, character, and the relationship to adjoining land uses, together with the impact on neighbouring land uses by reason of noise and odour. Policy 3 states that all development will create distinctive places and design which is inappropriate to the local area, or which fails to maximise opportunities to improve the character and quality of an area will not be acceptable. This includes the need to demonstrate how landscape character is affected, how public spaces are accessible to all, and how residential amenity is affected and any impacts mitigated.

Policy 30 of the South East Lincolnshire Local Plan (SELLP) says that development proposals would not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area, including odour. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Paragraph 7.4.2 of the reasoned justification of the SELLP states that "development will impact local amenities, and could, depending on the use, impact on a wider area. Development may be also impacted by the area immediately around the site. For instance, uses that emit fumes, noise and odours will have the ability to detrimentally impact on neighbouring uses, and if carried on the wind, those further afield."

The Environmental Permitting (England and Wales) Regulations (2016) (as amended) relates to the need for the applicant to obtain an environmental permit, which can be subject to conditions, which is separate to the planning regime. Enforcement of any conditions imposed by that permit would be by via the Local Authority Environmental Protection department, and not under the Planning department. Improvement notices can be served if odour from a facility is causing pollution beyond the site boundary. This means that remedial work could be required to reduce impacts to an acceptable level. The submitted Odour Assessment states in paragraph 2.3.2 that "The measures that are deemed appropriate will depend upon the industry sector and site-specific circumstances and will take costs and benefits into account." If appropriate actions are not undertaken, the regulator has a number of available options, culminating in the revocation of the Environmental Permit and cessation of all activities on site. Whilst this is separate to the planning process, this does not preclude planning decisions considering proposals based on the location of the development and whether or not the site is an appropriate use of land.

The Institute of Air Quality Management (IQMA) published 'Guidance on the Assessment of Odour for Planning' on 20th May 2014, which was updated in 2018. This is a material consideration, but does not have the same weight in planning terms as a document that has undergone an Examination in Public such as the South East Lincolnshire Local Plan, 2019. The odour guidance deals with assessing odour impacts for planning purposes, namely the potential effects on amenity. They state that an assessment must reach a conclusion on the likely significance of the predicated impact. Where the overall effect is moderate or substantial, the effect is likely to be considered significant, whilst if the effect is slight or negligible, the impact is likely to be considered not significant. This is a binary judgement of either it is significant, or not significant. The IAQM guidance recognises that the assessment of odour requires some degree of professional judgement, using qualitative methodologies to assess impacts. It is therefore subjective. It is considered it does not deal with the nuanced assessment of amenity in the wider context.

An Odour Assessment was submitted using the assessment methodology outlined in the guidance to determine baseline conditions and assess the potential effects as a result of the scheme. Environmental Protection note that the report is qualitative, as opposed to quantitative. The reasons given for this are:
-that is it for screening purposes,
-that the development is likely to have a low risk of adverse effects,
-that there is insufficient information to carry out detailed modelling and that there are *wide uncertainties* that such detailed modelling would be financially unbeneficial or could lead to a false impression accuracy in the numbers predicated.

The odour generating activity is heating asphalt and emission from the plant.

The submitted report considered 'Source Odour Potential', 'Pathway Effectiveness' and 'Receptor Sensitivity'. The results of the assessment indicated the predicted significance was 'slight' at properties at Flint Gate and Church Gate and 'negligible' at nine locations. The submitted report states that the overall effects as a result of emissions associated with the proposals are predicted to be 'not significant' and not a constraint to development.
No assessment has been undertaken on the park which is closer as the exposure was considered transient by the report Environmental Protection have expressed concerns that the frequency of use of the park will be impacted in an area where access to public open space is important.

The Parish Council question the meteorological data used in the Odour Assessment because it was from a distance away. Amongst other things they feel the odour from this type of facility is likely to be unpleasant and an irritant. Given the UK has prevailing south westerly winds, the position of the

Memorial Park, Curlew children's play areas and the sports pitches are within close proximity and their orientation means these facilities are directly to the north east of the application site. This means that any odour is likely to be blown towards the park when winds occur. Many objectors including the Parish Council are concerned with the effect on sport and leisure users and whether or not the proposed use would deter future usage of these community facilities or if the overall experience of the park would be adversely affected, with the resultant decrease in participation of healthy activities including outdoor children's play, use of the football pitches, undertaking healthy walks and exercise. Unpleasant odour does have the potential to put off people exercising, decreasing the health of the local population, many of whom are identified as being vulnerable or elderly. Odour may also reduce people using the park as a meeting place (not necessarily in terms of air pollution but because the odour is irritating). A key concern is that odour could affect the character of the adjacent community facilities, residential and open space, as it drives people away from using these facilities.

Whilst it is acknowledged that the application site is on an established employment site, which was recognised in the Local Plan due to its historical lawful use, and has a permitted use as B8 granted in 2019, the arrangement of land uses that make up the town has a focal point in leisure terms within the open space next to the site. This contributes to the character of the urban area. Within the Memorial Park, community activities take place where multiple sectors of the town experience sport, leisure and play facilities. The proximity of these functions and park users did not receive the same attention within the Odour Assessment compared with analysis of residential receptors because the park use was deemed to be a location where people would not spend the majority of their time - categorising the use as 'transient'. However, this ignores the fact that the community are seeking to increase regular exercise, children's play and spending time outdoors within this location, and part of that initiative is to encourage regular leisure and sport time outside, helping to address the multi-deprived nature of the locality. The lawful use of the site is taken into account, but the proposed use super imposes an additional industrial use within a B8 use, with the potential to cause odour. The guidance associated with assessing odour in planning applications has not been subject to an Examination in Public where the methodology of the assessment tools could be scrutinised by a government inspector and 'tested' within an Examination Environment. Therefore, the binary assessment method in this case, particularly in relation to the particular land uses adjoining the site, is considered to be overly simplistic when considering the use of a leisure hub such as the Memorial Park and associated leisure uses within it. It is likely that the odour guidance did not consider the juxtaposition of multiple land uses in the current case.

Looking at the guidance in more detail, the 'Guidance on the Assessment of Odour for Planning' was updated in 2018 by the Institute of Air Quality Management. It includes definitions of High, Medium and Low Receptor sensitivities to Odour as follows:

High Sensitivity Receptor
A High sensitivity receptor is where surrounding land has users that can:

-reasonably expect enjoyment of a high level of amenity and
-people would reasonably be expected to be present here continuously, or at least regularly for extended periods, as part of the normal pattern of use of the land.
Examples include residential, schools/education and tourist/cultural.

Medium Sensitivity Receptor

Medium sensitivity receptors are surrounding land where:
-users would expect to enjoy a reasonable level of amenity, but wouldn't reasonably expect to enjoy the same level of amenity as their home, or
-people wouldn't reasonably be expected to be present here continuously or regularly for extended periods as part of the normal pattern of use of the land.
Examples include playing/recreation fields.

Low Sensitivity Receptor

The low sensitivity reception is surrounding land where:

-"the enjoyment of amenity would not reasonably be expected; or

-there is transient exposure,
-where the people would reasonably be expected to be present only for limited period of time as part of the normal pattern or use of the land.
Examples include, industrial use, farms, footpaths and roads.

The Odour Assessment lists Sensitive Receptors in section 4.3, which lists 10 receptors numbered R1 to R10. All of these are residential. Whilst it categorised these residential users as 'High Sensitive Receptors', the omission of any mention of the sensitivity of the adjoining park calls into question the validity of the assessment. It is considered that the park, children's play area and sports pitches should be categorised at least as a 'Medium Sensitive Receptors - sports pitches are specifically given as an example as being medium. Given the emphasis that the objectors and the Parish Council have placed on the area, that the park has multiple leisure users, including a soon to be upgraded children's play area, it can equally be argued that it could also be categorised as a 'High Sensitive Receptor' - given that, as a land use, multiple sets of people could be expected to be present continuously even if individuals use the park more intermittently. Schools are also included as an example of a High Sensitive Receptor, and whilst not a school, the children's play area will be used by children in a similar way to a school, at least in terms of playing outdoors. It is not considered that children playing in a children's play area could be categorised as transient, especially in warmer weather. It is not considered that the 'transient' categorisation is appropriate to the adjacent open space, sports facilities, children's play area and the Curlew Centre.

Policy 30 of the SELLP says that development proposals would not be permitted where they would lead to unacceptable adverse impacts on the amenities of the area, including odour. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

In addition, the odour assessment does not consider potential odour impacts from overnight storage. The updated assessments make it clear that asphalt made on a particular day which is not used will be stored on site overnight, in heated storage containers. Whilst the report states the storage elements are fully sealed, this remains unassessed within the odour assessment. The effectiveness of the sealed units has not been demonstrated and whether or not this would mean odour during the night time period. This means that odour in the night time and its potential effects have not been fully considered. The lack of assessment means amenity concerns expressed by local residents may not have fully be taken into account.

The methodology does not describe what a 'slight significant' result is, in actual terms of frequency of exposure or effect on normal daily living, or when undertaking exercise, in terms of children playing or other leisure based activities in the park. It does conclude the odour emissions from the development are 'not significant'. Had a quantitative risk assessment had been undertaken it may have been possible to recommend a planning condition to limit the odour but this is difficult when no quantitative estimate has been provided.

It must be noted that the impact here is to amenity, rather than to health, and that at the levels predicted could give rise to annoyance rather than nuisance. The odour impacts may be sufficient that people change their daily behaviour, for example chose to not hang washing on the line or open windows/spend time in the garden. Given the amount of objections responding to the planning application, with some objectors saying they would be forced to move, these changes in behaviour may well occur.

It is likely that the environmental permit, should the site be considered an appropriate use of land in planning terms, would have odour conditions and an odour management plan but even if the installation is meeting the Best Available Techniques there still will be odour from the installation that may not be able to be controlled.

Environmental Protection cannot categorically state there will be no odour. The annoyance associated with odour is subjective, and the odour assessment contained numerous 'caveats' that indicated that there are 'wide uncertainties' and reliance on the odour assessment could lead to a "false impression" in any numerical calculations predicted. Whilst the odour conclusions are

caveated it is clear that they cannot be afforded significant weight in the planning decision making process - there is no objective quantitative evidence to test - only a qualitative conclusion that fails to classify the park as anything other than transient. In the balancing exercise it is suggested that the odour assessment is a material consideration but does not attract significant weight.

The asphalt will be heated for the storing of made asphalt overnight. The noise report states that in the night time hours - 0500-0700 loading activities would occur. It has not been clarified if those activities would have an odour impact if, for example, the stored warm asphalt will be poured into awaiting HGV vehicles, and if this would result in odour. Whilst it is clear that the asphalt making element will not be started until 7am, the report does not specify if the two hour period of operation prior to this without asphalt production is likely to generate odour impacts. As the report states that the heated storage of asphalt will take place overnight - the previous evening's asphalt will be loaded onto lorries between 5am and 7am, thereby increasing the potential for activities that may generate odour. This activity would be difficult to enforce at such an early point in the morning as would some parts of the site operating but not others. The 5am start increases the chances of the impacts of odour prior to 7am when it is reasonably expected that nearby residents would be sleeping. Paragraph: 003 Reference ID: 21a-003-20190723 relates to the planning tests for conditions, and one such matter relates to the need to ensure that any conditions are enforceable. This then calls into question the appropriateness of the site in relation to odour and amenity impacts and whether or not it is an appropriate use of land, as per the National Planning Policy Framework, December 2024.

Environmental Protection state that the decision to conclude if this activity is suitable for the character of the neighbourhood is for the local planning authority to decide, not in terms of any Environmental Permit.

Policy 30 of the SELLP does include odour as a criterion to consider in terms of the impact on amenity. Odour has not been assessed using a quantitative assessment, the submitted report omits the importance of leisure uses in proximity of the site and considering these as transient, rather than considering this land use as Medium or High Receptors. It has not been clearly established that odour could be satisfactorily controlled. It is concluded that the use in terms of odour would adversely affect both nearby residential properties, and leisure users in proximity to the site which adversely affects the character of the land uses in the vicinity of the site. It is not considered that the site is an appropriate use of land and the location is inappropriate. As such, the proposal is considered to conflict with the provisions of the Policies 2, 3, 7 and 30 of the SELLP Local Plan.

Noise

Paragraph 198 of the National Planning Policy Framework, December 2024, states that planning decisions should ensure that new development is appropriate for its location "taking into account the likely effects (including cumulative 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 the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting form noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life."

Policy 2 of the SELLP relates to the impact of amenity, character, and the relationship to adjoining land uses, together with the impact on neighbouring land uses by reason of noise. Policy 3 states that all development will create distinctive places and design which is inappropriate to the local area, or which fails to maximise opportunities to improve the character and quality of an area will not be acceptable. This includes the need to demonstrate how landscape character of the location, how public spaces are accessible to all, and residential amenity are secured.

The Planning Practice Guidance 2019 (as updated) on Noise states the following:

"The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.

These factors include:
-the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day - this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;
-for a new noise making source, how the noise from it relates to the existing sound environment;
-for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;
-the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;
-the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.

More specific factors to consider when relevant include:
-the cumulative impacts of more than one source of noise;
-whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary. Further information on ventilation can be found in the Building Regulations.
-In cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behaviour would be likely to occur.
-the effect of noise on wildlife. Noise can adversely affect wildlife and ecosystems. Particular consideration needs to be given to the potential effects of noisy development on international, national and locally designated sites of importance for biodiversity;
-where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended."

It should be noted in this instance, the particular circumstances of the arrangement of land uses around the site are that:
-this established employment use exists close to residential and leisure uses. Whilst the Local Plan accepts the historical use of the site, that does not mean that any industrial use, regardless of impact could be permitted here - Policy 7 clearly caveats that the scale of the use "is of a scale that respects the character of the area and/or neighbouring land uses." What this means is the nature of the use needs to respect, amongst other things, noise in relation to nearby land uses.

Environmental Protection expressed concerns relating to hours of operation, and overall impact. There has been some confusion in the documents in relation to operating hours which was clarified in updated assessments. The noise report states that in the night-time hours - 0500-0700 operations would be limited to vehicle movements, however it would be vehicle movements and loading activities.

The report suggests that night time noise impact is thought to be NOEL (No Observed Effect Level) based on activities in the time described as 'essentially vehicle movement's'. However, the plant will unloading asphalt into the lorries. A +3dB correction has been applied for 'occasional impulse activities' and in the absence of further information specific to the loading activities we feel this could be conservative.

During the daytime at both location 1 (Flint Gate) & location 2 (Kenzie Drive), there is predicted to be an Adverse impact when assessed in accordance with BS4142, with a noise level of +6dB above the current background. In planning terms this is considered to be at an 'Observed Adverse Effect' level.

Making reference to the noise exposure hierarchy table, this would be described as 'present and intrusive', shown on the exposure hierarchy table as:

-"Noise can be heard and causes small changes in behaviour, attitude or other physiological

response, e.g. turning up volume of television, speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life."

The applicant has already made changes to the design to reduce the noise impact from +9dB to +6dB. They propose to achieve this by enclosing some parts of the machinery with insulation.

It has previously been reported that HGV lorries need to be ready to move out early to be commercially competitive. It was stated that finishing at 6pm was less of an issue as most road repairs take place during the day, but early starts are essential so that the applicant can compete with competitors. There are residential and leisure uses in close proximity.

It is considered that the noise impacts cannot be suitably be mitigated and as such the scale and design of the proposal is considered to be such that there would be significant and unacceptable impact on the residential amenities of the occupiers of adjacent properties due to noise, and land users who use leisure facilities in the adjoining park, play area and sports facilities to the extent that it is not considered that the site is an appropriate use of land and the location is inappropriate. As such, the proposal is considered to conflict with the provisions of the Policies 2, 3, 7 and 30 of the SELLP Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards.

The Lead Local Highway Authority points out that the site forms part of the operational base for Nene Transport (Lincs) Limited consisting of an area of tarmac and concrete used for the parking and turning of HGV's, trailers, materials, all of which are associated with the large storage building further west. The proximity of the site to key road networks, such as the A17 accessing Lincoln to the north and the A47 connecting Peterborough and Norwich, ensures great accessibility and connectivity. Moreover, the accessibility of the nearby port presents opportunities for importing raw materials, thereby providing business resilience and a modal shift away from the use of heavy goods vehicles. The plant will produce up to 26,000 tonnes of asphalt per year which essentially means there will be 26,000 tonnes of material imported each year to make the same amount of product. The hot asphalt is made using clean aggregate and does not involve the use of road planings. The (hot) Bitumen is brought to the site in 30 tonne insulated tankers and the asphalt leaves the site in 20 tonne insulated lorries with insulated covers over. The proposal will occupy a small section of the existing site which is currently used as a transport and storage depot with access onto the A17. There are significantly more traffic movements associated with the existing use of the site and so the proposal will not result in a demonstrable increase in vehicles entering and leaving the site. This in turn will have an even smaller impact (increase) on the volume of traffic using the A17.

It is acknowledged that a significant number of objections cite increased traffic movements, traffic problems, and traffic delays as a result of the proposal. Many objectors feel that the intensification of the use would worsen traffic, and if the A17 experiences traffic congestion, the HGV laden tarmac vehicles will divert through the town, causing further traffic and odour annoyance.

The overall site is an established employment site, designed for employment use with an unrestricted permission for B8 on the site, and therefore the impact of the proposal in highway terms is considered negligible by the Local Highway Authority. The process involves approximately 870 HGV movements into the site per year, 72.5 movements per month, 17 per week or 2.5 per day. The export of hot asphalt will result in approximately 1300 movements per year, 108 per month, 25 per week, 3.5 per day. On average therefore there will be 6 HGV movements (in and out) per day based on a 7 day week or 8.5 movements based on a 5 day week plus the car movements associated with 4 members of staff. There is sufficient parking and turning facility within the site to allow vehicles to enter and leave the existing access arrangements, which is considered acceptable, safe and has the capacity to accommodate the movement of traffic associated with this proposal. Therefore, it is considered that this proposal would not would not present a severe impact on highway safety or capacity issues in accordance with the National Planning Policy Framework. As the Local Highway Authority raise no objection, and sufficient parking is available for the use, they raise no objection. Whilst the objections have been taken into account, without an objection on highways grounds from the Local Highway Authority, a refusal based on highway impacts or road safety, is unlikely to be substantiated.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policy 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

For the Update of the Strategic Flood Risk Assessment Residual Peak Depth 1% Fluvial and 0.5% Tidal Event Probability for the year 2115, the site is within the 1m-2m depth zone. The site is not in the equivalent map for the present day.

The site is within the 2m + zone for the Update of the Strategic Flood Risk Assessment Extent of Fluvial and Tidal Domination 1% Fluvial and 0.5% Tidal Event Probability for the year 2115.

The industrial use for the site is classified as "Less Vulnerable". As such, if the use would be considered otherwise acceptable, it is considered that a suitable mitigation plan in line with the submitted flood risk assessment would be possible.

The asphalt plant is designed to operate in all weathers, therefore should the site be subject to a flood this would not affect the plant. If the Environment Agency issued a flood warning for the are the plant would cease to operate. A safe haven is provided for all employees in the nearby two storey building.

The IDB and the Environment Agency do not object to the proposals. Consent may be required under Byelaw 3 and conditions are suggested by the Environment Agency.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policy 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Impacts of Climate Change

In respect of the climate emergency, Section 14 of the National Planning Policy Framework (December 2024) states that new development should be planned for in ways that: "avoid increased vulnerability to the range of impacts arising from climate change" with care taken to ensure that, where development is brought forward in areas which are vulnerable, "risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and help to reduce greenhouse gas emissions, such as through its location, orientation and design".

Paragraph 166 of the National Planning Policy Framework (December 2024) details that when determining planning applications, Local Planning Authorities should "expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption", with 'significant weight' given to "the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights)".

The proposal is neutral in terms of climate change, as it is situated on existing tarmac within an industrial site.

Taking the above into account it is considered that given the details submitted, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements because it is situated completely on tarmac.

Biodiversity & Ecology

Beyond this, Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

"a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

There is nothing of biodiversity value within the red line boundary of the site, as it is 100% tarmac.

A significant number of objections cited the impact on wildlife and preserved trees, particularly the group of preserved trees to the northern boundary relating to the disused railway, subject to TPO 15a and 15b, which contains a footpath called the Arnie Broughton Walk. This is a leisure route and the trees are mature and form a partial screen to the development. They border the application site. These objections are acknowledged, but there is no evidence that the trees would be adversely affected. The asphalt plant processing equipment is extremely efficient and the level of particulates do not raise objections from Environmental Protection. As a result, it is not considered that the trees would experience harm, despite being in close proximity to the development.

It is not considered that the proposals are contrary to Policy 28 of the South East Lincolnshire Local Plan (2019).

Other Matters

Numerous objections related to the lack of Environmental Impact Assessment. This was considered in detail in relation to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. National guidance in relation to Environmental Impact Assessments (EIA) make it clear that the regulations only apply to certain types of development. That guidance also is clear that EIA should not be a barrier to growth and will only apply to a small proportion of those projects which are likely to have a significant effect on the environment. Local Planning Authorities are required to carefully consider if a project is subject to EIA. If required, they should limit the scope of the assessment to those aspects of the environment that they are likely to be significantly affected.

To determine whether a proposed project falls within the remit of the regulations and to see whether it is likely to have a significant effect on the environment, it is necessary to determine whether the project is a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations. If listed in Schedule 1 an EIA is required in every case. If listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

The advice goes on to say, if a project is listed in the first column in Schedule 2 of the regulations, and exceeds the relevant thresholds or criteria in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the Local Planning Authority to determine whether EIA is required. Projects listed in Schedule 2 which are located in, or partly in a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria. Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not in or at least partly in a sensitive area, are not Schedule 2 development.

In determining whether a particular proposal for development is included within one of the categories of development listed in Schedule 1 or Schedule 2 of the Regulations, local planning authorities and developers should have regard to the ruling of the Court of Justice of the European Union that the Directive has a "wide
scope and broad purpose" (In the Court of Justice of the European Union Case (Kraaijeveld v Holland). The fact that a particular development is not specifically identified in one of the schedules does not necessarily mean it falls outside the scope of the Regulations. For example, the Schedule 2, 10(b) category "urban development" (which accounts for by the far the largest proportion of Environmental Impact Assessment development in England), includes residential and other development of an urban nature. It can also apply to development in non-urban
areas which has an urbanising effect on the local environment, for example, an out of town shopping complex.

The proposal does not fall into any of the criteria in the definition of Schedule 1 development under the Regulations.

In the light of the case law mentioned above, that, despite the fact that a mobile asphalt plant is not specifically mentioned within Part 10 (b) of Schedule 2, the development is within the settlement

boundary of Sutton Bridge,
thereby being located within the urban area, as opposed to the countryside. Whilst it is recognised that the proposal represents B2 development on a site with a B2 use, it is considered that the scheme can be classified as urban development and that it has an urbanising effect on the local environment. It therefore falls within the first column of Schedule 2.

However, the second column of Schedule has the following thresholds and criteria:

(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
(ii) The development includes more than 150 houses; or
(iii) The overall area of the development exceeds 5 hectares.

The proposal consists of a developable area of 631 square metres, and the site area within the red line boundary is 0.72 of a hectare. The development does not therefore fall within criteria (i) of the second column of Schedule 2. The development does not include housing development, so does not fall within criteria (ii) of the second column of Schedule 2. The development does not have an overall site area that exceeds 5 hectares, so does not fall within criteria (iii) of the second column of Schedule 2.

As such, the Local Planning Authority is of the opinion that the proposal is not Schedule 2 development and a screening opinion is not necessary to determine whether significant effects on the environment are likely and whether an EIA is required. The site is also not within a 'sensitive area' defined by the Regulations. The opinion on the likelihood of significant environmental effects was reached only for the purpose of deciding whether
or not to screen under the Regulations.

Planning Balance

As stated above, Section 38 (6) of the Town and Country Planning Act, as amended, requires that the Local Planning Authority makes decisions in accordance

In economic terms, the existing employment site will intensify its industrial use, albeit only employing the equivalent of 4 staff to have both the proposed asphalt (B2) plan on site as well as the existing B8 use. This will require considerable investment by the applicant, and will benefit local roads being repaired, which has economic benefits. It will be an additional industrial use and benefit the local economy. There may be short term economic benefits associated with the construction of the facility and long term benefits of maintaining the business itself in an intensified form at this location. The economic benefits resulting from the proposal weigh in favour of the scheme.

In community terms, the proposal is very close to areas that the Parish Council are trying to improve in terms of improving sports and leisure facilities at the Memorial Park. The area is an area of deprivation, with fewer opportunities resulting in poorer health and well being, lower educational achievements and lower income levels compared with other areas. The Parish Council are involved in 3 new projects including a new pavilion, a Playzone and a play area with a total investment of up to £1.5m. It is considered that the adjoining land uses would be adversely affected by odour and noise. Whilst the creation of four jobs are created as a result of the development, and repairing roads would be of benefit to the community, these do not outweigh the fact that odour and noise may affect the proposals provide community projects - it may deter and decrease their use within an area of deprivation. It is considered the proposals do not have sufficient community benefits in the planning balance.

It is acknowledged that the site was recognised as being an established employment site in the Local Plan. It is noted that the use for the entire site is a B8 use which surrounds the application site, and the current proposal represents an intensification of B2 use within the overall site. Policy 7 states that industrial uses for established employment sites are protected for redevelopment for B1, B2 or B8 uses *providing* the development is of a scale that respects the character of the area and/or neighbouring land uses. The proposals would increase noise and odour which fails to respect the character of surrounding land uses including residential and leisure uses. This tips the balance of the proposal to being harmful in environmental terms. It is considered that the economic benefits of the proposal do not outweigh the environmental harm that would result. The use is not considered an appropriate use of land in the proposed location due to the surrounding residential and leisure uses and the adverse effects that would occur on those uses as a result. The proposal overall is therefore considered unacceptable in the planning balance.

Conclusion

The proposed development is considered to be inappropriate to the local area and neighbouring land uses, is an unacceptable use of land due to odour and noise which adversely affects character and should be refused planning permission.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.