

Planning Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Thursday, 25 September 2025 at 1.00 pm
Council Chamber - Council Offices,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Charmaine Morgan (Chairman)
Councillor Penny Milnes (Vice-Chairman)
Membership TBC

Agenda

This meeting can be watched as a live stream, or at a later date, [via the SKDC Public-L Channel](#)

1. **Register of attendance and apologies for absence**
2. **Disclosure of interests**
Members are asked to disclose any interests in matters for consideration at the meeting
3. **Minutes of the meeting held on 28 August 2025** (Pages 3 - 20)

Planning matters

To consider applications received for the grant of planning permission – reports prepared by the Case Officer.

The anticipated order of consideration is as shown on the agenda, but this may be subject to change, at the discretion of the Chairman of the Committee.

- 4. Application S24/2066** (Pages 21 - 57)
- Proposal:** Outline planning application for residential development of up to 73 no. dwellings together with open space, landscaping, drainage, and associated works (all matters reserved except means of access)
- Location:** Land north of Wilsford Lane, Ancaster
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions and the completion of a Section 106 Agreement
- 5. Application S25/1033** (Pages 59 - 77)
- Proposal:** Outline application for up to 4 detached dwellings. All matters reserved except access.
- Location:** Land West Of Doddington Lane, Stubton, NG23 5BX
- Recommendation:** To authorise the Assistant Director - Planning & Growth to GRANT planning permission, subject to conditions
- 6. Application S24/0568** (Pages 79 - 213)
- Proposal:** Erection of an anaerobic digestion (AD) facility and carbon capture, improvement of existing and part creation of new access track, landscaping and other associated infrastructure
- Location:** Development East of Sewstern Industrial Estate, South of Sewstern Road, Gunby
- Recommendation:** To review the updated evidence submitted as part of the appeal and the position in defending the appeal
- 7. Any other business, which the Chairman, by reason of special circumstances, decides is urgent**

Minutes

Planning Committee

Thursday, 28 August 2025, 1.00 pm

**Council Chamber – South
Kesteven House, St. Peter's Hill,
Grantham, NG31 6PZ**



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Committee Members present

Councillor Penny Milnes (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor Pam Byrd
Councillor Patsy Ellis
Councillor Paul Fellows
Councillor Tim Harrison
Councillor Gloria Johnson
Councillor Max Sawyer
Councillor Sarah Trotter
Councillor Mark Whittington

Cabinet Members

Councillor Phil Dilks (Cabinet Member for Planning)

Other Members present

Councillor David Bellamy
Councillor Richard Dixon-Warren

Officers

Emma Whittaker (Assistant Director of Planning and Growth)
Phil Jordan (Development Management & Enforcement Manager)
Adam Murray (Principal Development Management Planner)
Kevin Cartwright (Senior Planning Officer)
Miranda Beavers (Senior Development Management Planning Officer)
Craig Dickinson (Development Management Planner)
Amy Pryde (Democratic Services Officer)
Martha Rees (Legal Advisor)

29. Register of attendance and apologies for absence

Apologies for absence were received from Councillors Charmaine Morgan, Paul Wood and Vanessa Smith.

Councillor Max Sawyer substituted for Councillor Vanessa Smith.

30. Disclosure of interests

Councillor Tim Harrison disclosed a personal interest agenda item 7, he would not participate in the debate or vote and would leave the Chamber for this application.

Councillors Tim Harrison and Patsy Ellis queried whether they had an interest in agenda item 8, due to the application being within or adjacent to their Wards,

The Chairman clarified agenda item 8 was not a planning application and was a lawful development certificate. The Councillors were advised they were able to remain present for agenda item 8.

The Vice - Chairman made the following statement:

‘With regards to items 8 and 9 of the Agenda, I make a declaration on behalf of all members that whilst it is acknowledged that the applicant is the Council, this will not affect how members of the planning committee determine the application. All members have been trained and will determine the applications in accordance with their planning training and with an open mind. Any member who does not feel they are open minded to determine the applications should make a declaration to that effect and not vote on the application.’

31. Minutes of the meeting held on 31 July 2025

The minutes of the meeting held on 31 July 2025 were proposed, seconded and **AGREED** as a correct record.

(The Committee adjourned for a 2 minute break, due to a technical issue).

32. Application S23/0404

Proposal: Proposed Office and Production Building

Location: Land Off Hards Lane, Frognall

Recommendation: That the application is approved conditionally

Noting comments in the public speaking session by:

Cabinet Member for Planning

Councillor Phil Dilks

Together with:

- Provisions within SKDC Local Plan 2011-2036, National Planning Policy Framework (NPPF) and Deepings Neighbourhood Plan.
- Comments received from Environmental Protection Services (SKDC)
- Comments received from LCC Highways & SuDS Support
- Comments received from Welland & Deepings IDB
- Comments received from Environment Agency
- Comments received from Heritage Lincolnshire

- Comments received from Deeping St James Parish Council

During questions to officers and debate, Members commented on the following:

- Concern was raised on design and landscaping, further information was requested.

The Senior Planning Officer confirmed a two-metre strip of landscaping had been proposed, along the frontage of the site. It was clarified existing trees were on the verge more forward of the application site boundary. A requirement of a condition for details to be submitted for landscaping was proposed within the Officer report.

- A query was raised on where water and drainage would be discharged.

It was clarified that at the rear of the site was Frognall Drain where drainage would empty into the drain at a rate agreeable with the drainage board. Prior to being discharged to the drain, any water and drainage would be stored and released from the underground tanks on site.

- Whether solar panels and UV charging points were conditioned.

A condition was proposed that required the Applicant to demonstrate what sustainable techniques they wish to provide to address climate change.

- Whether the Applicants were retaining their other existing sites.

The Senior Planning Officer noted the submission was not clear as to whether the Applicants would retain other sites or run this proposed site parallel and then relocate to the adjacent site.

- Whether any discussions had taken place on scope or voluntary opportunity for biodiversity net gain measures such as habitats.

It was confirmed there was limited opportunity due to the footprint of the building occupying the majority of the site. There was a nine-metre easement to the back of the site, which would act as a contribution towards biodiversity net gain.

Final Decision:

It was proposed, seconded and **AGREED** to **APPROVE** the application conditionally:

Time Limit for Commencement

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
- i. Site Plan Proposed Dwg. No. 02D
 - ii. Ground Floor Plan – Proposed -Dwg. No. 03A
 - iii. First Floor Office – Second Floor Office -Proposed Dwg. No. 06B
 - iv. Elevations Proposed – Dwg. No. 04A

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

Pre-commencement

3 No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) wheel cleaning facilities and road cleaning arrangements;
- d) measures to control the emission of dust and noise during construction;
- e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- f) hours of construction work, site opening times, hours of deliveries and removal of materials; and
- i) routeing of construction traffic

Reason: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Local Plan Policy DE1 and the National Planning Policy Framework.

4 Prior to the commencement of the development hereby permitted details demonstrating how the proposed units would comply with the requirements of Local Plan Policy SB1 and SD1 must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design; the provision of charging points and a timescale for implementation.

The approved sustainable building measures shall be completed in full, in accordance with the agreed scheme prior to the occupation of each unit.

Reason: To ensure the building includes sustainable building measures in accordance with Policy SB1 of the adopted South Kesteven Local Plan.

5 Prior to the commencement of the development hereby permitted an ecological survey of the site shall be undertaken, the findings of which shall be submitted to and approved in writing by the local planning authority.

Any identified mitigation shall be undertaken in accordance with details to submitted to and approved in writing by the local planning authority.

The development shall be undertaken in accordance with the approved details

During building works

6 The surface and foul water drainage works shall be undertaken in accordance with Dwg No. 0336-JCE-00-SI-DR-C-3000 and Dwg. No. 0336-JCE-00-SI-DR-C-3001 with Drainage General Arrangement Extended View Dwg. No. : 0336-JCE-00-SI-DR-C-3002.

Reason: To ensure a satisfactory means of drainage including connection to the mains system.

7 Notwithstanding the submitted details before any construction work above ground is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. planting plans;
- ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Before the development is occupied

8 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

9 Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all soft landscape works shall have been carried out in accordance with the approved soft landscaping details.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

10 Before any part of the development hereby permitted is brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Ongoing Conditions

11 The external areas of the development hereby permitted shall be use for parking, turning and unloading. There shall be no manufacturing or fabrication undertaken outside of the buildings hereby permitted.

Reason: To define the permission, for the avoidance of doubt and in the interests of the amenity of neighbouring occupiers.

12 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

33. Application S23/0401

Proposal: Proposed Industrial Park

Location: Frognall Livery, Village Streets, Hards Lane, Frognall

Recommendation: That the application is approved conditionally

Together with:

- Provisions within SKDC Local Plan 2011-2036, National Planning Policy Framework (NPPF), and Deepings Neighbourhood Plan.

- Comments received from Environmental Protection Services (SKDC)
- Comments received from LCC Highways & SuDS Support
- Comments received from Welland & Deepings IDB
- Comments received from Environment Agency
- Comments received from Heritage Lincolnshire
- Comments received from Deeping St James Parish Council

During questions to officers and debate, Members commented on the following:

- One Member was disappointed at the lack of pedestrian and cyclist provision could have provided a link from the site to Frognall.
- Concern was raised around biodiversity net gain. Policy EN2 of the Local Plan required a net gain, however, evidence of net gain from this proposal had been deferred and not received.

The Senior Planning Officer confirmed the application was several years old and had been submitted prior to the new requirements of biodiversity net gain. The application was exempt from any requirement to demonstrate the 10% BNG net gain. There was a nine-metre easement at the rear of the site which would remain as a wildflower meadow.

- Concern was raised on the increase of HGV and traffic movements due to the adjacent site and the number of units on this proposed site.
- A query was raised on whether an impact assessment had taken place on the wider road network rather than the incoming and access for the site.

The Highway Authority had assessed the application and had reviewed entrance, access and the wider road network. They had not raised any objections with the application.

Final Decision:

It was proposed, seconded and **AGREED** to **APPROVE** the application, subject to the following conditions:

Time Limit for Commencement

1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- v. Site Plan, Location Plan, Street Scene – Proposed – Drawing No. 01E
- vi. Units 1-5 Ground Floor – Elevations Proposed Drawing No. 02C
- vii. Units 6-10 Ground Floor – Elevations – Proposed Drawing No. 05A
- viii. Units 11-13 Ground Floor - Elevations – Proposed Drawing No. 03C
- ix. Units 14-17 Ground Floor - Elevations – Proposed Drawing No. 04A

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

Pre-commencement

3 No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of construction materials
- c) wheel cleaning facilities and road cleaning arrangements;
- d) measures to control the emission of dust and noise during construction;
- e) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- f) hours of construction work, site opening times, hours of deliveries and removal of materials; and
- i) routeing of construction traffic

Reason: To minimise detrimental effects to the neighbouring amenities and the amenities of the area in general, having regard to Local Plan Policy DE1 and the National Planning Policy Framework.

4 Prior to the commencement of the development hereby permitted details demonstrating how the proposed units would comply with the requirements of Local Plan Policy SB1 and SD1 must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design; the provision of charging points and a timescale for implementation.

The approved sustainable building measures shall be completed in full, in accordance with the agreed scheme prior to the occupation of each unit.

Reason: To ensure the building includes sustainable building measures in accordance with Policy SB1 of the adopted South Kesteven Local Plan

5 Prior to the commencement of the development hereby permitted an ecological survey of the site shall be undertaken, the findings of which shall be submitted to and approved in writing by the local planning authority.

Any identified mitigation shall be undertaken in accordance with details to submitted to and approved in writing by the local planning authority.

The development shall be undertaken in accordance with the approved details.

During building works

6 The surface and foul water drainage works shall be undertaken in accordance with Dwg No. 0335-JCE-00-SI-DR-C-3000 and Dwg. No. 0335-JCE-00-SI-DR-C-3001 with Drainage General Arrangement Extended View Dwg. No. : 0335-JCE-00-SI-DR-C-3002.

Reason: To ensure a satisfactory means of drainage including connection to the mains system.

7 Notwithstanding the submitted details before any construction work above ground is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. planting plans;
- ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

Before the development is occupied

8 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

9 Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all soft landscape works shall have been carried out in accordance with the approved soft landscaping details.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

10 Before any part of the development hereby permitted is brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Ongoing Conditions

11 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

12 The external areas of the development hereby permitted shall be use for parking, turning and unloading. There shall be no manufacturing or fabrication undertaken outside of the buildings hereby permitted.

Reason: To define the permission, for the avoidance of doubt and in the interests of the amenity of neighbouring occupiers.

34. Application S25/1123

Proposal: Weston Marsh to East Leicestershire Grid Upgrade stage 1 consultation

Recommendation: That the Committee endorse the draft response to the National Grid and delegate authority to the Assistant Director of Planning & Growth, in consultation with the Portfolio Holder, to issue the final response.

Noting comments in the public speaking session by:

District Councillors

Councillor David Bellamy
Councillor Richard Dixon- Warren

Together with:

- Provisions within National Policy Statements South Kesteven Local Plan and NPPF

During questions to Public Speakers, Members commented on the following:

- Clarification over whether the Public Speaker felt as if the pylons should be underground or a reduced amount rather than 50-metre lattice pylons.

It was noted that there were several areas of ancient woodland, close to the area of the proposed pylons and that all should be protected.

- Whether the main objection was to the wires being overhead.

Objections related to the wires being overhead, when wires underground would be preferred. Another objection was that 44 renewable grid connections could facilitate further development, including solar farms.

- Whether the Public Speaker felt the application would impact the history and heritage of the area. It was queried whether any work had been undertaken to identify actual impact upon the history and heritage on the site.
- It was queried how many hectares of agricultural land would be taken by the proposal.

It was confirmed the exact route of the pylons had not yet been decided.

It was confirmed that some constituents within Aveland Ward had voted against the proposal at Parish meetings.

- Whether feedback from residents outlined any concerns of health and wellbeing.

The Public Speaker highlighted that several concerns raised were due to health and wellbeing. Reports had been reviewed online regarding potential health hazards from pylons, however, pylons had not been scientifically proven to cause health risk.

During questions to officers and debate, Members commented on the following:

- One Member requested any concerns raised by the Public Speakers be included within the final response.
- It was felt that an assumption had been made on the increased number of solar farms due to substations being on site.

The Development Management & Enforcement Manager clarified there was one substation within South Kesteven, which was near Corby Glen. However, the concern raised was with the proposed 44 new renewable energy connecting points and what this meant for the local area.

The final response would include a note to request further information in this respect.

It was clarified that a formal pre-application consultation would take place in 2026. If the proposal be accepted for examination in 2028, there would be several opportunities to engage in the process as Local Planning Authority.

The following questions were raised in relation to the introduction section of the report:

- Where would the grid connections be and what purpose would they serve?
- What repercussions for the area may occur in relation to the substation at Corby Glen?
- How much area needed for solar and wind to produce wattage required?
- What radius around the substation would be vulnerable to solar wind applications and how may gigawatts could it support?
- What is the evidence for the application boosting economy and jobs in the area?
- How many pylons would be required?

The following questions were raised in relation to the policy context section of the report:

- A query was raised on why a renewable energy appendix 3 had not been included within the list of relevant policies.

The Development Management & Enforcement Manager confirmed the renewable energy appendix specifically related to forms of renewable energy production in a more detailed analysis of wind turbines, solar farms and biomass.

It was suggested that Neighbourhood Plans be included within the response for the relevant areas.

- A query was raised on whether any policies indicated how the health and wellbeing aspects could be satisfied when making planning decisions.

It was confirmed that reference to the following policies would be included within the response in relation to health and wellbeing:

- Good Design Policy
- Policy SD1
- Various policies - National Planning Policy Framework (NPPF)
- One Member questioned whether there would be any financial gain on having the pylons within South Kesteven.

It was confirmed that landowners may be compensated through a form of compulsory purchase order. National Grid were also exploring community benefit packages, meaning an ongoing grant would be available to the local communities.

As part of the development, an environmental impact assessment would take place at a later stage in order to protect heritage and history.

- A question was raised on whether a note could be included on the possible impact on airspace.

The Assistant Director of Planning and Growth suggested that National Grid consult with the Civil Aviation Authority (CAA) and the Ministry of Defence as statutory consultees on any issues with the pylons and airspace.

A suggestion was made to switch points 16.1 and 16.2 around within the report and for the inclusion of the word 'any' to be included as below:

Full Exploration of Alternatives

- 6.16.1 'It is imperative that the final design of **any** pylons must be carefully considered to minimise their visual and environmental impact. The use of traditional steel lattice pylons may not be appropriate in areas of high sensitivity. Alternatives designs or reduced-height structures should be prioritised where they help reduce visual intrusion and better integrate the infrastructure into the landscape.'
- 6.16.2 'SKDC requests that National Grid fully explore and transparently assess alternative options, including sensitive routing and the undergrounding of cables, particularly in environmentally or visually sensitive areas. While the Council understands the cost and engineering considerations involved, the long-term impacts on the landscape, ecology and biodiversity, local amenity, and heritage assets must be given appropriate weight in the decision-making process.'

However, the new installation of pylons of any design across this rural area will have a significant impact on the character of the countryside which can not be underestimated. Therefore, SKDC regards it as essential that National Grid revisits their plans to fully explore, assess and cost transparently the alternative options of the underground routing of cables, particularly in environmentally or visually sensitive areas.

Whilst the Council understands the need for cost complications driving National Grid, the wider long term local cost implications and impacts on the landscape, land use, ecology and biodiversity, ancient woodlands and SSSI's, local amenity, heritage assets, local economies, community wellbeing, use of imported steel, plus vulnerability to weather damage impacting national resilience will all be mitigated by this option. This must therefore be given overriding

consideration and appropriate weight in the decision-making process including consideration of cost sharing.

6.16.3. Skdc requires full transparency on the currently unknown, wider planning implications, cost repercussions, loss of farmland, tourism and impact on settlements, community wellbeing for pressure on land use for:

- i) Additional renewable energy, battery storage sites feeding into the 44 individual grid connections to the substations. How much power is it anticipated to produce?**
- ii) Use of power by industry, data centres etc**
- iii) Will there be more pylons on feeder routes?**

Final Decision:

That the Committee **ENDORSE** the draft response to the National Grid and delegate authority to the Assistant Director of Planning & Growth, in consultation with the Portfolio Holder, to issue the final response and include:

(The Committee had a 15-minute break).

35. Application S25/0760

Proposal: Replacement of existing glass shop front with black painted aluminium frame and glazing

Location: 6 High Street, Grantham, Lincolnshire, NG31 6PN

Recommendation: To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions.

Together with:

- Provisions within SKDC Local Plan 2011-2036 and National Planning Policy Framework (NPPF)
- Comments received from Grantham Town Council
- Comments received from LCC Highways and SuDs
- Comments received from SKDC Conservation Officer
- Comments received from Historic England

(Councillor Tim Harrison left the Chamber, due to a personal interest in this application).

During questions to officers and debate, Members commented on the following:

- Members felt the application would be an improvement to the existing building.

Final Decision:

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning & Growth to **GRANT** planning permission, subject to conditions:

Time Limit for Commencement

1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
- i. Location Plan – received 25/04/25
 - ii. Site Plan – dwg no. 205 CP02 – received 25/04/25
 - iii. Proposed Ground Floor Plan – dwg no. 205 CP03 – received 25/04/25
 - iv. Internal Elevations – dwg no. 205.WD 07 F – received 24/07/25
 - v. Updated Proposed Front Elevation – dwg no. 205.PS01A – received 24/07/25

Before the Development is Occupied

3 Before any part of the development hereby permitted is brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms, design and access statement (received 25/04/25) and approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

4 Before any part of the development hereby permitted is brought into use, the joinery shall be implemented as shown in the submitted joinery details unless otherwise agreed in writing by the Local Planning Authority. The approved joinery details are as follows:

- i. Glazing and Joinery Plan – received 29/07/25
- ii. Commercial Framing System (prepared by Kestral Aluminium Systems) – received 29/07/25

Reason: To ensure a satisfactory appearance to the development, and preserve the character and setting of heritage assets in accordance with Policy DE1 and EN6 of the adopted South Kesteven Local Plan.

36. Application S25/1268

Proposal: Use of the existing basketball court as a skate park

Location: Wyndham Park, Avenue Road, Grantham

Recommendation: To authorise the Assistant Director – Planning & Growth to GRANT the Lawful Development Certificate

Together with:

- Provisions within The Town and Country Planning (General Permitted Development) (England) Order 2015

(Councillor Tim Harrison returned to the Chamber).

During questions to officers and debate, Members commented on the following:

- Clarification was sought as to why current usage of the site could not be considered.

The application was for a Lawful Development Certificate for the proposed use. The Officer had assessed the use as a skateboard park against the permitted development rights and therefore, the existing use was not being assessed as part of the application.

- Whether the basketball court could remain and whether the skateboard park could be installed adjacent to the basketball court.

The Assistant Director of Planning and Growth clarified the Certificate was for whether a planning permission was needed for the creation of a skateboard park as proposed. The Certificate was a legal test when looking at the general permitted development order. It was not the responsibility of the Committee to decide whether the Applicant should progress with the proposal.

Due to the height of the proposal, it did not require permission or change of use due to the use of open space activities being covered within the permitted development rights.

- One Member noted that the site had been a skateboard park in the past.

Final Decision:

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning & Growth to **GRANT** the Lawful Development Certificate.

37. Application S25/0254

Proposal: Single storey rear extension

Location: 28 Canberra Crescent, Grantham, Lincolnshire, NG31 9RD

Recommendation: To authorise the Assistant Director – Planning to GRANT the prior notification

Together with:

- Provisions within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

During questions to officers and debate, Members commented on the following:

- A query was raised on why the application was not a planning permission for an extension to an existing property.

The Senior Planning Officer clarified under the general permitted development order, a larger home extension (larger than 4-6 metres from the rear) would be a householder application, however, if there were no objections to the application, it would be dealt with via prior notification.

Final Decision:

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **GRANT** the prior notification.

38. Any other business, which the Chairman, by reason of special circumstances, decides is urgent

There were none.

39. Close of meeting

The Vice-Chairman closed the meeting at 15:20.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



S24/2066

Proposal:	Outline planning application for residential development of up to 73 no. dwellings together with open space, landscaping, drainage, and associated works (all matters reserved except means of access)
Location:	Land north of Wilsford Lane, Ancaster
Applicant:	Nightingale Land
Agent:	Mr James Stone
Application Type:	Outline Planning Permission (Major)
Reason for Referral to Committee:	Major application
Key Issues:	Principle of development Impact on the character of the area Impact on highway safety
Technical Documents:	Air Quality Screening and Mineral Dust Assessment Arboricultural Assessment Design and Access Statement Flood Risk Assessment and Outline Surface Water Drainage Strategy Ecological Appraisal (includes Biodiversity Net Gain) Heritage Statement Landscape & Visual Appraisal November Mineral Assessment Noise Impact Assessment

Report Author

Kevin Cartwright, Senior Planning Officer



01476 406186



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Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Peascliffe & Ridgeway

Reviewed by:

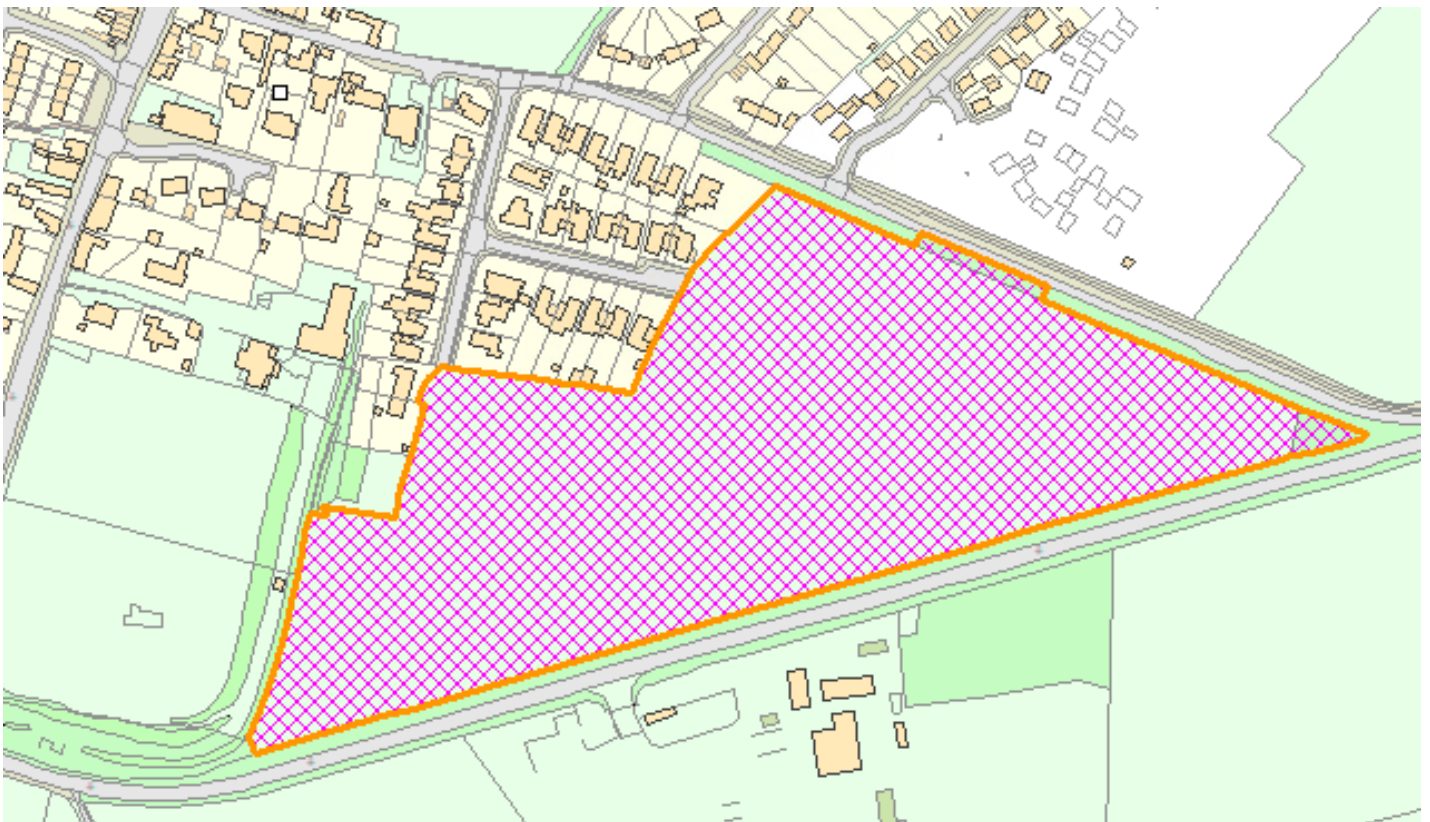
Phil Jordan – Development Management &
Enforcement Manager

16 September 2025

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions and the completion of a Section 106 Agreement

S24/2066 - Land north of Wilsford Lane, Ancaster



Key



Application
Boundary



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1 Description of Site

- 1.1 The site is 6.3 hectares in area, located at the southern developed edge of the village of Ancaster. The site is accessed off Wilsford Lane and comprises an agricultural field. It is bounded by Wilsford Lane to the north, Sleaford Road to the south and existing residential development that bounds the site to the north-west.
- 1.2 A residential scheme for 96 dwellings is currently being constructed to the north-east, on the opposite side of Wilsford Lane that was the subject of outline planning permission S20/1169 and associated reserved matters approval S21/2500.
- 1.3 The site includes Local Plan allocation LV-H2 for residential development and some additional land outside of the allocated area to the south and east, within the confines of Sleaford Road to the south and Wilsford Lane to the north.
- 1.4 To the south of the site is the operational Castle Quarry.
- 1.5 Ancaster conservation area abuts the site to the west which also includes the Scheduled Monument of the Ancaster Roman Settlement and beyond this to the west are the listed building of St Martin's Church, The Old Vicarage and Ancaster Hall.
- 1.6 There are a number of trees along the western boundary, just beyond the application site, that are protected by a tree preservation order.

2 Description of Proposal

- 2.1 This application is seeking outline planning permission for the erection of up to 73 dwellings. The application is in outline form with all matters reserved except for access.
- 2.2 Vehicular access is proposed from Wilsford Lane in the form of a new junction.
- 2.3 The applicant has provided an indicative site layout plan showing 73 dwellings on the site with the 'illustrative' Street Hierarchy following a simple network of interconnected grids with pedestrian connectivity given priority over vehicular movement. The secondary streets lead off from the Main Street, which then connect to the lowest order streets comprising edge lanes and private drives around the perimeter of the site.
- 2.4 The illustrative layout demonstrates how a circular walking route around the site would be created, includes a locally equipped area of play (LEAP), meadow grassland, allotments and tree planting. These details would be secured through a landscaping scheme that would be required at the reserved matters stage that would follow any grant of outline consent.
- 2.5 The proposed 73 dwellings would be sited within the area of the allocation which is approximately 2.4 hectares in area. This would give a density of 30 dwellings per hectare.

The wider site area which includes areas shown on the illustrative layout as landscaped areas extends to approximately 6.28 hectares.

3 Relevant History

3.1 No relevant planning history

4 Policy Considerations

4.1 SKDC Local Plan 2011 - 2036

Policy SP1 – Spatial Strategy

Policy SP4 – Development on the Edge of Settlements

Policy H1 – Housing Allocations

Policy H2 – Affordable Housing Contributions

Policy H4 – Meeting all Housing Needs

Policy EN1 – Landscape Character

Policy EN2 – Protecting Biodiversity and Geodiversity

Policy EN4 – Pollution Control

Policy EN5 – Water and Flood Risk Management

Policy ID2 – Transport and Strategic Transport Infrastructure

Policy DE1 – Promoting Good Quality Design

Policy SB1 – Sustainable Building

Policy LV-H2 – Wilsford Lane, Ancaster

4.2 National Planning Policy Framework (NPPF)

Section 5 - Delivering a sufficient supply of homes

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 16 – Conserving and Enhancing the Historic Environment

5 Representations Received

5.1 Ancaster Parish Council

5.1.1 Raises the following points:

- Impact on village as it grows larger without the facilities to support the expansion.
- Should be designed to be sensitive to the character of the village and should be less dense
- The local plan designates the land for 35 units with a density of 16 dwellings per hectare reflecting the gateway location and relationship with heritage features. Ancaster PC formally objects to the increased density and number of dwellings.
- What is the justification for the increased density?
- Wilsford Lane is narrow and poorly suited to increased traffic.
- The junctions at either end have limited visibility.

- If the development proceeds, solutions for Wilsford Lane and the junctions prioritising the safety of residents should be explored.
- Parking is a problem in Ancaster. There should be at least two spaces per dwelling.
- There should be safe crossing for children and pedestrians over Wilsford Lane.
- Clarification of retention of existing boundary treatments
- Concern in relation to the attenuation pond overtopping and flooding houses.
- 73 dwellings would result in approximately an additional 175 residents. There should be appropriate S106 developer contributions to support village infrastructure.

5.2 Environmental Protection Services (SKDC)

5.2.1 Final comments 12-8-2025 - Environmental Protection are satisfied that based upon the further acoustic assessment on a “worst-case scenario” of the quarry stone cutting activities, with a proposed acoustic barrier along the boundary with Sleaford Road there would not be an adverse impact to the proposed development (impact predicted to be -2db below the PPG) and importantly Environmental protection consider that the proposed development (with the mitigation measures for the development site as recommended in the Wardell Armstrong acoustic reports) would not necessarily prejudice the operation and existing planning controls for the quarry.

5.3 LCC Highways & SuDS Support

5.3.1 No objection subject to S106 developer contribution to off-site highway works on Wilsford Lane - £158,000, extension of the 30mph speed restriction along Wilsford Lane - £2,500 and Travel Plan Monitoring - £5,000 and a number of conditions.

5.4 Environment Agency

5.4.1 Whilst we have no objection to this application, we would like to draw the applicant’s attention to the following informative comments: Advice to the Local Planning Authority Water recycling centre capacity The evidence available to us demonstrates that the Ancaster Water Recycling Centre is at or near its permitted limits. Additional flows from new developments such as this could lead to the works causing pollution of the receiving watercourse. Anglian Water Services (AWS) is legally obliged to operate within permit limits and the Environment Agency will take all necessary action to ensure that the receiving watercourse is protected.

5.4.2 We urge the council to liaise with AWS before determining the planning application. This collaboration is essential to ensure that adequate plans are in place to provide capacity at the works, for it to handle the foul flows from this development, and avoid pollution.

5.5 Anglian Water

5.5.1 Objection - Comments we provide in response to planning applications are always based on current data and practises at time of comment. Previously, when assessing the receiving water recycling centre’s (WRC) dry weather flow (DWF) headroom we took an average flow

over the past 5 years to take into account changing weather patterns. Where the average exceeded the WRC's permitted allowance we also took account of the following Environment Agency enforcement trigger - "has the DWF permit been exceeded in 3 of the last 5 years" – this included non-compliance from the last annual data return. Based on the above assessment Ancaster WRC was found to be flow non-compliant.

- 5.5.2 Any additional flow above what our permit allows poses an unacceptable risk to the receiving watercourse. The permit is set at limits in order to ensure the watercourse is protected against harm and flow is an absolute value that should not be exceeded. Anglian Waters position remains to object to the proposed development, and recommend planning permission be refused on this basis.

5.6 Fire Authority

- 5.6.1 No objection – subject to the development complying with the relevant Building Regulation requirements in relation to fire appliance access.

5.7 LCC Minerals and Waste

- 5.8 The proposals would comprise an intensification of sensitive land uses in close proximity to Castle Quarry, in excess of what was envisaged as part of allocation LV-H2. The information submitted with the proposals also fails to adequately assess the potential impacts on the development from Castle Quarry, and it is considered more could be done in terms of incorporating mitigation into the site design. We would recommend that the district council, as determining authority, seek further information from the applicant to address the matters outlined above, and, having regard to our comments, seek the views of relevant experts such as the EHO in terms of whether the submitted noise and dust assessments and any resultant mitigation is acceptable before determining this application.

5.9 LCC Education

- 5.9.1 S106 request for £416,083.50 towards education provision at Ancaster Primary School. No requests for contributions to secondary or sixth form education.

5.10 North Kesteven District Council

- 5.10.1 No objections.

5.11 NHS England

- 5.11.1 A contribution of £46,172.50 is requested to mitigate the impact of the proposed development on local surgeries.

5.12 Witham Internal Drainage Board

- 5.12.1 No objection. The board has no comments on this application. If any temporary or permanent works or structures are within any watercourse, Land Drainage Consent may be required.

5.13 Heritage Lincolnshire

- 5.12.1 A programme of archaeological investigation (geophysical survey and trial trenching) has been carried out at the site. Archaeological remains including inhumation burials, ditches, ceramic building material and pottery of Romano-British date have been identified in parts of the site. Therefore, it is recommended that prior to any development there should be a

programme of open area archaeological excavation. This excavation should be subject to the relevant planning condition and that it should be completed in advance of any work beginning on this part of the site.

5.14 SKDC Principal Urban Design Officer

- 5.14.1 The Design Guidelines for Rutland and South Kesteven need to be followed – particularly in terms of following the design process and undertaking a thorough site and contextual analysis and then separately demonstrating a response to context before producing a layout.
- 5.14.2 Views to the church to the west from the site need to be studied, illustrated and responded to with the layout.
- 5.14.3 The response to context needs to be more sensitive to the hedgerow and trees along the northern boundary, allowing more space and setting development back and also careful design of the main vehicular entrance and associated visibility splay.
- 5.14.4 Connecting to the existing PROW in the South-Western corner (and other pedestrian desire lines to the village centre and adjacent development sites needs marking on the response to context work.
- 5.14.5 Connecting to the existing streets to the west is welcomed.
- 5.14.6 The layout is premature, as described above. Another element that needs space within the layout and designing in early is the SuDS drainage proposals – these need to be integrated into the layout and not placed in one large basin – this will affect and inform the layout.
- 5.14.7 Street trees (and roadside swales) – forming tree lined streets, are absent from the indicative layout – these elements will need designing in the streets and will require more space.

5.15 Conservation Officer

- 5.15.1 An Evaluation Report (Allen Archaeology 2025) was provided for the site, with trenches targeting the results of a geophysical survey. The evaluation confirmed the presence of 3rd to 4th century Roman activity within the site, as well as some medieval agricultural activity. This confirms that the site was associated to some level with the Ancaster Roman settlement. The development may therefore result in a less than substantial harm to the setting of the Scheduled Monument (NHLE 1005004), dependent on a full assessment of the archaeological material. A programme of archaeological excavation works would therefore be recommended to fully identify and assess the nature, extent and date of the archaeological remains, and record them prior to potential development of the site. Further advice on this is being provided by Heritage Lincolnshire.
- 5.15.2 Based on the current proposal, and the close proximity of the site to the Scheduled Monument of the Ancaster Roman Settlement, it is likely that the proposed development would result in less than substantial harm to the setting of the Scheduled Monument, at the lower level.
- 5.15.3 A full assessment of the potential impact cannot be made at this point, until a defined design has been presented, and further archaeological investigations undertaken. Considering the immediate streetscape, low scale buildings such as single storey bungalows and 1.5 storey dwellings would be recommended, especially towards the

western and southern extent of the proposed build-up area. There is a prevalence of bungalows immediately adjacent to the site, as well as low two storey buildings in close proximity along Wilsford Lane. This should be taken into consideration for the final design. It is noted that the applicant is taking the wider streetscape form and materials into consideration in the documents presented, which is appreciated.

- 5.15.4 Therefore, in principle the proposed development is acceptable. This is however dependent on the overall design, layout and materials. Low levels of less than substantial harm are currently anticipated for the adjacent designated heritage assets. This impact can likely be mitigated through design choices and further archaeological interventions.

5.16 Historic England

- 5.16.1 Thank you for sight of the geophysical survey and trial trenching reports which appear to have been effective in characterising the archaeological remains on site. We refer you to the expertise of your own archaeological advisors as regards appropriate archaeological mitigation secured by planning conditions including any design solutions which may be appropriate given their importance as archaeological setting to the scheduled Roman Settlement

5.17 Natural England

- 5.16.1 No objection subject to a Construction Environment Management Plan.
- 5.16.2 In particular, the CEMP must include measures to prevent impacts from pollution of watercourses running to the SSSI. The development site lies within the catchment of Moor Closes SSSI, which is currently in unfavourable condition due to drainage and high water levels. Therefore, without appropriate management of surface water during construction, any pollutants and discharge from the site during construction (i.e. sediment, fuel/oils, chemicals) may reach the SSSI and cause an adverse impact.

5.18 Affordable Housing Officer

- 5.18.1 The requirement for the scheme is 22 affordable units. Of the total number of Affordable Homes (22 units) SKDC policy stipulates that there must be a mix of 60% affordable rent (13 units) and 40% affordable ownership (9 units).

5.19 Lincolnshire Wildlife Trust

- 5.19.1 We are encouraged to see the applicant has conducted an initial BNG assessment showing net gains from sensitive design and interplay between the dwellings and adjacent greenspace. During the full application we would expect to see the finalised habitat creation/enhancement and planting details to confirm the units that are to be delivered. A habitat management and monitoring plan (HMMP) will secure these gains for the full 30-year period.
- 5.19.2 In addition to the habitat enhancements that are demonstrated through BNG, the proposal presents many opportunities for faunal enhancements given its proximity to the wider countryside. The forthcoming ecological assessments should provide details on locations and installation requirements ensuring the benefits are realised. These may include habitat refugia and a range of appropriate bird and bat boxes which may be integrated into the brickwork. Hedgehog highways between all garden plots are also strongly encouraged to support the declining mammal species.

6 Representations as a Result of Publicity

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 6no. letters of representation have been received raising the following relevant points:

- Concerns in relation to the proximity of the development to the quarry.
- Significant concerns that the permitted operations at the quarry will have an unacceptable noise impact on the occupants of these dwellings and potentially result in noise complaints.
- The quarry may be unable to comply with noise limits as set out within their existing planning conditions and may therefore be forced to limit and/or cease operations.
- We have already suffered two years of building. Now there will be building on the opposite side. How many more years do we have to put up with this inconvenience?
- There is archaeology on the site.
- Risk of flooding my bungalow from any increased run-off from the site
- The entrance and exit to Ermine Street from Wilsford Lane is difficult due to vehicles parking on Ermine Street and the width of the road. Any extra flow of traffic will make this worse and more dangerous.
- Wilsford Lane is narrow and vehicles regularly over-run onto the verge.
- Road requires widening and kerbing to prevent grass verges being damaged and the lane is safer to travel on.
- Object to two or three storey properties immediately adjacent to Flaminian Way (all single storey properties) as this will seriously affect our privacy and almost certainly increase the level of noise from larger family homes
- Increased traffic on narrow streets
- Any new building applications should take into account Flaminian Way is an established close of single storey properties.
- Flood risk for the properties on Flaminian Way from the drainage lagoon as the properties in Flaminian Way are at a lower level.
- The bungalows and self-build plots should be incorporated within the main area.
- The drainage lagoon should be moved into the main body of the site away from the existing properties.
- When purchased the property in 2012, advised that nothing would be built on the field as it was a Roman burial ground. The site should not be development.
- Increased noise and disturbance from vehicles being parked next to my rear boundary.
- Increased pollution.
- Unclear as to the height of the properties. Would result in significant overlooking and loss of privacy.
- Wilsford Lane is used as a short cut. Widening of the road would encourage faster driving. Drivers currently disregard the 30mph speed limit.
- GP surgery is oversubscribed.
- Impact on local school and sewage processing has not been progressed.

7 Evaluation

7.1 Principle of Development

- 7.1.1 Policy SP1 of the South Kesteven Local Plan (2020) sets out a framework guiding the location of new development within the District and provides that the majority of new development shall be focussed on Grantham and the market towns. Policy SP1 sets out that development should create strong, sustainable, cohesive communities, making the most effective use of previously development (brownfield) land (where possible). Development should also provide for a scale and mix of housing to meet identified needs.
- 7.1.2 Policy H1 of the Local Plan sets out that development will be delivered through a series of site allocations across the district, including to Larger Villages including Ancaster.
- 7.1.3 Policy H4 of the Local Plan promotes a mix of types of housing provision, including housing to enable older people and the most vulnerable to promote, secure and sustain their independence in a home appropriate to their circumstances, including through the provision of specialist housing accommodation in sustainable locations.
- 7.1.4 Policy DE1 of the Local Plan seeks to ensure high quality design is achieved, with proposals to make a positive contribution towards the character of the area, local identity, and not adversely impact on the street scene and townscape and be of an appropriate scale, density, massing, height and material and not impact on neighbouring residential amenity.
- 7.1.5 Paragraph 124 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs.
- 7.1.6 Section 12 of the NPPF sets out the importance of achieving well-designed places to ensure that proposals are only approved when they address the need to improve the character and quality of an area.
- 7.1.7 The site forms part of Local Plan allocation site LV-H2: Wilsford Lane (SKLP211). The site allocation is for an indicative 35 dwellings in total at around 16dph. (the lower density based on the gateway location and heritage features to the south. Policy LV-H2 includes the following criteria:
- (a) Landscape screening to Southern edge will be required so as to reduce the impact on views into the site from the open countryside.
 - (b) There will be no negative impacts on the Wilsford Lane Verge, Ancaster Local Wildlife Site and the development will provide net gains in biodiversity on site and contribute to wider ecological networks where possible.
 - (c) There is the potential for archaeology remains on this site and the appropriate pre-commencement investigations should be carried out.

The site is situated within a Minerals Safeguarding Areas and a Limestone Mineral Safeguarding Area. Before considering a planning application for this site a Minerals Assessment will be required.

- 7.1.8 In relation to compliance with Local Plan Policy LV-H2 criteria above the following information has been provided in support of the application:
- (a) An Illustrative Layout Plan illustrating landscaping around the site
 - (b) An Ecological Appraisal and Biodiversity Net Gain Assessment
 - (c) An Archaeological Appraisal including investigatory works within the site in the form of trial trenching.
- 7.1.9 The proposal is considered to meet the relevant criterion a) above, whilst landscaping is not being considered through this outline application, the indicative layout includes retention of the existing trees and hedgerows, with further landscaping around the southern boundary.
- 7.1.10 Compliance with criteria b) and c) are discussed elsewhere in this report. However, it is considered that these requirements can be complied with through any subsequent reserved matters application, the indicative layout plan and details in the ecology survey and archaeological assessment submitted with this application.
- 7.1.11 In relation to Minerals safeguarding, the applicant has provided the necessary Minerals Assessment and LCC Minerals and Waste have reviewed this and do not have any objections to the proposal subject to matters of noise from the adjacent quarry site being effectively investigated. This is discussed further below.
- 7.1.12 Taking the above policies into account, the principle of the proposed development is considered to be acceptable.
- 7.1.13 The site is part of an allocation within the Local Plan, with this proposal to provide up to 73 dwellings with the policy indicative figure of 35 dwellings.
- 7.1.14 It is acknowledged that the number of units is significantly more than the indicative unit numbers specified in policy LV-H2. However, the submitted indicative layout plan demonstrates that 73no. dwellings can be accommodated within the area of the allocation with the remainder of the site area beyond the allocation being utilised as landscaped areas.
- 7.1.15 In addition to the allocated site, the remainder of the application land to the south and east falls to be assessed against the spatial strategy as set out in Policy SP2. The site lies on the edge of the settlement and any land outside of the allocation would be subject to consideration under Policy SP4 of the Local Plan – Development on the Edge of Settlements.
- 7.1.16 Policy SP4 states that proposals for development on the edge of a settlement, as defined in Policy SP2, which are in accordance all other relevant Local Plan policies, will be supported provided that the essential criteria a – f below are met.

7.1.17 Policy SP4 states that a proposal must:

- a. demonstrate clear evidence of substantial support from the local community* through an appropriate, thorough and proportionate pre-application community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum, based upon material planning considerations;
- b. be well designed and appropriate in size / scale, layout and character to the setting and area;
- c. be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan;
- d. not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area;
- e. in the case of housing development, meet a proven local need for housing and seeks to address a specific targeted need for local market housing; and
- f. enable the delivery of essential infrastructure to support growth proposals.

7.1.18 To satisfy the above criteria the following supporting information has been provided:

(a) A public consultation event was held on two separate days including a letter drop. The scheme consulted on was for up to 81 dwellings. This generated 27 responses of which 16no. were companies selling professional services and a further response from a journalist requesting a comment.

Positive comments received stated: "Excited about having a view of a pond rather than the existing field" and "Proposed layout is well thought out".

Concerns were raised in relation to views being blocked, impact on privacy and overlooking. Other concerns raised included pressure on public services including that the doctors surgery and school is oversubscribed, lack of a supermarket and sewage plant capacity.

In relation to highway matters, concerns were also raised regarding increased traffic, road safety, and existing roads are too small.

Concerns were also raised in relation to flood risk and drainage specifically the ability of the pond/drainage system to cope with excess water due to climate change.

7.1.19 It is stated within the supporting information that following consideration of the concerns raised the scheme was reduced from 81 dwellings to 73 dwellings.

7.1.20 The consultation exercise and associated results, particularly taking into account the absence of support from Ancaster Parish Council, result in a degree of tension in relation to SP4 (a) in that clear evidence of substantial support has not been demonstrated.

7.1.21 In relation to SP4 (b), (c) and (d) The application is in outline form with all matters reserved except access. An illustrative layout plan has been provided which sets out where within the site the residential development would be located, to include public open space, a play space, attenuation, vehicular access, pedestrian access and allotments.

7.1.22 It is considered that a development of up to 73 dwellings in accordance with the illustrative layout, subject to details of the scale and design of the dwellings, result in a layout and density of development that would be in keeping with the character, appearance and setting of the area that be adjacent to the existing pattern of development, and would not extend obtrusively into the open countryside.

- 7.1.23 In relation to criterion (e), Policy H4 of the SKLP (Meeting All Housing Needs) requires all major proposal for residential development to provide appropriate type and sized dwellings to meet the needs of current and future households in the district. Policy H2: Affordable Housing Contributions” States that all development comprising 11 or more dwellings should make provision for 30% affordable housing. Criterion a. of the policy sets out that all affordable housing will be expected to ‘include a mix of socially rented/affordable rent/intermediate rent and intermediate market housing’. It is proposed to provide a policy compliant scheme of 30% affordable housing provision which will include a mix of social rent, affordable housing and intermediate market housing and rent appropriate to the local need.
- 7.1.24 In this instance the proposed 73no. dwellings would result in a requirement for 22 affordable units. Of the total number of Affordable Homes (22 units) SKDC policy stipulates that there must be a mix of 60% affordable rent (13 units) and 40% affordable ownership (9 units).
- 7.1.25 In relation to criterion (f) the NPPF Section 3: Plan Making, para 34 states that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).
- 7.1.26 In this instance the applicant has confirmed their agreement to the package of developer contributions. The draft heads of terms, subject to agreement, as planning obligations would be covered within a Section 106 Agreement and are discussed further below.
- 7.1.27 To summarise, it is the Case Officer’s assessment that the development of the site, when taken as a whole, including the allocated and non-allocated areas identified within the red line would be capable of accommodating the erection of up to 73 dwellings with associated infrastructure.
- 7.1.28 It is considered that the development of the site would be in accordance with the overall strategy for the District, as set out in SP1, H1, H4, and LV-H2 of the South Kesteven Local Plan and Sections 5, 11 and 12 of the NPPF and associated Planning Practice Guidance.
- 7.1.29 However, it is acknowledged that there is a degree of tension in relation to policy SP4a in that clear evidence of public support has not been demonstrated. Specific environmental and technical issues, which support this conclusion, are discussed in detail in the following sections below.

7.2 Impact on the Character of the Area

- 7.2.1 Policy DE1 seeks to ensure development is appropriate for its context. Section 12 of the NPPF seeks the creation of well-designed buildings and places.
- 7.2.2 Policy EN1 seeks to ensure that development is appropriate for the character and significant natural, historical and cultural attributes and features of the landscape and contribute to its conservation, enhancement and restoration.

- 7.2.3 The proposal is an outline application for the erection of 73 dwellings on a site which is in part allocated for residential development in the Local Plan. While the proposed development would inevitably result in a change to the existing rural character of the area, this needs to be considered in the context that part of the site is already allocated for residential development. The proposal is residential in nature, which is in keeping with the surrounding context and whilst the application site includes additional land beyond the site allocation it is an edge of settlement location, and the site is physically constrained by the hard boundaries of the two roads that bound the site to the north and south
- 7.2.4 The proposal is considered not to detract from the character and appearance of the wider residential area and is respectful of its context. The proposed density of 30 dwellings per hectare is not considered to be out of character with the surrounding development including the adjacent development on Flaminian Way and the new development to the north.
- 7.2.5 The development would change the landscape when entering and leaving the village to the south-east on Wilsford Lane. However, the site allocation takes account of this with a specific criteria for further landscape screening to the south.
- 7.2.6 The illustrative layout plan shows built form within the site allocation area, with the additional land beyond the allocation being the ancillary works including drainage, landscaping and allotments.
- 7.2.7 Final details have not been provided at this stage, with landscaping a reserved matter, however indicatively the layout located on the footprint of the allocation is considered to provide appropriate set back and an opportunity for landscaping. As such a proposal is considered to meet the criterion a) of the site allocation policy.
- 7.2.8 The site is located within the Southern Lincolnshire Edge Landscape Character Area (LCA), with key characteristics of this LCA being large scale open arable landscape, dominant western scarp slope, large open fields with fragmented hedgerows and shelterbelts, spare settlement patterns on an escarpment and active and redundant airfields.
- 7.2.9 The applicant has provided a Landscape and Visual Appraisal (November 2024). This considers the impact of the proposed development on a series of visual receptors including residential dwellings to the north/west, public right of way users to the north and south of Ancaster and users of Wilsford Lane.
- 7.2.10 The Appraisal summarises the visual impact:

“The visual envelope of the proposed development is relatively contained locally with some longer-range views anticipated from the north of Ancaster. In the area surrounding the Site, visibility is limited by the combined screening effects of the boundary vegetation as well as by the residential properties adjacent to the site’s north-western boundary. The tall trees adjacent to Roman Way, close to the Site’s western boundary also provide filtering and screening of the proposed development from the Ancaster Conservation Area and gateway entrance.

In terms of longer-range views, some inter-visibility is anticipated with the wider settlement area owing to the nature of the surrounding landform. Any distant views from the land to the north of Ancaster, such as Fir Tree Lane and Pottergate Road Track as it crosses the railway, will view the proposed development in context with the existing built form of Ancaster, which reinforces the residential context for the site. Once the development is complete, new planting within the built area and within the proposed open space in the southern area of the site, together with enhanced boundary planting and planting along the southern edge of the proposed built development will all help to soften the appearance of the new housing”.

- 7.2.11 The conclusions of the Landscape and Visual Appraisal are accepted, in that the proposed development will change the character of the site from an open field to a residential area, the new site features will not be different from existing residential dwellings and adjacent roads. Furthermore, views across the southern portion of the site from High Dike/Ermine Street will be maintained by the site's proposed open space. New planting along the southern edge of the developable area and retained boundary vegetation will help soften and filter any views of the proposed scheme.
- 7.2.12 As a result, the landscape and visual effects would likely be localised and only those residential receptors located closest to the site's northern and north-western edge would likely be affected at a greater level.
- 7.2.13 Whilst the proposal will have a visual impact on the immediately adjoining dwellings, the majority of dwellings on Flaminian Way are single storey and orientated to front the road.
- 7.2.14 Due to the location of Ancaster within a 'bowl' in topography, there will be a change in the view from a public right of way to the north of the settlement from Fir Tree Lane where the site can be seen at a distance due to its rising topography. New planting/landscaping to the southern boundary will both help to mitigate any wider landscape harm from this distance viewpoint.
- 7.2.15 The SKDC Urban Design Officer has been consulted on the application and has provided comments in relation to the indicative layout. These raise some concerns with the illustrative layout, and it is likely that changes would be required in order for the reserved matters submission to be supported. However, it should be noted that this is an outline application with all matters reserved for subsequent approval with the exception of access. As such the illustrative layout would not form part of the approval.
- 7.2.16 A note to applicant is proposed to be included to any permission stating that the proposed internal layout of dwellings is not approved and therefore any reserved matters will not be conditioned to be in broad accordance with the illustrative layout.
- 7.2.17 The application is in outline form, with scale, appearance, landscaping and layout all reserved matters. The illustrative layout with regards to the layout of dwellings is not considered acceptable at this stage, although the higher level principles of the layout including the proposal to retain hedgerows and include a landscaping buffer around the site are considered to be acceptable. As such the proposal is considered to be acceptable in the surrounding context and in accordance with Policies EN1 and DE1 of the Local Plan and Section 12 of the NPPF.

7.3 Impact on Residential Amenity

- 7.3.1 The proposed development for up to 73 dwellings is located adjacent to residential development to the north/north west and is bound by the roads to the north, south and east. The application is outline, with all matters reserved except for access and an illustrative layout plan has been submitted.
- 7.3.2 The closest dwellings to the proposed are on Flaminian Way. Dwellings on Flaminian Way are predominantly single storey dwellings. The illustrative layout shows dwellings with similar orientations to that of the existing dwellings on Flaminian Way, with the exception the plots directly to the south of the rear garden of 10, Flaminian Way.
- 7.3.3 Taking into account that the site layout plan submitted is indicative only, it does nonetheless, show dwellings with an acceptable relationship with the existing properties to the west on Flaminian Way. Further consideration at reserved matters stage will include considering any overbearing or overlooking impact on neighbouring dwellings. The loss of the existing view to the field is noted, however this is not considered to be a material consideration and with the site allocated for residential development.
- 7.3.4 The SKDC Environmental Protection Team have no objections to the proposal subject to appropriate mitigation in relation to the existing quarry operation to the south of the site.
- 7.3.5 In support of the application a noise assessment was undertaken which has been assessed by the Council's Environmental Protection Team. Its findings indicate a requirement for noise mitigation measures along the southern boundary of the site to protect the amenity of the future occupiers of the development from the noise and disturbance from the active quarry.
- 7.3.6 The mitigation in the form of an acoustic barrier along part of the southern boundary of the development adjacent to Ancaster Quarry is required. The acoustic barrier should be 3m in height and approximately 150m in length with a minimum surface density of 10kg/ms²
- 7.3.7 With this mitigation in place, noise levels from the Ancaster Quarry are considered to be acceptable. This is supported by the comments of the Environmental Protection Team stating:
- "Environmental Protection are satisfied that based upon the further acoustic assessment on a "worst-case scenario" of the quarry stone cutting activities, with a proposed acoustic barrier along the boundary with Sleaford Road there would not be an adverse impact to the proposed development.....importantly Environmental Protection consider that the proposed development (with the mitigation measures for the development site as recommended in the Wardell Armstrong acoustic reports) would not necessarily prejudice the operation and existing planning controls for the quarry".*
- 7.3.8 The applicant has not submitted a Construction Management Plan (CEMP) to include proposed mitigation measures to take account of neighbouring impacts including dust and

noise. Any impacts on neighbours during the construction period will be temporary during construction only and subject to a planning condition requiring submission of a CEMP.

- 7.3.9 The CEMP would also include any necessary mitigation measures, specifically measures to prevent impacts from pollution of watercourses running to the SSSI.
- 7.3.10 Taking into account the outline nature of the proposal, there is not considered to be an unacceptable adverse impact on any residential amenity, subject to conditions to include a CEMP and securing scale, layout and landscaping details through reserved matters. The proposal is considered to comply with Policy DE1 of the Local Plan.

7.4 Highway Issues

- 7.4.1 The impact upon the highway network is the key matter that has been raised in objections from members of the public, with the impact on Wilsford Lane and the junctions at either end (Ermine Street and Sleaford Road) raised in the majority of objections.
- 7.4.2 The site access has been proposed in a suitable location with visibility in line with Manual for Streets, in addition to this it has been proposed to apply for a speed limit reduction so that the main access and crossing points fall within this speed limit, ensuring safe access to and from the site.
- 7.4.3 The main concern expressed by the highway authority is in relation to safety of the site is the lack of safe pedestrian connectivity to the local facilities in the village. There is currently a section of Wilsford Lane that has no footway, known as the 'pinch point'. Following consultation between the applicant and the Highway Authority, there are now two solutions that can be put forward to resolve the concern with the 'pinch point' and provide a safe access to pedestrians of all abilities.
- 7.4.4 There have been numerous discussions in relation to highway matters and the solution is determined to be that the highway authority undertake the improvement works themselves. Hence the requirement for a developer contribution for the costs of these works, or the developer undertakes the improvement works via a Section 278 agreement. In this instance the works would be secured by a planning condition.
- 7.4.5 In addition to the off-site improvement works the 30mph restriction along Wilsford Lane would be extended. This would help to prevent excessive speed of drivers along Wilsford Lane that is a concern expressed by members of the public and would ensure a safe arrangement for the proposed development. These off-site improvements are considered to result in a betterment to Wilsford Lane, both in terms of accommodating the proposed development and for existing residents.
- 7.4.6 Ancaster is a sustainable location for development, with a number of services and facilities in the settlement that are accessible by sustainable modes (walking and cycling). Further onward journeys are also possible through bus travel, with a bus stop on Wilsford Lane.

- 7.4.7 The submitted Transport Assessment includes a Travel Plan which seek to build upon and a maximise the sustainable opportunities that the proposed development provides. As per the comments of the Highway Authority, it is considered appropriate to require the development to be undertaken in accordance with the submitted travel plan.
- 7.4.8 The Highway Authority are satisfied that the development can be accommodated within the existing highway network without adversely impacting upon highway safety or capacity subject to improvements to address the narrowing/pinch point that currently exists on Wilsford Lane. As such, the outline proposal would result in adequate access from Wilsford Lane and would not have an unacceptable adverse impact on highway safety subject to the aforementioned off-site highway works.
- 7.4.9 In summary, the proposed development is considered to comply with Local Plan Policy ID2 and Section 9 of the NPPF.
- 7.5 Drainage**
- 7.5.1 Policy EN5 of the Local Plan together with Section 14 of the NPPF seek to direct development to areas with the least probability of flooding, together with implementation of SuDS drainage where possible, in order to minimise surface water runoff.
- 7.5.2 The site is located within Flood Zone 1. As such the site is considered to be at low risk of flooding.
- 7.5.3 The applicant has submitted a Flood Risk Assessment and Drainage Strategy (LDE November 2024). This proposes that foul water will be pumped into the existing Anglian Water network (connection at Wilsford Lane).
- 7.5.4 Surface water run-off will be through infiltration. The strategy for surface water drainage will therefore be to a series of infiltration tranches/balancing ponds.
- 7.5.5 The development will incorporate a surface water drainage strategy to accommodate surface water generated on site. Surface water will be attenuated on site and discharged directly to the ground via infiltration features. SuDS will be utilised to control surface water flows, designed to store the volume of water associated with a 1 in 100 year rainfall event (including a 40% allowance for climate change).
- 7.5.6 Taking into account the above matters the proposed surface water drainage strategy is considered to be acceptable in principle and would be secured through an appropriately worded condition and the submission of reserved matters relating to layout. As such the surface water drainage scheme is considered to comply with Local Plan Policy EN5.
- 7.5.7 In relation to foul water, Anglian Water have assessed the proposal and have stated that the sewerage system at present has no capacity for the flows created by the development and they have objected on this basis.

- 7.5.8 In response, the developer has submitted their own foul drainage technical note that sets-out why they believe there is sufficient capacity within the system, without resulting in environmental harm.
- 7.5.9 Further information has been sought from Anglian Water in relation to the site-specific risk and environmental harm that would occur should the development be approved and connected to the existing foul network. No further information or alternative options/mitigation measures have been provided.
- 7.5.10 The NPPF at para 201 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). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”.*
- 7.5.11 The NPPG (National Planning Policy Guidance) at para 016: Assessing Impacts on Water Quality states water quality is only likely to be a significant planning concern when a proposal would:
- involve physical modifications to a water body such as flood storage areas, channel diversions and dredging, removing natural barriers, construction of new locks, new culverts, major bridges, new barrages/dams, new weirs (including for hydropower) and removal of existing weirs; and/or
 - indirectly affect water bodies, for example,
 - as a result of new development such as the redevelopment of land that may be affected by contamination, mineral workings, water or wastewater treatment, waste management facilities and transport schemes including culverts and bridges;
 - result in runoff into surface water sewers that drain directly, or via combined sewers, into sensitive waterbodies e.g. water bodies with local, national or international habitat designations;
 - through a lack of adequate infrastructure to deal with wastewater
 - through a lack of adequate infrastructure to deal with wastewater where development occurs in an area where there is a strategic water quality plan e.g. [Nutrient Management Plans](#), River Basin Management Plans, water cycle studies, diffuse water pollution plans or sewerage undertakers’ drainage strategies which set out strategies to manage water quality locally and help deliver new development.
- 7.5.12 It is considered that the proposal would not result in any of the above scenarios, particularly as Anglian Water in its capacity as sewerage undertaker has not articulated the risk or harm that may occur from the development and that any risk or harm is directly attributable to the proposed development.

- 7.5.13 It should be noted that the site is allocated in the local plan. As such Anglian Water has had advanced warning of the proposal and the opportunity to plan and ensure that adequate infrastructure is present to accept any resultant increased flows.
- 7.5.14 On this basis it is considered that an appropriately worded condition to require the submission of foul drainage details prior to development commencing is considered acceptable in this instance.
- 7.5.15 Taking into account the above matters, notwithstanding the concerns indicated by Anglian Water, it is considered that the proposal would comply with Local Policy EN5, subject to compliance with the recommended drainage conditions.

7.6 Ecology

- 7.6.1 The application site is greenfield land of agricultural fields with boundary trees and hedgerows.
- 7.6.2 The applicant has submitted an Ecological Appraisal (FPCR November 2024). The findings indicate that the habitats and species present within and around the site do not pose an in principle constraint to the proposed development. It does however conclude that there are a number of habitat features and protected species that should be considered within the scheme with relevant mitigation where necessary.
- 7.6.3 Due to the intensively managed nature of the arable land and low species diversity, the arable land is considered to be of negligible importance. The woodland habitat is considered to be of Site level importance due to the relatively small size. The treelines are considered to be of Local importance.
- 7.6.4 The habitats identified during the survey that fall within any of the above listed categories are the treelines, the majority of which are to be retained as indicated on the Illustrative layout. No habitats of principal importance or ancient woodland was identified on site.
- 7.6.5 To avoid damage/disturbance of any retained ecological features during construction it is recommended that an Ecological Protection Zone (EPZ) is established around retained woodland and treelines during the construction phase.
- 7.6.6 Retained trees and hedgerows should also be protected. This can be achieved by an appropriately worded condition.
- 7.6.7 The proposed landscaping and planting has the potential to create additional habitat types of value that do not currently exist on the site. For example, drainage features, grassland areas and new tree planting. These can again be secured by appropriately worded conditions.

- 7.6.8 There was no evidence of badgers on the site, although there is potential for the site to be used for foraging. As such a specific CEMP is required to ensure construction best practice is followed on the site.
- 7.6.9 Bats were identified as using the site for foraging and commuting. Particularly along the lines of tree.
- 7.6.10 In relation to birds, the retention of the perimeter hedgerows and standard trees, particularly the areas of concentrated breeding bird activity along the southern and eastern half of the northern boundary, will retain and buffer the most-utilised habitat for breeding birds within the site. Minor losses of this habitat elsewhere to facilitate access are expected to only negligibly impact the breeding birds. To avoid disturbance to breeding birds, ground and vegetation clearance works will be undertaken prior to the bird-breeding season (March to August, inclusive).
- 7.6.11 As part of the residential development there is the opportunity to provide new and enhanced opportunities for nesting via the installation of integrated nest boxes with the number of boxes to be at least equal to the number of dwellings. These boxes should be installed in clusters of 3-5 on suitable aspects close to open areas with scattered trees and shrubs.
- 7.6.12 Also, whilst principally targeting swifts, the provision of integral nest sites in the form of hollow chambers fitted into the fabric of a building while in construction will also be used by species such as house sparrows, tits and starlings.
- 7.6.13 In relation to reptiles, the site is considered to be of limited suitable habitat. The tree lined areas being the most appropriate. These would be retained. This in addition to precautionary methods of working to avoid harm to any reptiles during construction is considered sufficient given that the majority of the suitable habitats are retained and new habitats can be secured through landscaping and planting.
- 7.6.14 Whilst not currently protected species the report encourages hedgehog holes to ensure movement within the completed development.
- 7.6.15 The site is located in proximity to two Sites of Specific Scientific Interest (SSSI) and Local Wildlife Sites, with the closest SSSIs of Moors Closes approximately 350 m to the west and Ancaster Valley approximately 230m to the south.
- 7.6.16 Both SSSIs have this designation due to their specific flora, which would not be supported by the application site. It is considered that due to the separation distance the proposal would not result in any impact on the nearby SSSIs.
- 7.6.17 In relation to the Local Wildlife Site, Wilsford Lane (calcareous grassland) verge overlaps with the eastern corner of the application site. Whilst this area is to be retained as shown by the illustrative layout the verge would be impacted by the formation of pedestrian and vehicle access to the site.

- 7.6.18 Caste Quarry is also a Local Wildlife Site and is located to the south of the site. It is not considered that there would be any impact from the proposed development.
- 7.6.19 The Appraisal proposes recommendations with regards to clearance works outside of bird nesting season, retention of hedgerows and trees and additional planting with native species. The recommendations of the appraisal will be secured through a planning condition.
- 7.6.20 Taking into account the above matters the proposal is considered to comply with Local Plan Policy EN2.

7.7 Biodiversity Net Gain

- 7.7.1 The relevant metric and assessments have been completed to establish the current baseline on the site. The legislation requires a minimum of 10% gain as part of a development. In this instance the scheme would deliver a positive 22.8% gain from tree planting, grassland, allotments and sustainable urban drainage.
- 7.7.2 This would be secured by the standard BNG condition that is deemed to be attached to all relevant planning permissions and would be formally discharged by the planning authority ahead of any development commencing on site.

7.8 Heritage and Archaeology

- 7.8.1 The application site at Wilsford Lane is adjacent to the Scheduled Monument of the Ancaster Roman Settlement and is thus of high archaeological potential, with known Roman activity within the site.
- 7.8.2 The site is also in close proximity to the grade I listed Church of St Martin), grade II* listed Ancaster Hall (and its associated grade II listed Former Kitchen and the grade II listed Rectory and Outbuilding. The site is also set immediately adjacent to the Ancaster Conservation Area. As such, the proposed works have the potential to impact upon the setting of these designated heritage assets. Any such impact would need to be weighed against the public benefit of the proposed works (NPPF 215).
- 7.8.3 Include standard para in relation to section 66 of Listed Buildings Act
- 7.8.4 Noting the comments of the Conservation Officer, it is accepted that there would be intervisibility between the western part of the site and heritage assets. However, whilst the site is within the context of the important vista point from St Martins Churches and view across the Scheduled Monument, the current plan presents a large public open space, to be created within the western and southern extent of the site, which would aid in preserving this important vista.
- 7.8.5 Additionally, as much as possible of the existing boundary screening would be retained in the form of the existing trees and hedgerows. This would again mitigate impacts on the setting of the church. Notwithstanding this absence of built form in the western part of the site, the proposed development would be likely to result in less than substantial harm to the setting of the church.

- 7.8.6 In relation to the Rectory and Ancaster Hall, these assets both benefit from views over the Scheduled Monument. Again, the existing boundary vegetation on the site does provide a degree of screening. However, it is considered that the proposed development would result in less than substantial harm to its setting.
- 7.8.7 The close proximity of the Schedule Monument to the west, as per the previously discussed heritage assets, it is considered that there would be less than substantial harm to its setting.
- 7.8.8 It should be noted that the only matter for consideration at this stage is access. As such, at reserved matters stage careful consideration should be given to the siting, design and massing of the development and the impact this may have on the setting of the identified heritage assets.
- 7.8.9 In relation to archaeology the applicant has submitted a Heritage Statement in support of the application (November 2024). The assessment summarises the known heritage assets within the site and in the surrounding area. Geophysical surveys were undertaken and intrusive trial trenching was undertaken in January 2025. The results of this investigation as assessed by Heritage Lincolnshire.
- 7.8.10 Heritage Lincolnshire reports that Archaeological remains including inhumation burials, ditches, ceramic building material and pottery of Romano-British date have been identified in parts of the site and as such recommend that prior to any development a programme of open archaeological excavation should be undertaken. This can be secured by an appropriately worded pre-commencement condition.
- 7.8.11 Taking into account the above matters it is considered that the proposed development would result in less than substantial harm to the identified heritage assets, including the Scheduled Monument of the Ancaster Roman Settlement, and the listed building of St Martin's Church, The Old Vicarage and Ancaster Hall and the conservation area as a whole.
- 7.8.12 The NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.8.13 In this instance, it is considered that there would be benefits of the delivery of a significant amount of dwellings, including affordable units on a site that is in part already allocated for residential development within the local plan allocation would outweigh the identified less than substantial harm.

7.9 Contamination

- 7.9.1 The planning application is accompanied by a Phase 1 Contamination Desk Study. The key findings of the geo-environmental assessment are that the site has remained as arable farmland since the first available mapping, That the site is underlain by a Principal aquifer relating to the limestone bedrock. That an active quarry is present to the south.
- 7.9.2 The Study recommends that an intrusive investigation be undertaken to address remaining uncertainties and it is considered that this can be addressed by a suitably worded planning condition.
- 7.9.3 The conclusions of the report are accepted and it is agreed that this matter can be effectively addressed by a suitably worded condition.

7.9.4 As such the proposal is considered to accord with local plan policy EN4 and NPPF Section 15.

7.10 Sustainability

7.10.1 The proposal is for the erection of 73 dwellings. The applicant has not provided a sustainability assessment of the scheme to demonstrate compliance with Policy SB1. The detail of these measures to ensure compliance with Policy SB1 is therefore recommended to be conditioned.

7.10.2 Ancaster has a number of services and facilities including a Co-Op, butchers, primary school, village hall and medical practice. As such the site is regarded as a sustainable location.

7.10.3 Subject to an appropriate condition to secure sustainable measures on site, the proposal is considered to be in compliance with Local Plan Policy SB1.

7.11 S106 Heads of Terms

7.11.1 The proposal is major development for up to 73 dwellings and results in S106 contributions including:

(i) LCC Education - £416,083.50 Ancaster Primary

(ii) NHS England - £46,172.50.

(iii) Affordable Housing – minimum of 30% (29 dwellings) on site. The scheme proposes 35%.

LCC Highways – £158,000 for off-site highway improvement works to Wilsford Lane, £2,500 for extension to the 30mph speed limit along Wilsford Lane and £5,000 for Travel Plan Monitoring.

(iv) Provision of onsite informal/natural green space (20sqm per person), allotments, Local Area for Play (LAP) and Locally Equipped Area for Play (LEAP).

7.11.2 Regulation 122 of the Community Infrastructure Regulations 2010 (and repeated in Paragraph 58 of the Framework) requires planning obligations to be fair and reasonably related in scale and kind to the development proposal and necessary to make the development acceptable terms.

7.11.3 These contributions will ensure that local infrastructure is suitably upgraded to cope with the additional population. It is considered that these requirements would be compliant with the statutory tests of the CIL regulations as well as local and national policy requirements.

8 Crime and Disorder

8.1 It is considered that the proposal would not result in any significant crime and disorder implications. Lincolnshire Police have been consulted and have no objections to the proposal.

9 Human Rights Implications

- 9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

10 Conclusion and Planning Balance

- 10.1.1 As of March 2025, the Council are presently unable to demonstrate a 5-year supply of housing land and as a result, the policies most important for determining the application are deemed to be out-of-date by virtue of footnote 8 and paragraph 11d) of the Framework. Paragraph 11d) requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in The Framework, indicate that development should be restricted.
- 10.1.2 It is accepted that ancillary elements of the proposal are sited beyond the site allocation and thus fall to be assessed Policy SP4 and there is identified less than substantial harm in relation to the impact the proposed development would have on setting of heritage assets.
- 10.1.3 Whilst concerns have been raised in relation to highway matters and residential amenity and visual amenity, no harm has been found in relation to these matters when assessed against local and national policy
- 10.1.4 The delivery of 73 dwellings including affordable housing in a sustainable location is given substantial weight in the planning balance.
- 10.1.5 As such It is considered that the identified harm does not demonstrably outweigh the benefits of the delivery of 73 dwellings, including affordable housing in a sustainable location.
- 10.1.6 The proposed development is therefore considered to be in accordance with the development plan, when taken as a whole and is in accordance with Policies LV-H2, SP1, SP4 H1, H2 H4, EN1, EN2, EN5, ID2, DE1 and SB1 of the Local Plan and Sections 5, 9, 11, 12, 14 and 16 of the NPPF and there are no material considerations that indicate otherwise, as such the proposal is therefore acceptable.

11 RECOMMENDATION:

Recommendation – Part 1

To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to the completion of a Section 106 legal agreement securing the necessary financial contribution towards healthcare provision, education, highway works, open space and affordable housing.

Recommendation – Part 2

- 11.3 Where the Section 106 Agreement has not been concluded prior to the Committee, a period not exceeding 12 weeks after the date of the Committee shall be set for the completion of the obligation.

- 11.4 In the event that the agreement has not been concluded within the 12-week period and where, in the opinion of the Assistant Director – Planning, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused for the following reason(s):

The applicant has failed to enter into a planning obligation to secure the necessary financial contribution towards provision of local surgery(s), secondary education and affordable housing. As such the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

Time Limit for Commencement

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the latter.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Reserved matters

- 2 Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:
- i. layout;
 - ii. scale
 - iii. appearance
 - iv. landscaping

Approval of all reserved matters shall have been obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 3 i) Site Location Plan Drawing No. WL-001 Rev B
ii) Access details only shown on the Illustrative layout plan Drawing No. 12394-FPCR-XX-XX-DR-A-0003 Rev P08

The development hereby permitted shall be carried out in accordance with the following list of approved plans:

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

Pre-commencement

- 4 Before the development hereby permitted is commenced, a scheme for the treatment of foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

- 5 Before the development hereby permitted is commenced, details demonstrating how the proposed dwellings would comply with the requirements of Local Plan Policy SB1 must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the buildings; details of water efficiency and the provision of electric car charging points.

The approved sustainable building measures shall be completed in full for each dwelling, in accordance with the agreed scheme, prior to the first occupation of each dwelling hereby permitted.

Reason: To ensure the development mitigates and adapts against climate change in accordance with Local Plan Policy SB1.

- 6 No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include but not necessarily limited to:

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material;
- hours of construction work including hours of deliveries;
- full details of any piling to be employed, if relevant; and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction
- details regarding dust mitigation

-details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- (i) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- (ii) Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, badger and dormice.
- (iii) Full details/measures to mitigate any impact on Moor Closes SSSI.
- (iv) Details of any external lighting during the construction phase adjacent to identified ecological protection areas/buffer zones.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure a satisfactory form of development, and that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

- 7 Prior to any groundworks the developer shall commission a Scheme of Archaeological Works in accordance with a written scheme of investigation to be submitted to and approved in writing by the local planning authority.

This shall consist of set piece archaeological excavation. The required written scheme of investigation should make provision for the archive from the trial trenching to be included in the post excavation and analysis phase for the excavation. Any recommendations made by finds specialist at the evaluation stage shall be carried forward and any material classes from the trial trenching which were not reported on should be included.

The development shall be undertaken in accordance with the approved details.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan and Paragraph 199 of the NPPF.

- 8 A reserved matters application shall include plans showing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to neighbouring properties/an off-site datum point shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 9 No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing:
- i. A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the submitted desk-based study; and if required
 - ii. A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of future residents and users of the development; and in accordance with Policy EN4 of the adopted Local Plan and guidance contained in the NPPF.

- 10 Before the development hereby permitted is commenced, details demonstrating that at least 10% of the dwellings would be constructed as "Accessible and Adaptable" in line with the standard set-out in Part M4(2) of the Building Regulations must be submitted to and approved in writing by the Local Planning Authority.
- The development must be carried out in accordance with the approved details.

Reason: To ensure the development meets the needs of all potential future occupiers in accordance with Local Plan Policy DE1.

During Building Works

- 11 Notwithstanding the submitted details, before the development hereby permitted is commenced, a detailed arboricultural method statement and tree protection plan for the protection of retained trees, including a tree protection programme for the provision and retention of trees within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The method statement and plan shall meet with the standards set out in BS5837:2012 Trees in relation to Design, Demolition and Construction – Recommendations. The protection scheme and plan shall be completely implemented prior to site preparation and shall be retained in accordance with the approved programme, unless otherwise agreed in writing by the Local Planning Authority. The protection scheme must include details of all trees to be retained and positioning of tree protection fencing, and ground covers to create construction exclusion zones. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity, tree health and for the avoidance of doubt.

- 12 Before any part of the development hereby permitted is occupied / brought into use, a Landscape and Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

Long term design objectives

Management responsibilities; and

Maintenance schedules for all landscaped areas, other than privately owned, domestic gardens.

A plan specifying the location and type of integral bird nesting features (including for swift) and bat roosting features to be provided. Numbers to be provided in line with best practice guidelines.

A plan distinguishing between formal and informal open space and land required to meet mitigation and BNG objectives.

A plan specifying features to be provided to promote other protected species/non-protected species as outlined within the submitted Ecological Appraisal (Nov 2024).

Reason: Soft landscaping/ecological improvements makes an important contribution to the development and its assimilation with its surroundings; and in accordance with Policy EN2 of the adopted Local Plan.

Before the development is occupied

- 13 Before any residential dwelling is occupied, the acoustic mitigation measures identified within the Noise Impact Assessment shall have been completed and a Validation Report shall be submitted to, and approved in writing by, the Local Planning Authority, which demonstrates the scientific and technical effectiveness of the noise mitigation measures.

Thereafter, the acoustic mitigation shall be maintained and retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not give rise to any unacceptable impacts on residential amenity.

- 14 Within seven days of the new access being brought into use, the existing agricultural access onto Wilsford Lane shall be permanently closed to vehicle in accordance with details to be agreed in writing with the Local Planning Authority. Reason: To reduce to a minimum, the number of individual access points to the Wilsford Lane, in the interests of road safety.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property in accordance with South Kesteven Local Plan Policy ID2.

- 15 The development hereby permitted shall not be occupied before the five pedestrian crossing points along Wilsford Lane (Over Hillside, Over Wilsford Lane near to the PROW, Over Roman Way, Over the BT Exchange entrance, junction with Ermine Street) that connect the site to the village have been upgraded to tactile crossing points, to improve the existing footway network for vision impaired pedestrians, they will be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

- 16 No part of the development hereby permitted shall be occupied before the works to improve the public highway to as shown in drawing 'NEW GIVEWAY' under Sheet Number '35171-SUTZZ-XX-DR-C-6400' have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development for pedestrians of all abilities.

- 17 Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

- 18 The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

- 19 The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development

will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

- 20 The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, ideally over a 12-month period);
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to an agreed rate of litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
 - provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

- 21 Prior to the commencement of development, details are to be provided for a pedestrian and cycle link onto Flaminian Way and a pedestrian link onto Roman

Way, that will be constructed in line with the corresponding phase of that development and opened with the occupation of that phase of development, that connect seamlessly to the boundaries of the application site (red line boundary) and incorporate at works on the adopted highway to facilitate them, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development integrates with existing and future surrounding development, and secures comprehensive and coordinated movement networks in accordance with paragraphs 114, 115, 116 and 119 of the NPPF.

- 22 Before any building/dwelling hereby permitted is occupied/brought into use, the finished floor levels for that building shall have been constructed in accordance with the approved land levels details.

Reason: In the interests of the visual amenities of the area and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 23 No part of the development hereby permitted shall be occupied or brought into use until a verification report for that part of the development has been submitted to and approved in writing by the Local Planning Authority. The report shall have been submitted by the agreed competent person and identify that the approved remedial works have been implemented. The report shall include, unless otherwise agreed in writing:

- i. A complete record of remediation activities, and data collected, as identified in the remediation scheme to support compliance with the agreed remediation objectives.
- ii. Photographs of the remediation works in progress; and
- iii. Certificates demonstrating that imported and / or material left in situ is free from contamination.

Thereafter, the scheme shall be monitored and maintained in accordance with the approved details.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of future residents and users of the development; and in accordance with Policy EN4 of the adopted Local Plan and guidance contained in the NPPF.

Ongoing conditions

- 24 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season

following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan

- 25 Following first occupation of any part of the development hereby permitted, the approved Landscape and Ecological Management Plan (LEMP) shall be adhered to in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Soft landscaping/ecological improvements make an important contribution to the development and its assimilation with its surroundings; and in accordance with Policy EN2 of the adopted Local Plan.

- 26 The number of dwellings on site shall not exceed 73.

Reason: To define the permission and for the avoidance of doubt.

Standard Note(s) to Applicant:

- 1) In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.
- 2) Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
- 3) The permitted development requires the formation of a new vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. For approval and specification details, please contact: vehiclecrossings@lincolnshire.gov.uk
- 4) In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 39 of the National Planning Policy Framework.
- 5) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

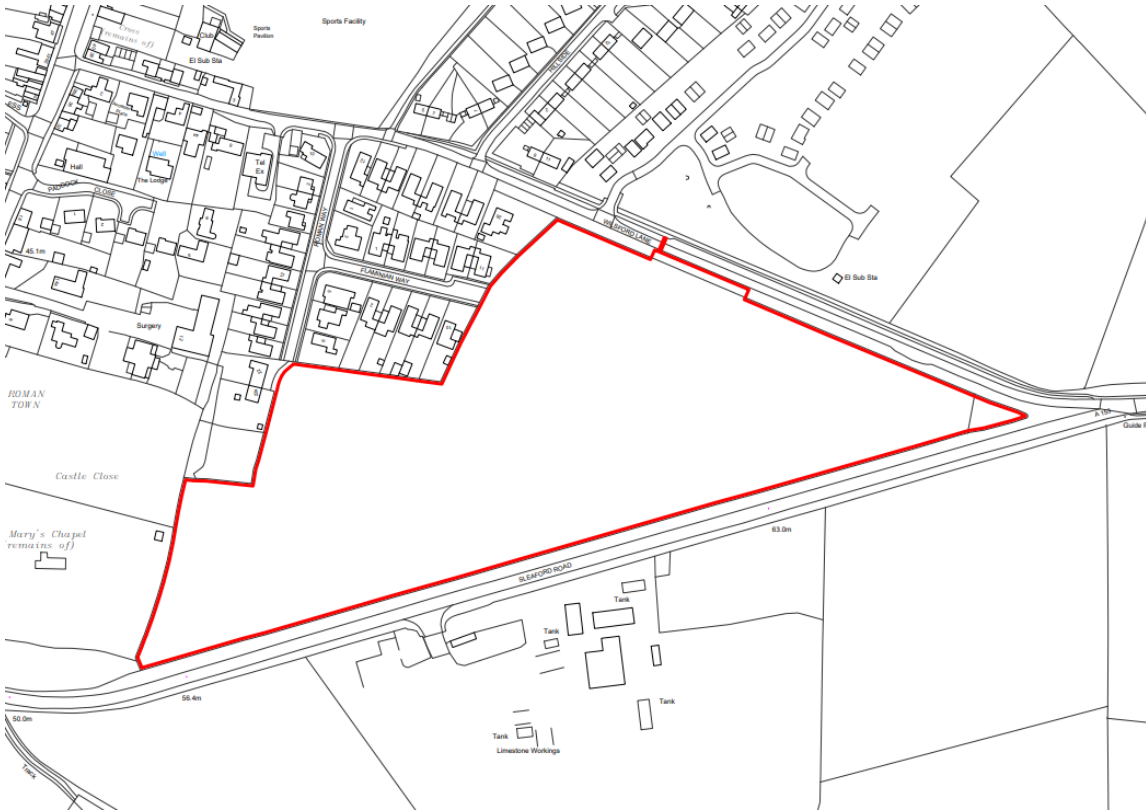
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Kesteven District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

- 6) The illustrative layout plan does not form part of this approval. Amendments are required to achieve a suitable internal layout, landscaping and SuDs.

Location Plan



Illustrative Layout Plan



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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Planning Committee

25 September 2025

S25/1033

Proposal:	Outline application for up to 4 detached dwellings. All matters reserved except access.
Location:	Land West Of Doddington Lane, Stubton, NG23 5BX
Applicant:	Hilltop Ltd
Agent:	Mr Nick Grace - GraceMachin Planning & Property
Application Type:	Outline Planning Application
Reason for Referral to Committee:	Called in by Cllr Milnes due conflict with loss of ridge and furrow, no housing need, design, loss of hedgerow, flood risk.
Key Issues:	<ul style="list-style-type: none">• Character and appearance of the area• Neighbours residential amenities• Highways Impacts
Technical Documents:	

Report Author

Hannah Noutch, Development Management Planner



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H.Noutch@southkesteven.gov.uk

Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Loveden Heath

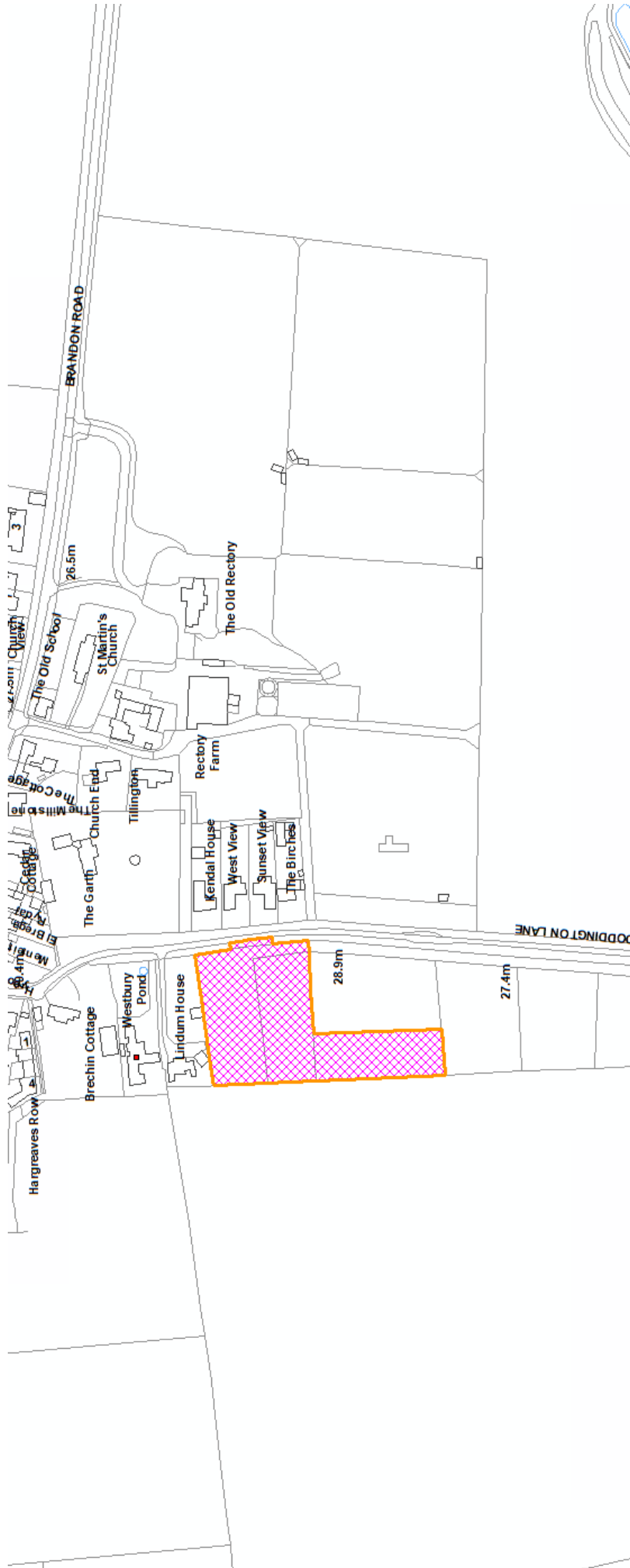
Reviewed by:

Adam Murray – Principal Development Management Planner

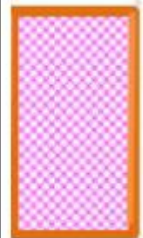
15 September 2025

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director - Planning & Growth to GRANT planning permission, subject to conditions



Key



**Application
Boundary**



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1 Description of Site

- 1.1 The application site comprises of a parcel of land to the western side of Doddington Lane to the south of the small village of Stubton. The parcel of land is located directly south of the last dwelling on the western side of Doddington Lane, Lindum House, in the main built-up part of the settlement. Lindum House is a two-storey dwelling set back within the plot.
- 1.2 To the west and south of the site is open countryside. To the east of the site are further dwellings, with the last dwelling on the eastern side being The Birches.
- 1.3 The plot of land extends further south along the western boundary.

2 Description of the Proposal

- 2.1 The application is seeking outline planning permission for the erection of up to 4 dwellings, with all matters except for access reserved.
- 2.2 Whilst layout would be a reserved matter, an indicative layout plan has been provided that the northernmost section of the application site, which is roughly rectangular in shape, hosting 4 dwellings. The dwellings are indicated as being positioned in a cul-de-sac style layout and are indicated as single storey L shaped dwellings.

3 Relevant History

- 3.1 There is no relevant site history.

4 Relevant Planning Policies and Documents

SKDC Local Plan 2011-2036

- Policy DE1 – Promoting Good Quality Design
- Policy EN2 – Protecting Biodiversity and Geodiversity
- Policy EN5 – Water Environment and Flood Risk Management
- Policy SB1 – Sustainable Building Measures
- Policy SP1 – Spatial Strategy
- Policy SP2 – Settlement Hierarchy
- Policy SP4 – Development of the Edge of the Settlement

National Planning Policy Framework (NPPF)

- Section 5 – Providing a sufficient supply of homes
- Section 9 - Promoting Sustainable Development

Stubton Neighbourhood Plan

Design Guidelines for Rutland and South Kesteven Supplementary Planning Document
(Adopted November 2021)

5 Representations Received as a result of Publicity

- 5.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 9 letters of representation have been received; 7 of which

are in support, the remainder are neutral. The points raised can be summarised as follows:

1. The size and location of the dwellings would fit into the village fabric as per the indicative plans
2. Similar developments have been agreed in the past, including St Martins Close and Park Cottage
3. The dwellings are considerate of existing properties on the East side of Doddington Lane in terms of their outlook, size and construction
4. Maintaining the hedging to the forefront of the site would be beneficial and ensure the rural character of the village is not compromised
5. The plans would fit into SKDC Local Plan and the Stubton NDP
6. The roadway on Doddington Lane should be improved outside the development and into the village as there isn't a safe footpath
7. There is no mains drainage or sewage, with existing properties on Doddington Lane hosting septic tanks and soakaways
8. There is wildlife present around the site, with sightings of a barn owl, red kite or falcon and Muntjac deer
9. There are local water drainage issues with Doddington Road previously having flooded and surrounding fields becoming waterlogged. There is layer of clay that affects drainage. Without sufficient research 4 additional houses would contribute to the waste water issues
10. Prefer the ecology/landscape area to be re-sited to be in the east west direction to create a more natural break between the development and the agricultural land to the south
11. Limited number of dwellings would have minimal impact on the existing services and infrastructure
12. Benefits of the proposed development outweigh any negative impact
13. The site to date has been neglected and the proposals would rectify this
14. Plans would enhance the wildlife habitats
15. Access driveway opening should ensure sightlines meet regulations and conditions set by Highways
16. If approved, a condition restricting the plot to 4 dwellings should be attached
17. Habitat replacement belt should run east to west hedge to hedge
18. The recommendations made by the Ecology Consultant should be fully implemented
19. If the hedge is to be retained this should be trimmed and maintained regularly
20. The drainage ditch is cleared and reinstated where necessary along all the boundary owned by the prospective developers and/or their lessee
21. Whilst building work is taking place all materials, vehicles and equipment should be stored on site and should not cause obstruction on the highway
22. Any damage to verges and road surfaces on Doddington Lane as a result of the proposal should be repaired swiftly and to an agreed standard

23. Proposal would benefit the village
24. The larger the village becomes (with quality developments such as this and the one currently under construction on Fenton Road), the more likely it is that the village can attract other facilities and promote community cohesion
25. The site is well-located, being the village-side of the gates and matching development on the opposite side of Doddington Lane
26. The extra traffic on the road would be minimal when compared to the traffic (both cars and HGVs) using the road daily to businesses situated outside the village
27. The loss of the countryside and wildlife would be minimal considering the village is surrounded by open countryside
28. The site is directly opposite a modern house and 2 recently built bungalows, so will not look out of place
29. The new development ideally ends at the current village boundary
30. There are 2 other small cul-de-sacs within the village so the scheme is not out of keeping within this small community
31. There is no footpath on this part of Doddington Lane, but the verges are wide enough to step onto safely should a vehicle need to pass. Presently, the lane is quite safe for walking, dog walking and cycling, and such a small development should not alter that situation
32. In terms of the flooding issues mentioned in other representations, this was the case for several years, but more recently the gulley on the West side of the lane has been cleared and rodded by a few local residents with impressive results
33. Choice of bungalows for the proposal is excellent and adds to the variation of properties in Stubton
34. The very narrow double bend as you leave Stubton could be a concern, the hedgerows on either side of the road restrict visibility and would benefit by having a proper pathway constructed

6 Representations Received

6.1 Ward Councillor

6.2 No comments received

6.3 Parish Council

6.4 Full comments can be found on the Councils website, the Parish Councils comments are summarised as follows:

6.5 There is a PRow known as the Coach Road to the south of the field, where a gated access is situated off that track. The field is a Grade 3 greenfield site, laid to permanent pasture with historic ridge and furrow topography.

6.6 It is the Parish Council's view that the proposed development is not infill as it does not fit the definition of a small gap between existing buildings.

6.7 The proposed red line extends beyond the built form of dwellings opposite, contrary to SP3(d).

- 6.8 The criteria listed a – f in SP4 Edge of Settlement has not been met
- 6.9 The proposed development site fails to satisfy policy SP1, para 2.13 in that it is not “substantially enclosed”. The whole field is under common ownership with no existing internal boundaries to divide the development site from the remaining field and therefore it is not “clearly defined by a physical feature that also acts as a barrier to further growth (such as a road).”
- 6.10 The proposed development does not meet the “exceptional circumstances” test set out in SP5 paras a) to f) and the requirement for “essential need” for development in open countryside is not met.
- 6.11 The proposals do not correspond with current built form.
- 6.12 The edge of village field has an open, verdant character with no existing buildings on it, or beyond it. The change of use from undeveloped agricultural land to residential use would alter the landscape character of the location contrary to the following Stubton Neighbourhood Plan Policies NE1 and NE2.
- 6.13 Stubton is a Domesday village and has sites of Medieval ridge & furrow topography. This non designated heritage asset is mentioned in the Neighbourhood Plan at page 10 and in the Landscape Character Assessment at paragraph 3.10
- 6.14 The Parish Council has concerns over vehicular movements exiting from the site due to possible visibility issues to the right where the road bends to the right and may obscure view. There are also no pedestrian walkways, and the narrow lane is difficult to navigate on foot when encountering traffic.
- 6.15 Doddington Lane has no mains drainage and there are documented problems with localised flooding on the Lane during autumn and winter.
- 6.16 **Highways**
- 6.17 Requested additional information - A footway has been proposed within the limits of the site; however, these do not connect onto the existing footway network. Therefore, please advise how it is proposed to manage the safe passage of pedestrians from the site to the village. – The applicants’ agents has provided a response to this request and the LPA is awaiting a further response from LCC Highways.
- 6.18 **Conservation Officer**
- 6.19 The area proposed for redevelopment retains very well-preserved Medieval ridge and furrow. There is an ongoing threat of modern ploughing and development destroying ridge and furrow. As it is noted as a non-designated heritage asset, it is of local significance. At minimum, a Heritage Impact Assessment should be produced to fully assess the potential impact and level of harm against the significance of the heritage assets within the site and proximity to the site, to ensure the development is in line with NPPF216. As this application is outline, except access, no clear assessment of the potential harm can be made. It is appreciated that this appears to be a low-density development. The access proposed would open-up the well-established boundary, which is noted on historic maps. The extent of the driveway, however, appears modest, and it is noted that the trees and hedges otherwise are to be retained along the site. The access therefore is considered acceptable.

- 6.20 Given the enclosed nature of the wider streetscape, the proposed development is not considered to cause harm to the setting of the grade II listed Manor House.
- 6.21 Further consultation regarding the potential impact upon below ground archaeological features is provided by Heritage Lincolnshire
- 6.22 **Heritage Lincolnshire**
- 6.22.1 The site for the proposed development lies in an area of archaeological interest. To the east of the village there are cropmarks indicating trackways of medieval or post medieval date leading into the settlement. To the west of the proposed development cropmarks though to mark the presence of enclosures and boundaries of prehistoric date have been plotted by the National Mapping Programme and are recorded in the Lincolnshire Historic Environment Record (HER). The HER also records surviving ridge and furrow on the proposed development site. The village itself is mentioned in the Domesday Book of 1086, indicating that the settlement is probably of late Saxon date at least. The church of St Martin is situated to the east of the village and although it was built in the early 19th century, it was to replace an earlier church in the village. An archaeological watching brief undertaken at the south end of Fenton Road in 2007 recovered pottery of medieval date and a pit possibly of the same period. In the same area a metal mount was found and although its exact function could not be determined, there are comparable AngloSaxon and medieval examples A single sherd of medieval pottery was recovered during a programme of archaeological monitoring and recording during development to the south-west of the parish church in 2001
- 6.22.2 Therefore, given this it is recommended that the developer should be required to commission a Scheme of Archaeological Work, in the form of an archaeological evaluation to determine the presence, character and date of any archaeological deposits present at the site. This evaluation should initially consist of trial trenching. Prior to the trial trenching a topographic survey should record all upstanding earthworks extant on the site. Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation.

7 Evaluation

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 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 development plan comprises of the following documents:
- 7.2 - South Kesteven Local Plan 2011-2036 (Adopted January 2020)
- 7.3 – Stubton Neighbourhood Plan 2014-2026 (Made 3 July 2015)
- 7.4 The Lincolnshire Minerals and Waste Local Plan forms part of the development plan in relation to minerals planning.
- 7.5 The policies and provisions set out in the National Planning Policy Framework are also a material consideration in the determination of planning applications, alongside the adopted Design Guidelines for Rutland and South Kesteven.
- 7.6 As of March 2025, the Council are presently unable to demonstrate a 5-year supply of housing land and as a result, the policies most important for determining the application are deemed to be out-of-date by virtue of footnote 8 and paragraph 11d) of the Framework. Paragraph 11d) requires that planning permission should be granted unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in The Framework, indicate that development should be restricted.

7.7 **Principle of Development**

- 7.8 Policy SP1, spatial strategy states proposals should protect the best and most versatile agricultural land to protect opportunities for food production and the continuance of the agricultural economy. The 'best and most versatile agricultural land' is defined in the NPPF as agricultural land of grade 1, grade 2 and grade 3a with grade 1 classification being the best. Natural England's Land Classification Map shows the land contained within the site classed as Grade 3 and therefore within an area of land that could be considered good to moderate land.
- 7.9 Policy SP1 also states that development affecting the best and most versatile agricultural land will only be permitted if: - There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and - Where feasible, once any development which is permitted has ceased its useful life the land will be restored to its former use, and will be of at least equal quality to that which existed prior to the development taken place (this requirement will be secured by planning condition where appropriate).
- 7.10 In this case, the proposal relates to a site of roughly 0.71 hectares, which is located immediately to the south of the existing main built up part of the settlement. The majority of the agricultural land within the district is Graded 3, with the land surrounding Stubton also identified as being of similar value. It is not possible to distinguish between Grade 3A and 3B without the submission of detailed soil samples. However, given the proximity to the built-up settlement it is likely that the land would be Grade 3B. As such, the proposal would not result in the loss of BMV agricultural land.
- 7.11 The application site is situated to the west of Doddington Lane at the southern edge of the existing built- up area of Stubton, which is identified as a Smaller Village in Policy SP2. The existing built development on Doddington Lane extends north of the application site on the western side, however the eastern side of Doddington Lane does have built form that extends slightly further south with a further 4 dwellings past the building line of the final property on the western side. The application proposal is therefore considered to be extension the existing built form of Stubton on the western side of Doddington Lane beyond its existing limitations and, therefore, Policy SP4 (Development on the edge of settlements) is the relevant policy to establish the principle of development on this site.
- 7.12 Policy SP4 states that proposals for development on the edge of a settlement, which is in accordance with all other relevant Local Plan policies, will be supported provided that essential criteria are met. This requires the proposal to:-
- (a) Demonstrate clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum.
 - (b) Be well designed and appropriate in size, scale, layout and character to the setting and area.
 - (c) Be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan.

(d) Not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area.

(e) In the case of housing development, meet a proven local need for housing and seeks to address a specific targeted need for local market housing; and

(f) Enable the delivery of essential infrastructure to support growth proposals.

- 7.13 There has been no pre-application community consultation exercise carried out and it is therefore not able to be clearly evidenced that there is substantial support from the local community for the proposal.
- 7.14 The parish council have raised their concerns over elements of the proposal and have not confirmed their support for the proposal. The scheme is therefore considered to be contrary to SP4(a).
- 7.15 Representations have also indicated that there is no identified local housing need. It is noted that no evidence has been provided about an identified need for Stubton. However, the LPA is not meeting the identified required housing land supply for the District.
- 7.16 As a result, Policy SP4 is deemed to be out of date, and the tilted balance is applicable. The presence of the tilted balance weighs in favour of housing developments unless there are identified policies conflicts that outweigh the significant benefit of the provision of additional housing units.
- 7.17 **Impact on heritage assets**
- 7.18 The importance of considering the impact of development on the significance of non-designated heritage assets is expressed in the National Planning Policy Framework (NPPF). The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.19 SKDC's Conservation Officer advised that the area where the houses are indicated to be developed retains very well-preserved Medieval ridge and furrow. They noted that there is ongoing threat of modern ploughing and development destroying ridge and furrow, which is a non-designated heritage asset and is of local significance. Examples of ridge and furrow are mentioned within the Stubton Landscape Character Assessment, as being a feature of the local landscape.
- 7.20 The Conservation Officer advised a Heritage Impact Assessment (HIA) should be provided to assess the level of impact the proposal would have on the non-designated heritage asset.
- 7.21 The applicant's agent advised that the provision of the HIA would identify that the proposal would result in the total loss of the ridge and furrow, and therefore the assessment should be made giving weight to the harm caused by the loss of the non-designated heritage asset.
- 7.22 Heritage Lincolnshire also noted the presence of the ridge and furrow, however noted that it would be clear that to achieve the development this would be at the expense of the ridge and furrow on the site. They recommended that the ridge and furrow be documented

prior to any work commencing through an earthworks topographical survey which would be able to record the features and extent of the ridge and furrow.

7.23 **Heritage balance**

7.24 Heritage Lincolnshire also advised that given the proximity of the proposed development to the village, the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity. As such they have recommended a condition be attached requiring the commission of a Scheme of Archaeological Work, including trial trenching, to be detailed through a Written Scheme of Investigation that is submitted to and approved by the LPA prior to development commencing.

7.25 Further advice from SKDC's Conservation Officer noted that access proposed would open-up the well-established boundary, which is noted on historic maps. The extent of the driveway, however, appears modest, and it is noted that the trees and hedges otherwise are to be retained along the site. There are therefore no objections to the proposed access from a conservation standpoint.

7.26 Given the enclosed nature of the wider streetscape, the Conservation Officer advised that the proposed development is not considered to cause harm to the setting of the grade II listed, Manor House.

7.27 Taking the above into account, the development would cause harm to a non-designated heritage asset by way of the loss of the ridge and furrow on site contrary to NPPF Section 16 and Policies EN6 and DE1 of South Kesteven Local Plan. The weight attributed to this loss is limited given that it is a non-designated heritage asset. This harm is then weighed against any public benefits of the proposal which in this instance is the provision of up to 4 additional homes. Whilst there is no evidence of Stubton having an identified local housing need, SKDC does not have an established 5YHLS and therefore there is a district wide housing need. The significant benefit that is attributed to the housing contribution is given moderate weight. The moderate weight attributed to the housing provision would outweigh the limited weight of the harm to the heritage asset in this instance.

7.28 **Impact on the character and appearance of the area**

7.29 Policy NE2 of the Stubton Neighbourhood Plan states:

7.30 New development must be appropriate to the character, natural historic and cultural attributes and features of Stubton's landscape. Developments must respect and retain the landscape character of Stubton Parish and incorporate features which contribute to the conservation, enhancement or restoration of these features.

7.31 In particular, new development should, wherever possible:

- Maintain existing hedgerows, trees and woodland and encourage the planting of new trees and hedgerows. Where new trees are proposed, these should wherever possible, be appropriate disease resistant and native species.
- Protect and enhance the existing landscape character and the important features that define the character, setting and views of the Parish (as set out within the Stubton Landscape Character Assessment). In particular, development which would impact on Stubton Neighbourhood Plan 39 Map showing key views from Stubton Parish towards surrounding areas and the escarpment slopes (shown in orange) views into and, where appropriate, out of the village should demonstrate that these features have been sensitively and appropriately considered and incorporated/mitigated as necessary.

- 7.32 Policy BE2 of the Stubton Neighbourhood Plan states:
- 7.33 New development for appropriate uses should be sympathetic to the existing form, scale and character of Stubton Parish and be appropriate to its rural location, by ensuring compatibility with the character of the landscape as well as buildings. Materials and boundary treatments should be sympathetic to the character of Stubton.
- 7.34 Layout, scale and appearance are all matters to be reserved and therefore are not being considered by under this application. However, the principle of development and its potential impact on the character and appearance of the site and surrounding context is a material consideration.
- 7.35 The suitability of the proposed access in terms of any impact this may have on the character and appearance of the area is also able to be assessed as the application is seeking approval of access details.
- 7.36 Whilst the Parish Council raised concerns over the indicative layout in a cul-de-sac style arrangement being out of character with the development on Doddington Lane, it is considered that there is variation in the positioning of dwellings within the plots, the scale and design of the dwelling.
- 7.37 The representations received on the application from the members of the public are supportive of the indicative layout of the dwellings and it being indicated that they would be bungalows.
- 7.38 On the basis of the indicative layout plan, should this be forthcoming, 4 single storey dwellings in the L shape as proposed would be acceptable in principle. This is due to L shaped bungalows being characteristic of existing dwellings along Doddington Lane and there being examples of dwellings both set back from Doddington Lane and set further forward. Therefore, the proposed cul-de-sac layout as shown on the indicative layout plan would be reflective of the variation in the existing building lines.
- 7.39 Based on the above, the proposal, in principle is considered to be in keeping with the character and appearance of the area and would not result in any unacceptable visual impact in accordance with Policies DE1 of the SKDC Local Plan.
- 7.40 **Impact on neighbours' residential amenities**
- 7.41 There are no adjacent residential neighbours to the west or south of the proposed development. There is the highway separating the application site from the residential properties to the eastern side of Doddington Lane and therefore it would not be considered that the siting of up to 4 dwellings within the application site would have any unacceptable impact on the dwellings on the eastern side of Doddington Lane.
- 7.42 There is a singular residential neighbour adjoining the plot to the northern boundary, Lindum House. Whilst no details of scale have been provided, it has been indicated that the dwellings would be L shaped bungalows and from the indicative plan provided it is considered that sufficient separation from Lindum House could be achieved with the design, with there being no harm by way of overlooking or overshadowing.
- 7.43 Taking into account the nature of the proposal, small scale, and adequate separation distances, it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

7.44 **Highways Issues**

- 7.45 Paragraph 116 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.46 Lincolnshire County Council raised that the footway to be provided within the limits of the site would not connect to the existing footway and therefore queried how it is to propose to manage the safe passage of pedestrians from the site to the village.
- 7.47 The applicant's agent confirmed there is currently no footpath linking the core of the Village to those houses on the Eastern side of the public highway opposite the application site. Therefore, what is proposed is a benefit compared to that which exists.
- 7.48 This information has been provided to LCC Highways for their comment, and the LPA is awaiting their response.
- 7.49 Concerns were raised in representation over the visibility from the access given the scheme mentions it would retain the hedging to either side of the proposed access point. Subject to the hedge being sufficiently maintained, the access point should provide sufficient visibility in either direction.
- 7.50 Updated comments will be reported through the late items paper.
- 7.51 The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.

7.52 **Ecology and Biodiversity**

- 7.53 Additionally, Biodiversity Net Gain (BNG) became mandatory on all small sites on 2 April 2024 unless relevant exemptions apply. In the case of this application, the required BNG metric has been provided that demonstrates that there would be an increase of 10.97% of onsite habitat units and 16.67 % of hedgerow units, with there southern section of the site stated to be to allow for the on-site BNG. This would be secured via the mandatory BNG condition.
- 7.54 A Preliminary Ecological Appraisal (PEA) accompanies the submission, and details that there was there was protected species identified within the site but did note that the sites hedgerows offer nesting and foraging opportunities for birds and bats. The PEA offers recommendations based on the sites habitat values and mitigations in the event wildlife would be encountered. Further details regarding the potential impact can only be ascertained when the detailed design has been formulated. As such, conditions are proposed to require the submission of an updated assessment as part of the reserved matters application.

7.55 **Flood Risk and Drainage**

- 7.56 The site is located within Flood Zone 1 with a low risk of fluvial flooding, with a chance of surface water flooding, with a low risk of surface water flooding. Nevertheless, the representations on the application have identified that both Doddington Lane, the application site and surrounding fields have experienced surface water and drainage issues.
- 7.57 The application form states that surface water would be disposed of via soakaways and mains sewers, however the representations received state that mains sewers may not be

possible and that there is a layer of clay in the area which could make soakaways an unsuitable option, therefore a condition would be attached requiring an appropriate drainage strategy be provided for the site.

7.58 Subject to the condition, the scheme would be considered to comply with Policy EN5 of the SKDC Local Plan.

7.59 **Climate Change**

7.60 It is acknowledged that the application submission does not specifically provide details about how the proposed dwellings would accord with the policy obligations of Local Plan Policy SB1, which requires developments to minimise carbon emissions and support low carbon travel. As such, a condition has been attached to require the submission of further details of sustainable building measures, in accordance with the requirements of Policy SB1.

7.61 **Crime and Disorder**

7.62 It is considered that the proposal would not result in any significant crime and disorder implications.

7.63 **Human Rights Implications**

7.64 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

7.65 **Conclusion**

7.66 When considering the above assessment, the following material considerations have been identified.

7.67 There is an identified policy contradiction to SP4(a) given that the proposal has not evidenced clear substantial local support, and there is also no evidence of a specified local housing need for Stubton, contrary to SP4(e).

7.68 The proposal would result in the loss of a non-designated heritage asset by way of the loss of ridge and furrow on the site, and this also has to be weighed against the public benefits.

7.69 The proposal would involve the development of up to 4 dwellings, which is a significant public benefit that Officer's would attribute moderate weight. This is particularly important in the context of the Council's 5YHLS shortfall and the application of the tilted balance.

7.70 Paragraph 11(d) of the NPPF states that therefore planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in The Framework, indicate that development should be restricted.

7.71 In this case, it is Officer's assessment that the public benefits of the proposal would clearly and demonstrably outweigh the minor harm caused by the loss of ridge and furrow. As such, the balance of considerations weighs in favour of the grant of planning permission.

8 RECOMMENDATION:

- 8.1 To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions.

Time Limit for Commencement

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the latter.

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:

- i. layout;
- ii. scale
- iii. appearance
- iv. landscaping

Approval of all reserved matters shall have been obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 3 The development hereby permitted shall be carried out in accordance with the following list of approved plans:
 - i. Existing Site Plan received 11 July 2025
 - ii. Proposed Site Plan received 11 July 2025 in so far as it relates to the position of the access

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt

Prior to Commencement

- 4 Before the development hereby permitted is commenced, a written scheme of archaeological investigation must have been submitted to and approved in writing by the Local Planning Authority. This must include a topographic survey of the site including all upstanding ridge and furrow.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policies EN6 of the adopted South Kesteven Local Plan and Paragraph 205 of the NPPF.

- 5 Before the development hereby permitted is commenced, a scheme for the treatment of surface and foul water drainage shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

- 6 Notwithstanding the submitted preliminary ecological appraisal submitted within this application, as part of any application for reserved matters details relating to layout and landscaping a revised Biodiversity Mitigation and Enhancement plan must be submitted to and approved in writing by the Local Planning Authority. The submitted report must be in broad accordance with the submitted Preliminary Ecological Appraisal, unless otherwise agreed in writing by the Local Planning Authority.

Thereafter, the development must be carried out in accordance with the approved details.

Reason: To ensure the proposal does not result in any unacceptable adverse impacts on ecological assets and protected species, as required by Policy EN2 of the Local Plan.

During Building Works

- 7 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:-

- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;

- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Construction works would be carried out in accordance with the approved details.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction

Prior to the development being occupied

- 8 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface and foul water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

Ongoing Conditions

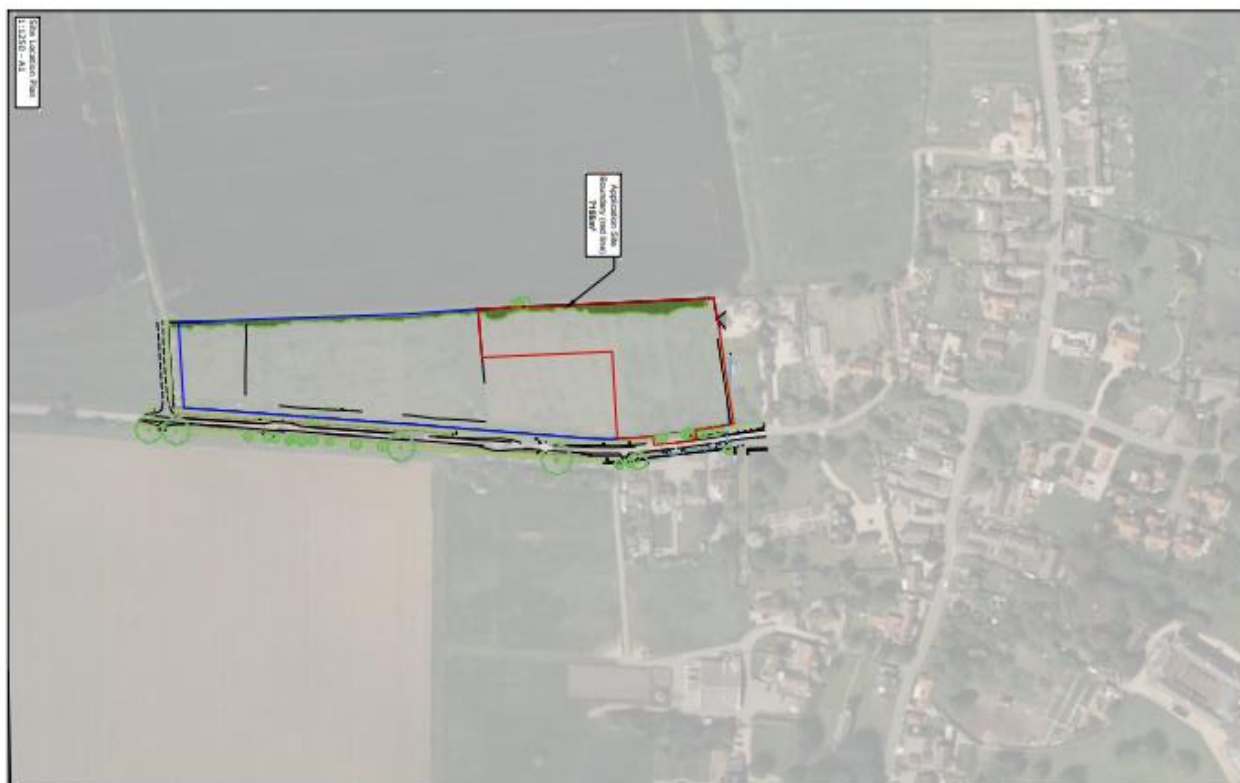
- 9 No development above damp-proof course shall take place until details demonstrating how the proposed dwelling would comply with the requirements of Local Plan Policy SB1 and SD1 must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the building; details of water efficiency. The approved sustainable building measures shall be completed in full, in accordance with the agreed scheme, prior to the first occupation of the dwelling hereby permitted.

Reason: To ensure the development mitigates and adapts climate change in accordance with Local Plan Policy SB1 and SD1

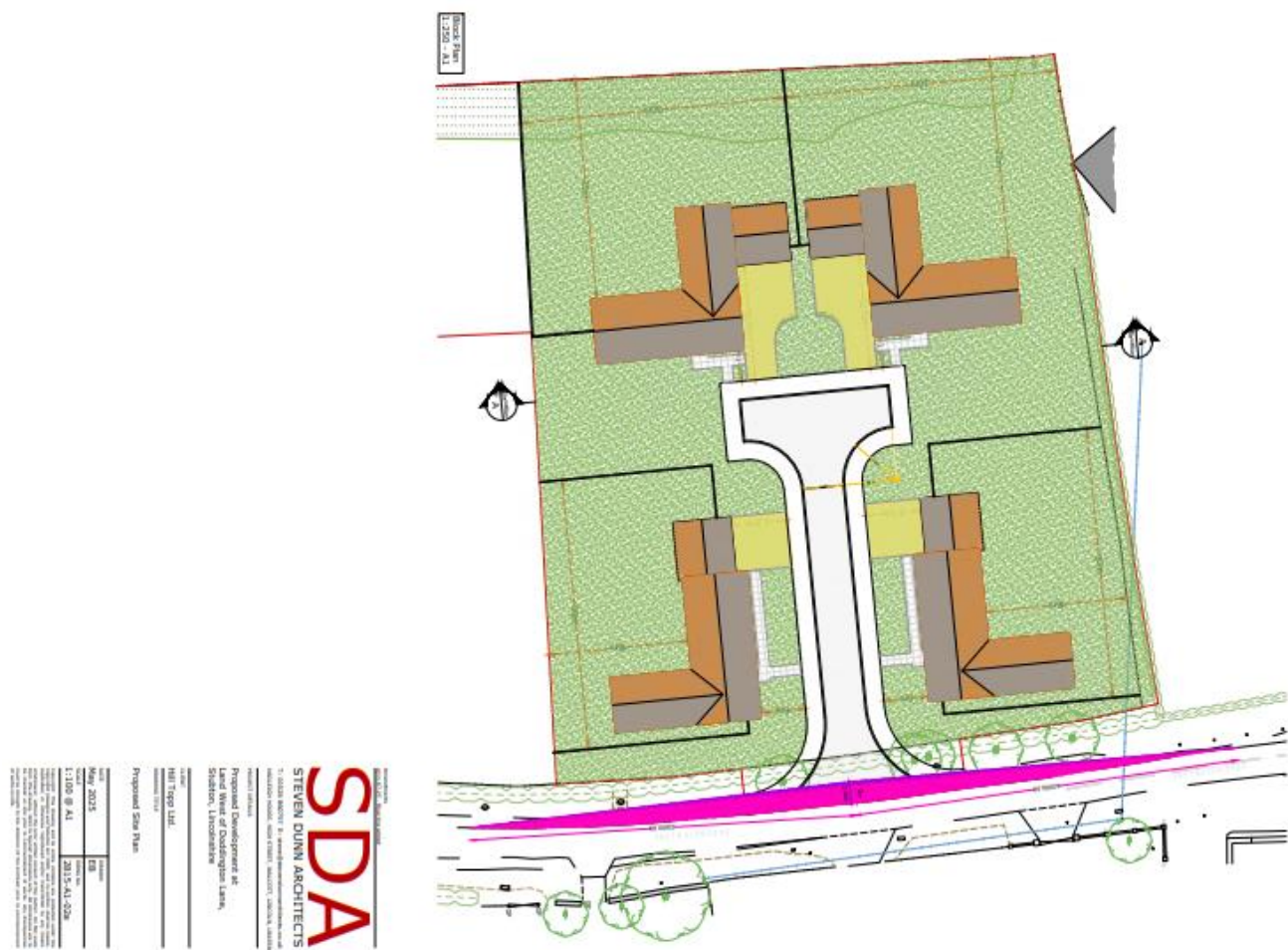
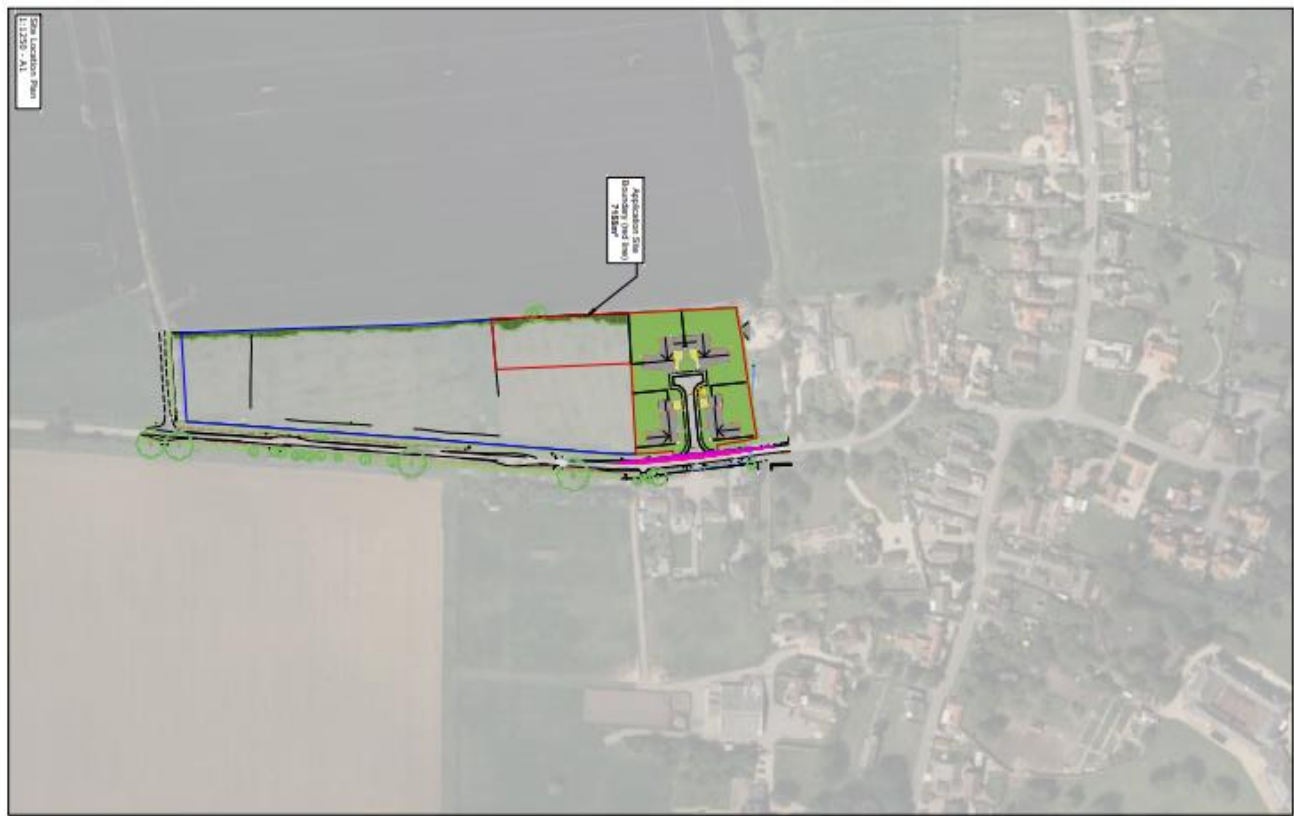
- 10 This permission relates to a maximum of 4 dwellings on the site.

Reason: To define the permission and for the avoidance of doubt

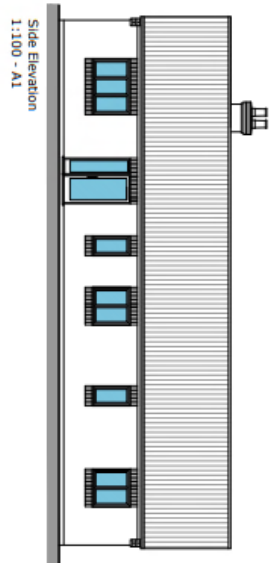
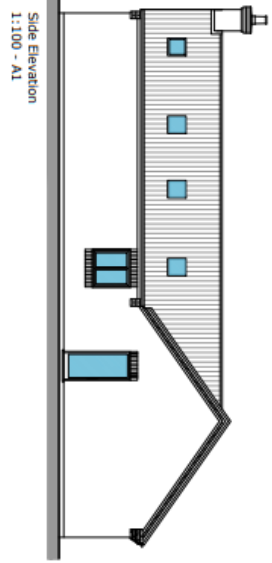
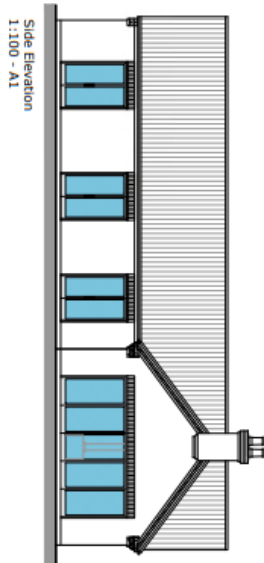
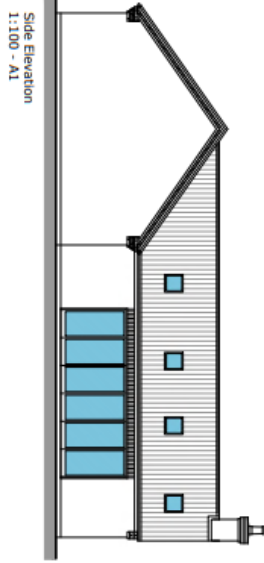
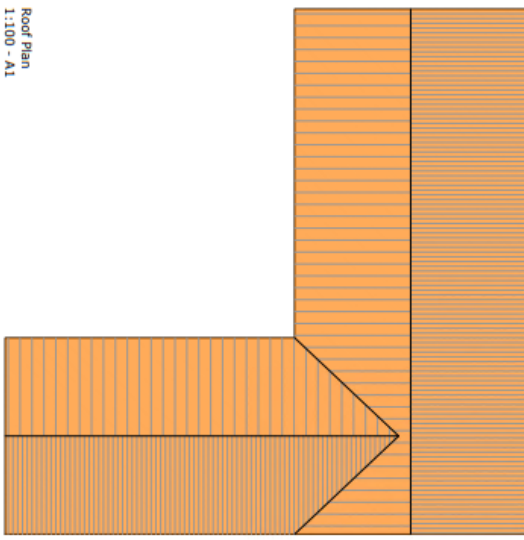
Location Plan



Proposed Site Plan



Indicative Floor and Elevation Plans



SDA

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HADESLEY HOUSE, HADESLEY STREET, WILKOT, LINCOLN, LINCOLN, LINCOLN

PROJECT DETAILS

Proposed Development at
Land West of Doddington Lane,
Stubton, Lincolnshire

CLIENT

Hill Top Ltd.

DRAWING TITLE

Proposed Plans & Elevations

DATE

May 2025

SCALE

1:100 @ A2

DESIGNER

EB

REVISIONS

2815-A2-03

NOTES

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Planning Committee

25 September 2025

S24/0568

Proposal:	Erection of an anaerobic digestion (AD) facility and carbon capture, improvement of existing and part creation of new access track, landscaping and other associated infrastructure
Location:	Development East of Sewstern Industrial Estate, South of Sewstern Road, Gunby
Applicant	Ironstone Energy Limited
Agent	DLA Piper UK LLP
Application Type:	Full Planning Permission with EIA
Reason for Referral to Committee:	To review the updated evidence submitted as part of the appeal against the previous decision to refuse planning permission
Technical Documents:	<ul style="list-style-type: none"> Addendum to Landscape and Visual Impact Assessment Off-Site Traffic, Air Quality and Noise Assessment

Report Author

Adam Murray – Principal Development Management Planner



01476 406080



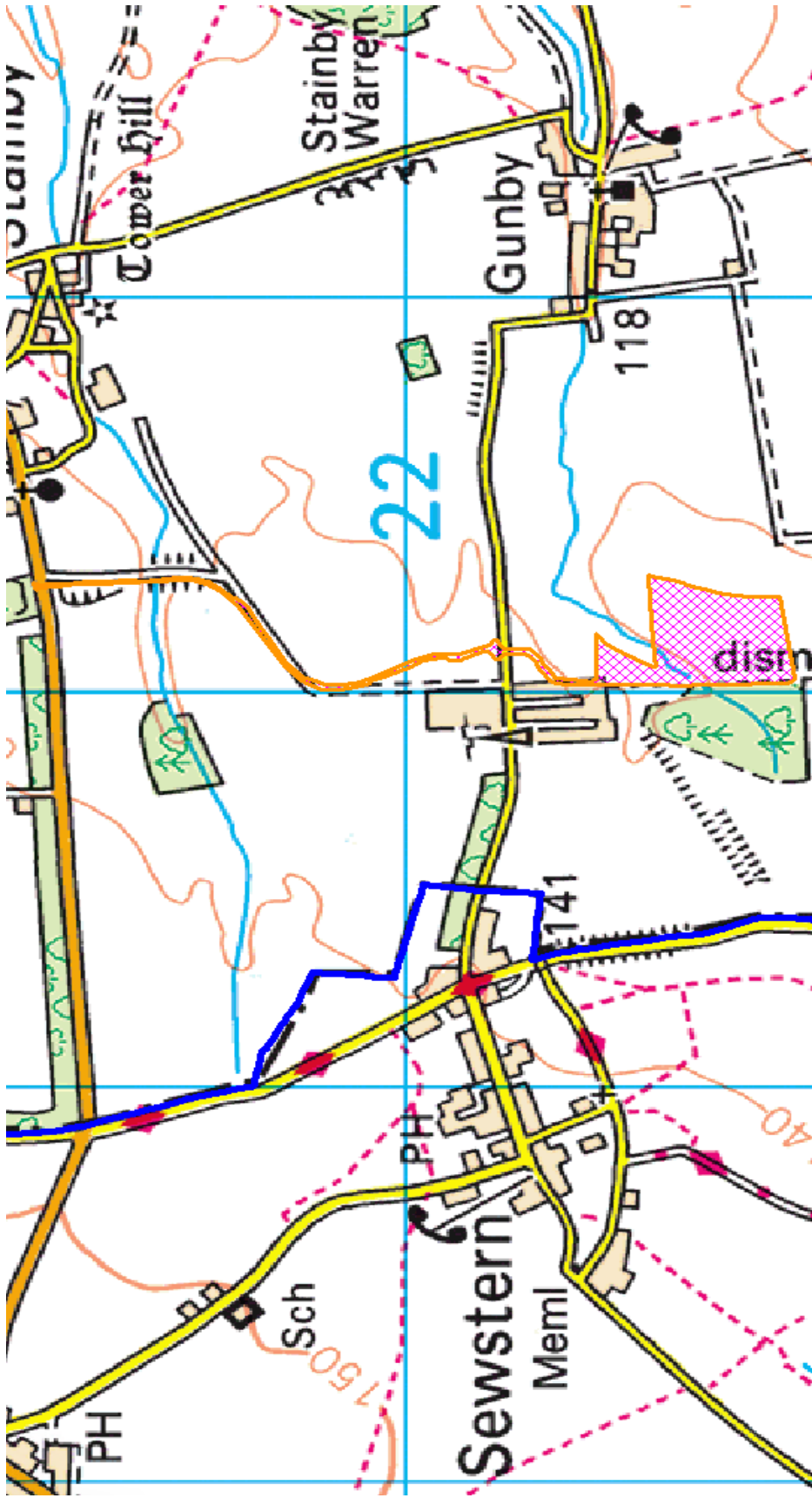
Adam.Murray@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Isaac Newton
Reviewed by:	Phil Jordan, Development Management & Enforcement Manager	17 September 2025

Recommendation (s) to the decision maker (s)

To review the updated evidence submitted as part of the appeal and the position in defending the appeal

S24/0568 – Development east of Sewstern Industrial Estate, Gunby



Key

Application Boundary



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Addendum to Committee Report S24/0568 – Sewstern Road, Gunby

1 Introduction

- 1.1 Members will recall that this application was previously discussed at the Planning Committee meeting on 23 January 2025. At that meeting, the Committee resolved to refuse the planning application, contrary to Officer's recommendation for the following reason(s):

“The proposal, including the required upgraded access route, would result in a large-scale, industrial development which is considered to be an inappropriate form of development in this countryside location. The large scale and industrial nature of the development proposal would result in an adverse impact on the landscape setting and character of the area, which would be reduced, but not fully mitigated by the proposed landscaping and planting scheme resulting in harm to the rural landscape of the Kesteven Uplands.

The proposal would additionally negatively impact on neighbouring villages and residents through disturbance from the generation of additional traffic movements on local roads. There is particular concern with increased number of HGV movements on minor rural roads, including through the neighbouring villages, that are used by vulnerable road users such as walkers, cyclists, horse riders and children. The mitigation of the site access road does not remove the concern regarding the increase in HGV movements through neighbouring villages, and the application does not suitably take into account or address the negative impacts from the development on the transport network or amenity of neighbouring communities.

It is acknowledged that the generation of renewable energy would be a significant benefit provided by the scheme, however, it is not considered to outweigh the harm from the development in terms of impact on landscape, character and appearance of the area, and the amenity of neighbouring residents. The development is therefore contrary to Local Plan Policy E7, EN1, EN4, DE1 and RE1, and Paragraph 135 of the NPPF.

2 Updates since January 2025

- 2.1 The Council are in receipt of a formal appeal against the decision to refusal planning permission for the proposed development. A formal start letter has been received from the Planning Inspectorate (PINS), who have confirmed that the appeal will be determined by way of a Public Inquiry. The timetable for the appeal is as follows:
- By 7th October 2025 – the Council must submit a copy of its full Statement of Case, including any documents, maps or plans that it intends to use in evidence at the inquiry.
 - By 18th November – the Council and Appellant must submit a copy of Proofs of Evidence, which is the written statement that the Council and its witnesses wish the Inspector to take into account during the Inquiry.
 - Tuesday 16th December – The Inquiry is to be held at SKDC and is due to sit for 4 days.
- 2.2 All parties involved in an appeal are required to behave reasonably to support the efficient and timely progress of the appeal. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted in the appeal process, they may be subject to an award of costs. One example of circumstances where substantive costs may be awarded against a Local Planning Authority is in failing to review their case

promptly following the lodging of an appeal against refusal of planning permission, as part of sensible on-going case management.

- 2.3 As part of the submission of the Appeal, the Appellant has provided an addendum to the Landscape and Visual Impact Assessment, and an additional chapter of the Environmental Statement relating to off-site traffic, noise and amenity impacts. These are summarised and discussed in turn below.

Offsite Traffic / Air Quality / Noise (Create Consulting Engineers) (July 2025)

- 2.4 The Appellant has submitted an addendum to the Environmental Statement submitted as part of the planning application. The addendum specifically considers the potential impact of any changes in HGV movements that may be caused as a result of the development; and in particular, how any changes would impact on the amenity of the residents of the surrounding villages, in particular, Buckminster, Stainby, Colsterworth, Gunby and Sewstern. , and sets out the results of further updated traffic counts and CCTV assessments undertaken during June 2025 in each of the settlements.

- 2.5 A copy of the report is attached at Appendix 1 and can be summarised as follows:

Transport Assessment

- The main site access from Gunby Road has been amended to reduce the impact and scale of the access. The reduction in size of the radii has greatly reduced the overall size of the access providing a more defined route for the existing Gunby Road through traffic. In addition, the new HGV access track on the B676 Buckminster Road has been improved, providing improved visibility in both westbound and eastbound directions.
- The radii into the development has been restricted to prevent HGVs leaving the site from turning left or right along Gunby Road. All HGV movements will be directed to the north along the existing HGVs track which will be improved and extended to the south linking Gunby Road with the B676.
- The plant requires approximately 127,000 tonnes of feedstock to generate the planned 167.2GwH output. It is anticipated that 61,500 tonnes (48%) of that feedback will be supplied from the surrounding Buckminster Estate in addition to other nearby farms and stored on site until it is required. The remaining 65,500 tonnes of material will be supplied from a separate storage hub (Hub Clamp), which is proposed to be located to the east of the A1. Feedstock will be hauled from the Hub Clamp to the AD plant throughout the year with the amount reducing during the harvest period when more feedstock is provided directly from the surrounding fields. Buckminster Farm intends to supply 48,500 tonnes of feedstock, the remainder of the feedstock which is collected during the harvest will be provided by other farms in the nearby vicinity.
- Most of the grain currently farmed on the Estate is take to Garthorpe, to the west of the farm, where it is dried and processed before being sent on HGVs to its end market or other storage locations, namely grain stores on the estate.
- The straw which is harvested is generally moved 2 to 3 weeks after harvest and all of it is removed by road, the majority of which is transported off the farm using HGVs.
- All digestate currently used on the Estate comes in HGVs with generally 95% coming through Colsterworth from the A1.

Ironstone Traffic Generation/Distribution		
Harvest Scenario – October (Busiest Month)		
Process	Movements	Distribution
1. Harvest Movements	26 HGV 43 T/T	100% of HGV traffic from the west, southwest and north. Directed along Buckminster Road B676 towards the HGV access track. Other harvest traffic not using public highway mainly tractor trailer. 40% will be direct to plant off public highways/60% will be as HGV distribution
2. Hub Clamp/Store	10 HGVs	100% of traffic using HGV access track along Buckminster Road B676 to and from the A1
3. CO ₂	3.5 HGVs	100% of traffic using HGV access track along Buckminster Road B676 to and from the A1
4. Liquid Digestate	None	n/a
5. Solid Digestate	2.2 T/T	Tractor Trailer distribution same as Harvest HGVs
Changes in daily HGV Traffic Movements in 5 key villages		
Villages	Movements	Total Movements
Buckminster	26 25.8 (60% of 43)+2.2	26 HGV 28 T/T
Stainby	10 + 3.5 =	13.5 HGV
Colsterworth	10 + 3.5 =	13.5 HGV
Sewstern	-17.2 (40% of 43)	Minus 17.2 T/T
Gunby	-8.6 (approx. 50%)	Minus 8.6 T/T

Table 6.1: Traffic Generation/Distribution for Ironstone during the harvest period

Note: All movements taken from the FDL Schedule (Appendix C)

All HGVs are based on 26T vehicles and T/T are Tractor Trailer movements based on 16T.

All of the above are based on one-way daily movements

Ironstone Traffic Generation/Distribution		
Non-Harvest Period – March (Busiest Month)		
Process	Movements	Distribution
1. Harvest movements	n/a	None
2. Hub Clamp/Store	10 HGVs	100% of traffic using HGV access track along Buckminster Road to and from the A1.
3. CO ₂	3.5 HGVs	100% of traffic using HGV access track along Buckminster Road to and from the A1
4. Liquid Digestate	38.4 HGVs	Spread from site. Assume 40% not using public highway and 60% using HGV access track and Buckminster Road to distribute to the west
5. Solid Digestate	2.2 T/T	Assume distributed to the west along Buckminster Road
Changes in daily HGV Traffic Movements in 5 key villages		
Villages	Movements	Total Movements
Buckminster	23 (60% of 38.4) 2.2	23 HGV 2.2 T/T
Stainby	10 + 3.5 =	13.5 HGV
Colsterworth	10 + 3.5 =	13.5 HGV
Sewstern	None	n/a
Gunby	None	n/a

Table 6.2: Traffic Generation/Distribution for Ironstone during the non-harvest period

Note: All movements taken from FDL Schedule (Appendix C)

All HGVs are based on 26T vehicles and T/T are tractor trailer movements based on 16T

All of the above are based on one-way movements

- The above movements represent a worst-case daily change in HGV movements as a result of the development. With the ability for up to 40% of the farm to gain access to the AD plant without having to use the public highway, the introduction of the new

plant will result in a reduction of HGV movements in both Sewstern and Gunby. In particular, tractor trailer movements during the harvest period.

- At present these movements track westwards to the grain store at Garthorpe, using public highways. When the AD plant is operational, the crop from these areas will be delivered directly to the plant via the farm track network to the south, east and west of the plant, gaining access to the plant from the south.

	Surveyed Data		Estimated Changes in Daily HGV Movements		
	General Traffic	HGV	Harvest	Non-Harvest	Construction
Buckminster	1049>	253	+54.0	+25.2	+0
	1048<	231	+54.0	+25.2	+0
Stainby	892>	228	+13.5	+13.5	+30
	962<	222	+13.5	+13.5	+30
Colsterworth	1322>	278	+13.5	+13.5	+30
	1354<	280	+13.5	+13.5	+30
Sewstern	151>	39	-17.2	+0	+0
	155<	44	-17.2	+0	+0
Gunby	72>	15	-8.6	+0	+0
	76<	20	-8.6	+0	+0

Table 7.1: Changes in daily HGV movements

Note: General Traffic includes – LGVs, HGVs, Buses and Coaches

HGV includes – LGVs, HGVs, Buses and Coaches

Changes in Harvest and Non-Harvest Movements have been taken from Table 6.1 and 6.2.

- The analysis shows both Gunby and Sewstern experience no material change in HGV movements as a result of the construction stage and the non-harvest operational stage. However, these two villages would likely experience a reduction in HGV movements during harvest time, in particular tractor trailer movements. This has been estimated as a reduction of 17.2 daily tractor trailer movements in Sewstern and 8.6 daily tractor movements in Gunby.
- Buckminster shows the largest increase in movements during the Harvest period of up to an additional 54 HGV movements per day. As these movements relate to crop harvesting then it can be assumed that they would already be on the network during the harvest period, but travelling in a different direction towards the grain store at Garthorpe rather than the AD plant. These movements should not therefore be considered additional movements but rather a re-assignment of existing harvest movements on the network.
- For example, during the non-harvest period, Buckminster shows an HGV increase of 25.2 HGV movements in both directions. This is due to liquid digestate being delivered to the estate from the AD plant. However, these movements would already be on the network as the Estate currently imports liquid digestate from a 3rd party source.
- The only additional movements that would be experienced at Colsterworth and Stainby would be movements to and from the Hub Clamp / Store and the CO2 being removed from the site. These flows add 13.5 HGV movements in both directions, which represents a less than 5% increase in maximum daily HGV movements in these areas. These movements will only occur between Monday to Saturday, and will take place a maximum of 26 days a month during the non-harvest period, dropping to 14 to 18 days during the harvest.

- Whilst there is a small increase in HGV movements in this village, it is considered that the impact is negligible.
- The CCTV survey confirmed that there very few existing pedestrian and cycling movements along Gunby Road in the vicinity of the site. The highest number of cycling movements recorded in a single day was 19 which was in a westerly direction with 8 movements in an easterly direction. On the rest of the days surveyed, the number of cycling movements reduced to between 3 and 9 two way movements. The majority of these movements were straight through movements along Gunby Road, with only 2 days recording 2 cycling movements into Brooks Bros.
- The survey confirmed that there was very little pedestrian activity along Gunby Road. The largest movements were when 4 people used Gunby Road to access the industrial estate. The remainder of the days showed one or two movements being recorded.
- It is also proposed, subject to the availability of sufficient highway width that a new Trod (unsurfaced footway) will be provided along Gunby Road, which will seek to link the existing footway in Sewstern to the site access road and the industrial estate.

2.6 Officer's have engaged with Lincolnshire County Council (as Local Highways Authority) in relation to the updated evidence, and they have advised the following:

As per section 6.1 of the new Transport Assessment and 1.15.6 onwards of the old Transport Assessment, it is proposed that there will now be 127,000 tonnes of feedstock consumed, that is a drop of 3,000 from the previous proposed 130,000 tonnes.

It is proposed that 61,500 tonnes will now come from the surrounding farm and be stored on site. The remaining 65,500 tonnes of material will be supplied from a separate storage hubs.

It was previously proposed that 80,000 would come from the satellite sites, therefore, this is a reduction of 14,500 less being brought into the facility on the wider road network. The crops from the local area would be farmed and harvested if this site came a head or not, current harvests are taken to a grain store at Garthorpe, as such the storage and use of the crops on site would overall reduce the need to move 61,500 tonnes of crops going to a store and then onwards to a difference destination, however, would be counteracted by the incoming 65,500 tonnes from the hub sites, however, these would be directly into the site on A and B roads, rather than through the villages.

It was previously proposed that out of harvest there would be 28 HGV movements per day and in harvest there would be 70 HGV movements per day (although this was not narrowed down to highlight the impact on each village as per 1.15.18 and 1.15.19 of the old document). The new proposals would suggest that there will now only be 67 movements in harvest and 39 out of harvest, this in turn would equate to the highest number of HGVs per day dropping by 3.

There is no precise definition of "severe" with regards to NPPF Paragraph 116, which 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 would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- *The highway network is over-capacity, usually for period extending beyond the peak hours*

- *The level of provision of alternative transport modes*
- *Whether the level of queuing on the network causes safety issues*

In view of these criteria and taking into account the HGV movements because of the operation and construction stages of the AD Plan, including the reduction in overall movements for some villages, the consideration of movements that would be associated with the current farming of the land without the AD plant and existing movements on the highway network, the Highways Authority does not consider that the proposals would result in a severe impact with regard to NPPF.

Noise Assessment

- Two scenarios have been tested, the harvest period and the non-harvest period. Each period has been compared against the existing baseline to determine the change in sound levels over the short-term and long-term.
- Modelling during the harvest period shows a section of improved sound levels, this is due to a decrease in HGV movements along Gunby Road, Sewstern Road and Main Street. HGV movements on the access road has shown that an increase in sound will be present near the road, but all nearby receptors are shown to have a negligible to minor short term and negligible long-term impact.
- During the non-harvest periods, the impact to noise sensitive receptors is shown to be negligible over the short-term and long-term periods.
- Seasonal variations between harvest and non-harvest periods show a moderate short-term impact and low long-term adverse impact to some noise sensitive receptors. However, this area is already located close to several working farms and given the rural natural of the area is expected to overestimate the significance of impact to these receptors.

Air Quality

- Real time air quality monitoring was undertaken at three locations – Stainby, Gunby and Sewstern – over a three week period in summer 2025 to provide baseline data for the assessment.
- Concentrations for NO₂, PM₁₀ and PM_{2.5} remained well below relevant Air Quality Objectives throughout the monitoring period with the highest hourly and daily values recorded at Gunby. These findings indicate that baseline air quality within the vicinity of the proposed development is generally good, and pollutant levels are unlikely to pose a constraint on the scheme.
- The modelled results show predicted annual mean concentrations across the site boundary were below the relevant AQO in the proposed operational year, 2027. The development is therefore considered suitable for the proposed use without the implementation of mitigation techniques for air quality.
- The assessment has found that traffic generated during the plant's operation would result in a negligible impact on local air quality. As construction traffic is short term, its contribution is limited. When considered cumulatively, the combined effect of emissions from the plant, associated operational traffic, and construction activities is

still predicted to be negligible, with no significant change in pollutant concentrations at any sensitive receptor.

- 2.7 Officer's have also engaged with the Council's Environmental Protection Team in relation to the updated noise and air quality evidence, and they have advised the following:

The proposed approach involves constructing a dedicated HGV access track connecting the site directly to the B676 Buckminster Road. This design ensures all HGV movements avoid residential areas in Sewstern and Gunby.

Traffic Assessment Highlights

- *The report indicates that many HGV movements represent reassignments of existing traffic, rather than entirely new trips, thereby lessening the overall perceived impact on local communities.*
- *During the harvest period, HGV activity in Sewstern and Gunby is expected to decrease due to the use of farm tracks providing direct access to the AD plant.*

Construction Phase Management

The report proposes a Construction Traffic Management Plan (CTMP) will be implemented. This will ensure that all construction-related HGVs use the dedicated access route, avoiding local residential roads.

Traffic Impact Summary

- *Sewstern and Gunby: Anticipated reduction in HGV movements during harvest, enhancing road safety and residential amenity.*
- *Buckminster, Stainby, and Colsterworth: Minor increases in HGV traffic expected, though largely due to rerouting existing vehicles. These changes are not expected to result in significant negative impacts.*

Noise and Air Quality Impacts

- **Noise:** *Predicted impacts range from negligible to minor adverse, with no significant long-term effects on local residents.*
- **Air Quality:** *Expected to remain within acceptable levels, with pollutant concentrations well below Air Quality Objectives (AQOs) at all sensitive receptors.*

Cumulative Impact

The combined effects of construction, operational traffic, and plant activity are predicted to be negligible, resulting in minimal disruption to surrounding residential areas.

Conclusion

The proposed traffic and environmental mitigation measures particularly the dedicated HGV access track, use of farm tracks, and CTMP are appropriate and effective in reducing potential impacts. The assessment supports the conclusion that the development will have a negligible impact on traffic, noise, and air quality, and will not significantly affect the residential amenity of nearby villages

Addendum to Landscape and Visual Impact Assessment (Broome Lynne)

- 2.8 The Appellant has also submitted an addendum to the Landscape and Visual Impact Assessment submitted as part of the application. The addendum seeks to respond to observations made by members of the public during the determination of the planning application. Notably, the Addendum does not reach any alternative conclusions in respect of the likely harm resulting from the proposed development, which it reiterates as being moderate adverse in the short term, to minor in the long term.
- 2.9 A copy of the Addendum is enclosed at Appendix 2 and is summarised as follows.

- It is noted that the area around the site is not subject to any landscape conservation or protection designations, and it is considered that it is an intensively farmed and highly managed landscape with few extant semi-natural landscape features or distinctive characteristics.
- Even the woodland immediately to the west of the application site is a modern feature of the second half of the 20th century. The extensive past use of the surrounding land for ironstone extraction, and its subsequent partial restoration, has resulted in significant changes in the natural landform as evidenced by topographical mapping. A railway associated with the ironstone works stretched north-south running along the western side of the site, and which is now used in part as farm tracks, and the former railway sidings and quarry immediately north of the site are now used as a busy industrial and commercial centre.
- Thus, it is a relatively undistinguished landscape with topography and features which have been heavily influenced by historical industrial activity, recent commercial development immediately to the south of the site and modern intensive agriculture.
- The form and appearance of the domed digester vessel and associated tanks introduced by the proposed development may contrast with the large barn type structures normally seen on agricultural complexes in the countryside. However, following completion of the construction works, taking into account the distance from residential properties and settlements, the existing vegetation, local topography, surrounding agricultural and commercial activities, and the fact that the site does not fall within a designated landscape, it is considered that initially the proposed development would result in a partial change to the landscape characteristics of the Character Area.
- Visually, the LVIA concedes that from the closest viewpoints to the east (from the permissive footpath to the south of Gunby), and some views through the roadside hedgerow to the north-east and north-east there will be a moderate adverse impact due to construction activities, and the introduction of a new built feature, reducing to minor adverse with landscape mitigation after year 5. The reduction in the level of impact is because over time (5-15 years), the proposed new planting and growing on of existing vegetation will mature and increase in density and soften the proposed scheme.
- There is a slight adverse impact on the topography of the area. This is because the proposed development will make a slight difference in the landform. However, this is very minor, and one which would be expected with any form of development.

Appellant's Statement of Case

- 2.10 The Appellant's Statement of Case (Appendix 3) has suggested that the Local Planning Authority has misapplied Policy E7 of the Local Plan, insofar as it relates to small business schemes in the rural economy, and given this is not a small business scheme, the policy is not applicable.
- 2.11 However, Officer's note that Paragraph 2.91 of the supporting text identifies that the policy relates to "the need to support sustainable growth and businesses in rural areas, and also that diversification into non-agricultural use is important to ensure the continuing vitality of rural areas. Local authorities are encouraged to establish criteria to be applied to planning applications for farm diversification and to support diversification for business purposes".

- 2.12 In this case, the proposed development relates to a land-based operation, in which the proposed development supports the continued diversification of an agricultural operation by providing a secured use for the crop. As such, it is Officer's assessment that this policy is applicable.

3 Officer Advice to Members

- 3.1 Following the Planning Committee's resolution refuse the application, contrary to Officer recommendation, this report seeks to advise Members of the additional / revised evidence submitted as part of the planning appeal and seek confirmation as to whether the Committee wishes to reconsider its position in relation to any matters of landscaping, highways impact or residential amenity, in light of the updated evidence and advice received from statutory consultees.
- 3.2 Officer's have engaged with Counsel regarding the appeal, and a copy of their written advice will follow as part of the additional items paper.
- 3.3 Members are advised that Counsel advice is exempt from publication due to it containing details which are subject to legal privilege, and therefore, publication of this information could prejudice the Council's position in relation to the forthcoming appeal. Furthermore, for the same reasons, members of the public and press will be excluded from the meeting during the discussion of this advice and any resolution in relation to the Council's approach to the appeal.
- 3.4 As required by the Local Government Act 1972, in circumstances where the Council wish to consider a matter with press and public excluded from the meeting, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is public interest in further information relating to the appeal being in the public domain, which include enabling further public understanding of the issues involved, further public participation in the consideration of the revised evidence, and promoting transparency for the Council's decision-making process.
- 3.5 Weighed against this is the fact that the exempt appendix is to contain legal advice which is subject to legal professional privilege. The principle of ensuring access to full and frank legal advice is fundamental to the administration of justice. Although the Council aim to be transparent and accountable to the public, in this case the safeguarding of the openness in all communications between the Council and the lawyer overrides the public interest in disclosure.
- 3.6 It is considered that the public interest is best served in this matter by not releasing this information at this time and that a significant amount of information regarding the matter has been made available on these issues – by way of the main report. Relevant information regarding this matter will be put in the public domain at the appropriate time. The Council considers that the public interest is in favour of exempting this information.

4 Recommendation

- 4.1 To review the updated evidence submitted as part of the appeal and to review the position of the appeal.

Appendix 1 - Offsite Traffic / Air Quality / Noise (Create Consulting Engineers) (July 2025)

Appendix 2 – Addendum to Landscape and Visual Impact Assessment (Broome Lynne) (August 2025)

Appendix 3 – Appellant’s Statement of Case

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Ironstone Energy Limited

PROPOSED ANAEROBIC DIGESTION (AD) PLANT, LINCOLNSHIRE

ES Chapter – Offsite Traffic/Air Quality/Noise

PROPOSED ANAEROBIC DIGESTION (AD) PLANT, LINCOLNSHIRE

ES Chapter – Offsite Traffic/Air Quality/Noise

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1.0 INTRODUCTION

Instruction

- 1.1 Create Consulting Engineers Ltd have been instructed by Ironstone Energy Ltd to prepare an addendum to the Environmental Assessment that has been prepared in support of their proposal to build a new Anaerobic Digestion (AD) Plant to the south east of the Sewstern Industrial Estate, Sewstern, near Grantham.

Scope

- 1.2 This addendum is intended to build on the earlier work, which was coordinated by Heatons, and supported technically by NTP on transport issues and Sharpes Redmore on Air Quality and Acoustics. The assessment concentrates on the potential impact of any changes in HGV movements that may be caused as a result of the development; in particular, how any changes would impact on the amenity of the residents of the surrounding villages in particular Buckminster, Stainsby, Colsterworth, Gunby and Sewstern.
- 1.3 The report does not consider the potential impact of the plant itself which has been covered by the Planning and Environmental Statement which has been prepared by Heatons. This report purely concentrates on HGV vehicle movements to and from the site.
- 1.4 Two operating scenarios have been considered in this report, the first is during the harvest period with October being considered to be the busiest in terms of HGV movements. The second scenario is one outside of the harvest period with March being shown as the busiest of these months in terms of HGV movements. The report also considers the impact of the Construction Stage.
- 1.5 The report looks at the maximum number of daily HGV movements that is likely to be generated within these periods on various sections of the network. All the various processes that will be undertaken on the site have been considered, along with the potential vehicle movements these are likely to generate. The distribution of these movements has been considered, based on known key destinations. The report also considers how these movements are altered during the harvest period where a large proportion of the AD plant's feedstock will be collected directly from the surrounding Buckminster Farms and other local farms.
- 1.6 The report then considers the potential impact of the changes in traffic movements on the Air Quality that will be experienced in the surrounding villages, as well as potential increase in noise levels. The assessment of any changes in Noise and Air Quality have been chosen as two of the main characteristics which could impact on the amenity of an area.
- 1.7 In each section of the report the following scenarios are considered
- Baseline Position
 - Construction Phase Effects
 - Operational Phase Effects
 - Cumulative Effects
- 1.8 The report then summarises the main impacts and evaluates any mitigation measures that may be introduced.

- 1.9 This report is to be read in conjunction with Transport Assessment, Reference JPC/VL/P25-3541/01, Acoustic Report, Reference MT/VL/P25-3541/02, and Air Quality Assessment, Reference, TR/VL/P25-3541/03.

Proposed Development

- 1.10 The proposed AD plant is intended to be constructed just to the south east of the Sewstern Industrial Estate to the south of Gunby Road. The site is located to the east of Sewstern and approximately 2.5 km from Buckminster and 4 km from Colsterworth. The A1 trunk road is located 4 km to the east of the site and Grantham which is the largest nearby town is located 14.2km to the north.

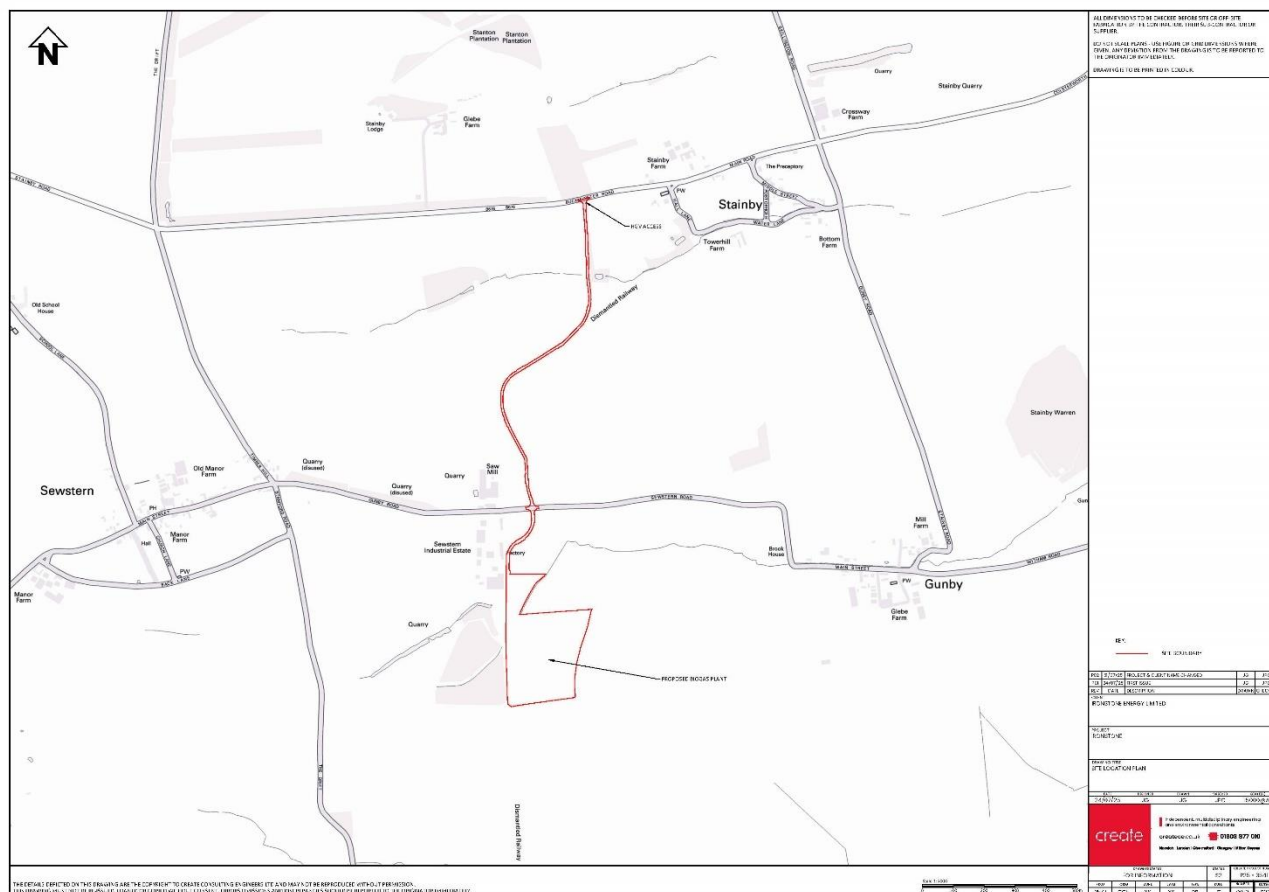


Figure 1.1: Proposed Site Location

- 1.11 The site currently forms part of the Buckminster Estate, a large agricultural estate which covers an area of land stretching from Wymondham in the south west, up to Stonesby in the Northwest, across to Gunby in the south east and Skillington in the north east.
- 1.12 The actual area to be developed is currently being used for agricultural purposes.
- 1.13 The new AD Plant will take the form of digesters, silage clamps and digestate storage, along with associated buildings and hardstanding. A general arrangement of the proposed plant and landscape screening is shown below.

2.0 TRANSPORT

Baseline

- 2.1 To inform the study, a series of new traffic surveys were commissioned. This included the installation of 7 Automatic Traffic Counting ATC Loops. These were located on the B676 within Buckminster, one to the west of the HGV access track, one in Stainby and a further one located in Colsterworth.
- 2.2 Further ATCs were located on the Drift to the south of the junction with Gunby Road and one on Gunby Road within Sewstern to the west. The final ATC was installed along Main Street in Gunby. See Drawing below showing the location of the various Traffic Surveys.

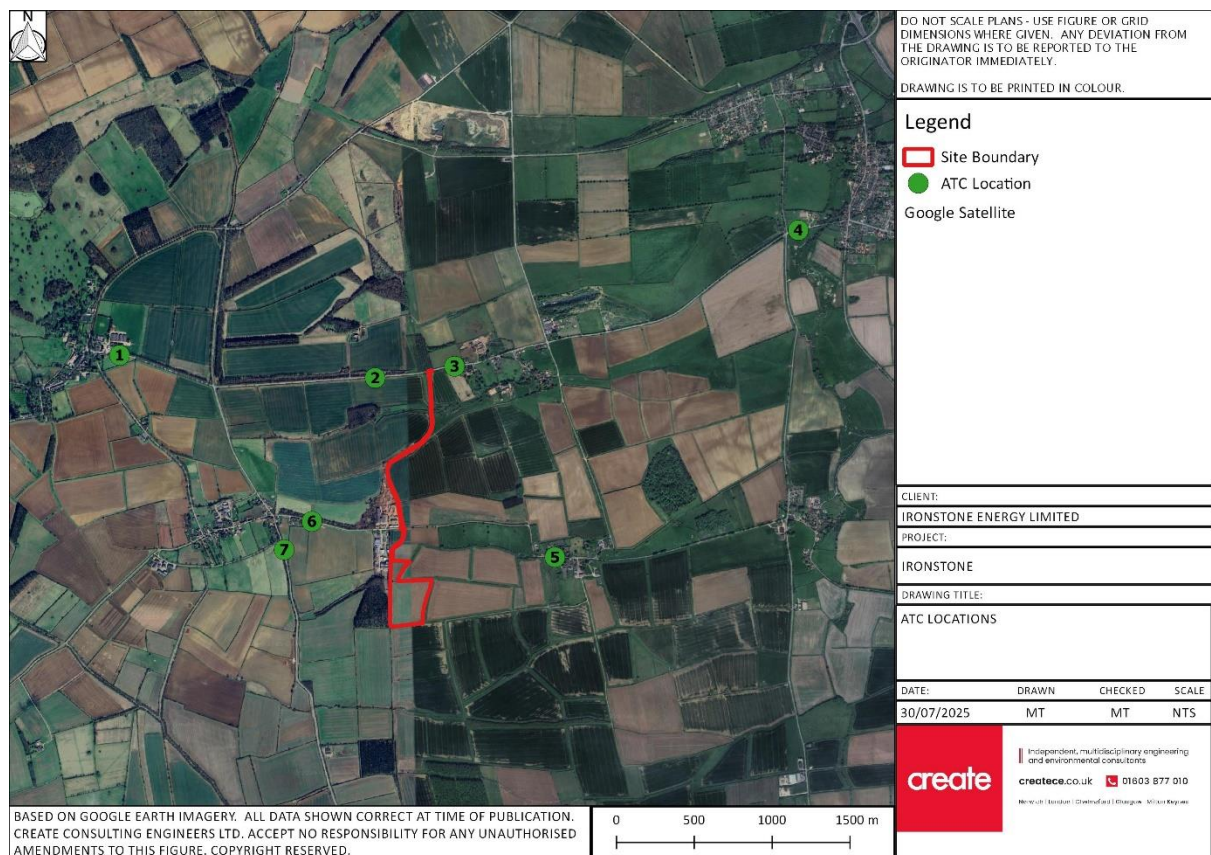


Figure 2.1: ATC Locations

- 2.3 The ATCs were installed on the 24th June by PCC an independent specialist data collection company, and data was collected up to and including the 30th June 2025. ATCs are excellent ways of obtaining classified traffic data, along with speed surveys at each location.
- 2.4 In addition to the ATC, a CCTV survey was also undertaken at the junction of the existing Sewstern Industrial Estate, Gunby Road and Brooks Bros Timber Yard. The CCTV survey was undertaken between 23rd June and the 27th June and was again collected by PCC. The CCTV survey was undertaken to get a good understanding of the level of movements undertaken by vulnerable users within the vicinity of the site access, along with a detailed understanding of the movements to and from the industrial estate and the Timber Yard.

- 2.5 The results of the ATC surveys and the CCTV surveys are included in Appendix A and B of the Transport Statement.
- 2.6 In addition to the Traffic Data collected, baseline Noise and Air Quality Data was also collected at five key locations in Buckminster, Stainby, Gunby, Sewstern and Colsterworth.

Operational

- 2.7 To inform this study we have discussed the various methods of hauling and distributing both the feedstock to the site and the various by-products with the Feedstock Development Lead (FDL) at Future Biogas who has a wealth of experience in crop management, including haulage and harvesting methods and has a detailed knowledge of how the AD plant will operate.
- 2.8 The FDL has provided a schedule showing a typical year with anticipated HGV trip movements as a result of the various processes being undertaken at the AD Plant. See Appendix C of the Transport Assessment. This schedule identifies the various trip movements that occur during the harvest and non-harvest periods, with October being identified as being the busiest month during the harvest and March being the busiest period in the non-harvest period.
- 2.9 We have therefore used both months as our assessment scenarios. It is to be noted that these have been chosen to represent a worst case and the same level of vehicle movements will not be experienced throughout the rest of the year. We have also decided to consider traffic movements on the network over a whole working day from 6am in the morning through to midnight to allow for later vehicle movements during the harvest period. Within this period there will be peak hours on the network, and times where more vehicles will arrive in an hour than others. This period covers the majority of vehicle movements that would be generally experienced within a typical day on the highway network. It is to be noted though that the AD Plant itself will only receive crops and deliveries between the hours of 07:00 and 19:00, with this time extending until 21:00 hrs during harvest period.
- 2.10 It is proposed that prior to the plant being constructed that the HGV access track will be upgraded to provide access for HGVs for both the construction period as well as during the operation of the plant. All HGV movements to and from the site will be directed to use this route. The following assessment therefore assumes that the HGV access track is available and that no HGVs will use either Gunby Road, the Old Post Lane, The Drift or School Road to access the proposed development.

Harvest Period

Ironstone Traffic Generation/Distribution		
Harvest Scenario – October (Busiest Month)		
Process	Movements	Distribution
1. Harvest Movements	26 HGV 43 T/T	100% of HGV traffic from the west, southwest and north. Directed along Buckminster Road B676 towards the HGV access track. Other harvest traffic not using public highway mainly tractor trailer. 40% will be direct to plant off public highways/60% will be as HGV distribution
2. Hub Clamp/Store	10 HGVs	100% of traffic using HGV access track along Buckminster Road B676 to and from the A1
3. CO ₂	3.5 HGVs	100% of traffic using HGV access track along Buckminster Road B676 to and from the A1
4. Liquid Digestate	None	n/a
5. Solid Digestate	2.2 T/T	Tractor Trailer distribution same as Harvest HGVs
Changes in daily HGV Traffic Movements in 5 key villages		
Villages	Movements	Total Movements
Buckminster	26 25.8 (60% of 43)+2.2	26 HGV 28.0 T/T
Stainby	10 + 3.5 =	13.5 HGV
Colsterworth	10 + 3.5 =	13.5 HGV
Sewstern	-17.2 (40% of 43)	Minus 17.2 T/T
Gunby	-8.6 (approx. 50%)	Minus 8.6 T/T

Table 2.1: Traffic Generation/Distribution for Ironstone during the harvest period

Note: All movements taken from the FDL Schedule (Appendix C)

All HGVs are based on 26T vehicles and T/T are Tractor Trailer movements based on 16T.

All of the above are based on one-way daily movements

Non-Harvest Period

Ironstone Traffic Generation/Distribution		
Non-Harvest Period – March (Busiest Month)		
Process	Movements	Distribution
1. Harvest movements	n/a	None
2. Hub Clamp/Store	10 HGVs	100% of traffic using HGV access track along Buckminster Road to and from the A1.
3. CO ₂	3.5 HGVs	100% of traffic using HGV access track along Buckminster Road to and from the A1
4. Liquid Digestate	38.4 HGVs	Spread from site. Assume 40% not using public highway and 60% using HGV access track and Buckminster Road to distribute to the west
5. Solid Digestate	2.2 T/T	Assume distributed to the west along Buckminster Road
Changes in daily HGV Traffic Movements in 5 key villages		
Villages	Movements	Total Movements
Buckminster	23 (60% of 38.4)	23 HGV
	2.2	2.2 T/T
Stainby	10 + 3.5 =	13.5 HGV
Colsterworth	10 + 3.5 =	13.5 HGV
Sewstern	None	n/a
Gunby	None	n/a

Table 2.2: Traffic Generation/Distribution for Ironstone during the non-harvest period

Note: All movements taken from FDL Schedule (Appendix C)

All HGVs are based on 26T vehicles and T/T are tractor trailer movements based on 16T

All of the above are based on one-way movements

- 2.11 It is to be noted that the movements to and from the Hub Clamp store only take place Monday-Saturday and are significantly reduced during the harvest period, with the number of days the movements are undertaken dropping from 26 days a month down to between 14 to 18 days a month.
- 2.12 The above movements all represent a worst-case daily change in HGV movements as a result of the development. With the ability for up to 40% of the farm to gain access to the AD plant site without having to use Public Highway, the introduction of the new plant will result in a reduction of HGV movements in both Sewstern and Gunby. In particular, Tractor Trailer movements during the Harvest periods of July/August/September/October.
- 2.13 At present, these movements track westwards to the grain store at Garthorpe, using public highway. When the AD plant is operational, the crop from these areas will be delivered directly to the plant via the farm track network to the south/east and west of the plant, gaining access to the plant from the south, with only the need to cross public highway in a few isolated places. This should provide a real benefit to the adjoining two villages.
- 2.14 The site when operational will employ 6 or 7 full time members of staff, who work on rotational basis to fit in with operational requirements of the AD plant. The worst-case scenario would be that all 7 staff members would arrive at site at the same time in separate cars. This would result in the maximum of 14 two-way daily car trips being generated throughout the year. This traffic would be directed to the site from the B676 along Timber Hill then into the site along Gunby Road. This increase in vehicle movements would represent only a 4.6% increase in movement along Gunby Road.

Construction Vehicle Movements

- 2.15 It has been estimated that during the construction phase of the project that a maximum of 30 HGVs movements a day could be experienced. This is likely to only occur when there is a large concrete pour onsite which is anticipated to only occur once or twice during the construction period. The remainder of the construction period HGV deliveries will be considerably less than this figure, with the average being more around 5 HGVs a day, with many days not receiving any.
- 2.16 With respect to HGV movements, it has been assumed that 100% of these movements will be directed towards the A1 on the B676 from the existing HGV access track during the construction stage. The HGV access track will be upgraded prior to construction activities on site.
- 2.17 It has also been estimated that the site will have between 100 to 150 people working there during the peak construction activity. We have assumed that 80% of these will arrive by private car resulting in 240 daily two way movements being estimated to and from the site. This should be considered very much a worst case as it represents the peak period in construction activity on the site. These vehicles will also be directed along the B676 towards the HGV access track.
- 2.18 It is anticipated that this figure would be considerably lower than this for the majority of the construction period and that the above estimate of movements is considered an absolute worst case.

Operational Impact

- 2.19 To assess the potential scale of impact of the changes in vehicle movements we have collected new traffic data within the surrounding villages to the plant as outlined in Section 4.0 of this report. The ATCs that were installed in Buckminster, Sewstern, Gunby, Stainby and Colsterworth returned the following average daily movements. Appendix E of the Traffic Assessment has the full set of Traffic Flow Diagrams for the Harvest, Non-Harvest and Construction Stages.

	Surveyed Data		Estimated Changes in Daily HGV Movements		
	General Traffic	HGV	Harvest	Non-Harvest	Construction
Buckminster	1049>	253	+54.0	+25.2	+0
	1048<	231	+54.0	+25.2	+0
Stainby	892>	228	+13.5	+13.5	+30
	962<	222	+13.5	+13.5	+30
Colsterworth	1322>	278	+13.5	+13.5	+30
	1354<	280	+13.5	+13.5	+30
Sewstern	151>	39	-17.2	+0	+0
	155<	44	-17.2	+0	+0
Gunby	72>	15	-8.6	+0	+0
	76<	20	-8.6	+0	+0

Table 2.3: Changes in daily HGV movements

Note: General Traffic includes – LGVs, HGVs, Buses and Coaches

HGV includes – LGVs, HGVs, Buses and Coaches

Changes in Harvest and Non-Harvest Movements have been taken from Table 2.1 and 2.2.

- 2.20 The above table shows the absolute worst case scenario of predicted changes in two-way HGV movements that will occur as a result of the introduction of the AD Plant. These peak movements will only be for very short period of time.

- 2.21 All HGV and Tractor & Trailer movements to and from the AD Plant site will be sheeted during both the construction and the operational stage. Thus preventing 'straw drop' and other debris from being an issue as vehicles travel to and from the site. This will provide during harvest period an improvement over the general movement of crops within the area, especially those which will now be directly feeding the plant.

Impact on Gunby and Sewstern

- 2.22 The analysis shows both Gunby and Sewstern experience no material change in vehicle movements as result of the construction stage and the non-harvest operational stage. However, these two villages would likely experience a reduction in HGV movements during harvest time, in particular tractor trailer movements, since, in the years when the estate is growing feedstock for the AD plant, these would be directed to the plant, avoiding the public highway. This has been estimated as a reduction of 17.2 daily Tractor Trailer movements in Sewstern and 8.6 daily tractor trailer movements in Gunby.
- 2.23 The introduction of the AD Plant on the villages of Gunby and Sewstern will not cause any detrimental impact on traffic movements, highway safety and overall capacity. There will however be a beneficial impact on the villages during harvest period, with the number of HGV movements actually reducing in the villages which will help improve highway safety and overall general amenity.

Impact on Buckminster

- 2.24 Buckminster shows the largest increase in movements during the Harvest period of up to an additional 54 HGV movements a day. As these movements relate to crop harvesting then it can be assumed that they would already be on the network during the harvest period, just travelling in a different direction towards the Estates grain store at Garthorpe, rather than to the AD Plant. These movements should therefore not be considered as new vehicle movements just a re-assignment of existing harvest movements on the network. We have however used this increase in the Noise and Air Quality Assessments to make sure that we are considering an absolute worst case scenario.
- 2.25 During the non-harvest period, March for example, Buckminster is showing an HGV increase of 25.2 movements a day in both directions. This is mainly due to the liquid digestate being delivered to the estate from the AD Plant. These movements would already be on this section of the network as the Estate currently imports Liquid Digestate from a third party source which is delivered from the A1 along the B676 passing through Stainby and Colsterworth. In Buckminster these movements should not be considered as new movements on the network but as a reassignment.
- 2.26 The operation of the AD Plant would cause no material impact to vehicle movements, highway safety and highway capacity within Buckminster.

Impact on Stainby and Colsterworth

- 2.27 The introduction of the AD plant will remove the need for the estate to import liquid digestate which should help to reduce vehicle movements through Colsterworth and Stainby.
- 2.28 The only additional movements that would be experienced because of the development are the movements to and from the Hub Clamp/Store and the CO₂ being removed from site. These flows add 13.5 HGV vehicle movements in both directions through the villages of Stainby and Colsterworth, which represents less than a 5 % increase in maximum daily HGV vehicle movements in these areas. These

movements will only occur between Monday to Saturday and will take place a maximum of 26 days a month during the non-harvest period, dropping down to 14 to 18 days a month during harvest.

- 2.29 Whilst there is a very small increase in HGV movements in these villages due to the operation of the plant, it is considered that the impact on vehicle movements, highway safety and overall capacity is negligible.

Impact of Construction Vehicle Movements

- 2.30 As previously stated, the HGV access track will be upgraded prior to construction so that all HGV movements and general construction traffic to and from the site will use this to gain access to the site and will be directed to and from the A1.
- 2.31 A Construction Traffic Management Plan CTMP will be prepared to support the proposed scheme, and this will identify approved routes to and from the site for various sizes of vehicles. If contractors fail to comply with the routes identified in the plan, there will be penalties that will be secured through the main construction contract. The CTMP will direct all HGVs towards the B676 and the A1, with all HGV and construction traffic accessing the site using the new HGV access track.
- 2.32 All deliveries and visitors attending the site during the construction period will be informed of the agreed access routes to and from the development in advance of any trip being made. The developer already has experience of operating haulage and delivery protocols during the construction and operational phases of their sites.
- 2.33 The increase in car movements during the construction phase of the project won't impact on Gunby Road or the adjoining villages of Sewstern and Gunby, as all construction vehicles will be directed along the B676 to the HGV access track away from the villages.
- 2.34 There will however be an increase in car movements along the B676 and whilst the majority of the construction related traffic will be to and from the A1, there will be a proportion of car/LGV movements which will be from the Buckminster direction. We have therefore assumed that 20% of all general car movements from the site will be to and from the west and the remaining 80 % will be from the east and the A1. Therefore, Buckminster will experience an absolute worst-case percentage increase of 2.3% in two way car movements during the construction stage.
- 2.35 With Stainby and Colsterworth experiencing an absolute worst-case increase of 7% in two way car movements during the construction stage. See Appendix E of the Transport Assessment for the Construction Vehicle Traffic flows.
- 2.36 To help reduce these vehicle movements the developer is prepared to operate a mini bus pickup service to bring construction workers to and from the site. In addition, construction workers will be encouraged to car share where possible, which will be promoted as part of the Sustainable Travel Plan.
- 2.37 With respect to HGV movements, it has been assumed that 100% of these movements will be directed towards the A1 on the B676 from the existing HGV access track during the construction stage. This will result in a relatively small increase of around 11% in HGV movements along the B676, within Stainby and Colsterworth.
- 2.38 It is to be noted that again this estimate is based on a very much an absolute worst-case scenario during the peak construction period and will probably only occur for one to two days. The majority of

the time during the construction stage the HGV movements will be considerably less with an increase of 1.8% being more likely to be experienced.

- 2.39 This level of increase is for a finite period of time and even with the very short potential peak increase it is not considered that this will have any detrimental impact on highway safety and general capacity within the villages of Buckminster, Stainby and Colsterworth.

Transport Conclusions

- 2.40 The main purpose of this chapter is to assess the potential impact of any changes in traffic movements that would occur as a result of the AD Plant during both its construction and operation. The supporting Transport Assessment outlines the process of data collection, a review of existing baseline conditions and the anticipated trip generation that would occur as a result of the development.
- 2.41 A detailed assessment has been undertaken with input from the Feedstock Development Lead (FDL) and the Buckminster Estate to assess the current cropping patterns for the surrounding area and to estimate where and when most of the HGV movements occur. This was considered for both the harvest and non-harvest scenarios, by looking at the various movements that would be undertaken solely on the farm track network and those which would involve public highway. Each process was considered along with the anticipated direction the various vehicles would travel.
- 2.42 We then considered how these movements would be distributed and the potential impact on the five villages from which base traffic data was collected.
- 2.43 It is intended that, as part of the development, the existing HGV access track which connects the Brooks Bros Timber Yard to the B676 will be upgraded and extended down to Gunby Road. This would then be used by all HGV traffic accessing the site, along with all construction traffic. The access design at Gunby Road has been modified to ensure that all HGVs visiting the site use this route, rather than Gunby Road and Sewstern Road.
- 2.44 In addition, up to 40 % of the existing farm traffic can currently access the proposed AD plant by utilising an existing network of existing farm tracks without having to use Public Highway apart from isolated crossing points. This will result in a significant number of HGVs and Tractor Trailer movements that currently pass through the villages of Gunby and Sewstern being removed.

Buckminster

- 2.45 The results have shown that for the harvest period the village with potentially the largest increase in HGV movements would be Buckminster, however most of these movements are already on the network just travelling in a different direction and therefore are only a re-assignment rather than an increase.
- 2.46 There is a similar situation in the non-harvest period where the increase in vehicle movements in Buckminster relates to the spreading of the Liquid Digestate which will now come from the AD Plant. Currently this is imported by the Estate from outside of the area, along the B676 and the A1. Therefore, again this is not an increase in vehicle movements in the Buckminster area and should be considered as a reassignment of movements. The changes in where the Estate source their liquid digestate following the construction of the AD plant will actually reduce the existing HGV movements travelling through Stainby and Colsterworth.

- 2.47 It can therefore be concluded that there are no real increases in vehicle movements through Buckminster, with any potential increases being reassignments of existing vehicle movements.

Sewstern and Gunby

- 2.48 The two smaller settlements immediately adjacent to the site (Sewstern and Gunby) will not be impacted by additional HGV movements from the proposed AD Plant with all HGV movements being directed away from the villages by using the upgraded HGV access track to the B676 Buckminster Road. In fact, during the harvest period there will actually be a reduction in HGV movements as the majority of movements estimated at 17.2 Tractor Trailer movements in Sewstern and 8.6 movements in Gunby will be directed straight to the AD Plant using the network of farm access tracks away from the public highway, whereas currently in harvest period the areas that are cropped around Gunby would transport their crop using HGVs and Tractor Trailers in a westerly direction towards Garthorpe, passing through Sewstern. This reduction in HGV movements should help to improve highway safety in the villages during the harvest period.

Stainby and Colsterworth

- 2.49 The only real increase in HGV movements that has been caused by the proposed AD Plant is the HGV movements to and from the Hub Clamp/Store located to the east of the A1 and the removal of the CO₂ which is generated on the site. These movements combined generate an additional 13.5 daily HGV movements each way within Stainby and Colsterworth, representing less than a 5% increase over the current level of HGV movements in the area. These movements are only undertaken Monday to Saturday, for a maximum of 26 days a month during the non-harvest period and only 14 -18 days during the harvest month. This would not be classified as a significant level of impact.

Construction Phase

- 2.50 The absolute worst case construction traffic predictions only show a 11% increase in daily HGV movements in Stainby and Colsterworth, with a more typical level of increase being nearer 1.8% in these villages during the construction stage. No other village would be affected by an increase in HGV movements.
- 2.51 Buckminster would experience a small increase in car movements during the construction period, with an absolute worst case increase of 2.3% increase in two-way car movements. This would be only for a limited time and for the majority of the construction period the number of car movements would be significantly less.
- 2.52 The developer is proposing to operate a sustainable travel plan, both for the operational and construction phases with the aim to reduce private car movements to and from the site. This will help significantly reduce the number of vehicle trips to and from the site. The Sustainable Travel Plan will provide information in relation to existing bus services, coordinate a car share scheme, access for permanent staff to a cycle to work scheme, a minibuss service during construction stage, washroom facilities, cycle parking and the provision of a new trod (Unsurfaced footway) within public highway to the village of Sewstern.

Overall Conclusion

- 2.53 With only two of the villages effectively impacted by low increases in HGV movements as a result of the operation and construction stages of the AD Plant and some villages actually benefitting from a reduction in movements. It is considered that the development of the AD Plant at this site will cause negligible impact on the amenity of the surrounding villages.
- 2.54 The proposed development will not cause any detrimental impact on highway safety and highway capacity and will not cause any significant environmental effects in traffic and transport terms. With the two nearby villages of Gunby or Sewstern actually benefitting from a positive impact as a result of the removal of a fairly large proportion of the farm traffic from their roads during harvest.

3.0 NOISE

Baseline

- 3.1 A site survey was undertaken on site on 18 June 2025 to support our assessment and five logging sound level meters were installed on site for a period of seven days. In addition, shortened measurements surveys were undertaken in two locations.
- 3.2 The site is relatively large. However, in all locations the primary source of noise measured at the monitoring locations were from road traffic on the nearby roads.
- 3.3 The measurement locations used for our survey are shown in the figure below:

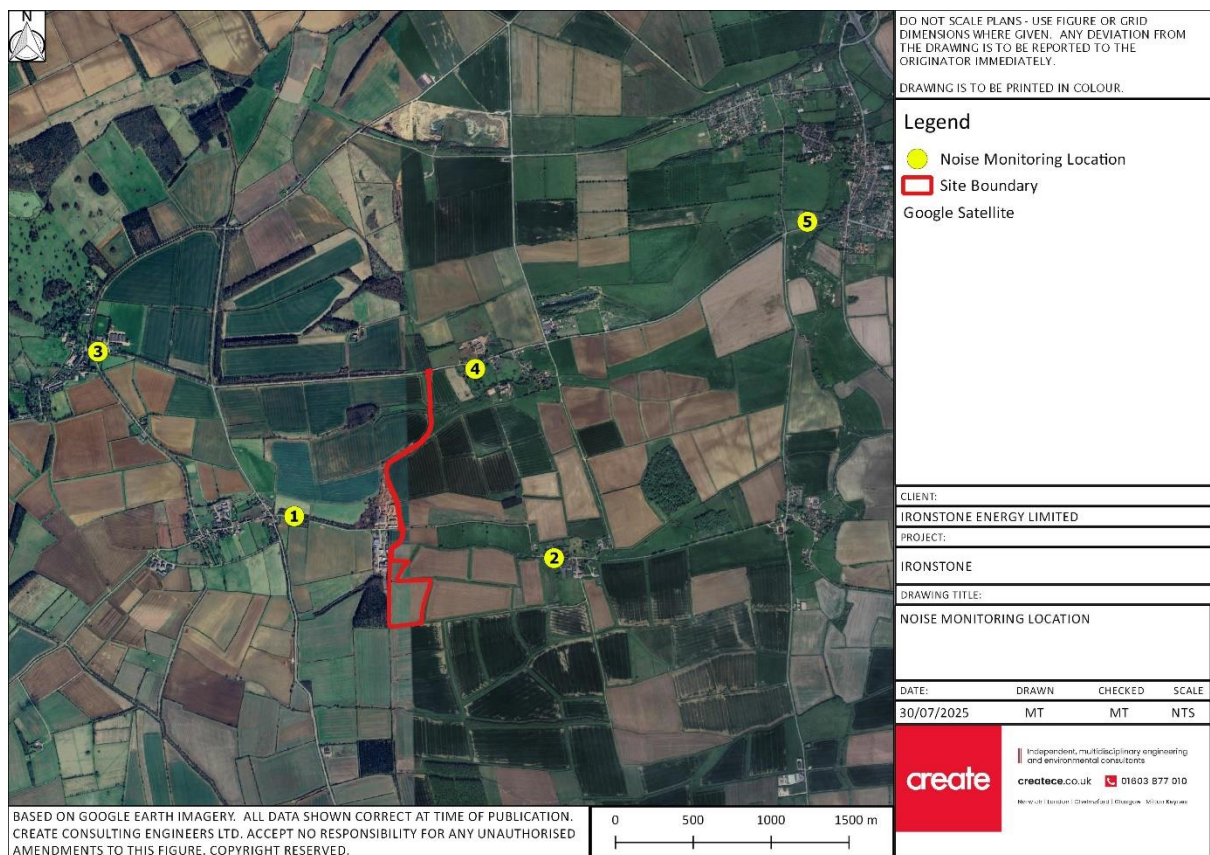


Figure 3.1: Measurement Locations

- 3.4 Measurements in positions 2, 4 and 5 were taken at a height of 1.5 m above ground. Measurements in positions 1 and 3 were taken at a height of 3 m above ground. All measurements were taken in terms of; L_{eq} , L_{10} and A-weighted levels. The results of our survey are summarised in Section 5.0 of the Acoustic Report.
- 3.5 The equipment was calibrated at 113.8 dB at 1 kHz before the survey. There was no significant drift noted over the course of the survey. A summary of equipment used, and calibration information is contained in Appendix C of the Acoustic Report.
- 3.6 Weather over the course of the survey was logged on a CLIMEMET CM2000 weather station. Conditions during the survey were considered favourable for environmental measurements, particularly given

the proximity of the measurement locations to the surrounding roads. Wind speeds remained below 5 m/s throughout the survey period. Short periods of light rain were noted; however, this did not extend over a significant time period and did not impact the measurement data. Temperatures ranged between 12 and 30 degrees Celsius.

- 3.7
- No periods of adverse weather have been excluded from our assessment as the impact would be insignificant to the conclusions drawn in this assessment.
- 3.8
- In addition to the sound level monitoring, we have also been provided with ATC and MCC data at several locations around the site.
- 3.9
- The ATC locations are shown in Figure 3.2 below:

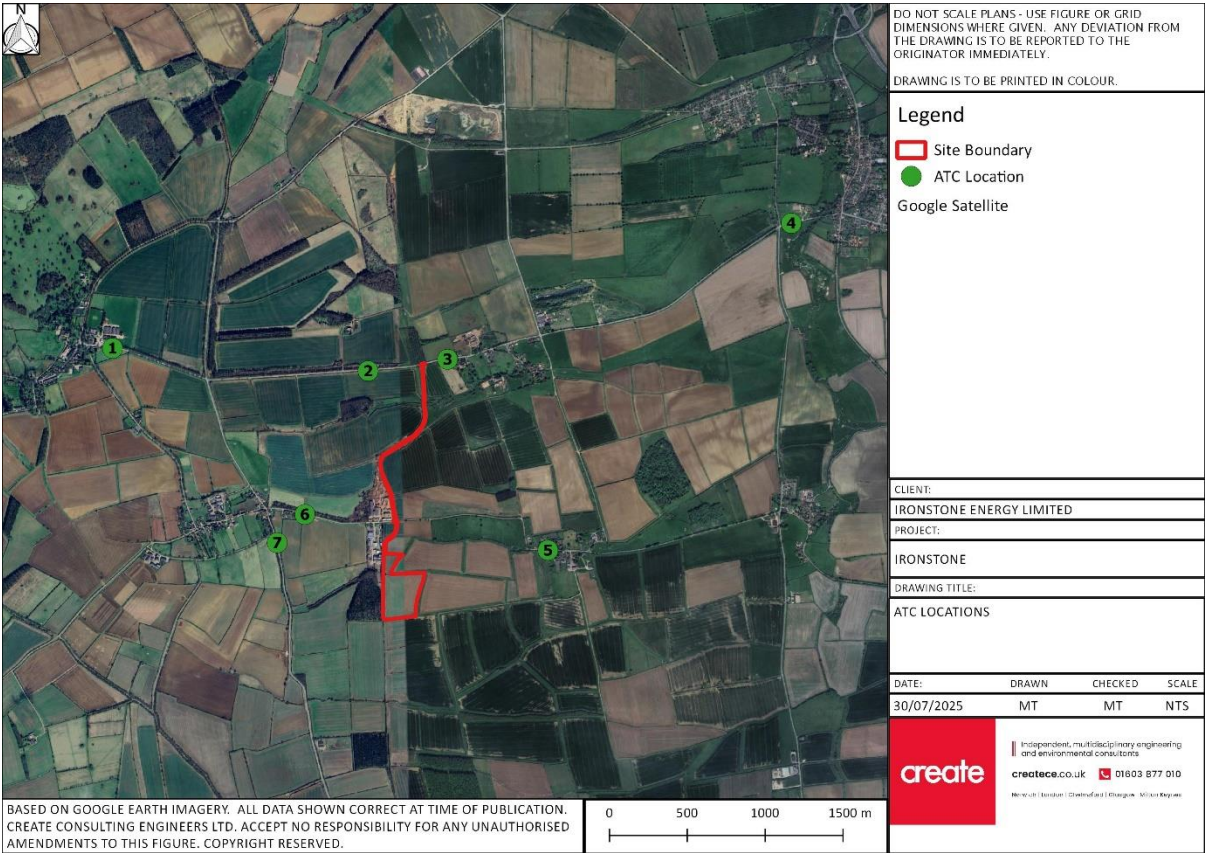


Figure 3.2: ATC Locations

Operational Effects

Standards and Guidance

Design Manual for Roads and Bridges – LA111 Rev 2 (May 2020)

- 3.10
- Guidance for acceptable increases in road traffic noise is contained in the Design Manual for Roads and Bridges (DMRB) Part 7.
- 3.11
- This guidance is given in terms of the $L_{A10\ 18\text{-hour}}$ (06:00h – 00:00h) and $L_{\text{night,outside}}$ (00:00h – 06:00h) for the day and night times respectively. The Lowest Observed Adverse Effect Level (LOAEL) is set at

55 dB $L_{A10,18h}$ and 40 dB $L_{night,outside}$. The Significant Observed Adverse Effect Level (SOAEL) is set at 68 dB $L_{A10,18h}$ and 55 dB $L_{night,outside}$.

3.12 We would however consider the principle and guidance based on the Magnitude of Change to be a more useful reference in this case.

3.13 The guidance considering the short-term and long-term impacts are defined in Tables 3.54a and 3.54b in DMRB and has been shown below in Tables 3.1 and 3.2 respectively.

Noise change, $L_{A10,18h}$	Magnitude of Impact
0	No change
0.1 – 0.9	Negligible
1 – 2.9	Minor
3 – 4.9	Moderate
5+	Major

Table 3.1: Classification of magnitude of noise impacts in short term

Noise change, $L_{A10,18h}$	Magnitude of Impact
0	No change
0.1 – 2.9	Negligible
3 – 4.9	Minor
5 – 9.9	Moderate
10+	Major

Table 3.2: Classification of magnitude of noise impacts in long term

3.14 The guidance quantifies the change of impact in terms of $L_{A10,18\text{ hour}}$, however, there is an assumed linear relationship between L_{A10} and L_{Aeq} when considered against the CRTN guidance. This is reflected in the IEMA Guidelines for Environmental Noise Impact Assessment where table 7.14 summarises the same long- and short-term impact magnitude as above but in terms of $L_{pAeq,T}$ for 16-hour daytime periods and 8-hour night-time periods. This effectively demonstrates that over a perceived period of change the above magnitude of change is relevant for both L_{Aeq} and L_{A10} .

The Department of Transport – Calculation of Road Traffic Noise (1988)

3.15 The Calculation of Road Traffic Noise (CRTN) document outlines the procedures for calculation of noise from road traffic, allowing for the environmental appraisal of road schemes, highway design and land use planning.

3.16 The document comprises of three main sections:

- Section 1 outlines a step-by-step method of calculation for predicting noise levels at a distance from a highway, considering different traffic parameters, intervening ground cover, road configuration and site layout.
- Section 2 provides additional procedures that may be taken into consideration when applying the method outlined within section 1. Although calculation will constitute the preferred prediction technique, it is likely that in some cases conditions will fall outside of the scope of the method, and measurement will be required.
- Section 3 details a simplified measurement procedure for instances such as this.

Converting the UK traffic noise index $L_{A10,18h}$ to EU noise indices for noise mapping (2002)

- 3.17 In the UK the environmental assessment of road traffic noise is typically based on the procedures described in the 'Calculation of Road Traffic Noise' document. This index differs greatly to the noise indices proposed by the EU.
- 3.18 This document provides a means of applying a correction to obtain the relevant EU indices from the calculated values of L_{A10} . Within this document is also a methodology for the conversion between different indices and time weighting, to enable to conversion of calculated and measured levels of road traffic noise into other indices for assessment.

Results

- 3.19 The measurements in each assessment location are summarised in Table 5.1 below:

Location	Daytime	Night-time	18-hour assessment period
Long Term Measurement Position 1	56 dB $L_{Aeq,16-hour}$	50 dB $L_{Aeq,8-hour}$	56 dB $L_{Aeq,18-hour}$
Long Term Measurement Position 2	52 dB $L_{Aeq,16-hour}$	48 dB $L_{Aeq,8-hour}$	52 dB $L_{Aeq,18-hour}$
Long Term Measurement Position 3	64 dB $L_{Aeq,16-hour}$	57 dB $L_{Aeq,8-hour}$	63 dB $L_{Aeq,18-hour}$
Long Term Measurement Position 4	49 dB $L_{Aeq,16-hour}$	47 dB $L_{Aeq,8-hour}$	49 dB $L_{Aeq,18-hour}$
Long Term Measurement Position 5	54 dB $L_{Aeq,16-hour}$	49 dB $L_{Aeq,8-hour}$	54 dB $L_{Aeq,18-hour}$
Short Term Measurement Position 1	53 dB $L_{A10,3-hour}$	–	–
Short Term Measurement Position 2	47 dB $L_{A10,3-hour}$	–	–

Table 3.1: Survey Results

- 3.20 The existing measured night time sound levels shown in Table 5.1, are above the LOAEL as defined by DMRB and at long term measurement 3 the existing sound level was measured to be above the SOAEL. This further enhances the reasoning for using the Magnitude of Change methodology, which has been defined in Tables 3.1 and 3.2 earlier in this report, as opposed to the compliance with absolute levels.
- 3.21 The above data along with the ATC results have been used to validate our computer model, which is discussed further in the following section.
- 3.22 A summary of the baseline ATC counts along with the predicted in operation vehicle counts during harvest periods, during non-harvest and during construction periods are shown in Table 5.2:

ATC Location	Baseline 2025		Harvest		Non-harvest		Construction	
	2 way total	%hgv	2 way total	%hgv	2 way total	%hgv	2 way total	%hgv
Stainby road	2097	5.2	2204	9.8	2148	8.3	2217	4.9
Buckminster road	1844	6.2	1951	11.4	1895	8.7	1964	5.9
Stainby	1854	5.8	1881	7.2	1881	7.2	2034	8.3
Between Stainby and Colsterworth	2676	3.9	2703	4.9	2703	4.9	2856	5.7
Sewstern (the Drift)	933	2.6	933	2.6	933	2.6	1173	2.0
Sewstern road	306	3.6	272	0.0	306	3.6	546	2.0
Gunby Road	148	2.7	132	0.0	148	2.7	148	2.7
Site Access	N/A	N/A	66.9	100.0	38.7	100.0	30	100.0

Table 3.2: Baseline, Operational and Construction Traffic Flow

Assessment

- 3.23 We have undertaken a computer model of the entire site and used the transport ATC counts as the basis for the baseline and growth conditions.
- 3.24 The model includes 'soft' acoustically absorbent ground conditions as this is representative of the vast majority of the intervening land.
- 3.25 The model geometry and calibrated noise model is shown in Figure 3.3 below.

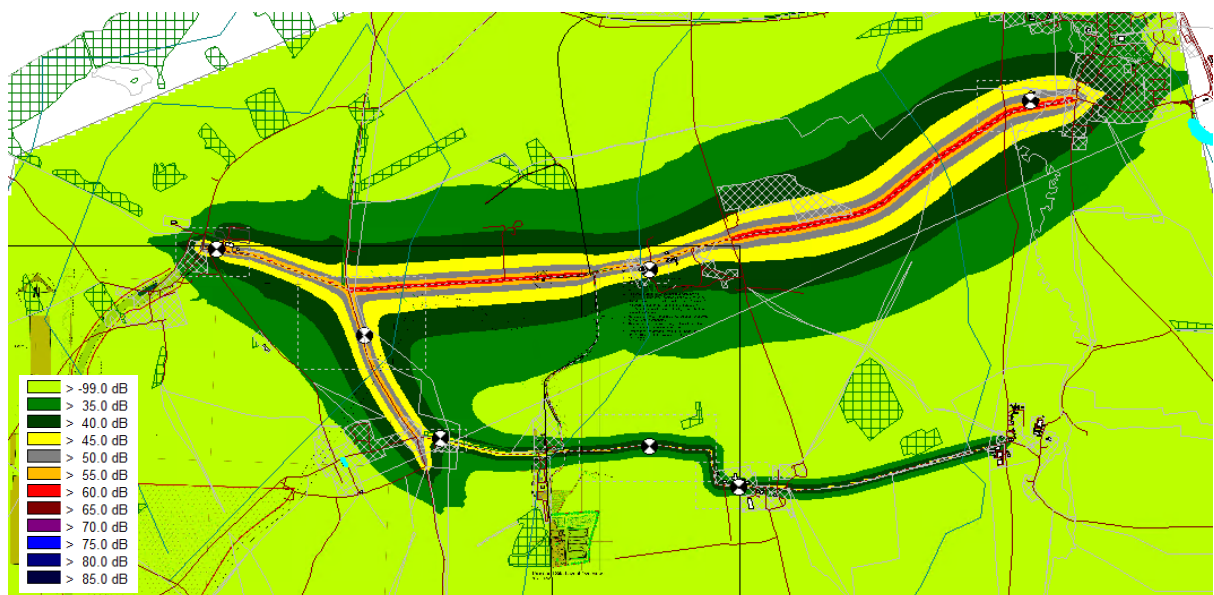


Figure 3.3: Calibrated Acoustic Model

- 3.26 The model calibrated within 2 dB of our measurements throughout, showing a good representation of the impact of the existing road network. In practice high calibration accuracy is unlikely to alter the conclusions of this assessment, as the difference in vehicle movements is the primary assessment parameter and this can only be derived from the ATC data until such time the development is in operation.
- 3.27 Two scenarios have been considered, the harvest periods and the non-harvest periods. Each period has been compared against the existing baseline to determine the change in sound levels over the short-term and the long-term.
- 3.28 Figures 3.4 to 3.7 show the above scenarios over the short and long term in colour banding representative of the DRMB magnitude of impact.

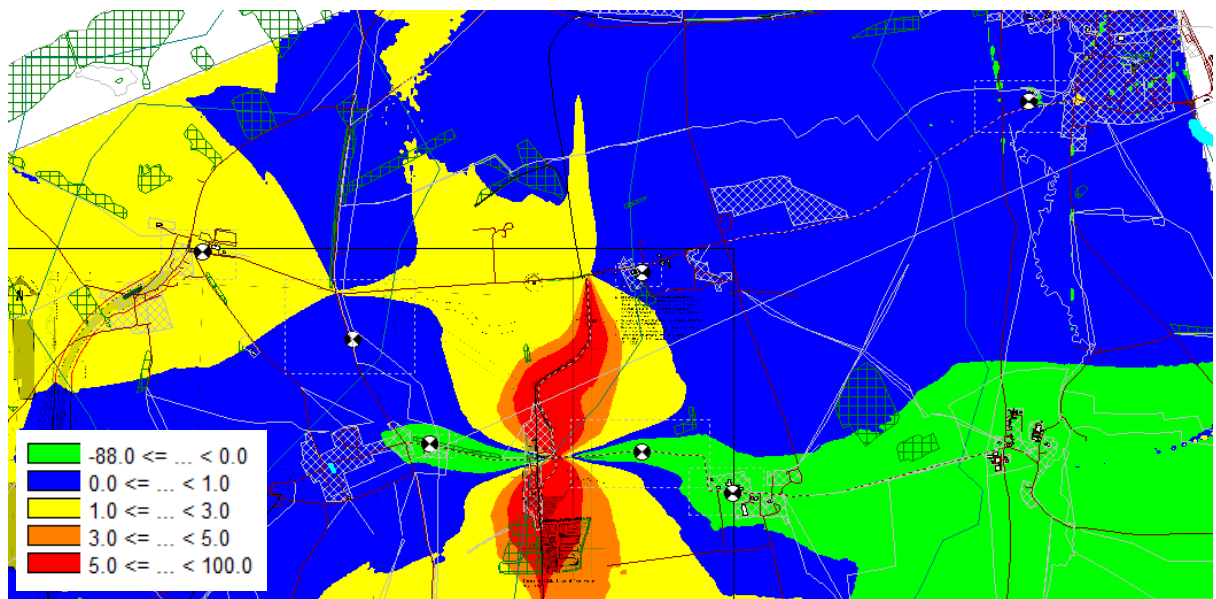


Figure 3.4: Harvest Period – Short Term Impact

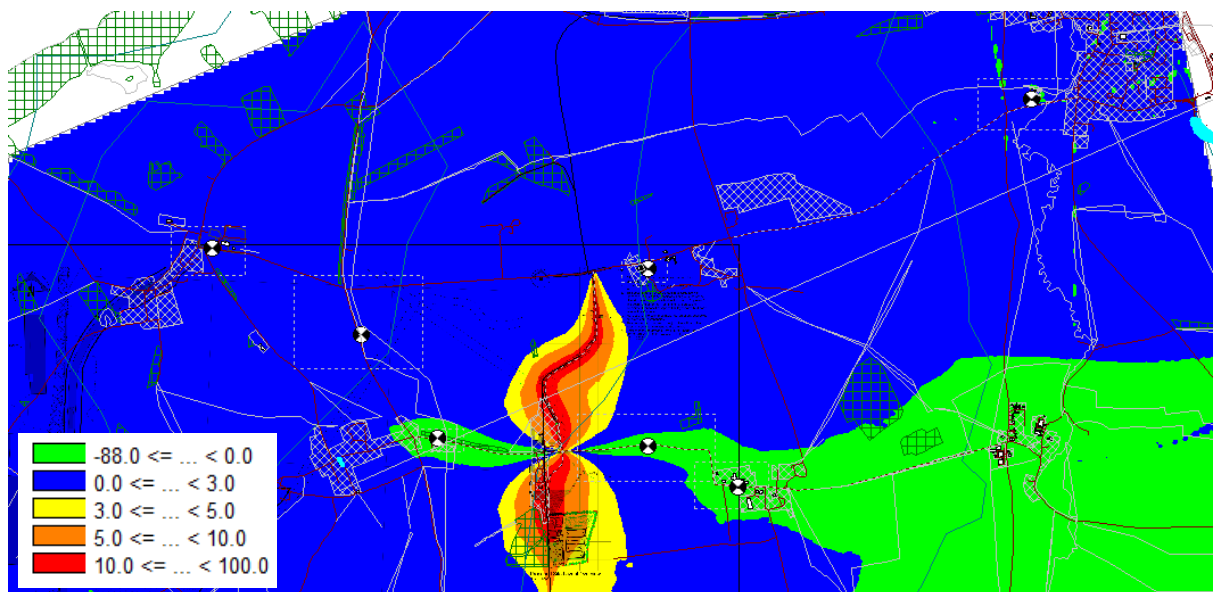


Figure 3.5: Harvest Period – Long Term Impact

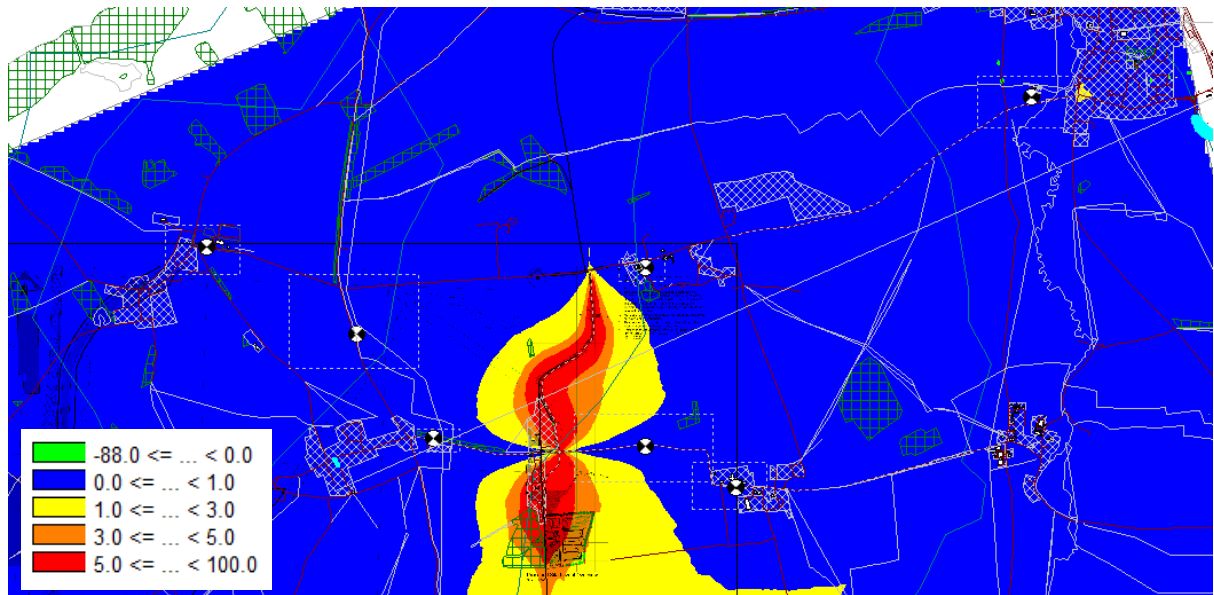


Figure 3.6: Non-Harvest Period – Short Term Impact

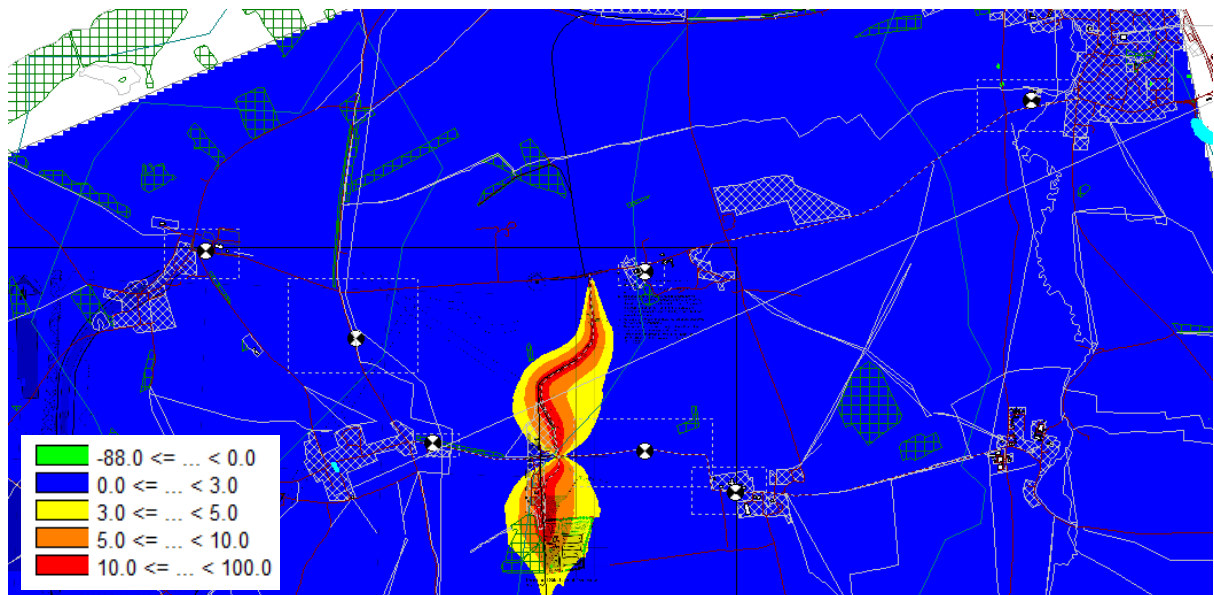


Figure 3.7: Non-Harvest Period – Long Term Impact

- 3.29 Modelling during the harvest period shows a section of improved sound levels (shown in green) this is due to a decrease in HGV movements along Gunby Road, Sewstern Road and Main Street. HGV movements on the access road has shown that an increase in sound will be present near the road, but all nearby receptors are shown to have a negligible to minor short term and negligible long-term impact.
- 3.30 During the non-harvest periods the impact to noise sensitive receptors is shown to be negligible over the short term and long-term periods as specified in the DMRB.
- 3.31 Of course, once the development is operational there will also be the potential for the ongoing seasonal variations to be perceived. We have therefore compared the short-term impact between the harvest season and the non-harvest season as shown in Figures 3.8 to 3.11 below.

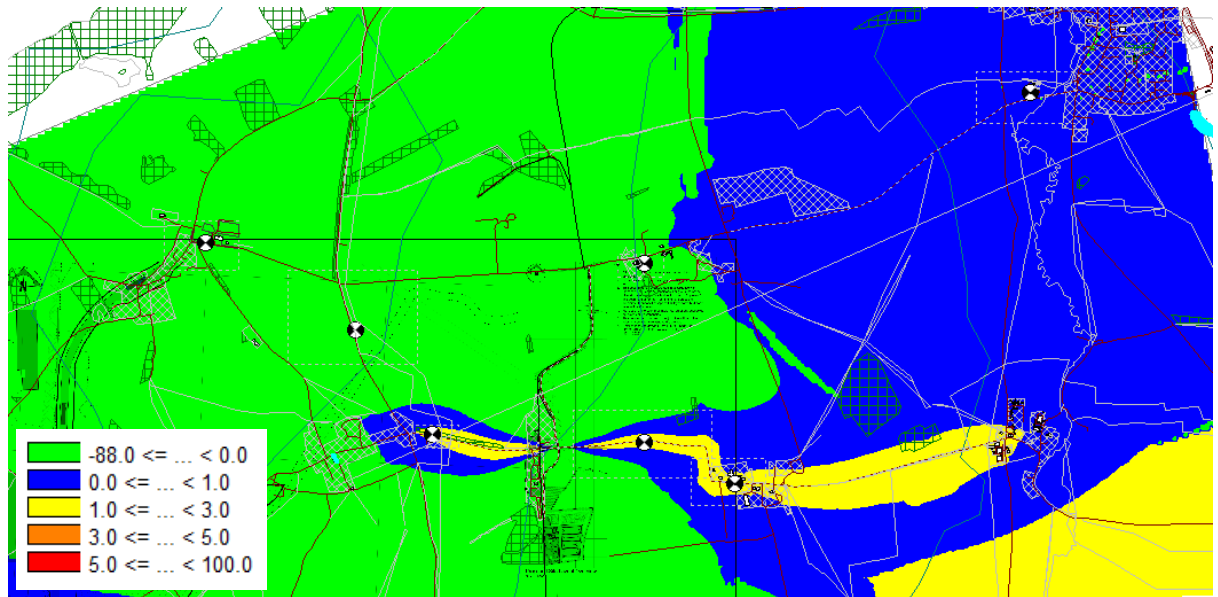


Figure 3.8: Non-Harvest Period – Short Term Impact

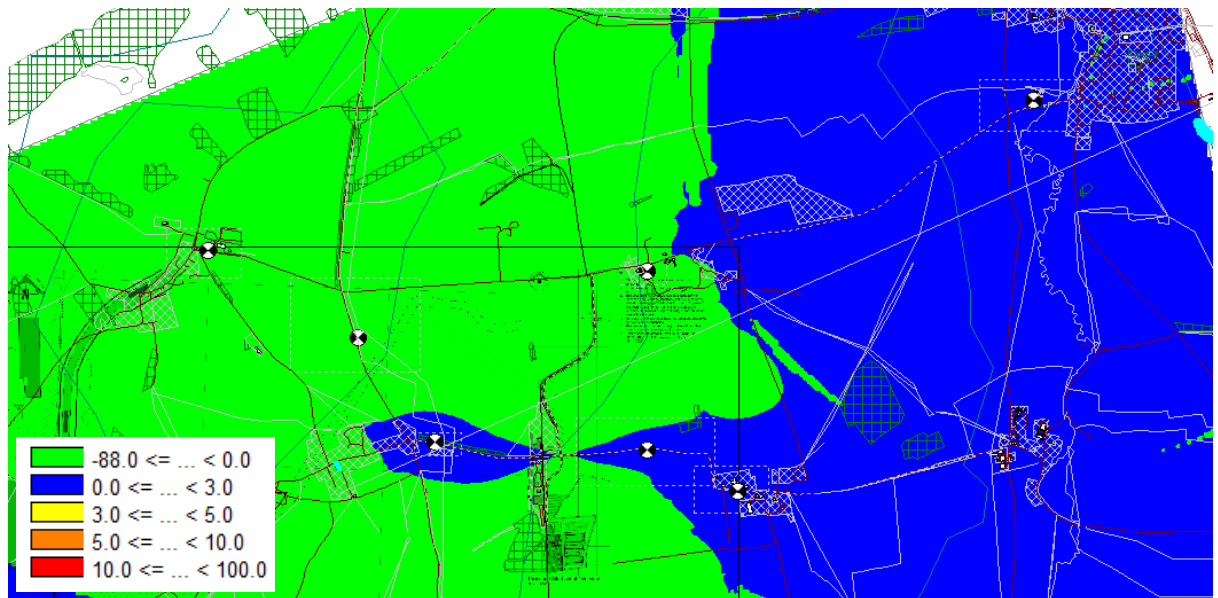


Figure 3.9: Non-Harvest Period – Long Term Impact

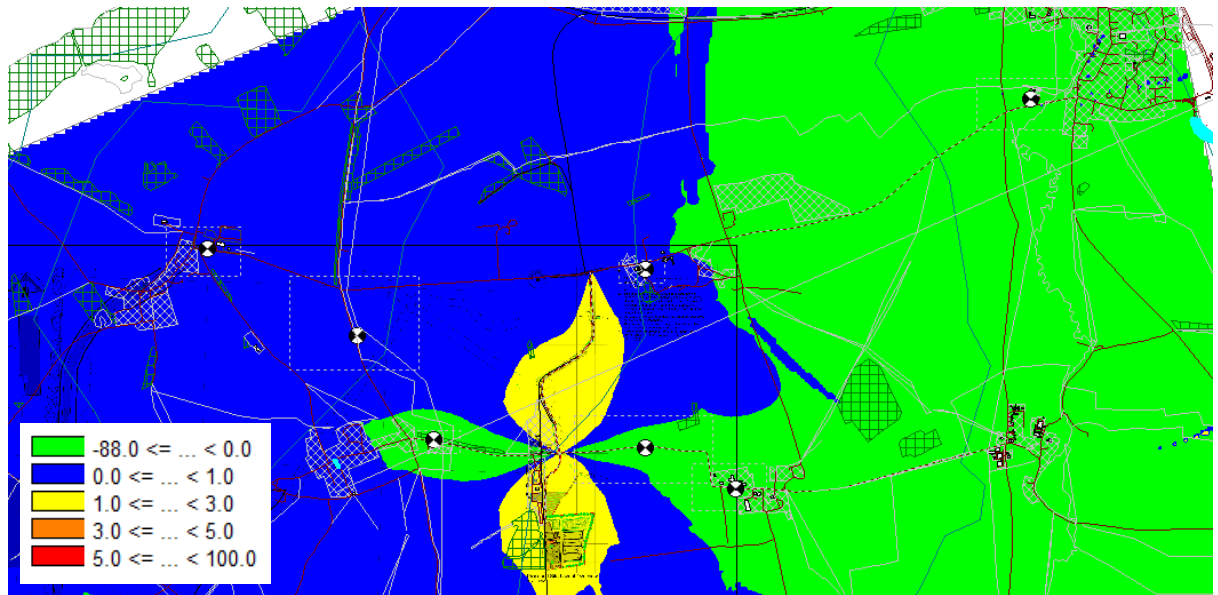


Figure 3.10: Harvest Period – Short Term Impact

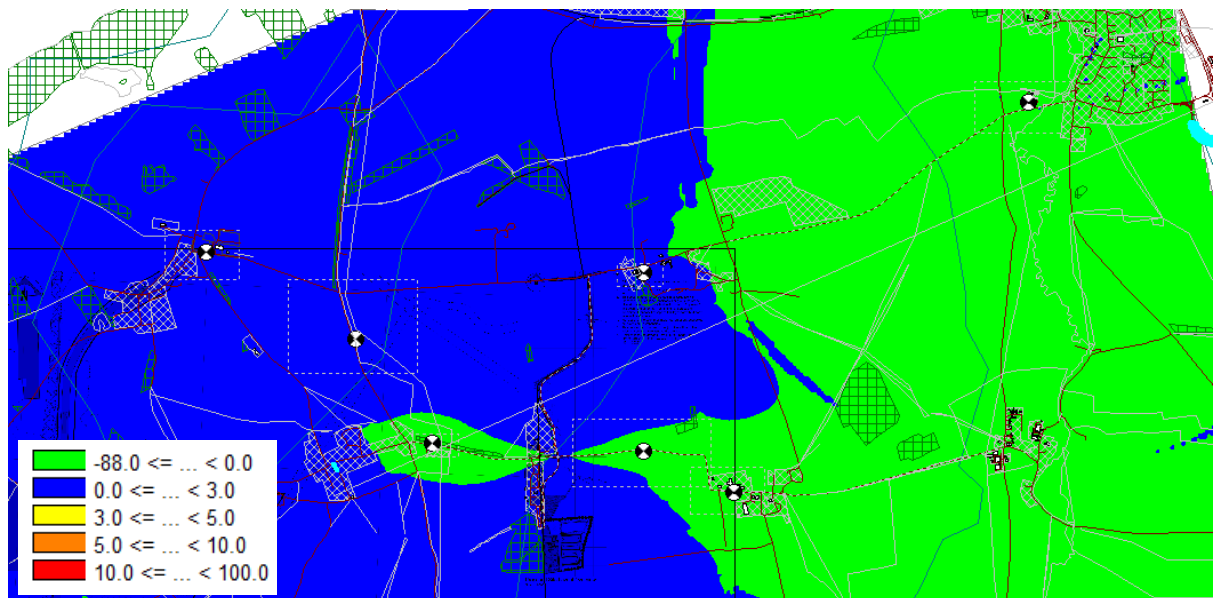


Figure 3.11: Harvest Period – Long Term Impact

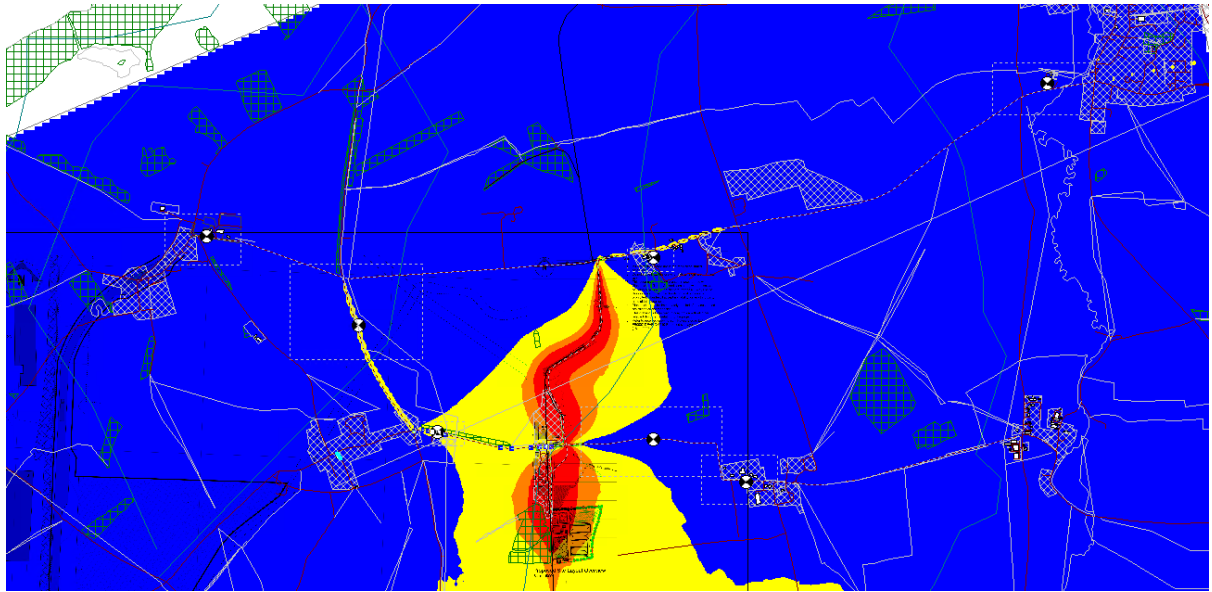


Figure 3.12: Construction Period– Short Term Impact

Noise Conclusions

- 3.32 When the site is undergoing construction there will also be a degree of site traffic using the surrounding road networks, mainly the B676 between the HGV access road and the A1.. This is generally considered a short-term impact as the construction phase is finite, and the modelling has shown that the impact would be negligible to minor adverse..
- 3.33 It can therefore be concluded that the introduction of the new AD Plant would not give rise to a significant adverse impact on the surrounding sensitive properties.
- 3.34 As part of the assessment, we undertook long term noise monitoring at five locations around the site.
- 3.35 The existing measured night time sound levels were found to be above the LOAEL (40 dB $L_{night,outside}$) and at long term measurement 3 the existing sound level was measured to be above the SOAEL (55 dB $L_{night,outside}$). For this reason, our assessment has focused on the Magnitude of Change methodology, as opposed to absolute sound levels.
- 3.36 We have reviewed the traffic predictions for the scheme during harvest seasons and non-harvest seasons and compared the increase in sound levels against the guidance contained in DMRB.
- 3.37 The assessment found negligible to minor adverse impacts to noise sensitive receptors over both the short term and long term as specified by the DMRB.
- 3.38 Seasonal variations between harvest and non-harvest periods show a moderate short term impact and low long term adverse impact to some noise sensitive receptors. However, this area is already located close to several working farms and given the rural nature of the area, is expected to overestimate the significance of impact to these receptors.
- 3.39 During the construction phase the assessment found to be negligible to minor adverse impacts to noise sensitive receptors over the short term as specified by the DMRB.

- 3.40 An acoustic assessment for the operation of the AD plant has been undertaken by Sharps Redmore, which has provided the predicted specific sound level of the operation of the AD plant, along with the noise rating limits in terms of dB $L_{Aeq,1hour}$. The sound pressure levels at the closest sensitive receptors have been predicted to be below the rating levels at all noise sensitive receptors.
- 3.41 The cumulative effect of the noise levels from the AD plant and the effects of road traffic noise, as a direct result of the additional transportation for supply of biogas material, would be negligible.
- 3.42 We are therefore of the opinion that the introduction of the new AD plant would not give rise to a significant adverse impact to the surrounding sensitive properties.

4.0 AIR QUALITY

Baseline

4.1 Baseline data was gathered from the following sources:

- UDC's 2024 Air Quality Annual Status (ASR) Report;
- DEFRA's UK AIR website; and
- DEFRA's national air quality background maps 2021.

Local Air Quality Management

Air Quality Management Areas

4.2 As required by the Environment Act (1995), SKDC has undertaken a review and assessment of air quality within their administrative area. This process has indicated that annual mean NO₂ concentrations are above the AQO within the district. One AQMA has therefore been declared. This is described as:

"SKDC AQMA No.6 – Manthorpe Road, Wharf Road, High Street and London Road."

4.3 The development is located approximately 13.5 km southwest of the AQMA and it is unlikely that the proposals would give rise to air quality impacts at this distance. As a result, the AQMA has not been considered further in this assessment.

4.4 SKDC has concluded that concentrations of all other pollutants are currently below the relevant AQOs. As such, no further AQMAs have been designated.

Air Quality Monitoring Data

4.5 Monitoring of pollutant concentrations is carried out by SKDC across its area of jurisdiction. However, the nearest monitoring site to the proposed facility is located approximately 13.5 km northeast of the site, within Grantham. Given the distance and differing surrounding land uses, it is unlikely that pollutant levels at the monitoring location are representative of conditions at the development site. Therefore, this data has not been considered further in the assessment.

Mapped Background Pollution

4.6 Predictions of background pollutant concentrations on a 1km-by-1km grid basis have been produced by DEFRA for the entire of the UK to assist Local Authorities (LAs) in their Review and Assessment of air quality.

4.7 The proposed development site is located in grid squares NGR: 490500, 321500. Predicted background concentrations for the baseline year (2023), the present year (2025), and 2027, when the development is expected to be fully completed, are shown in Table 4.1.

Pollutant	Predicted Background Concentration (µg/m³)		
	2023	2025	2026
NO _x	7.07	6.73	6.36
NO ₂	5.62	5.35	5.07
PM ₁₀	13.86	13.71	13.56
PM _{2.5}	6.34	6.21	6.08

Table 4.1: DEFRA Predicted Background Concentrations

- 4.8 As shown in Table 4.1, background concentrations do not exceed the relevant AQOs and are predicted to reduce further in the completion year 2027. These predictions are considered to reasonably represent background concentrations in the vicinity of the site.

Monitored NO₂, PM₁₀, and PM_{2.5} Concentrations

- 4.9 To assess baseline pollutant concentrations, real-time monitoring was carried out from 23 June to 6 July 2025 using AQS1 monitors at three locations: Stainby, Gunby, and Sewstern. The monitoring locations are presented in Table 4.2 and shown in Figure 4.1.
- 4.10 The AQS1 monitors measures NO₂, PM₁₀ and PM_{2.5} concentrations in real time with data available to the consultant instantaneously.

Monitor	Address	Location	
		X	Y
1353	1 Colsterworth Road, Stainby	490679	322886
847	Main Street, Gunby	491315	321600
836	Gunby Road, Sewstern	489409	321869

Table 4.2: Location of the Real Time monitors

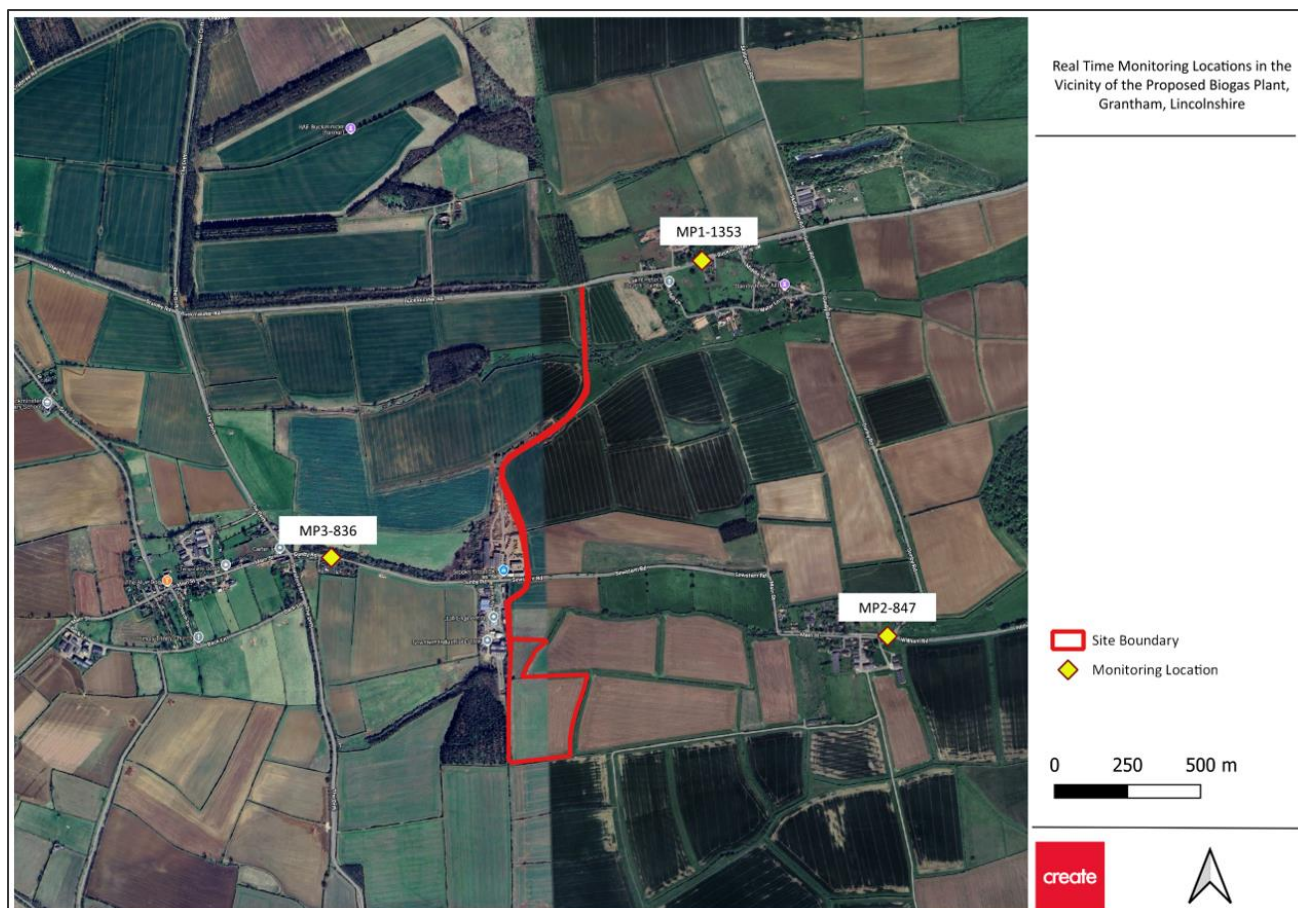


Figure 4.1: Real Time Monitoring Locations

Baseline Monitored Data

- 4.11 Air quality monitoring was conducted from 23 June to 6 July 2025 at three locations: Stainby, Gunby, and Sewstern, using AQS1 monitors. The results are presented in Figures 3.2 to 3.10.

Hourly Concentrations

- 4.12 Figure 4.2 presents hourly NO_2 concentrations. The highest levels were recorded by monitor 847 in Gunby, with a peak of $32.58 \mu\text{g}/\text{m}^3$ on 5 July 2025.
- 4.13 Figure 4.3 shows hourly PM_{10} concentrations. Again, monitor 847 in Gunby recorded the highest values, reaching a maximum of $36.62 \mu\text{g}/\text{m}^3$ on 27 June 2025.
- 4.14 Figure 4.4 displays hourly $\text{PM}_{2.5}$ concentrations. Monitor 847 in Gunby recorded the highest hourly value of $21.15 \mu\text{g}/\text{m}^3$ on 2 July 2025. However, the average $\text{PM}_{2.5}$ concentration across the monitoring period remained below $7 \mu\text{g}/\text{m}^3$.

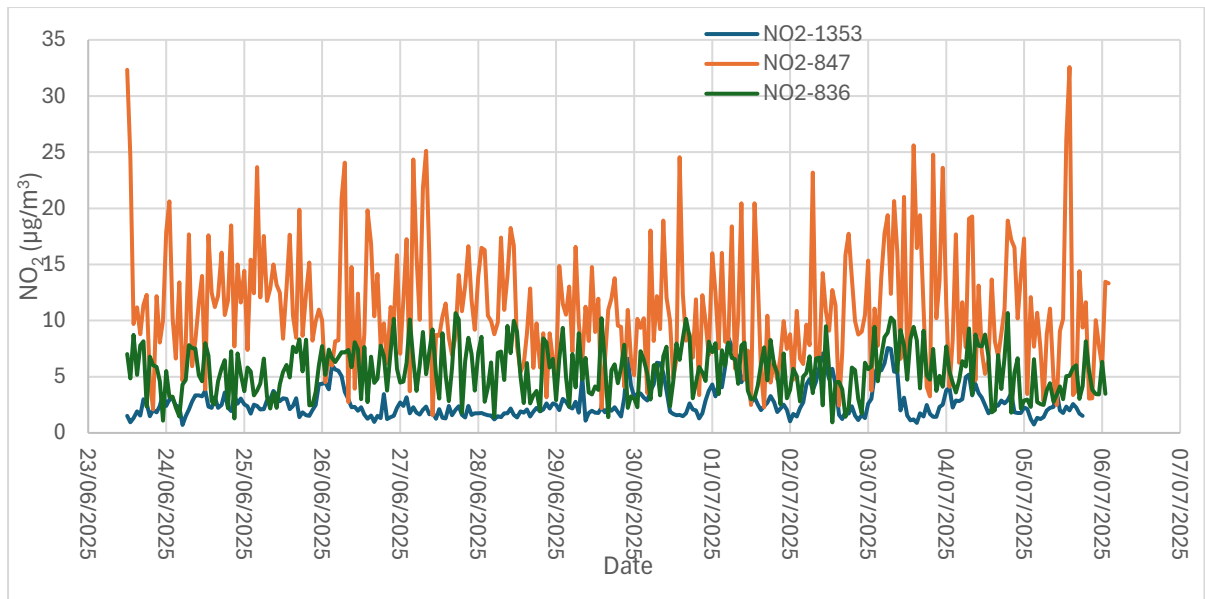


Figure 4.2: Hourly NO₂ Data

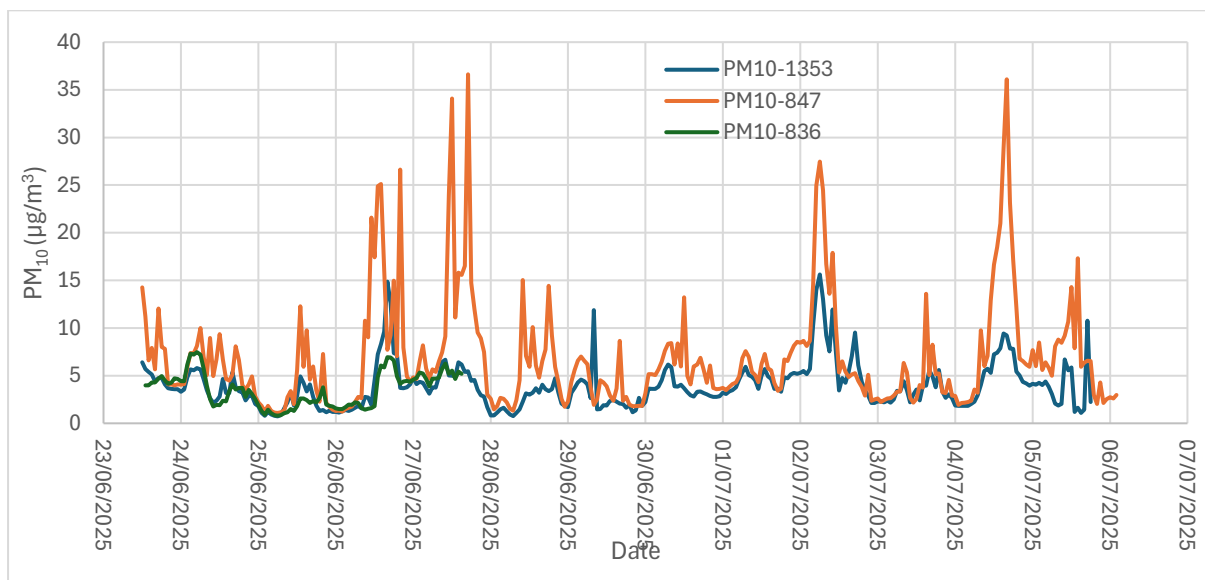


Figure 4.3: Hourly PM₁₀ Data

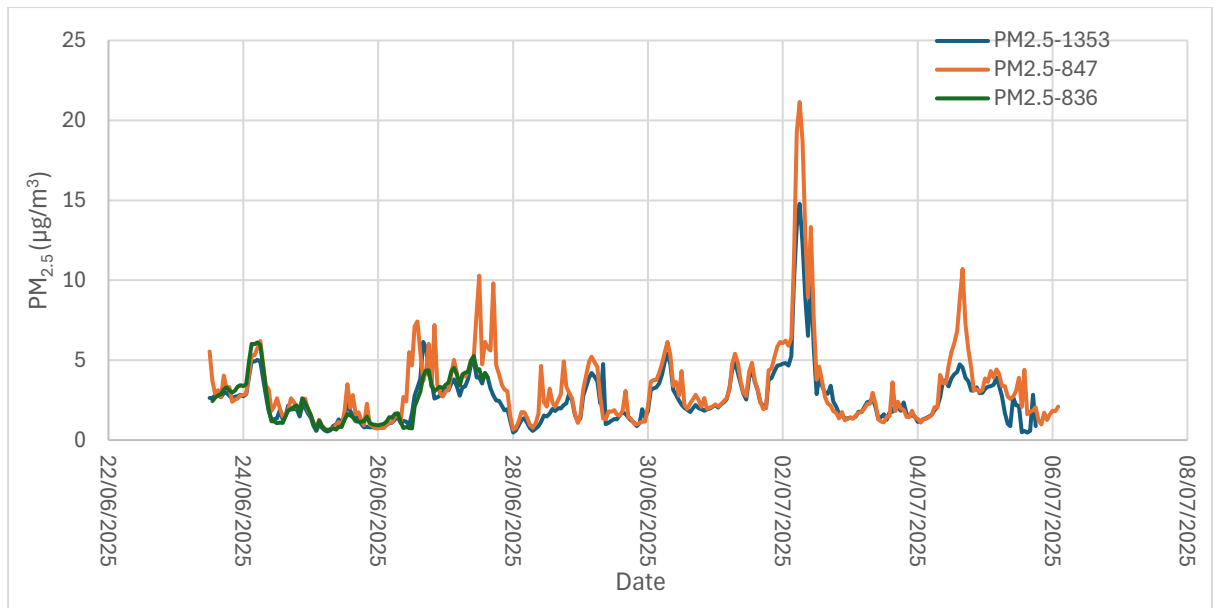


Figure 4.4: Hourly PM_{2.5} Data

24-Hour Mean Concentrations

- 4.15 Figures 4.5 to 4.7 show 24-hour mean concentrations for NO₂, PM₁₀, and PM_{2.5}.
- 4.16 Figure 4.5: The highest 24-hour mean NO₂ concentration was 13.79 µg/m³ on 3 July 2025, recorded by monitor 847 in Gunby.
- 4.17 Figure 4.6: The highest 24-hour mean PM₁₀ concentration was 11.48 µg/m³ on 27 June 2025, also recorded by monitor 847
- 4.18 Figure 4.7: The highest 24-hour mean PM_{2.5} concentration was 6.71 µg/m³ on 2 July 2025, with average values remaining below 5 µg/m³ throughout the monitoring period.

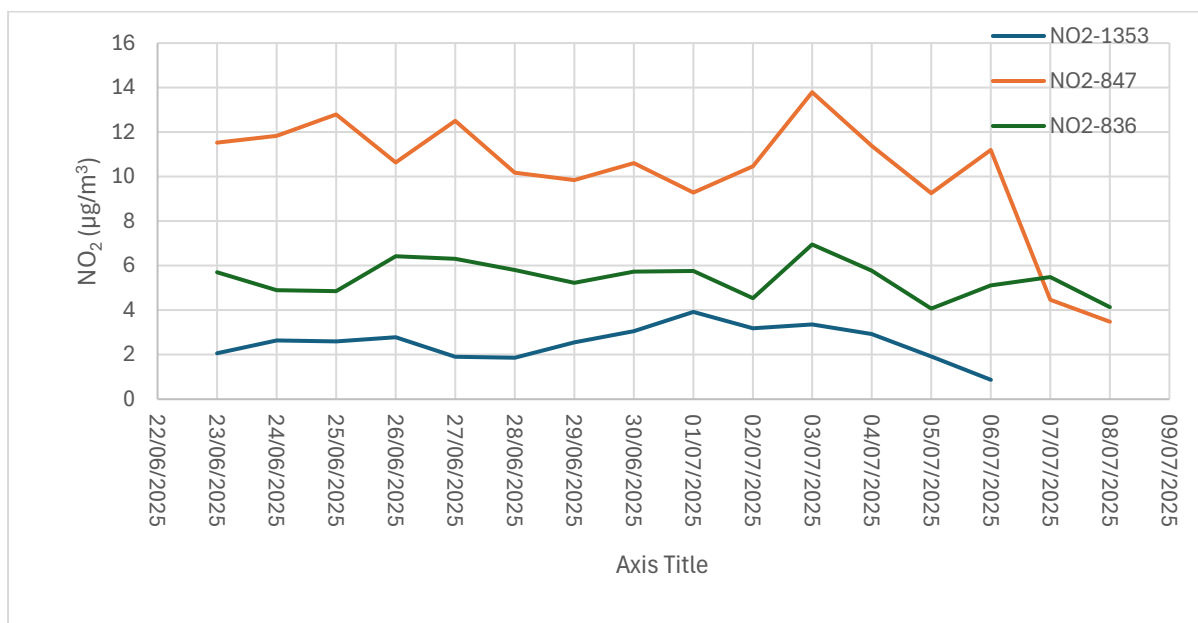


Figure 4.5: 24-Hour NO₂

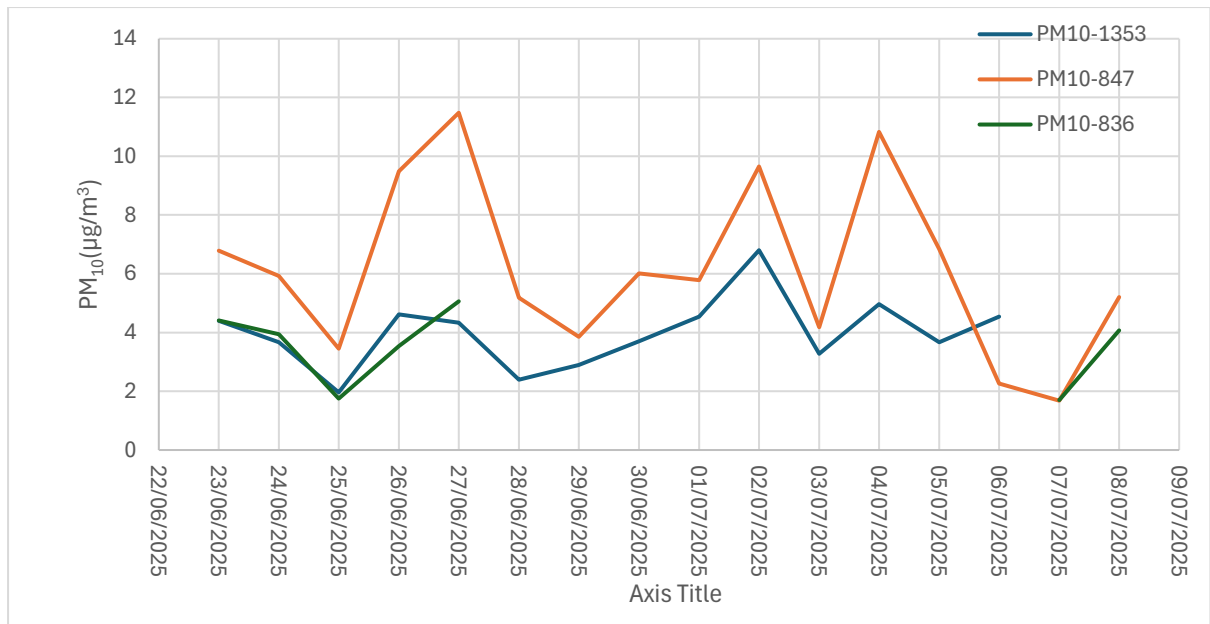


Figure 4.6: 24-Hour PM₁₀

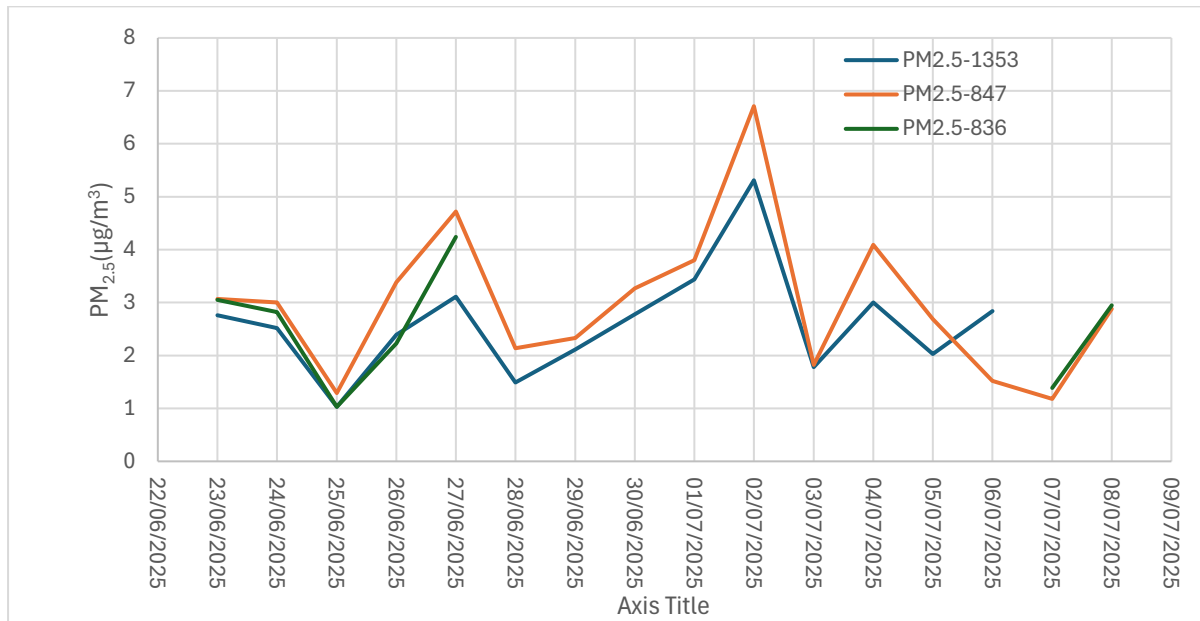


Figure 4.7: 24-Hour PM_{2.5}

Summary

- 4.19 Real-time monitoring was conducted over a two-week period using AQSI monitors at three locations. As the monitoring duration was less than three months, annualization of the data was not performed, in accordance with LAQM TG22 guidance. Nonetheless, the data provides a useful overview of local air quality.
- 4.20 The results indicate low pollutant concentrations across all sites, suggesting good air quality in the area:
- The maximum hourly NO₂ concentration was 32.58 µg/m³, well below the AQO of 200 µg/m³.
 - The maximum 24-hour PM₁₀ concentration was 11.48 µg/m³, significantly below the AQO of 50 µg/m³.

Operational Assessment

Sensitive Receptor Locations

- 4.21 Sensitive receptors R1–R6 have been modelled at locations along road links potentially affected by traffic generated by the proposed biogas plant, as detailed in Table 4.3 and shown in Figure 4.8. These receptors were modelled at a height of 1.5 m to represent ground-level exposure.

Monitor	Name	Location	
		X	Y
R1	3 Main Street	489258	321868
R2	1 Main St	489263	321863
R3	Middle Street	490951	322966
R4	2 Colsterworth Rd	490699	322880
R5	Buckminster Road	490496	322837
R6	Buckminster Road	488146	322937

Table 4.3: Sensitive Receptor Locations

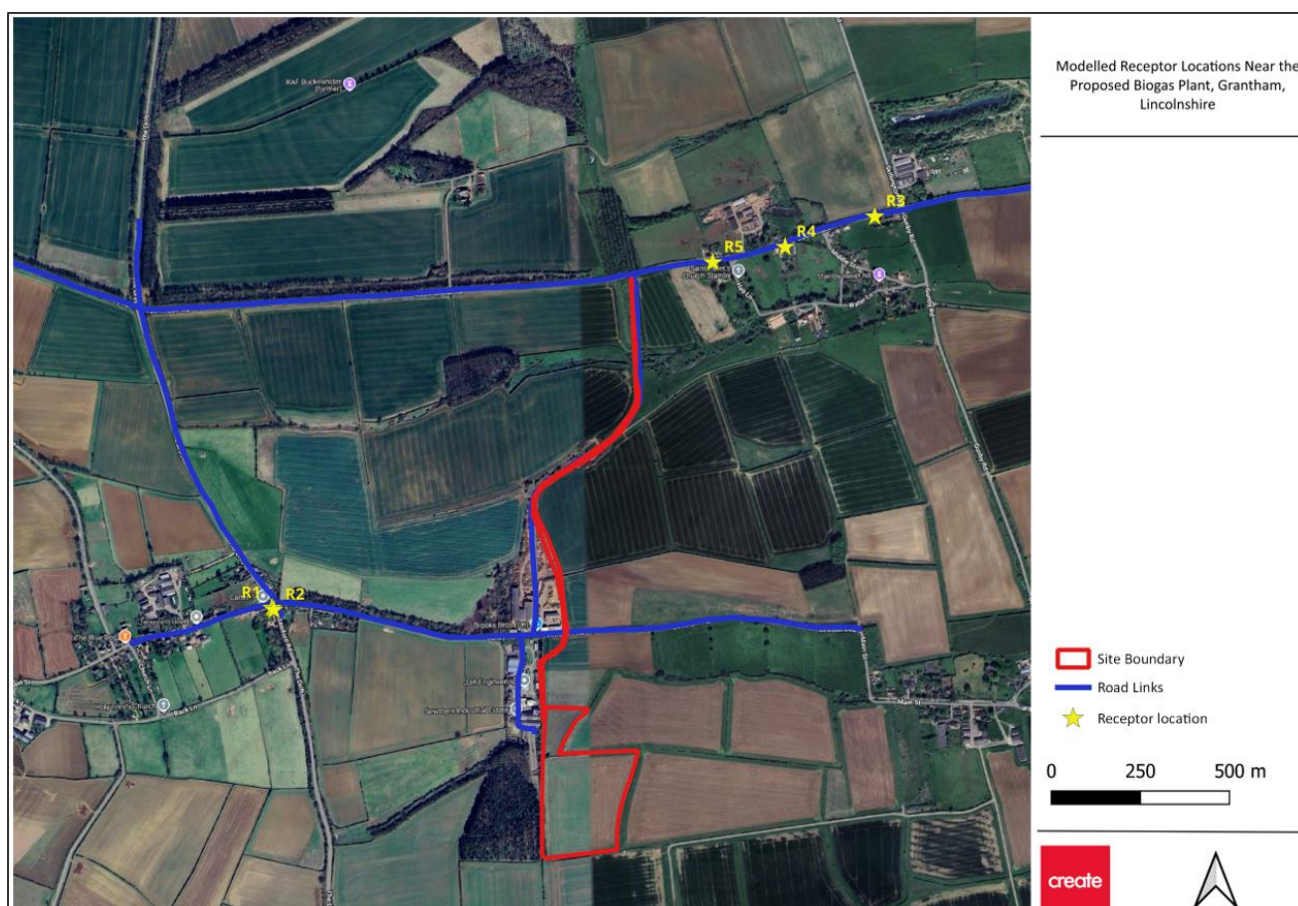


Figure 4.8: Sensitive Receptor Location

- 4.22 To assess NO_2 , PM_{10} and $\text{PM}_{2.5}$ concentrations across the site, detailed dispersion modelling was undertaken in accordance with the following methodology.

Dispersion Model

- 4.23 Dispersion modelling was undertaken using the ADMS-Roads Extra dispersion model (version 5.0.1.3). ADMS-Roads Extra is developed by Cambridge Environmental Research Consultants (CERC) and is routinely used throughout the world for the prediction of pollutant dispersion from road sources. Modelling predictions from this software package are accepted within the UK by the Environment Agency and DEFRA.

Input Data

- 4.24 The model requires input data that details the following parameters:

- Emission Factors;
- Traffic Flow Data;
- Diurnal Profiling;
- Energy Inputs;
- Meteorological data;
- Roughness length;
- Monin-Obukhov length;
- Background Concentrations;
- Verification Factor; and
- Sensitive Receptor Locations.

- 4.25 For details of the various input data as listed below please refer to the Air Quality Assessment, Reference TR/VL/P25-3541/03.

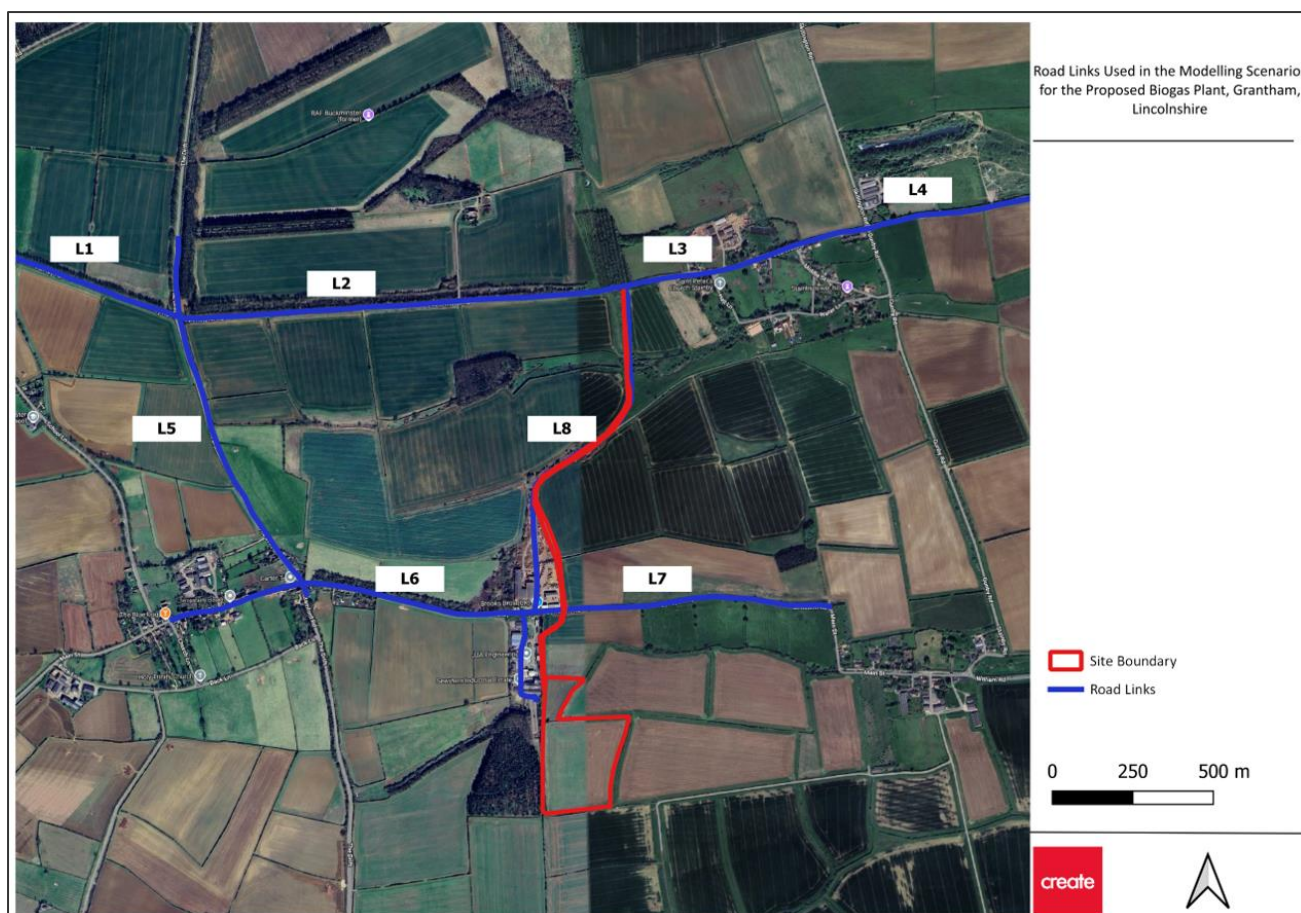


Figure 4.9: Road Links Included in the Modelling Scenarios

- 4.26 The dispersion modelling assessment has been undertaken to determine annual concentrations of NO_2 , PM_{10} and $\text{PM}_{2.5}$ at existing sensitive receptors for the expected operational year of 2025.
- 4.27 Existing receptor locations were modelled along the affected road links associated with the operation of the development, at a height of 1.5 m to represent ground floor level. These receptor locations serve as a robust proxy for user exposure, although in reality, the properties are set back from the road.
- 4.28 Predicted pollutant concentrations for the proposed opening year of the development, 2027, for both the non-harvest and harvest periods, are presented in Tables 4.6 to 4.11.

Nitrogen Dioxide (NO_2) Impacts

- 4.29 In accordance with the assessment criteria the NO_2 concentrations were predicted for both non-harvest and harvest scenarios and are summarised in Table 4.6.

Sensitive Receptor	Predicted Annual Mean NO ₂ Concentration (µg/m ³)		
	Non-Harvest	Harvest	Change
R1	8.52	8.35	-0.1700
R2	8.46	8.33	-0.1300
R3	11.76	11.72	-0.0400
R4	10.28	10.26	-0.0200
R5	13.56	13.53	-0.0300
R6	9.66	9.77	0.1100

Table 4.6: Predicted NO₂ Concentrations for Harvest and Non-Harvest Scenarios

- 4.30 As indicated in Table 4.6, predicted NO₂ concentrations are below the AQO at all modelled sensitive receptor locations. There are small changes in concentration with the development in place.
- 4.31 R1 to R5 receptor locations will experience a decrease in annual NO₂ concentrations due to changes in traffic patterns with the operational development in place.
- 4.32 Impacts on the Air Quality Assessment Level (AQAL) for the predicted annual mean NO₂ concentrations at the human sensitive receptor locations are summarised in Table 4.7.

Sensitive Receptor	% Change in Concentration Relative to AQAL	Long Term Average Concentration	Impact
R1	-2.0359	20.88	Negligible
R2	-1.5606	20.83	Negligible
R3	-0.3413	29.30	Negligible
R4	-0.1949	25.65	Negligible
R5	-0.2217	33.83	Negligible
R6	1.1259	24.43	Negligible

Table 4.7: Predicted NO₂ Impacts as a Result of the Development

- 4.33 Overall, as indicated in Table 4.7, the significance of impacts of NO₂ concentrations as a result of the development were predicted to be negligible at all receptor locations, in accordance with EPUK-IAQM guidance.
- 4.34 Predictions of 1-hour NO₂ concentrations were not produced as part of the dispersion modelling assessment. However, as stated in LAQM.TG22, if annual mean NO₂ concentrations are below 60 µg/m³ then it is unlikely that the 1-hour AQO will be exceeded. As such, it is not predicted that concentrations will exceed the 1-hour mean AQO for NO₂ across the modelled site for the development's proposed operational year, 2027.
- 4.35 It should also be noted that background NO₂ levels are likely to be lower at elevated heights due to increased distance from emission sources, such as the local road network. Therefore, predicted concentrations at heights above ground floor level are considered to be acceptable in regard to pollutant exposure across all receptor locations and have not been assessed further.

Particulate Matter (PM₁₀) Impacts

- 4.36 In accordance with the assessment criteria the annual mean PM₁₀ concentrations were predicted for both non harvest and harvest scenarios and are summarised in Table 4.8.

Sensitive Receptor	Predicted Annual Mean PM ₁₀ Concentration (µg/m ³)		
	Non-Harvest	Harvest	Change
R1	14.67	14.61	-0.0600
R2	14.63	14.59	-0.0400
R3	15.32	15.26	-0.0600
R4	14.91	14.86	-0.0500
R5	15.68	15.61	-0.0700
R6	14.73	14.82	0.0900

Table 4.8: Predicted Annual Mean PM₁₀ Concentrations for Harvest and Non-Harvest Scenarios

- 4.37 As indicated in Table 4.8, predicted annual mean PM₁₀ concentrations are below the AQO at all the modelled sensitive receptor locations. There are small changes in concentration with the development in place.
- 4.38 R1 to R5 receptor locations will experience a decrease in PM₁₀ concentrations due to changes in traffic patterns with the operational development in place.
- 4.39 Impacts on the AQAL for the predicted annual mean PM₁₀ concentrations at sensitive receptor locations are summarised in Table 4.9.

Sensitive Receptor	% Change in Concentration Relative to AQAL	Long Term Average Concentration	Impact
R1	-0.4107	73.05	Negligible
R2	-0.2742	72.95	Negligible
R3	-0.3932	76.30	Negligible
R4	-0.3365	74.30	Negligible
R5	-0.4484	78.05	Negligible
R6	0.6073	74.10	Negligible

Table 4.9: Predicted PM₁₀ Impacts as a Result of the Development

- 4.40 As indicated in Table 4.9, impacts on annual mean PM₁₀ concentrations as a result of the development were predicted to be negligible at all receptor locations, in accordance with EPUK-IAQM guidance.
- 4.41 The assessment shows a negligible impact with the development in place and predicted annual PM₁₀ concentrations below the AQO. Therefore, the site is considered to be suitable for the proposed use without the implementation of mitigation techniques to protect existing receptors from elevated PM₁₀ concentrations.

Particulate Matter (PM_{2.5}) Impacts

- 4.42 In accordance with the assessment criteria the annual mean PM_{2.5} concentrations were predicted for both non harvest and harvest scenarios and are summarised in Table 4.10.

Sensitive Receptor	Predicted Annual Mean PM _{2.5} Concentration (µg/m ³)		
	Non-Harvest	Harvest	Change
R1	6.76	6.73	-0.0300
R2	6.73	6.71	-0.0200
R3	7.17	7.14	-0.0300
R4	6.95	6.92	-0.0300
R5	7.40	7.35	-0.0500
R6	6.85	6.90	0.0500

Table 4.10: Predicted Annual Mean PM_{2.5} Concentrations for Harvest and Non-Harvest Scenarios

- 4.43 As indicated in Table 4.10, predicted annual mean PM_{2.5} concentrations are below the legally binding target, 10 µg/m³ AQO at all modelled sensitive receptor locations. There are small changes in concentration with the development in place.
- 4.44 R1 to R5 receptor locations will experience a decrease in PM_{2.5} concentrations due to changes in traffic patterns with the operational development in place.
- 4.45 The impacts on the AQAL for predicted annual mean PM_{2.5} concentrations at sensitive receptor locations, with respect to the legally binding target of 10 µg/m³ AQO, are summarised in Table 4.11.

Sensitive Receptor	% Change in Concentration Relative to AQAL	Long Term Average Concentration	Impact
R1	-0.4458	67.30	Negligible
R2	-0.2981	67.10	Negligible
R3	-0.4202	71.40	Negligible
R4	-0.4335	69.20	Negligible
R5	-0.6803	73.50	Negligible
R6	0.7246	69.00	Negligible

Table 4.11: Predicted PM_{2.5} Impacts as a Result of the Development

- 4.46 As indicated in Table 4.11, impacts on annual mean PM_{2.5} concentrations as a result of the development were predicted to be negligible at all of receptor locations, in accordance with EPUK-IAQM guidance.
- 4.47 It should also be noted that background NO₂, PM₁₀, and PM_{2.5} levels are likely to be lower at elevated heights due to increased distance from emission sources, such as the local road network. Therefore, predicted concentrations at heights above ground floor level are considered to be acceptable in regard to pollutant exposure across all receptor locations and have not been assessed further.

Air Quality Conclusions

- 4.48 Create Consulting Engineers Limited (CCE) have been appointed by Ironstone Energy Ltd to undertake an Air Quality Assessment in support of a proposed biogas plant at Land south of Sewstern Industrial Estate on Gunby Road in Grantham, Lincolnshire. This report concentrates on transport-related emissions and is intended to supplement the earlier work by Redmore Environmental Ltd.

- 4.49 Real-time air quality monitoring was undertaken at three locations—Stainby, Gunby, and Sewstern—over a two-week period in summer 2025 to provide baseline data for the assessment. Although the monitoring period was short and therefore not suitable for annualisation in line with LAQM.TG22 guidance, the results offer a useful indication of prevailing air quality conditions.
- 4.50 Concentrations of NO₂, PM₁₀ and PM_{2.5} remained well below relevant Air Quality Objectives throughout the monitoring period, with the highest hourly and daily values recorded at Gunby. These findings indicate that baseline air quality in the vicinity of the proposed development is generally good, and pollutant levels are unlikely to pose a constraint on the scheme.
- 4.51 The modelled results show predicted annual mean NO₂, PM₁₀, and PM_{2.5} concentrations across the site boundary were below the relevant AQO in the proposed operational year, 2027. The development is therefore considered suitable for the proposed use without the implementation of mitigation techniques for air quality.
- 4.52 The modelled results indicate that predicted annual mean NO₂, PM₁₀, and PM_{2.5} concentrations at all receptor locations in the 2027 harvest scenario were below the relevant Air Quality Objectives. For all pollutants assessed, the development is predicted to have a negligible impact on existing receptors, in accordance with EPUK/IAQM guidance.
- 4.53 The AQA by Redmore Environmental Ltd (Ref: 6863r2) concluded that construction traffic would have a negligible impact. This assessment has found that traffic generated during the plant's operation would also result in a negligible impact on local air quality. As construction traffic is short term, its contribution is limited. When considered cumulatively, the combined effect of emissions from the plant, associated operational traffic, and construction activities is still predicted to be negligible, with no significant change in pollutant concentrations at any sensitive receptor.

5.0 CONCLUSION

- 5.1 This report has been prepared to consider the potential impact on the amenity of the residents of Buckminster, Stainby, Colsterworth, Sewstern and Gunby as result of the proposed construction of a new AD Plant to the east of Sewstern adjacent to Sewstern Industrial Estate. To inform the review new baseline traffic data has been collected within each of the villages, along with a series of noise surveys and Air Quality monitoring.
- 5.2 The report focusses purely on the impact of potential changes in vehicle movements to and from the site both in the Construction Stage as well as when the plant is operational. Due to the changes that occur in vehicle movements during the harvest period, over that of the non-harvest period the assessment considers both scenarios. The month of October has been chosen to represent the busiest month during harvest and the month of March for non-harvest.
- 5.3 For each of the scenarios considered a detailed review of the anticipated vehicle movements was considered, looking at all of the various processes that will be undertaken on the site and determining the likely distribution and direction that vehicles will make as a result. These figures were then compared to the baseline traffic data which had been collected in each of the villages and any potential changes identified.
- 5.4 These collated traffic figures were then used to form the base data for a Noise Impact Assessment and an Air Quality Assessment.
- 5.5 From this report which summarises the key findings of each of the assessments it can be seen that the proposed AD plant during the construction stage will cause minimal impact to the surrounding villages, with only relatively small increases in HGV movements being identified in Stainby and Colsterworth, leading to negligible to minor adverse Impact of Noise Levels and negligible Impact on Air Quality.
- 5.6 With respect to when the AD Plant is operational, the traffic figures actually showed that some of the villages would experience a reduction in HGV vehicle movements during the Harvest Period. Looking at the other scenarios considered a large number of the traffic movements that have been modelled in the Noise and AQ assessments are actually reassignments of existing traffic movements already on the network during these periods. The results therefore of these assessments should be considered as an absolute worst case scenario.
- 5.7 The Air Quality assessment identified that during both the harvest and the non-harvest stages that the impact was Negligible, and the Noise Assessment identified that any impact was considered negligible to minor adverse.
- 5.8 Looking at the cumulative impact of the plant itself and the potential traffic movements to and from the site it can be concluded that the impact is negligible for both Noise and Air Quality.
- 5.9 Considering the above results, it can be concluded that the impact caused by the potential changes in traffic movements, as a result of the proposed AD Plant, on the amenity value of the surrounding villages, is Negligible.

Ironstone Energy Limited

PROPOSED ANAEROBIC DIGESTION (AD) PLANT, LINCOLNSHIRE

ES Chapter – Offsite Traffic/Air Quality/Noise

The information contained within this report and any appendices or supporting information provided are to be treated as confidential.



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Addendum (August 2025) to Landscape and Visual Impact Assessment for Proposed Anaerobic Digester Plant, Gunby, Lincolnshire (March 2024)

Luke Broom-Lynne

1. Introduction

- 1.1 This Addendum to the Landscape and Visual Impact Assessment has been prepared on behalf of Future Biogas to supplement the main LVIA in providing further clarification on the conclusions on effects of landscape character and visual impact.

2. District Landscape Character Assessment

- 2.1 Reference is made to the South Kesteven Landscape Character Assessment (2007) and the Colsterworth & District Landscape Character Assessment (Appendix 3 of Colsterworth and District Neighbourhood Plan, as submitted to South Kesteven District Council (January 2017)).
- 2.2 The South Kesteven Landscape Character Assessment forms part of current planning policy, building on the national character assessment (NCA), divides the district into six character areas. Colsterworth and District is located, as in the National Character Area, within the Kesteven Uplands. The key relevant characteristics for this area (as outlined at paragraph 4.6 of the South Kesteven Landscape Character Assessment and referred to at paragraphs 5.1 and 5.2 of the main LVIA) include:
- A relatively unified, simple, medium-scale agricultural landscape, with a high proportion of historic woodland.
 - Undulating landform based around the valleys of the Rivers Witham and East and West Glen and the Welland to the south.
 - A dispersed, nucleated settlement pattern, mostly following the river valleys.
 - Enclosed mostly by hedgerows, with hedgerow trees.
 - Modern human influences include airfields and the A1, Great North Road.
- 2.3 Within this document the most relevant landscape management objectives for this area include:
- Protect and improve field boundary condition.
 - Protect existing hedgerow trees.
 - Plant new hedgerow trees.
 - Maintain important grassland areas.
 - Protect important and distinctive woodland cover.
 - Protect field trees, particularly in parkland and in large arable fields.
 - Maintain traditional village forms.
 - Use of new planting to minimise the visual impact of major roads and industrial buildings.
- 2.4 Other management objectives for this Landscape Character Area are listed in paragraph 5.14 of the LVIA.

- 2.5 The Colsterworth and District Neighbourhood Plan notes that the drive for Iron made the Northamptonshire Ironstone a valuable commodity in the middle of the 20th century and became the predominant employer in the area. Much of the land to the West of the river Witham in which the site is located was exploited for its iron ore deposits which were open cast and transported via railways to Scunthorpe for smelting. Most of the land has been reclaimed and the abandoned railways now are used for recreation and for wildlife management.
- 2.6 Policy 5 of the Colsterworth and District Neighbourhood Plan highlights ten 'Important Views and Vistas' within the neighbourhood. None of these are considered to be affected by the proposal.

3. LVIA assessment of Landscape Character

- 3.1 Whilst both the South Kesteven Landscape Character Assessment (2007) and the Colsterworth & District Landscape Character Assessment note the relatively tranquil landscape, the former concedes that the strong landscape pattern including many woodlands could in places be beneficial in new development (at paragraph 4.32). This suggests an acceptance of development, subject to satisfactory siting, topography and presence of semi-natural landscape features.
- 3.2 It is noted that the area around the Site is not subject to any landscape conservation or protection designations, and it is considered that it is an intensively farmed and highly managed landscape with few extant semi-natural landscape features or distinctive characteristics.
- 3.3 Even the woodland immediately to the west of the application site is a modern feature of the second half of the 20th century. The extensive past use of the surrounding land for ironstone extraction, and its subsequent partial restoration, has resulted in significant changes in the natural landform as evidenced in topographical mapping. A railway associated with the ironstone works stretched north-south running along the western side of the Site, and which is now used in part as farm tracks, and the former railways sidings and quarry immediately north of the site are now used as a busy industrial and commercial centre.
- 3.4 Thus, it is a relatively undistinguished landscape with topography and features which have been heavily influenced by historical industrial activity, recent commercial development immediately to the south of the site and modern intensive agriculture.
- 3.5 The site is located a considerable distance from any public rights of way or residential properties, so views to the site are limited by distance, roadside hedgerow, topography and other features. The proposed development is located within existing field boundaries and would not involve the loss of any existing landscape features.
- 3.6 The form and appearance of the domed digester vessel and associated tanks introduced by the proposed development may contrast with the large barn type structures normally seen on agricultural complexes in the countryside. However, following completion of the construction works, taking into account the distance from residential properties and

settlements, the existing vegetation, local topography, surrounding agricultural and commercial activities, and the fact that the site does not fall within a designated landscape, it is considered that initially the proposed development would result in a partial change to the landscape characteristics of the designated landscape Character Area. Visually, the LVIA concedes that from the closest viewpoints to the east (from the permissive footpath south of Gunby) and some views through the roadside hedgerow to the north-east and east there will be a moderate adverse impact (pages 30-37 of the LVIA), due to construction activity (including the impact of movement, use of cranes and other activities related to construction) and the introduction of a new built feature, reducing to minor adverse with landscape mitigation after around year 5. The reduction of the level of impact is because over time (5-15 years) the proposed new planting and growing-on of existing hedgerow will mature and increase in density and soften the proposed scheme, particularly lower-level plant and vehicular activity, blending it in with the background woodland and help it integrate into the local landscape.

- 3.7 The effect on landscape character is not considered to be significant due to the extensive landscape mitigation measures and the careful location of the plant within existing field boundaries, avoiding the loss of any existing landscape features, and with existing woodland behind and hedgerow in front for immediate partial screening.
- 3.8 There is a slight adverse impact on the topography of the area (referred to at paragraph 13.5 of the LVIA). This is because the proposed development will make a slight difference to the landform. However, this is very minor, and one which would be expected with any development – the change isn't at an extent which will be noticeable.
- 3.9 The proposed development initially would have a medium nature of change on the local baseline landscape character and over time with the medium-term establishment of the proposed mitigation would reduce to a low nature of change, and the perception of a major development in this location would not be significant once existing hedgerows have been allowed to grow on and new planting becomes established after 5-8 years. Proposed off-site landscape measures will further reinforce the landscape character and structure of the area. The potential perception of change in the landscape character in the long term is not considered to be significant.
- 3.10 Overall, therefore, it is considered that, taking into consideration the proposed on- and off-site landscaping, the proposed development would not have a significant effect on the surrounding rural landscape character.

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STATEMENT OF CASE

PREPARED ON BEHALF OF IRONSTONE ENERGY LIMITED

APPEAL AGAINST REFUSAL BY SOUTH KESTEVEN DISTRICT COUNCIL FOR:

**PLANNING APPLICATION – ERECTION OF AN ANAEROBIC DIGESTION (AD) FACILITY AND
CARBON CAPTURE, IMPROVEMENT OF EXISTING AND PART CREATION OF NEW ACCESS
TRACK, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE**

LAND EAST OF SEWSTERN INDUSTRIAL ESTATE SOUTH OF SEWSTERN ROAD

Local Planning Authority reference: S24/0568

DLA Piper Reference: TCI/ACT/11014488/2

In this statement AB[X] is a reference to a document contained in the Appeal Bundle.

1. INTRODUCTION

- 1.1 This Statement of Case has been prepared by DLA Piper (UK) LLP on behalf of Ironstone Energy Limited ("**Appellant**").
- 1.2 This Appeal is made under section 78 Town and County Planning Act 1990 against the refusal of planning permission by South Kesteven District Council ("**Council**") in respect of a planning application with reference number S24/0568 ("**Application**") in respect of land east of Sewstern Industrial Estate south of Sewstern Road ("**Site**").
- 1.3 The Council's decision notice dated 13 February 2025 ("**Decision Notice**") is reproduced at AB A2.
- 1.4 The Application was refused for the following reason:

"1 The proposal, including the required upgraded access route, would result in a large-scale, industrial development which is considered to be an inappropriate form of development in this countryside location. The large scale and industrial nature of the development proposal would result in an adverse impact on the landscape setting and character of the area, which would be reduced, but not fully mitigated by the proposed landscaping and planting scheme resulting in harm to the rural landscape of the Kesteven Uplands.

"The proposal would additionally negatively impact on neighbouring villages and residents through disturbance from the generation of additional traffic movements on local roads. There is particular concern with increased numbers of HGV movements on minor rural roads, including through the neighbouring villages, that are used by vulnerable road users such as walkers, cyclists, horse riders and children. The mitigation of the site access road does not remove the concern regarding the increase in HGV movements through neighbouring villages, and the application does not suitably take into account or address the negative impacts from the development on the transport network or amenity of neighbouring communities

"It is acknowledged that the generation of renewable energy would be a significant benefit provided by the scheme, however, it is not considered to outweigh the harm from the development in terms of impact on landscape, character and appearance of the area, and the amenity of neighbouring residents. The development is therefore contrary to Local Plan Policy E7, EN1, EN4, DE1 and RE1, and paragraph 135 of the NPPF."

- 1.5 Clarification of the reason for refusal was requested from the Council whose officer, Phil Jordan, responded by email on 14 March 2025 to advise as follows:
 - 1) *The second paragraph of the reason for refusal is solely concerned with the number of HGV movements associated with the proposed development.*
 - 2) *The concerns of the Council are not limited to highway safety impacts and extend to the impact of the increased traffic on the amenity of local residents and communities, as stated in the reason for refusal.*

2. PROPOSAL

- 2.1 The Application¹ is a full application for the erection of an anaerobic digestion facility ("**AD**") and carbon capture. The precise description of development is:

¹ AB A1

"Erection of an anaerobic digestion (AD) facility and carbon capture, improvement of existing and part creation of new access track, landscaping and other associated infrastructure"

("Development").

2.2 The documents set out in the tables below have been submitted as part of the Application. These documents represent the documents currently before the Council and form part of this Appeal.

PLANNING APPLICATION DOCUMENTATION	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
Application Form	Heatons	PP-12895213	28/03/2024	A1
Council's Decision Notice	Council	S24/0568	13/02/2025	A2
Statement of Community Involvement	Heatons	-	March 2024	A3
Planning and Environmental Statement ("ES") chapters 1 to 5 "Planning Statement")	Heatons	IEL-001-EN	28 March 2024	A4
Design and Access Statement	Heatons	-	March 2024	A5
Transport ES Chapter 6	Heatons	IEL-001-EN	-	A6
Transport Statement (ES Technical Appendix A)	Northern Transport Planning Ltd	jgv/21030/TS/v1	March 2024	A7
Hydrology (ES Chapter 9)	Heatons	-	-	A8
Flood Risk Assessment and Surface Water Drainage Strategy Part 1 (ES Technical Appendix C)	Plandescil Consulting Engineers	Revision A	February 2024	A9
Flood Risk Assessment and Surface Water Drainage Strategy Part 2 (ES Technical Appendix C)	Plandescil Consulting Engineers	Revision A	February 2024	A10
Flood Risk Assessment and Surface Water Drainage Strategy Part 3 (ES Technical Appendix C)	Plandescil Consulting Engineers	Revision A	February 2024	A11

PLANNING APPLICATION DOCUMENTATION	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
Noise (ES Chapter 7)	Heatons	-	-	A12
Noise Assessment (ES Technical Appendix B)	Sharps Redmore	-	27 March 2024	A13
Air Quality and Odour Environmental Impact Assessment (ES Chapter 8)	Redmore Environmental	6863r2	28 March 2024	A14
Landscape (ES Chapter 10)	Heatons	-	-	A15
Landscape and Visual Impact Assessment (ES Technical Appendix D)	Broom Lynne	-	March 2024	A16
Ecology (ES Chapter 11)	Heatons	-	-	A17
Preliminary Ecological Appraisal (ES Technical Appendix E)	Heatons	-	March 2024	A18
DEFRA Biodiversity Net Gain Report (ES Technical Appendix F)	Heatons	-	March 2024	A19
Heritage (ES Chapter 12)	Heatons	-	-	A20
Written Scheme of Investigation for Geophysical Survey	APS Archaeological Project Services	V1	April 2024	A21
Geophysical Survey	APS Archaeological Project Services	V1	August 2024	A22
Soils and Agricultural Land Classification Report (ES Chapter 13)	Heatons	-	-	A23
Agricultural Land Quality report (ES Technical Appendix G)	Land Research Associates Limited	2224/2	11 March 2024	A24
Minerals Resource Assessment	Heatons	-	March 2024	A25
Ground Condition Report	A F Howland Associates	BJH/23.104/Rev011	27 February 2024	A26

PLANNING APPLICATION DOCUMENTATION	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
ES Non-Technical Summary	Heatons	IEL-001-En	27 March 2024	A27
Carbon Balance	Future Biogas	S24/0568		A28
Arboricultural Planning Statement Part 1	RSK ADAS Limited	105593_Future Biogas (Anaerobic Digester Plant, Gunby)_APS	June 2024	A29
Arboricultural Planning Statement Part 2	RSK ADAS Limited	105593_Future Biogas (Anaerobic Digester Plant, Gunby)_APS	June 2024	A30
Arboricultural Planning Statement Part 3	RSK ADAS Limited	105593_Future Biogas (Anaerobic Digester Plant, Gunby)_APS	June 2024	A31

LIST OF PLANS AND DRAWINGS	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
Site Location Plan	Planning Design Civil	27729/150 Rev B	May 2023	B1
Proposed Site Sections	Planning Design Civil	27729/120 Rev G	February 2022	B2
Proposed Plant Elevations Sheet 1 of 3	Planning Design Civil	27729/050 Rev E	February 2022	B3
Proposed Plant Elevations Sheet 2 of 3	Planning Design Civil	27729/051 Rev D	February 2022	B4
Proposed Plant Elevations Sheet 3 of 3	Planning Design Civil	27729/052 Rev A	October 2023	B5
Proposed Site Layout (Planning 2024) Sketch Plan	Planning Design Civil	27729/SK10 Rev H	January 2024	B6
Proposed Highway Access Boundary Sketch	Planning Design Civil	27729/SK15 Rev A	February 2024	B7
Site Access Road Location Plan	Planning Design Civil	27729/600 Rev D	October 2023	B8
Site Access Road Sheet 1	Planning Design Civil	27729/601 Rev C	October 2023	B9

LIST OF PLANS AND DRAWINGS	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
Site Access Road Sheet 2	Planning Design Civil	27729/602 Rev C	October 2023	B10
Site Access Road Sheet 3	Planning Design Civil	27729/603 Rev B	October 2023	B11
Site Access Road Sheet 4	Planning Design Civil	27729/604 Rev C	October 2023	B12
Site Access Road Sheet 5	Planning Design Civil	27729/605 Rev C	October 2023	B13
Site Access Road Sheet 6	Planning Design Civil	27729/606 Rev D	October 2023	B14
Site Access Road Sheet 7	Planning Design Civil	27729/607 Rev C	October 2023	B15
Site Access Road Sheet 8	Planning Design Civil	27729/608 Rev C	October 2023	B16
Site Access Road Visibility Clearance Plan	Planning Design Civil	27729/613 Rev C	October 2023	B17
Site Access Road Clearance Plan Sheet 1	Planning Design Civil	27729/614 Rev A	October 2023	B18
Site Access Road Clearance Plan Sheet 2	Planning Design Civil	27729/615 Rev A	October 2023	B19
Site Access Road Clearance Plan Sheet 3	Planning Design Civil	27729/616 Rev A	October 2023	B20
Site Access Road Clearance Plan Sheet 4	Planning Design Civil	27729/617 Rev A	October 2023	B21
Site Access Road Clearance Plan Sheet 5	Planning Design Civil	27729/618 Rev A	October 2023	B22
Site Access Road Clearance Plan Sheet 6	Planning Design Civil	27729/619 Rev A	October 2023	B23
Junction Line and Sign Works	Planning Design Civil	27729/620 Rev B	May 2024	B24
Topographical Survey Drawing 1 of 7	Planning Design Civil	27729/1000 Rev A	September 2023	B25
Topographical Survey Drawing 2 of 7	Planning Design Civil	27729/1001 Rev A	September 2023	B26

LIST OF PLANS AND DRAWINGS	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
Topographical Survey Drawing 3 of 7	Planning Design Civil	27729/1002 Rev A	September 2023	B27
Topographical Survey Drawing 4 of 7	Planning Design Civil	27729/1003 Rev A	September 2023	B28
Topographical Survey Drawing 5 of 7	Planning Design Civil	27729/1004 Rev A	September 2023	B29
Topographical Survey Drawing 6 of 7	Planning Design Civil	27729/1005 Rev A	September 2023	B30
Topographical Survey Drawing 7 of 7	Planning Design Civil	27729/1006 Rev A	September 2023	B31
Proposed Drainage Plan	Planning Design Civil	27729-805 Rev C	September 2023	B32

2.3 The following documents have been prepared in connection with this Appeal and were not before the Council during the determination of the Application.

DOCUMENT	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
Fire hydrant connection specification	Balmoral Tanks Ltd.	CT-831.idw	10.01.2023	C1
Gas Pipe Indicative Location	Planning Design Civil	27729/154 Rev.0	April 2024	C2
Draft section 106 Planning Obligation	DLA Piper	-	-	C3
Create Transport Assessment (Volume 1)	Create Consulting Engineers (Create) Limited	JPC/VL/P25-3541/01	July 2025	C4
Create Transport Assessment (Volume 2)	Create Consulting Engineers (Create) Limited	JPC/VL/P25-3541/01	July 2025	C5
Create Transport Assessment (Volume 3)	Create Consulting Engineers (Create) Limited	JPC/VL/P25-3541/01	July 2025	C6
Create Air Quality Assessment	Create Consulting Engineers (Create) Limited	TR/VL/P25-3541/03	July 2025	C7

Create Acoustic Report	Create Consulting Engineers (Create) Limited	MT/VL/P25-3541/02	July 2025	C8
Create ES Chapter – Offsite Traffic, Air Quality, Noise	Create Consulting Engineers (Create) Limited	JPC/CS/P25-3541/04	July 2025	C9
Landscape and Visual Impact Assessment Addendum	Luke Broom-Lynne	-	August 2025	C10
Draft Statement of Common Ground	DLA	TCI/ACT/11014488/2	-	C11

2.4 The following documents are referenced in this Statement of Case and are relevant to the determination of this Appeal.

OTHER DOCUMENTS	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
Planning Officer's Report to the Council's Planning Committee (" Committee Report ")	Venezia Ross-Gilmore, Council	S24/0568	9 January 2025	D1
Transcript	-	S24/0568	23 January 2025	D2
Letter Philipp Lukas, Future Biogas to Venezia Ross-Gilmore (" 3 September GHG Letter ")	Philipp Lukas	S24/0568	3 September 2024	D3
DLA letter	DLA Piper	HJ/HJ/11014488/1	5 September 2024	D4
DLA letter regarding Decision notice	DLA Piper	-	10 March 2025	D5
Response from Phil Jordan to DLA's 10 March 2025 letter	Phil Jordan, Council	-	14 March 2025	D6
Letter from Natural England	Ryan Davies, Consultations Team, Natural England	475504	10 May 2024	D7
Letter Sam Salt, Heatons to Venezia Ross-Gilmore (" 3 ")	Sam Salt	IEL-001-En	3 September 2024	D8

OTHER DOCUMENTS	AUTHOR	DOCUMENT REF	DATE	APPEAL BUNDLE REFERENCE
September Response Letter")				
Letter from Heatons regarding White Clawed Crayfish (" Ecology Letter ")	Nigel Gould, Heatons	IEL-003-En	6 August 2025	D9
South Kesteven District Council Local Plan (2011-2036)	South Kesteven District Council	-	January 2020	D10
Lincolnshire Minerals and Waste Local Plan - Core Strategy and Development Management Policies DPD June 2016	Lincolnshire County Council	-	June 2016	D11
South Kesteven District Council Climate Action Strategy	South Kesteven District Council	-	October 2023	D12
Colsterworth and District Neighbourhood Plan (2016-2026)	Colsterworth and District Parish Council	-	May 2016	D13
South Kesteven District Council Local Plan (2011-2036) Renewable Energy Appendix 3 (" REA ")	South Kesteven District Council	-	January 2020	D14
South Kesteven Landscape Character Assessment	South Kesteven District Council	-	January 2007	D15
Appeal Decision	The Planning Inspectorate	APP/E2530/W/24/3337544	9 April 2024	D16
In R (oao Cummins) v LB Camden [2001] EWHC 1116 (Admin)	-	CO/2003/2001	21 December 2001	D17

3. THE SITE AND LOCATION

A detailed description of the Site and its surroundings is set out at section 2.1 of the Planning Statement.²

² AB A4

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history is set out in section 2.2 of the Planning Statement submitted with the Application.³
- 4.2 There is no planning application history associated with the Site.

³ AB A4

5. PLANNING POLICY CONTEXT

Development Plan

5.1 The development plan for the area comprises:

- a) South Kesteven District Council Local Plan (2011-2036)⁴ ("**Local Plan**") (January 2020);
- b) Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies DPD (June 2016)⁵ ("**M&W Core Strategy**"); and
- c) Colsterworth and District Neighbourhood Plan (2016-2026)⁶ ("**Neighbourhood Plan**").

5.2 Whilst the M&W Core Strategy includes policies which relate to anaerobic digestion, this is in relation to the anaerobic digestion of waste and therefore are not applicable to the Development which will use purpose grown crops for fuel.

5.3 Copies of the relevant policies are included at: AB D10, D11 and D13.

5.4 Policies within each of these documents, which fall to be considered as part of this Appeal, are summarised below.

Local Plan

5.5 The Local Plan contains several development management policies relevant to the Appeal.

5.6 **Policy RE1 – Renewable Energy Generation** will be supported as long as it:

- a) meets the detailed criteria which is set out in Appendix 3 to the Local Plan;⁷
- b) doesn't negatively impact the agricultural land assets within the Council's administrative area;
- c) can demonstrate support of local affected communities;
- d) includes details for transmission of power produced (and details for removal of apparatus when power production ceases); and
- e) complies with other relevant policies.

5.7 **Policy SD1 – The Principles of Sustainable Development in South Kesteven** expects development proposals to minimise the impact on climate change and contribute towards creating a strong, stable and more diverse economy.

5.8 **Policy SP1 – Spatial Strategy** seeks to deliver sustainable growth across the Council's administrative area and includes allocations for such development. It seeks to protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy.

⁴ AB D10

⁵ AB D11

⁶ AB D13

⁷ See paragraph 5.21 below

- 5.9 **Policy SP2 – Settlement Hierarchy** seeks to focus growth into existing subregional centres and other villages
- 5.10 **Policy SP5 – Development in the Open Countryside** seeks to limit such development to that which has an essential need to be located outside the existing built form of a settlement, including rural diversification projects.
- 5.11 **Policy E7 – Rural Economy** seeks to ensure scale design and construction of new buildings are appropriate to their rural setting and fully justified by the business proposal and that they are for an appropriate use, respect the character and appearance of the local landscape, as well as not negatively impacting on neighbouring uses through noise, traffic, light and pollution impacts.
- 5.12 **Policy EN1 – Landscape Character** seeks to ensure that development is appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. It requires the consideration of relevant landscape character appraisals.
- 5.13 **Policy EN2 Protecting Biodiversity and Geodiversity** seeks to facilitate the conservation, enhancement and promotion of biodiversity and geological interest of the natural environment within the Council's administrative area, seeking to deliver a net gain on all proposals.
- 5.14 **Policy EN3 – Green Infrastructure** seeks to maintain and improve a green infrastructure network in the District, ensuring green infrastructure is integrated into scheme design and opportunities are taken to enrich biodiversity habitats.
- 5.15 **Policy EN4 – Pollution Control** seeks to minimise pollution and contribute to the protection and improvement of air, land and water quality. If the development would result in significant environmental pollution or harm to amenity, health, well-being or safety it would not be permitted. Any potential adverse effects would need to be mitigated.
- 5.16 **Policy EN5 – Water Environment and Flood Risk Management** requires development to be located in lowest areas of flood risk or for a sequential approach to be applied followed by an exception test, where necessary. Flood Risk Assessments are required for development in flood zones 2 and 3 and for sites greater than 1 hectare. Development must also avoid increasing flood risk elsewhere. The policy seeks to secure the effective management of surface water through the use of Sustainable Drainage Systems.
- 5.17 **Policy EN6 – The Historic Environment** seeks to protect and enhance heritage assets and their settings.
- 5.18 **Policy DE1 – Promoting Good Quality Design** seeks to make a positive contribution to the local distinctiveness, vernacular and character of the area, and ensure there is no adverse impact on the amenity of neighbouring users.
- 5.19 **Policy ID1 – Infrastructure for Growth** expects development proposals to demonstrate there is sufficient infrastructure capacity to support and meet the requirements of the development.
- 5.20 **Policy ID2 – Transport and Strategic Transport Infrastructure** seeks to promote an efficient and safe transport network, and for new developments to demonstrate they have applied various principles including reducing travel demand and to not severely impact on the safety and movement of traffic on the highway network (or if there are such impacts that they can be mitigated appropriately).

Appendix 3

- 5.21 Policy RE1 of the Local Plan refers to its Appendix 3 which is entitled the Renewable Energy Appendix ("**REA**"). Amongst other things, it details 7 criteria to be applied in the determination of planning applications for anaerobic digestion (which is referred to in the document as "*biomass*"). These criteria are summarised later in section 6 (Compliance with the Development Plan).

M&W Core Strategy

- 5.22 **Policy M11 – Safeguarding of Mineral Resources** provides that applications for development within a Safeguarding Area will be granted provided that it will not sterilise mineral resources within the designated minerals safeguarding areas or prevent future mineral extraction on neighbouring land. Planning permission will be granted where incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed.

Neighbourhood Plan

- 5.23 **Policy 4 – Open Countryside** restricts development within the neighbourhood area outside built up areas. Criteria are provided for the support of development in the open countryside including where it contributes to rural diversification and where it preserves and enhances specified features including landscape character and quality, sites of ecological value and the intrinsic character and appearance of the area in terms of its historic and vernacular built form.
- 5.24 **Policy 5 – Important views and vistas** only supports development where there are no adverse impacts on important views or vistas. It designates 10 important views.
- 5.25 **Policy 6 – Trees and Hedgerows** directs that mature trees, woodland and important hedgerows should be protected wherever possible.
- 5.26 **Policy 9 – Environmental Quality** supports proposals for development which incorporate design features to minimise emission of air pollutants, noise, light pollution, waste generation, flood risk and the fragmentation of habitats.
- 5.27 **Policy 15 – Traffic management** supports proposals for development which incorporate various traffic management measures including those that improve road safety, reduce traffic speed, enable or help traffic calming, ensure vehicular traffic keeps to appropriate routes

Other Relevant Planning Policy and Guidance

National Planning Policy Framework

- 5.28 The National Planning Policy Framework ("**NPPF**") (February 2025) is a material consideration in planning decisions. It should be noted that the Application was prepared on the basis of the previous iteration (December 2023) of the NPPF and the committee was also held before the update to the NPPF. References are updated in this Statement of Case to the current version of the NPPF for the purposes of the Appeal and may differ from those referred to in the Application (those differences are highlighted).
- 5.29 Paragraph 8 of the NPPF sets out the three dimensions of sustainable development: economic, social and environmental. Paragraph 10 sets out the presumption in favour of sustainable development and Paragraph 11(c) confirms that for decision-taking this means "*approving development proposals that accord with an up-to-date development plan without delay*".
- 5.30 Paragraph 56⁸ highlights the importance of considering the imposition, where necessary, of planning conditions or obligations and states that the latter should only be used where the former are insufficient.
- 5.31 Paragraph 57⁹ stresses that the use of planning conditions should be minimised, and that conditions should only be imposed where they are:

⁸ Paragraph 55 in December 2023 NPPF

⁹ Paragraph 6 in December 2023 NPPF

- a) necessary;
- b) relevant to planning and to the development; and
- c) enforceable, precise and reasonable in all other respects,

The paragraph also notes that pre-commencement conditions should be avoided unless there is a clear justification for their imposition.

5.32 Paragraph 58¹⁰ lists the three criteria that planning obligations must meet:

- a) they must be necessary to make the development acceptable in planning terms;
- b) they must be directly related to the development; and
- c) they must be fairly and reasonably related in scale and kind to the development.

5.33 Paragraph 109¹¹ highlights the need to consider transport issues early in development proposals to: (a) make transport considerations an important part of early engagement with local communities¹²; (b) ensure patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places; (c) understand and address potential impacts of development on transport networks; (d) realise opportunities from existing or proposed transport infrastructure, and change transport technology and usage; (e) identify and pursue opportunities to promote walking, cycling and public transport use; (f) identify, assess and take into account the environmental impacts of traffic and transport infrastructure.

5.34 Paragraph 116¹³ states that highways grounds should prevent development only if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe taking into account all reasonable future scenarios.

5.35 Paragraph 125¹⁴ provides that planning policies and decisions should encourage multiple benefits from both urban and rural land including taking opportunities to achieve net environmental gains such as enabling new habitat creation, recognise that some undeveloped land can perform many functions, such as for wildlife, flood risk mitigation, carbon storage or food production.

5.36 Paragraph 135 sets out a number of criteria for developments in relation to design as follows: proposals should (a) function well and add to the overall quality of the area; (b) be visually attractive as a result of good architecture, lay-out and landscaping; (c) be sympathetic to local character and history (without preventing appropriate innovation or change); (d) establish or maintain a strong sense of place; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and (f) create places that are safe, inclusive and accessible.

¹⁰ Paragraph 57 in December 2023 NPPF

¹¹ Paragraph 108 in December 2023 NPPF

¹² Inserted into 2025 edition of NPPF

¹³ Paragraph 115 in December 2023 NPPF

¹⁴ Paragraph 124 in December 2023 NPPF

- 5.37 Paragraph 161¹⁵ states that the planning system should support the transition to a net zero by 2050, taking full account of climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.
- 5.38 Paragraph 168¹⁶ states that applicants shouldn't be required to demonstrate the overall need for renewable or low carbon energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.
- 5.39 Paragraph 181¹⁷ states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that, where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 5.40 Paragraph 187¹⁸ outlines that decisions should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, minimising impacts on and providing net gains for biodiversity. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
- 5.41 Paragraph 193(d)¹⁹ sets out that opportunities to improve "*biodiversity in and around developments should be integrated as part of the design, especially where this can secure measurable net gains for biodiversity*".
- 5.42 Paragraph 207²⁰ states that local planning authorities should require an applicant to describe the significance of any heritage assets affected by the development including any contribution made by their setting.
- 5.43 Paragraph 212²¹ sets out that when considering the impact of a proposed development on a designated heritage asset great weight should be given to the asset's conservation (irrespective of how substantial any harm caused is).
- 5.44 Section 16 of the NPPF sets out a further framework as to the assessment of harm on designated and non-designated heritage assets and the decision making in these cases.

National Policy Statement for Energy (EN-1) (November 2023) (last updated 17 January 2024)

- 5.45 The National Policy Statement for Energy (EN-1) sets out its role in the planning system and at paragraph 1.2.1 states that EN-1 may be a material consideration in the determination of an application pursuant to the Town and Country Planning Act 1990. The Policy Statement is primarily a tool for decision making by the Secretary of State for consents pursuant to the Planning Act 2008 and the extent to which they are relevant as a material

¹⁵ Paragraph 157 in December 2023 NPPF

¹⁶ Paragraph 163 in December 2023 NPPF

¹⁷ Paragraph 173 in December 2023 NPPF

¹⁸ Paragraph 180 in December 2023 NPPF

¹⁹ Paragraph 186(d) in December 2023 NPPF

²⁰ Paragraph 200 in December 2023 NPPF

²¹ Paragraph 205 in December 2023 NPPF

consideration in other decisions depends on the extent to which matters are already covered by applicable planning policy (paragraph 1.2.2 of EN-1).

- 5.46 EN-1 makes it clear at paragraph 2.2 that the net zero greenhouse gases ("**GHG**") emissions target is to be achieved by 2050 (as introduced through the Climate Change Act 2008 (2050 Target Amendment) Order 2019). There are also interim targets of reducing GHG from 1990 levels by at least 68% by 2030 and by 78% by 2035. To meet these targets, a step change is required in the decarbonisation of the UK's energy system. The NPS clarifies at paragraph 4.2.4 that low carbon infrastructure for electricity generation is that which does not involve fossil fuel combustion and includes anaerobic digestion.

National Policy Statement for Renewable Energy (EN-3) (November 2023) (last updated 17 January 2024)

- 5.47 EN-3 is a technology specific NPS which may be a material consideration in the determination of applications for renewable energy, as set out in paragraph 1.2.1 and 1.2.2 of EN-1 as described in paragraph 5.45 above. EN-3 covers energy from biomass, providing guidance for those larger facilities which would be regarded as a nationally significant infrastructure project. Biomass is defined at paragraph 2.7.5 of EN-3 to include a broad range of material, including biomass from agricultural crops and residues including crops grown primarily for use in energy generation

National Planning Practice Guidance

- 5.48 In March 2014, the Government published the National Planning Practice Guidance ("**NPPG**") to supplement the overarching policy guidance contained within the NPPF, expanding upon several key policy areas.
- 5.49 The following sections of the NPPG are of relevance to the Development:
- a) air quality (ID: 32);
 - b) biodiversity net gain (ID: 74);
 - c) climate change (ID: 06);
 - d) design: process and tools (ID: 26);
 - e) flood risk and coastal change (ID: 7);
 - f) historic environment (ID: 18a);
 - g) light pollution (ID: 31);
 - h) natural environment (ID: 8);
 - i) noise (ID: 30);
 - j) planning obligations (ID: 23b);
 - k) renewable and low carbon energy (ID: 5);
 - l) travel plans, transport assessments and statements (ID: 42); and
 - m) use of planning conditions (ID: 21a).

6. COMPLIANCE WITH THE DEVELOPMENT PLAN

- 6.1 Section 38(6) Planning and Compulsory Purchase Act 2004 requires that, *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 6.2 It is the Appellant's case that the Development complies with the Development Plan.
- 6.3 The Decision Notice states that the Development is contrary to the following policies of the Local Plan:
- a) Policy E7;
 - b) Policy EN1;
 - c) Policy EN4;
 - d) Policy DE1;
 - e) Policy RE1.
- 6.4 It must therefore follow that the Council considers that the proposals comply with all other development plan policies.
- 6.5 The Committee Report²² concluded that the Application was in accordance with the adopted Development Plan when taken as a whole, albeit conflicts were identified in relation to the visual impact of the Development (policies EN1, DE1, REA criteria 1). Accordingly, it is only those policies with which the Council alleges conflict that are considered in this Statement of Case.

Policy E7 – Rural Economy

- 6.6 Policy E7 sets out when small business schemes in the rural economy can be supported. The Development is not a small business scheme and therefore this policy is not applicable. There is no conflict with the Development Plan.

Policy EN1 – Landscape Character

- 6.7 Policy EN1 requires development to be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration, with reference to South Kesteven's Landscape Character Areas. It goes on to require the consideration of relevant landscape character appraisals (including those produced to inform the Local Plan and Neighbourhood Plan) when assessing the impact of proposed development on the landscape.
- 6.8 The LVIA has considered the relevant landscape areas as identified in the South Kesteven Landscape Character Assessment – which it identifies and describes at paragraphs 5.1 to 5.2 therein. It then goes on to consider the character areas in more detail at paragraphs 5.8 to 5.11 and the resulting landscape sensitivity, which assists in the landscape's capacity for change without significant effects on character. The landscape assessment performed at section 11 of the LVIA takes various key landscapes and features in turn and considers the likely effect of the Development on them in accordance with the policy. As confirmed in the LVIA Addendum, at paragraph 3.6, the Development would initially result in a partial change to the landscape characteristics of the designated landscape character area due to the presence of construction activity (including impact of movement, use of cranes and other construction-related activities) and then the introduction of a new built feature, although the landscape mitigation will reduce the impact of this change to minor adverse after around 5 years.
- 6.9 The policy does not require that the Development is fully mitigated to the extent that there is no effect on landscape or character, but that the Development must be appropriate to the character and significant natural,

²² AB D1

historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. It is accepted that there would be a change to the open character of the local landscape as a result of the development, although new planting will add to green infrastructure which is already an important feature of the area, acting as a continuity of the existing woodland and hedgerow.

6.10 The Development has been thoroughly considered in the LVIA in the context of South Kesteven's Landscape Character Areas, amongst other information, at section 11, in accordance with Policy EN1. The Development is appropriate to the landscape character within which it will sit.

6.11 The Development complies with Policy EN1.

EN4 – Pollution control

6.12 Policy EN4 seeks to secure that development "*should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water.*" In order to achieve this the 6 following points are made (our numbering):

- a) *Development should be designed to improve air, land and water quality and promote environmental benefits.*
- b) *Development that, on its own, or cumulatively, would result in significant air, light, noise, land, water or other environmental pollution or harm to amenity, health wellbeing or safety will not be permitted*
- c) *Development will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals.*
- d) *Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards in the Anglian River Basin Management Plan will not be permitted.*
- e) *Where development is situated on a site with known or high likelihood of contamination, remediation strategies to manage this contamination will be required.*
- f) *Subject to the policies in this Plan, planning permission will be granted for development on land affected by contamination where it can be established by the proposed developer that the site can be safely and viably developed with no significant impact on either future users or on ground and surface waters.*

6.13 Limb a: The Development promotes environmental benefits by being not only carbon neutral but being carbon negative. An explanation of this is contained in the 3 September GHG Letter²³; in brief the AD Facility produces biomethane (an estimated 150GWh/yr), biogenic CO₂ and digestate, which all play a significant role in mitigating climate change by reducing greenhouse gas (GHG) emissions. They do this by displacing fossil fuels, synthetic fertilisers and capturing and sequestering CO₂ from the atmosphere, which results in a carbon-negative impact. It produces about 20,000 t/yr of liquified CO₂ which can then be permanently sequestered.

6.14 An improvement to land is also secured by the BNG areas provided on Site.

6.15 The quality of the air, land and water is not predicted to be adversely affected by the Development, indeed it is to be improved. Therefore, particularly when the carbon negative benefit and other benefits as identified at paragraph 6.13 above are considered, this limb of the policy is not only complied with, but the benefits gained weigh in favour of a grant of permission.

Limb b:

²³ AB D3

Air

- 6.16 The potential impacts of the operational phase of the Development have been assessed by Redmore Environmental. The Air Quality and Odour Environmental Impact Assessment²⁴ ("**Redmore Report**") reports the results of modelling and predicts that impacts would not be significant at any of the human and ecological receptors identified. Combustion plant emissions were assessed at receptor locations as follows:
- a) Nitrogen Dioxide: predicted to be negligible and classed as not significant at sensitive receptor locations identified (residential and industrial (paragraphs 6.3.5 to 6.3.12 of Redmore Report)
 - b) Sulphur Dioxide: predicted to be negligible and classed as not significant at all receptor locations identified (paragraphs 6.3.13 to 6.3.24 of Redmore Report) and not significant at ecological receptors (paragraphs 6.3.34 to 6.3.37 of Redmore Report)
 - c) Nitrogen oxides predicted to be not significant at ecological receptor locations (paragraphs 6.3.26 to 6.3.33 of Redmore Report)
 - d) Nitrogen deposition predicted to be not significant at ecological receptor locations (paragraphs 6.3.38 to 6.3.40 of Redmore Report)
 - e) Acid deposition predicted to be not significant at ecological receptor locations (paragraphs 6.3.41 to 6.3.43 of Redmore Report)
- 6.17 Following the production of the Redmore Report, further consideration has been made of the changes to transport caused by the Development (see paragraph 6.63 below), which has given rise to a further air quality assessment being undertaken in respect of the additional traffic emissions arising due to the Development; the Create Air Quality Assessment²⁵. Whilst the additional traffic was not at a level which would usually require this level of air quality assessment to be undertaken, it was considered beneficial to provide a further review in response to the concern from locals and reason for refusal. This concludes that the traffic emissions will have a negligible effect on existing receptors, having modelled predicted annual mean nitrogen dioxide, and PM₁₀ and PM_{2.5} concentrations at paragraphs 6.3 and 6.4. The combined effect of emissions from the plant, associated operational traffic and construction activities is predicted to be negligible with no significant change in pollutant concentrations at any sensitive receptor (see paragraph 6.5 of Create Air Quality Assessment).
- 6.18 The Development complies with limb b of EN4 in terms of air pollution.

Light

- 6.19 Light pollution is considered at section 7 of the LVIA. It highlights at paragraph 7.10 that light pollution mapping suggests that the Site is located in a small area of moderate light pollution, due to the nearby commercial estate and the settlement of Colsterworth, but adjacent to areas of much darker rural skies north-west and south-west. This means that care will need to be taken to ensure the Development does not add to the existing light spillage and 'night blight' (see LVIA paragraph 7.11). Details on lighting of the Development are proposed to be secured through a planning condition to ensure nuisance to neighbours and disturbance to wildlife is avoided. A planning condition in similar terms to condition 5 contained in the Committee Report would secure a detailed Lighting Assessment and Strategy in accordance with which the lighting shall be installed and operational prior to the operation of the Development and retained for the life of the Development. The Lighting Assessment and Strategy would set out a strategy and specification for the site including that:

²⁴ AB A14

²⁵ AB C7

- a) all access roads shall include a light layout plan with beam orientation, a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and measures to prevent light spillage);
- b) to be accompanied by an assessment of the impact of the proposed lighting strategy upon the landscape character of the area;
- c) to be accompanied by an assessment of the impact of lighting on species that use the area for foraging, roosting, nesting or travelling though the landscape and habitats on or adjacent to the Site; and
- d) assessments to be carried out in accordance with best practice guidance.

6.20 Therefore there is no conflict with limb b of EN4 in terms of light pollution.

Noise

6.21 Sharps Redmore have undertaken a noise assessment²⁶ ("**Noise Assessment**") for the Development. The findings are:

- a) In order to ensure that noise levels which are deemed unacceptable to the specified receptors do not arise, noise limits have been established for the plant (which would operate over a 24-hour period). The fixed plant equipment will then be designed to the noise criteria which has been established (see section 5 of the Noise Assessment and in particular paragraph 5.6), and these maximum levels will be secured by condition. The Noise Assessment concludes at paragraph 6.7 that the Development will not give rise to a significant adverse impact. This will eliminate potential adverse noise impacts in line with the requirements of Criterion 4.
- b) Consideration of the remainder (i.e. noise from sources other than the plant itself) of the on-site activity was undertaken (see paragraph 5.16 of Noise Assessment) and concluded that the impact associated with routine daytime on-site activity will be low.

6.22 In addition to the Noise Assessment, the Create Acoustic Report²⁷ has been undertaken in order to assess noise arising from additional traffic arising from the Development, which although not at a level which would usually raise a need for such level of noise assessment, it was considered such further assessment is warranted to ensure that concerns raised by locals and in the reasons for refusal are addressed. This has found minor to negligible impacts to noise sensitive receptors from traffic over the short and long term resulting from the noise, including during the construction phase (see paragraphs 8.3 to 8.6 of the Create Acoustic Report). Paragraph 8.4 explains that seasonal variations show a moderate short term impact and low long term impact to some noise sensitive receptors due to seasonal variations between harvest and non-harvest periods, although these are close to several working farms and therefore the impact to the receptors is likely to have been overestimated. The Site is also very close to an existing industrial estate and Brooks Bros Timber Yard which currently generate plant and related vehicle noise (see paragraph 3.7 of the Noise Assessment).

6.23 When considered including the mitigation proposed (including a condition securing noise levels through the design of the plant) it is clear that the Development will not have a significant adverse effect on surrounding sensitive properties in terms of noise (see paragraph 6.7 of the Noise Assessment and section 8 of the Acoustic Report). Therefore, there is no conflict with EN4 in terms of noise pollution.

Land

6.24 As concluded at paragraph 16.1.3 of the Planning Statement; "*overall, in terms of soil resources and agricultural land quality, the proposed development and operation would not have an unacceptable direct or indirect*

²⁶ AB A13

²⁷ AB C8

impacts on ... land". This conclusion is supported by the findings of AF Howland Associates as reported at section 5 of the Ground Investigation Report dated 27 February 2024²⁸.

Water

- 6.25 The surface water management to be applied at the Site is described at section 5.4 of the Flood Risk Assessment²⁹ ("**FRA**"). This system will minimise the risk of pollution to surface water and groundwater. The FRA also outlines how pollution control measures will be incorporated into the design of the surface water drainage system (in accordance with C753 The SuDS Manual, the Environment Agency's approach to groundwater protection and local guidance produced by the Lead Local Flood Authority) which will minimise the risk of pollution to ground or surface water at section 5.8. The FRA concludes at section 8 that "*to prevent pollution to surface waters, underlying geology and groundwater, an appropriate level of water treatment stages have been incorporated into the design*".
- 6.26 It is relevant to note that the Site is not located within a Groundwater Source Protection Zone, Surface Water or Groundwater Drinking Water Safeguard Zone (see page 11 of the FRA).
- 6.27 Therefore, there is no significant risk of water pollution, and acceptable mitigation measures have been included in the proposals to reduce any risk of such pollution.
- 6.28 There is no conflict with limbs b) and c) of EN4 in terms of water.

Other environmental pollution

- 6.29 No other environmental pollution has been identified.

Harm to amenity, health, well-being or safety

- 6.30 No harm to amenity, health, well-being or safety has been identified other than the harm to landscape character and visual landscape which has been covered elsewhere in this statement of case.
- 6.31 Conditions could be imposed, similar to those in the Committee Report, in order to ensure that amenity is protected during construction and operational phases. These would include the requirement for approval of further details of the development prior to it commencing, as well as an Odour Management Plan, Delivery Management Plan (including routing of delivery vehicles), Flood Emergency Plan, Construction Environmental Management Plan and an Operational Management Plan. Specific conditions could also be used governing levels and times of noise during construction and during subsequent operation of the Development, boundary treatments, SUDs works, landscape management plan and compliance with identified ecological measures.
- 6.32 In terms of an assessment of the cumulative impact of the Development with others on any of these identified points, cumulative impacts have been considered as relevant in the reports and the point is further considered and responded at pages 3 to 4 of the 3 September Response Letter³⁰, which found that the inclusion of two proposals suggested for the cumulative assessment would not be proportionate.

Policy EN4 - Conclusion

- 6.33 Therefore, the Appellant submits that the Development complies with EN4 since it does not contribute to significant air, light, noise, land, water or other pollution or harm to amenity, health well-being or safety. The policy requires that where possible the Development provides a contribution in terms of improving air, land and water quality; the design of the Development ensures it does not to cause pollution impacts in other areas and

²⁸ AB A26

²⁹ AB A9

³⁰ AB D8

use of appropriately conditions can ensure amenity is protected during construction and operational phases. It has been designed to provide environmental benefits by its carbon capture and provision of digestate as an alternative to artificial fertiliser, having a carbon-negative impact (as demonstrated by the 3 September GHG Letter).

6.34 There are no adverse effects from the Development at unacceptable levels and therefore the tests in limbs c and d of the policy are not triggered (if they were the Development should not be permitted). Limbs e to f of the Policy (not repeated here) are not applicable in this case.

6.35 Therefore, there is no conflict with Policy EN4, in fact the benefits given by way of its carbon negative impact, and improvements to land offered by the BNG provision weigh in favour of granting planning permission.

Policy DE1 – Promoting Good Quality Design

6.36 The policy sets out:

To ensure high quality design is achieved throughout the District, all development proposals will be expected to:

- a) Make a positive contribution to the local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the landscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area.*
- b) Ensure there is no adverse impact on the amenity of neighbouring uses in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime.*
- c) Provide sufficient private amenity space, suitable to the type and amount of development proposed.*

Development proposals should seek to:

- d) Retain and incorporate important on-site features such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancement into the development,*
- e) Provide well designed hard and soft landscaping*
- f) Effectively incorporate onsite infrastructure, such as flood mitigation systems or green infrastructure as appropriate.*

All major development³¹ must demonstrate compliance with:

- g) Neighbourhood Plan policies;*
- h) Manual for Streets guidance and relevant Lincolnshire County Council guidance*
- i) Village design statements, where approved by the Council*

6.37 The remainder of the requirements of this policy relate to residential development, which are irrelevant to the Development, or schemes to be selected for Design Review, which this Development has not been.

Limb a) of Policy DE1

³¹ The Development is major development as it is greater than 1ha.

- 6.38 The local character of the area is summarised by both the South Kesteven Landscape Character Assessment³² and the Colsterworth & District Landscape Character Assessment (at appendix 3 of the Colsterworth and District Neighbourhood Plan)³³. The Site sits in the Kesteven Uplands, where the locality is mainly agricultural with a high proportion of historic woodland, dispersed nucleated settlements mostly following river valleys and enclosed by hedgerows with hedgerow trees. This is described at section 5 of the LVIA, and a baseline described at section 6. As explained at paragraph 3.1 of the LVIA Addendum³⁴, the South Kesteven Landscape Character Assessment concedes (at paragraph 4.32 therein) that the strong landscape pattern including many woodlands could in places be beneficial in new development. This suggests an acceptance of development in some circumstances. Indeed, the Site is located with a woodland immediately to its west which means it is able to utilise existing aspects of the landscape to assist its assimilation into its surroundings. In addition to this, and the fact it fits within existing field boundaries so does not involve the loss of existing landscape features (representing an addition), it provides an opportunity through the proposed mitigation measures to add to existing planting, thereby reinforcing the landscape character and structure of the area.
- 6.39 It is acknowledged that the Development has a moderate adverse impact on the character of the area during the construction and early years of the Development, although as the mitigation of new planting and other existing hedgerows matures, the effect of the Development on the character of the area will reduce to minor adverse (see paragraph 3.6 of the LVIA Addendum)
- 6.40 It is also notable that the buildings have been designed to reflect features, textures and hues commonly in agricultural use (see paragraphs 13.4 and 13.8 of LVIA). Muted, recessive colours will be used, assisting the Development to sit well within its surrounding context.
- 6.41 Therefore, it is acknowledged that there is conflict with part of this limb of Policy DE1 in terms of the moderate adverse impact (which reduces to minor adverse impact as landscaping planting mitigation matures) on the landscape character of the surrounding area.

Limb b) of Policy DE1

- 6.42 The Acoustic Report concluded that noise levels from the Development from traffic generated by the Development would be negligible to minor in the construction phase and in the medium to long term (see paragraphs 8.7 and 8.9). There is a moderate short term impact and low long term impact to some noise sensitive receptors when seasonal variations are considered, but this area is located close to several working farms and, given the rural nature of the area, the significance of the impact is likely to have been overestimated. There is also some existing plant noise in the vicinity (see paragraph 3.7 of Noise Assessment). Planning conditions will be used to ensure that noise limits for the plant (for which design details are yet to be fixed) are below levels and assured to have low impact at existing nearby residential dwellings (for example those to the east of the site at Sewstern Road, Gunby) (see paragraphs 5.6 to 5.7 and 6.3 of the Noise Assessment). Paragraph 6.7 of the Noise Assessment and paragraph 8.10 of the Acoustic Report together conclude that there would be no significant adverse impact.
- 6.43 In terms of light, as described and referenced in more detail at paragraph 6.102, details of the Development's lighting will be secured by a planning condition to ensure adverse impacts on neighbours are avoided.
- 6.44 The Development will not cause any loss of privacy or light and raises no issues in relation to crime and fear of crime.
- 6.45 Therefore, it is submitted that this limb of Policy DE1 is complied with.

³² AB D15

³³ AB D13

³⁴ AB C10

Limb c) of Policy DE1

- 6.46 Provision of private amenity space is not relevant in the case of the Development.

Limb d) of Policy DE1

- 6.47 Existing planting along field boundaries of the Site, including trees and hedgerows, are to be retained and reinforced as described at paragraph 12.3 of the LVIA.
- 6.48 Biodiversity net gain will also be secured as part of the Development. Paragraph 12.3 of the LVIA describes how around 0.8 hectares within the Site will be established with grassland, native tree and shrubs.
- 6.49 Therefore, it is submitted that limb d) of Policy DE1 is complied with.

Limb e) of Policy DE1

- 6.50 The Development includes a lot of soft landscaping. Section 12 of the LVIA describes the landscaping scheme to be provided. It includes landscaping on-site and off-site planting on the Buckminster Estate. This is well designed to sit with the local landscape as described throughout the LVIA, for example at paragraph 11.9 which describes how the new planting will appear as a continuity of the existing woodland and hedgerow and add to green infrastructure.
- 6.51 Therefore, it is submitted that limb e) of Policy DE1 is complied with.

Limb f) of Policy DE1

- 6.52 The LVIA describes how onsite green infrastructure is effectively incorporated into the Development, as referenced in paragraph 6.76 below and including a BNG area located to the north of the site. The FRA³⁵ describes surface water drainage systems and dirty water drainage systems to be incorporated into the Site at paragraph 3.1.
- 6.53 The effective incorporation of this appropriate on-site infrastructure complies with limb f of Policy DE1.

6.54 *Limb g) of DE1 compliance with Neighbourhood Plan Policies*

- 6.55 The Neighbourhood Plan contains Policy 4 – Open Countryside within which development is stated to be restricted other than in specified instances, one of which is where it contributes to rural diversification and there is an essential requirement for a rural location. The proposed use as an AD facility represents diversification of existing farmland and provides further diversification opportunities for local farms to grow energy crops for the AD Facility. It is therefore acceptable in accordance with the policy.
- 6.56 Policy 4 also states that development will be supported where it preserves and enhances:

1) landscape character and quality including individual features of value. No specific features of value have been identified which will be affected by the Development. In terms of general landscape character it is accepted that the Development will result in a partial change to the landscape character. This will be a moderate adverse impact during construction and when the Development is first operational, as a new feature will have been introduced into the landscape. However (as described at paragraph 3.6 of the LVIA Addendum), the level of impact will reduce as the extensive new planting and growth of existing hedgerow matures and increases in density which will soften the proposed scheme and assist it to blend into the backdrop of the woodland which the Site is adjacent to.

³⁵ AB A9

2) sites of ecological value; A Preliminary Ecological Appraisal³⁶ ("PEA") has been undertaken for the Development. In terms of compliance with limb 1 of Criterion 6, the PEA has considered the potential impacts of the Development on local, national and international designated sites which fall within 2km of the Site (see section 4.1 of the PEA). Paragraph 5.1.1 of the PEA concludes that "*due to the distance from the site and large expanses of arable land creating a buffer between the sites, an adverse impact to non-statutory designated sites is not anticipated*". The Site is identified to sit within the Cribbs Lodge Meadow SSSI impact risk zone, which can trigger a requirement for further consultation with Natural England; the letter from Natural England dated 10 May 2024³⁷ confirms that Natural England considers that the Development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

3) listed buildings, Scheduled Monuments and other sites of archaeological interest including ridge and furrow; Paragraphs 6.79 to 6.82 below demonstrate that there is no harm to heritage assets including the ridge and furrow.

4) the intrinsic character, beauty and tranquillity of the countryside: there is some harm to the character of the countryside as explained at point 1) above and paragraph 3.6 of the LVIA Addendum. However, policy 4 is neutral in that it expresses the cases in which development will be supported (not instances where development should be refused), and therefore this does not amount to a conflict with the Neighbourhood Plan.

5) the character and appearance of the area in terms of its historic and vernacular built form. There is little built form in the locality of the Site but what is there is mainly agricultural in nature. As explained at paragraph 13.8 of the LVIA, the buildings which form the Development have been designed to reflect features, textures and hues commonly in agricultural use (further design details will be approved pursuant to a condition). Paragraph 11.43 of the LVIA confirms that the Development would not impact upon any designated sites, the nearest listed buildings being over a kilometre away from the Site.

- 6.57 Policy 4 also provides that proposals for development should have regard to the Colsterworth and District Landscape Character Assessment. The LVIA assessed at the Development in the context of the landscape character assessment and the mitigation proposed (as described in section 12 of the LVIA) ensures that the Development is suitably sensitive to the character of the area.
- 6.58 Policy 5 states that developments will only be supported where there are no adverse impacts on important views or vistas. The LVIA Addendum confirms at paragraph 2.6 that none of the ten "important views and vistas" identified at policy 5 are considered to be affected by the Development.
- 6.59 Policy 6 requires that mature trees, woodland and hedgerows should be protected wherever possible. It is not proposed that any of these are lost.
- 6.60 Policy 7 states that Development will be supported provided:
- a) It preserves or enhances designated heritage assets and their settings: there is no significant adverse effect on heritage assets and their settings, see paragraphs 6.79 to 6.82 below.
 - b) Its impact and contribution to local distinctiveness, character and sense of place is acceptable: the impact on local distinctiveness is referred to at paragraph 6.38 to and 6.41 above.
 - c) It has regard to the Colsterworth and District Landscape Character Assessment: this point is dealt with at 6.57 above.

³⁶ AB A18

³⁷ AB D7

- d) It does not harm the setting of Woolsthorpe Manor or any significant views to or from the property: the Site is not located such that this would be an issue.

6.61 Policy 9 states that Development will be supported provided it incorporates design features that minimise:

- a) The emission of air pollutants: this element of the policy is complied with as provided at paragraph 6.16 to 6.17 above.
- b) Noise: this element of the policy is complied with as provided at paragraph 6.21 to 6.22 above.
- c) Light pollution: this element of the policy is complied with as provided at paragraphs 6.19 to 6.20 above
- d) Generation of waste: as described at paragraph 4.5.3 of the Planning Statement, the AD plant will consume crops with two by-products being produced: CO₂ and organic fertiliser: the carbon will be captured and the by-product fertiliser (digestate) will be used in agriculture to displace the use of artificial fertilisers.
- e) Flood risk, encourage efficient water and waste management systems and including sustainable drainage systems. This is explained at paragraph 6.25 above.
- f) The fragmentation of habitats and create green infrastructure networks that improve biodiversity: The on-site and off-site landscaping mitigation described at section 12 of the LVIA, including the on-site biodiversity area will add to green infrastructure networks and improve biodiversity.

6.62 Policy 15: states that, where appropriate, proposals for development will be supported where they incorporate traffic management measures aiming to provide various benefits including the improvement of road safety, and ensuring vehicular traffic keeps to appropriate routes.

6.63 The Create Transport Assessment³⁸ has been prepared to assist with this Appeal. Whilst the increase in traffic movements is not one which would usually require such scrutiny, it was considered that since amenity and safety issues arising from traffic and transport from the Development were identified by locals and in the reason for refusal, a further review was warranted. The Create Transport Assessment forecasts vehicle trips likely to be generated by the operation of the facility and routes which are likely to be used. This work has then enabled the impact upon traffic and highway safety to be considered, and the conclusions of this can be seen at section 9 of the Create Transport Assessment. Firstly, it is important to note that (as explained at paragraph 10.11 of the Create Transport Assessment) the only increase in HGV movements that would be caused by the Development is the HGV movements to and from the Hub Clamp/Store proposed to be located to the east of the A1 and the removal of the CO₂ which is generated on the Site. The movements represent a less than 5% increase over the current level of HGV movements in the area.

6.64 Secondly, as described in paragraph 9.2 therein, the Create Transport Assessment considered the routes for HGV access to the site and will direct all HGV movements to the B676 via the HGV access track. This is achieved by restricting the ability to turn into the Site from Gunby Road, and improving the site access, as explained in paragraphs 5.2 to 5.8 of the Create Transport Assessment. Securing this provides a safety benefit and a general improvement to amenity value to residents during harvest, as it means that the HGV movements within the villages of Sewstern and Gunby will be reduced. This is because some of the local fields will now be producing crops for the AD Plant and therefore traffic which would have existed on the local roads in any event will now be diverted. This diversion will improve highway safety in the villages during the harvest period (see paragraph 10.10 of the Create Transport Assessment).

6.65 In terms of securing the routes for traffic, a Construction Traffic Management Plan is proposed to be prepared, identifying routes to and from the site; penalties for failing to comply with these would be secured through the main construction contract (see paragraph 7.13 of the Create Transport Assessment). Similarly, a Sustainable

³⁸ AB C4 – C6

Travel Plan is proposed which will aim to limit the number of private car movements to and from the Site (section 8 of the Create Transport Assessment considers sustainable travel and measures to secure it including a plan).

- 6.66 The Appellant is also willing to improve an unsurfaced footpath between the site access and existing footway along the north of Gunby Road to the west, thereby providing a safe route for pedestrians wishing to access the Site and the adjoining industrial estate and Brooks Bros timber yard (see paragraph 9.3 of the Create Transport Assessment).
- 6.67 Therefore, there is no conflict with Neighbourhood Plan Policies.

Limb h) of DE1: Manual for streets guidance and relevant Lincolnshire County Council guidance

- 6.68 Manual for Streets guidance has been considered in relation to the Development, including the relevant part (relating to carriageway widths to accommodate various types of vehicles). The amendments which have been proposed to the Gunby Road Access and the access track as described at section 5 of the Create Transport Assessment work to ensure that the HGVs can safely access the Site, and the arrangements can operate within capacity. The Create Transport Assessment concludes on the increase in HGV movements in various local areas at section 10. At paragraph 10.11 it surmises that the only real increase in HGV movements caused by the Development is the movements to and from the Hub Clamp/Store which proposed to be located to the east of the A1, and the removal of CO₂ which is generated on the Site. These movements represent less than a 5% increase over the current level of HGV movements in the area; they are not a significant level of impact. In terms of construction traffic, paragraph 10.13 of the Create Transport Assessment concludes that worst case predictions only represent an 11% increase for both HGV and car movements, only for a limited time and considerably less for the majority of the construction period. There is no indication that the identified increases would have implications for highway capacity or road safety on the local highway network. Indeed, Lincolnshire County Council concluded the Development would not be expected to have an unacceptable impact upon highway safety or severe residual cumulative impact upon the local highway network (see Committee Report³⁹).
- 6.69 No other relevant Lincolnshire County Council guidance has been identified with which the Development needs to comply.
- 6.70 The Appellant submits that there is no conflict with policy DE1, notwithstanding the moderate adverse impact on landscape character, (reducing to minor after around year 5, as planting mitigation matures).

Policy RE1 – Renewable Energy Generation

- 6.71 Policy RE1 is a key policy for the determination of an application for an AD facility. It establishes that proposals for renewable energy generation will be supported subject to:
- a) meeting detailed criteria as set out in the REA, and provided that:
 - b) the proposal does not negatively impact the agricultural land asset in the Council's administrative area;
 - c) the proposal can demonstrate the support of affected local communities;
 - d) the proposal includes details for the transmission of power produced;
 - e) the proposal details that all apparatus related to renewable energy production will be removed from the site when power production ceases; and
 - f) that the proposal complies with any other relevant Local Plan policies and national planning policy.

³⁹ AB D1

Meeting detailed criteria as set out in the REA

Biomass Energy Criterion 1: Surrounding Landscape and Townscape

The Council will require appropriate biomass proposals to consider, and incorporate as appropriate, the following considerations:

Development which would result in adverse impact (individual or cumulative) upon the landscape/ townscape, either in terms of direct impacts or impacts upon the character of the landscape/ townscape, should be avoided. Direct impacts are those which affect the physical landscape/ townscape and include, for example, the removal of established vegetation or road modifications. Effects on character relate to the way in which and the extent to which the proposed development, alongside existing renewable energy developments, will affect the characteristics of the receiving landscape/ townscape. In instances where it is not possible to wholly avoid adverse impact, applicants should demonstrate that they have minimised the potential for adverse impact on the landscape/ townscape through consideration of both the direct effects and the effects upon the character of the landscape/ townscape: suitable mitigation measures should be proposed as necessary.

- 6.72 It is explicitly acknowledged in this criterion that it may not be possible to wholly avoid adverse impact; in which case applicants should demonstrate that they have minimised the impact on the landscape through consideration of both the direct effects and effects upon the character of the landscape and suitable mitigation measures should be proposed as necessary.
- 6.73 The introduction of the Development into the landscape inevitably causes a change to the landscape's character. The Landscape and Visual Impact Assessment⁴⁰ ("LVIA") undertaken for the Development thoroughly assessed the predicted impact on the characteristics of the surrounding landscape.
- 6.74 There is a direct impact on the character of the landscape through the introduction of the Development. Paragraphs 11.7 to 11.11 of the LVIA consider the predicted effects of the Development on the overall landscape context. The effects of the completed Development are identified (at paragraph 11.5 of the LVIA) to include:
- a) a change of land use from an open field to a more interrupted landscape with new structures and hard surfacing;
 - b) establishment of new built features in the landscape; and
 - c) the creation of new structural planting, screening and framing of the Development.
- 6.75 The LVIA Addendum explains that there is a moderate adverse impact to existing landscape character reducing to minor adverse impact in the long term overall (see paragraph 3.6) although the effect is not considered to be significant due to the extensive landscape mitigation measures and the careful location of the plant within existing field boundaries, avoiding the loss of any existing landscape features, and with existing woodland behind and hedgerow in front for immediate partial screening (see paragraph 3.7 of the LVIA Addendum). During the construction period of the Development the impact will be higher due to the use of mobile cranes and scaffolding, the need for multiple vehicle movements and temporary stockpiled materials during site construction, and the immature planting. At completion of construction of the Development and for its first 5 years, there will also be greater impact as the landscape and built development will be raw and the planting immature (further described at paragraph 12.1 of the LVIA).
- 6.76 Mitigation measures have been proposed to reduce the effects on the landscape and its character which include planting to screen the development, ameliorate the impact of the development and enable it to blend in with the wooded backdrop and field hedgerow boundaries. A comprehensive landscape scheme has been developed in order to respond to the existing landscape structure, the new development and topography. The proposals are detailed at paragraphs 12.3 to 12.5 of the LVIA and include the establishment of grassland and native tree and shrubs to provide long term screening on 0.8 hectares and the reinforcement of existing boundary hedgerow. In

⁴⁰ AB A16

addition, there will be offsite planting on the Buckminster Estate to further assist in maintaining the landscape character (proposed to be secured by s.106 obligation, a draft of which is included at C3). This scheme of mitigation reduces the impact and even provides a benefit in some cases. As the planting matures it is concluded that the adverse impact of the Development on the landscape character will reduce to minor. In addition to the landscaping mitigation measures, the Development has been designed so as to blend into its agricultural surroundings as much as possible. This is explained at paragraph 3.4 and 3.8 of the LVIA, which set out how the development uses muted, recessive colours and has been designed to reflect features of an agricultural character which are common in the locality. Further to this, its very location has existing evergreen woodland to the west which effectively screens the entire Development from Sewstern Village and therefore avoids this possible effect on the landscape (as explained at paragraph 3.7 of the LVIA Addendum).

- 6.77 This change is predicted to result in a magnitude and nature of effect in the medium term of irreversible moderate adverse but changing to an irreversible minor adverse effect as the planting matures. This is because there would be a change in the open character of the local landscape as a result of the Development, but the new planting will appear as a continuity of the existing woodland and hedgerow and add to green infrastructure. Therefore, there will be an effect which is not wholly avoided, but these are minimised by the comprehensive landscaping mitigation measures proposed, in accordance with the final sentence of the criterion.
- 6.78 The Appellant submits that the Development and its mitigation complies with Biomass Energy Criterion 1, which requires impacts to be minimised where they cannot be wholly avoided. The effect on the character of the landscape has been demonstrated to have been considered and minimised as far as possible through mitigation. There is explicitly no requirement for impact to be wholly avoided.

Biomass Energy Criterion 2: Heritage Assets

"The Council will require appropriate biomass proposals to consider, and incorporate as appropriate, the following considerations:

Further to Policy EN1 of the Local Plan, development on a heritage asset (designated or undesignated) or within its setting which would adversely impact upon the significance of the heritage asset (for example, by detracting from its established character or appeal, or by causing irreversible physical damage) should be avoided.

In accordance with the NPPF, development must not lead to harm to or total loss of significance of a heritage asset, unless the tests set out in section 12 of the NPPF are met."

- 6.79 Chapter 12 (Heritage) of the Environmental Statement⁴¹ ("**Heritage Assessment**") considers the impact of the Development on the significance of heritage assets.
- 6.80 In terms of archaeological assets, a number were identified in the vicinity of the Site, as detailed at paragraph 12.5 of the Heritage Assessment. None of these are on the Site, however the archaeological position on Site will be further confirmed by archaeological investigation prior to construction of the Development, which can be secured by proposed draft condition 16 as listed in the committee report.
- 6.81 There are 25 designated heritage assets within 3km of the Site, however many of these are screened from the Development so that the Development is not within their setting and will not adversely impact their significance (see paragraph 12.7.2 of the Heritage Assessment). For the three designated heritage assets within which there is potential impact (Old Rectory at Stainby (Grade II Listed), Knights of Templar Preceptory at Temple Hill (Scheduled Monument), Buckminster Conservation Area) it is considered that there is no harm to their setting or significance⁴². Therefore, the tests set out in section 12 of the NPPF are not engaged.

⁴¹ AB A20

⁴² See paragraphs 12.5.12 to 12.5.15 and 12.7.1 of the Heritage ES Chapter at AB A20

6.82 Therefore, the Appellant submits that the Development complies with Biomass Energy Criterion 2.

Biomass Energy Criterion 3: Residential and Visual Amenity

6.83 Biomass Energy Criterion 3: sets out a number of sub-criteria to be considered and incorporated as appropriate. Each of these are discussed in turn, below.

a) *Where necessary and the opportunity exists, micro-siting should ensure that the existing built environment and/or existing vegetation is utilised for screening. In the event that no existing screening is present or that the existing screening is insufficient, the proposal should incorporate screening measures which are proportional to the nature and level of impact, and which are sympathetic to the local setting.*

6.84 Paragraph 3.8 of the LVIA⁴³ describes how the location for the Development has been selected to be adjacent to existing woodland to reduce impact from views from the surrounding landscape. There are also further hedgerows and vegetation in the locality which will assist to screen the Development from further view (as demonstrated in the visual assessment at section 10 of the LVIA; for example, from Viewpoints 1, 2, 4, 5, 7, 8, 10 and 12 construction activity would be visible through gaps in tree and hedgerow cover which currently exists).

6.85 However, it is clear that even with micro-siting and the benefit of some existing vegetation, further screening measures will be required. This will be delivered through further planting of grassland, native tree, shrubs and hedgerow onsite (paragraphs 12.2 to 12.3 of the LVIA) and trees, hedgerow and infill to gaps in hedgerows off-site (LVIA, paragraphs 12.4 to 12.5 and schedule on page 51) have also been incorporated into the proposals through woodland planting and additional hedgerow planting. These are proportional to the need to screen the Development in order to reduce its landscape and visual impacts, and they use a sympathetic choice of planting in keeping with the existing flora in the locality, in accordance with the requirements of sub-Criterion a.

b) *"Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views or sequences of views. In order to prevent detrimental cumulative visual impacts it is desirable to include landscape mitigation, where necessary, which is appropriate and proportionate to the proposed development in terms of scale and design, including off-site enhancements where necessary"*

6.86 This policy does not require there to be no visual impact, but it seeks the use of landscape mitigation to avoid detrimental cumulative impacts. The LVIA makes clear that the Development could become a feature of particular views or sequences of views. This impact is identified to be higher in the medium term, where overall there would be a moderate adverse impact. This ranges from negligible to moderate adverse depending on where the views are from (see paragraph 13.6 of the LVIA, which summarises the greater detail provided in section 11). However, after 15 years, the adverse effect reduces to negligible or minor, with minor beneficial in places due to the extensive landscape mitigation which is provided maturing (see paragraph 13.7 of LVIA).

6.87 The detail of the mitigation measures which assist in preventing detrimental visual impacts is included at section 12 of the LVIA and discussed at paragraph 6.76 above). It includes off-site enhancements as necessary. The measures are necessary to ensure the visual landscape impacts of the development are mitigated and are proportionate; once the planting has matured, only the top of the Fermenter Tanks will remain visible, and appropriate, improving existing hedgerows and planting, and adding further screening by using sympathetic vegetation. Therefore, sub-Criterion b is met.

c) *Appropriate materials, colours and design finishes should be used to achieve high design standards;*

6.88 As described in the Design and Access Statement⁴⁴ at paragraphs 5.2.7 to 5.2.9, the design of the form and appearance of the structures and plant is largely influenced by function. However, the design itself has been

⁴³ AB A16

⁴⁴ AB A5

influenced by an aspiration to make the structures visually interesting whilst acknowledging their utilitarianism. The design and appearance of the plant has also been considered in the context of its surroundings and reflects the features of the locality's agricultural character (as set out in paragraphs 3.4 and 3.8 of the LVIA). It will use muted colours and finishes to provide for a recessive feature within the wider landscape. However, it is anticipated that the detail of the materials to be used will be subject to a condition, which will require further details to be submitted to and agreed by the Council prior to the commencement of development.

6.89 Therefore, the requirements of this sub-criterion c are met.

d) All external flues should be unobtrusive in terms of size, design and position

6.90 A safety flare will be provided as part of the Development, but note it is shrouded. A 5m high stack is also provided which will disperse combustion emissions from the biogas boiler. These are considered to be unobtrusive; character and design of these will use muted, recessive colours and will be subject to submission to the Council of detailed design for their agreement prior to commencement of Development.

e) The operation of the proposed facility should not result in notable dust and/or smoke which negatively impacts on sensitive receptors, such as residential dwellings.

As such:

i) Proposals should demonstrate that the prevailing wind direction at the site and the juxtaposition of the equipment in relation to any sensitive receptors surrounding the site have been duly considered; and

ii) Facilities which may generate dust and/or transfer of biomass within the site should aim to minimise the levels of dust expelled through design and micro-siting: for example, the drop off bay for biomass material could be closed rather than open air.

6.91 As explained at paragraph 6.16 above, the Redmore Report on air quality and odour predict that impacts would be negligible and not significant at any of the human and ecological receptors identified.

6.92 In doing this Redmore have considered both the prevailing wind direction (see Appendix 1 of the Redmore Report which considers Meteorological Data and Figure 3, and the effects of buildings and analysis of the site).

6.93 Therefore, the Redmore Report demonstrates that the Development is not predicted to negatively impact upon any sensitive receptors in terms of emissions. Smoke will not be generated by the Development.

6.94 The design of the Development has been considered in order to mitigate emissions from the Site through operation by the inclusion of a 5m tall stack which disperses combustion emissions from the biogas boiler more effectively (see 5.1.1 of the Redmore Report)

6.95 The only dust arising will be during construction and from the working face of the clamp; it is otherwise entirely sealed. The Construction Environmental Management Plan will contain mitigation measures for the construction phase and an Operational Environmental Management Plan ("OEMP") for the operational phase of the Development. These would be secured by a condition to be in place prior to the relevant phase of development and adhered to throughout. They would ensure that dust does not adversely impact the neighbouring locality and contain measures such as ensuring construction works take place during periods of low rainfall and predicted dry weather and works include the use of water to damp down material and prevent dust clouds. Additionally, feedstocks will be covered, other than the working clamp face (see 5.1.1 of the Redmore Report). Figure 4 of the Air Quality chapter of the ES shows the proximity of the clamp to the feed hoppers; the distance between the two for the energy crop to be moved designed to be short.

6.96 Therefore, the requirements of sub criterion e have been met.

f) *Proposals for commercial facilities should, as required, detail the measures that will be implemented in order to control air quality as well as the procedure for responding to problematic air quality issues should be detailed;*

6.97 As outlined at paragraph 6.16 above, the Development will have no significant effect upon the air quality at identified sensitive receptors. As such, no further mitigation measures have been specified for the scheme. The Development does include integrated mitigation which will control atmospheric emissions throughout operation including:

- a) A 5m tall stack to effectively disperse combustion emissions from the biogas boiler;
- b) Covering of feedstocks, with the exception of the working clamp face, to control odour emissions; and,
- c) Covering of the digestate lagoon to control odour emissions. The cover will be sealed as it is also part of the system which captures residual gas above what is necessary to meet statutory requirements (see paragraph 5.1.1 of the Redmore Report).

6.98 It is anticipated that a condition will be used to secure the provision of an OEMP which will then be adhered to throughout the operation of the Development. Such OEMP would include details of the Development's operation so that odour and any other emissions identified are controlled for example by covering feedstock and the digestate lagoon and would include details of procedures to respond to any issues arising.

6.99 Therefore, the requirements of sub criterion f have been met.

g) *"The operation of proposed facility should not result in odour which is unacceptable to sensitive receptors such as residential areas, recreational areas or businesses. Where applicable, developers should prepare an odour management plan which identifies measures to prevent adverse odour in the first instance and to mitigate against adverse odour in the second instance."*

6.100 The Redmore Report has concluded that odour emissions are predicted to be not significant (see paragraph 10.1.4 of the report). As such further measures are not needed to prevent or mitigate against adverse odour other than the mitigation measure described at section 5 of the Redmore Report and at paragraph 6.97c) above.

6.101 Therefore, sub-criterion g has been complied with.

h) *"Security lighting should only be incorporated in a proposal where there is demonstrable need. In instances where security lighting is necessary, the lighting and all fittings should be minimal and discrete; the height at which light fittings are mounted should be minimal; the lighting should be designed so as to minimise light pollution and 'spillage'; and light should be strategically directed so as to avoid nuisance to the occupiers or users of nearby buildings and disturbance to wildlife."*

6.102 Detail on lighting of the Development is proposed to be secured through a planning condition, which will secure compliance with the requirements in order to avoid nuisance to neighbours and disturbance to wildlife. Further explanation is at paragraph 6.19 above.

6.103 The use of the condition proposed secures compliance with this sub criterion h.

6.104 The Appellant submits that the Development complies with Biomass Criterion 3.

Biomass Energy Criterion 4: Noise impact

a) *The Council will require that proposals for anaerobic digestion equipment or facilities to:*

- a) *Not result in noise levels which would be deemed unacceptable to occupiers of nearby residential buildings, schools, hospitals, business premises and well used public areas; and*

- b) *Demonstrate how potential adverse noise impacts will be reduced and managed: this could, for example, be demonstrated through a noise management plan. Where necessary, mitigation measures, such as the establishment of vegetation noise buffers for example, should be used to prevent adverse noise impact.*

6.105 Paragraph 6.21 discusses the conclusions from the Noise Assessment and the additional Acoustic Report. The Appellant submits that conditions will secure noise levels from the plant, so no unacceptable noise will result from the Development. Therefore, the Development will comply with Biomass Criterion 4.

Biomass Energy Criterion 5: Highway Safety Considerations

- a) **Biomass Energy Criterion 5** sets out a number further points to be considered and incorporated. These are each taken in turn and considered as follows:

- a) *"Access: Where possible, in relation to commercial/staff facilities, the primary access for deliveries and staff should avoid sensitive areas such as, but not limited to, residential areas and areas in close proximity to school entrances"*

6.106 As set out at paragraph 6.64 and section 5 of the Create Transport Assessment, access to the Site for HGVs will be upgraded and turning radii altered to ensure a safety benefit and to avoid impact to the amenity of the villages. In particular, it secures the diversion of HGV movements during harvest which were transporting feedstock crops but are reassigned to transport energy crops for the AD Plant away from the villages of Sewstern and Gunby, which may be seen as the more sensitive areas in the locality. The Site itself is not in a sensitive area.

6.107 Therefore, the Development complies with Criterion 5 a.

- b) *"Site layout: The site layout should allow for turning and manoeuvring of all delivery and staff vehicles to take place on-site: it should not be necessary for vehicles to utilise the public highway for turning;"*

6.108 The Development's layout is designed to allow for turning and manoeuvring of all vehicles on-site. This can be seen on the Proposed Site Layout Plan⁴⁵ and drawings P25-3541-0005-P01, P25-3541-0012-P01, P25-3541-0013-P01, P25-3541-0014-P01, P25-3541-0015-P01, P25-3541-0016-P01 (as explained further at section 5 of the Create Transport Assessment) demonstrate improvements to the access which means vehicles will be able to turn easily out of the access track to the B676, but HGVs will not be able to turn into Gunby Road and Sewstern Road.

6.109 Therefore, the Development complies with Criterion 5 b.

- c) *"Construction: Where necessary, a construction statement should be prepared by the developer which forecasts the vehicle trips that are likely to be generated during construction and the routes which are likely to be used, so that the probable impact of the development upon traffic and highway safety can be considered. "*

6.110 The Create Transport Assessment has considered a peak daily movement of 30 HGVs a day and 100 to 150 people working on Site during peak construction activity (see paragraphs 6.20 to 6.23 of the Assessment) and considers the worst case percentage increase in traffic flows, which range between an increase of 2.3% worst case percentage increase in two way car/LGV movements up to around a 10% increase in HGV movements (which would be along the B676 within Stainby and Colsterworth). These are worst case scenarios during the peak construction period only, and for the majority of the time during construction are predicted to be considerably less (see paragraph 6.26 of the Create Transport Assessment). A construction traffic management plan is proposed to identify approved routes to and from the Site for various sizes of vehicles, and penalties will

⁴⁵ AB B6

be secured through the main construction contract for failure by contractors to comply with these routes. Further information and consideration of this is included at paragraphs 7.13 to 7.21 of the Create Transport Assessment.

6.111 Therefore, the Development complies with Criterion 5 c.

d) Transport Statement: where necessary a transport statement should be prepared by the developer which forecasts the vehicle trips likely to be generated by the operation of the facility and the routes which are likely to be used so that the probable impact of the development upon traffic and highway safety can be considered. In instances where the impact upon the highway will be notable (for example if the proposal is likely to generate a high volume of traffic), or in instances where the existing road network is unsuitable for the anticipated level, type of frequency of traffic, a detailed traffic management plan should also be prepared. Where necessary, the transport statement should include measures to mitigate against straw drop from vehicles which may have a detrimental impact on surface water drainage, leading to an increased risk of flooding

6.112 The Create Transport Assessment⁴⁶ assesses the amount of traffic likely to be generated by the operation of the facility and considers the routes which are likely to be used. This work has enabled the impact upon traffic and highway safety to be considered, and the conclusions of this can be seen at section 10 the Create Transport Assessment, a more detailed summary of the conclusions is at paragraphs 6.63 to 6.64. The improvements and changes to the access road to the Site are predicted to result in a reduction of HGV traffic through the villages of Sewstern and Gunby, presenting an improvement in road safety and amenity.

6.113 Paragraph 7.3 of the Create Transport Assessment confirms that all HGV and Tractor Trailer movements to and from the Site travelling on the public highway will be sheeted during both the construction and operational stage to prevent "straw drop" and other debris falling from trailers being an issue. This could be secured through a Transport Management Plan.

6.114 In these terms we can see that there is no impact on either highway capacity or safety because of the low levels of vehicles involved; therefore, the Development complies with Criterion 5 d.

e) Parking:

Where necessary, sufficient staff and visitor parking should be provided onsite: in line with recognised parking standards, parking needs for a sui-generis use, such as an anaerobic digestion facility, will be assessed on the scheme's merits in relation to demand for parking which is likely to be generated.

6.115 6 car park spaces have been provided on site (see paragraph 5.2.4 of Design and Access Statement⁴⁷). From experience of operating a number of existing AD plants in the UK the Appellant is confident this is a satisfactory level to meet the requirements of staff and visitors to the Site as 6 to 7 staff members are expected to arrive and depart during the day, but at different times during the day (see paragraphs 1.15.3 and 1.15.4 of the Transport Statement⁴⁸).

6.116 The Development complies with sub-criterion e.

⁴⁶ AB C4 – C6

⁴⁷ AB A5

⁴⁸ AB A7

6.117 The Appellant submits that the Development complies with Biomass Criterion 5.

Biomass Energy Criterion 6: Nature Conservation Considerations

The Council requires that proposals should consider, and incorporate as appropriate, the following considerations (where applicable):

- a) Due consideration has been given to the potential impacts of the proposal on local, national and international designated sites, including those outside South Kesteven. Where a proposal is likely to have adverse impacts, applicants should demonstrate how these potential impacts have been addressed in the proposal, with proposed mitigation measures being commensurate to the significance of the designation, in relation to the local national, international hierarchy. This applies to all proposals, regardless of scale.*
- b) In instances where a proposal would have an adverse effect on a protected habitat or species, the applicant should demonstrate that the need for and public benefits of the development clearly outweigh the harm caused, and that mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity (see also paragraph 118 of the NPPF).*
- c) Developers are encouraged to consider opportunities to achieve net biodiversity gains (i.e. gains in addition to any measures deployed to mitigate any adverse impacts that may result from the development), regardless of whether the proposal will result in adverse impacts in order to conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout South Kesteven.*
- d) In relation to the above applicants will be required to undertake surveys and provide evidence as necessary in relation to the anticipated impacts of their proposal. In instances where the evidence supplied includes uncertainty in relation to the anticipated impacts of a proposal, or in instances where there is a lack of evidence, a precautionary approach will be taken by South Kesteven District Council.*

6.118 As set out at paragraph 6.56 above, there are no adverse effects on sites of ecological value and therefore these are preserved

6.119 Therefore, the Development does not conflict with sub-criterion a.

6.120 The PEA⁴⁹ assesses protected habitats and species: these are identified at sections 4.3 and 4.4 respectively. Relevant ecology surveys have been undertaken and concluded that the Development will have negligible or minor beneficial effects on the various identified ecological features once mitigation measures have been taken into account. These include:

- a) A Construction Environment Management Plan to be implemented to protect the roots of the deciduous woodland (see paragraph 5.2.1 of the PEA).
- b) Whilst some habitat will be removed as detailed at 5.2.2 of the PEA, this is largely restricted to those with low ecological value, and a Biodiversity Net Gain area is proposed to be created (see paragraph 5.2.3 of the PEA and paragraph 12.3 of the LVIA).
- c) It has been identified that there could be greater crested newts within 500m of the boundary. eDNA results returned negative results for some ponds but not all identified ponds have not been able to be surveyed to date, but a further survey is to be secured and, if necessary, the required licences obtained, and mitigations measures adhered to in full (see paragraphs 5.3.1 to 5.3.5 of the PEA).

⁴⁹ AB A18

- d) It is considered highly unlikely that habitats within the Site will support a significant reptile population, and therefore it is unnecessary to undertake further surveys, but measures are proposed to reduce the likelihood of impacting reptiles, as outlined at paragraph 5.3.8 of the PEA.
- e) One site has been assessed as providing high potential to support roosting bats, and one identified as having low suitability. The current proposals do not necessitate the removal of any trees, but a no-work buffer is proposed, and sensitive management of machinery to reduce noise and vibration impacts. A lighting schedule is also to be designed in such a way as to avoid direct and indirect lighting impacts (see paragraphs 5.3.9 to 5.3.14 of the PEA).
- f) Mitigation measures are also proposed in relation to suitable bird nesting habitat as outlined at paragraphs 5.3.23 to 5.3.26 of the PEA.

6.121 These mitigation measures can be secured to offset the harm and therefore there is no conflict with sub criterion b.

6.122 A Biodiversity Net Gain Estimates report⁵⁰ was submitted in support of the Application. The report found that the Development would result in a net gain of 12.21% in habitat units and 28.64% in hedgerow units achieved through the implementation of a Habitat Management and Monitoring Plan to ensure the success of proposed habitats. The Development would therefore significantly enhance the biodiversity of the Site meeting the requirement of sub criterion c.

6.123 The PEA includes the consideration of surveys undertaken as referenced in sub-criterion d. There is no uncertainty or need to take a precautionary approach. Therefore, there is no conflict with sub-criterion d.

6.124 The Appellant submits that the Development complies with Biomass Criterion 6.

Biomass Energy Criterion 7: Agricultural Land

a) *The Council requires that proposals should consider, and incorporate as appropriate the following considerations:*

- a) *The advice as set out at paragraph 112 of the NPPF (2012) and follows the location search process set out in paragraph 5.23 above.*
- b) *If a proposal includes the development of the best and most versatile agricultural land, where possible, development should be sited so as to minimise the impact on agricultural operations during its operation and associated installation and maintenance works.*

As such, where opportunity exists:

- i) Equipment/facilities should be sited at the periphery of fields rather than in central positions*
- ii) Where it is not possible to locate on the periphery, due to physical constraints or another material consideration rendering such positioning unviable, the development should be sited in a strategic position which avoids unnecessary disruption to agricultural operations.*

6.125 NPPF (2012 version)⁵¹ paragraph 112 sets out that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The best and most versatile agricultural land is defined in the NPPF's glossary as "*Land in grades 1, 2 and 3a of the Agricultural Land*

⁵⁰AB A19

⁵¹ Note similar wording is now contained at paragraph 187 (b) of the current version of the NPPF

Classification." Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

- 6.126 The Site is agricultural land, but the majority of it is classed as sub-grade 3b, with the remainder being an access track not in agricultural use (see 3.4 to 3.7 of the Agricultural Land Report⁵² which is Technical Appendix G to the ES). This classification is not deemed "best and most versatile agricultural land" (see paragraph 13.3.3 of Chapter 13 of the ES). This complies with paragraph 112 of the 2012 NPPF.
- 6.127 Since the Development is not sited on the best and most versatile agricultural land it is not necessary to consider how to minimise impact on agricultural operations through siting.
- 6.128 Paragraph 7.4 of the Planning Statement explains how six potential alternative sites were considered, each being individually appraised against a comprehensive criteria assessment including:
- a) transport (access and road network capacity and routeing);
 - b) biodiversity (designated and non-designated assets, veteran trees or protected species);
 - c) landscape and visual impact (landscape and townscape impact);
 - d) amenity impacts (noise, dust odour, lighting, public rights of way, proximity to dwellings and leisure/amenity uses);
 - e) water environment and pollution control (flooding and hydrology);
 - f) historic environment (cultural heritage assets and archaeology);
 - g) soils and agriculture; and
 - h) cumulative impacts.
- 6.129 A key point was that the Development needs to be located in a rural setting to benefit from close proximity to the energy crops which are necessary to fuel it and near to gas mainline (see 4.3 of the Planning Statement⁵³). The site appraisal which includes further detail on the choice of site and reasons for it, is at Appendix 2 of the Planning Statement.
- 6.130 The Appellant submits that the Development complies with Biomass Criterion 7, a conclusion confirmed at paragraph 7.19 of the Committee Report.

The proposal does not negatively impact the District's agricultural land asset

- 6.131 An Agricultural Land Classification Survey was undertaken by Land Research Associates in August 2023⁵⁴. The survey found that the Site has heavy soils over clay with slowly permeable substrates and is limited by wetness and workability constraints. It is classified as Subgrade 3b, which means it is moderate quality agricultural land, capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of crops.

⁵² AB A24

⁵³ AB A4

⁵⁴ AB A23

- 6.132 The Development means the loss of approximately 7.1ha of agricultural land, assessed as having a classification of Grade 3b. This land is not the best and most versatile agricultural land and the amount to be lost will not negatively impact the District's agricultural land asset overall.
- 6.133 In addition, the AD plant will require crops to be produced as feedstock (fuel). This demand will mean that more agricultural land is supported to remain in agricultural use, as it will be necessary to produce the fuel. The energy crop itself will be grown as part of a crop rotation so will not detract from food production which will remain the key output from local agricultural land. This diversity of cropping and income sources will contribute to the viability of other agricultural businesses in the area and the local agricultural economy more generally.
- 6.134 The impact of the Development is therefore limited to the parts of the Site used for the built form of the Development and access. The Appellant submits that this limb of policy RE1 is complied with.

The proposal can demonstrate the support of affected local communities

- 6.135 The interaction between Policy RE1 and the REA upon which the policy relies has recently been explored in an appeal decision on a hearing held for the Folkingham solar development (Appeal Reference APP/E2530/W/24/3337544⁵⁵ ("**Appeal Decision**") and LPA reference S23/0511) at paragraphs 38 to 40. Policy RE1 relies on the accompanying REA and sets out more detailed criteria for renewable energy generation schemes. The Appeal Decision concerned a solar scheme and noted that the REA included a requirement to demonstrate how local communities have been consulted and how the proposal has sought to address concerns in relation to wind turbine schemes but is silent on the point in relation to proposals for solar PV schemes. The inspector found that as there is no community support test within the Appendix in relation to Solar PV she could find no firm basis for applying one. She also bore in mind "*that the national policy and guidance referred to in the plan did not require a public support test for solar farms when the Plan was adopted and to require one would go much further than the current requirements of national policy in the Framework*" (paragraph 39 of the Appeal Decision). These points are also relevant for anaerobic digestion facilities as the REA is similarly silent on the need for public support for such proposals, and similarly there is no requirement in the NPPF. Similarly, in the Appeal, there is no basis for demonstration of the local community's support since it is not required by the REA. Therefore, if a consistent approach is to be taken by the planning inspectorate in its decision making (in accordance with *DLA Delivery Ltd v Baroness Cumberlege of Newick* [2018] EWCA Civ 1305), the policy should be applied in the same way.
- 6.136 In addition, it is pertinent that there is no national policy which requires community support for proposals such as these.
- 6.137 The Appellant submits that this limb of Policy RE1 does not apply (in accordance with the Planning Inspectorate's previous interpretation of policy and the interaction of Policy RE1 with the REA) and therefore there is no conflict.
- 6.138 The Appellant remains committed to working with local residents following the grant of permission.

The proposal includes details for the transmission of power produced

- 6.139 In this case the Development produces gas rather than electricity. The gas produced by the Development will be transmitted via a grid entry unit. Details of this are contained in paragraph 4.3 of the Planning Statement⁵⁶.

⁵⁵AB D16

⁵⁶ AB A4

The infrastructure works will be undertaken, owned and maintained by the statutory undertaker, Cadent Gas. A gas pipeline route plan⁵⁷ illustrates the proposed gas grid connection point.

- 6.140 The Appellant submits that the provision of these details is sufficient to comply with this limb of Policy RE1.

The proposal details that all apparatus related to renewable energy production will be removed from the site when power production ceases

- 6.141 The Application confirmed that the apparatus which is proposed to be used on the Site has a typical life span of around 30 years. At the end of its lifespan, the Site will either be upgraded, repurposed or decommissioned. Decommissioning would take place following the closure of the Site within the following 6 months. A planning condition could secure this; condition 2 of the schedule of conditions to the Committee Report provides suitable wording.

- 6.142 The Claimant submits that the provision of this confirmation and use of a condition is sufficient to comply with this limb of Policy RE1

That the proposal complies with any other relevant Local Plan policies and national planning policy

- 6.143 As will be demonstrated in the remainder of this Statement of Case, the Development complies with other relevant Local Plan policies and national planning policy.

Compliance with Policy RE1

- 6.144 Policy RE1 supports proposals for renewable energy generation so long as they comply with specified criteria. It has been set out above how the Development complies with each of the requirements of the Policy. The only adverse impact arising from the landscape and visual effects of the Development being negligible to moderate adverse following completion of the Development reducing to negligible or minor and even beneficial in some places once landscaping has matured at around year 15 and the effect on landscape character being moderate adverse reducing to minor as planting mitigation matures. However, the policy expressly anticipates that in relation to effects on landscape character it may not be possible for them to be wholly avoided in which case they should be minimised.

- 6.145 Accordingly, it is submitted that the Development complies with Policy RE1.

Conclusion Regarding Compliance with the Development Plan

- 6.146 As has been extensively demonstrated above, the Development complies with the Development Plan.
- 6.147 Policy RE1 is a key policy in the determination of the proposal, setting out the criteria to be considered in relation to renewable energy generation schemes.
- 6.148 It is acknowledged that there is some residual impact of the Development on the landscape character of the surrounding area remaining after mitigation, of minor harm, which could be deemed to raise a conflict with limb a of policy DE1. However, the effect of the Development is mitigated as far as possible, and in accordance with other policies in the plan which acknowledge it is likely there will be some level of harm to the landscape and its character by such developments.
- 6.149 The Appellant has systematically addressed each of the policies above to demonstrate overwhelming compliance with the Development Plan.
- 6.150 It is trite law that for the purposes of applying section 38(6) of the Planning and Compulsory Purchase Act 2004, a development must be assessed against the development plan as a whole, rather than against individual policies.

⁵⁷ AB C2

In R (oao Cummins) v LB Camden [2001] EWHC 1116 (Admin)⁵⁸, Ouseley J cited with approval, at paragraph 163, the following paragraphs of the judgment of Sullivan J in R v Rochdale MBC ex parte Milne, unreported 31 July 2000:

"48. It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies which, for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases there may be no clear-cut answer to the question: "is this proposal in accordance with the plan?". The local planning authority has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach ...

49 ... I regard as untenable the proposition that if there is a breach of any one policy in a development plan a proposed development cannot be said to be 'in accordance with the plan'. Given the numerous conflicting interests that development plans seek to reconcile: the needs for more housing, more employment, more leisure and recreational facilities, for improved transport facilities, the protection of listed buildings and attractive landscapes etcetera, it would be difficult to find any project of any significance that was wholly in accord with every relevant policy in the development plan. Numerous applications would have to be referred to the Secretary of State as departures from the development plan because one or a few minor policies were infringed, even though the proposal was in accordance with the overall thrust of development plan policies."

- 6.151 On the basis of the above, it is submitted that, applying the development plan holistically in accordance with established case law, the Development is in compliance with the development plan. As such, there is a statutory presumption in favour of granting planning permission pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004.

⁵⁸ AB D17

7. MATERIAL CONSIDERATIONS

- 7.1 It has been shown above that the Development complies with the Development Plan. Accordingly, there is a statutory presumption in favour of granting planning permission. Notwithstanding this, there are a number of material considerations in favour of the Development which add further weight to a positive determination. These material considerations are explored in further detail below.

Net Zero/Carbon Negative

- 7.2 South Kesteven District Council has formally declared a climate emergency. In response to this they then published a Climate Action Strategy⁵⁹ (September 2019, updated October 2023) which identifies driving opportunities to support and encourage renewable energy generation within the District and unlocking green growth at page 22. This is highlighted by their vision that the District will have "*increased renewable energy generation and is more self sufficient for energy*" (page 22). Further, page 24 highlights their vision to have "a strong low-carbon economy" and "more low-carbon employment opportunities". The Appellant submits that the benefits the Development could contribute towards the achievement of reducing GHG emissions, South Kesteven becoming a low carbon district, and the district being more self-sufficient for energy should be afforded significant weight as a material consideration. The 3 September GHG Letter⁶⁰ provides further explanation of the AD facility and its carbon-negative impact, through the capture and sequester of CO₂ from the atmosphere and the production of digestate, an organic bio-fertiliser which will replace fossil-fuel derived synthetic fertiliser.
- 7.3 The benefits of the Development, a renewable energy scheme, in terms of helping towards the Government's net zero target, by increasing the amount of low carbon energy generated, also helping to improve energy security and provide economic opportunities was given weight by the Case Officer's recommendation in the Committee Report at paragraphs 10.4 and 10.8.

Economic Benefits

- 7.4 The Development would generate a minimum of 6 full time jobs when fully operational (see paragraph 4.6.1 of the Planning Statement) which would be retained for the duration of the operations. It will also result in additional indirect employment, its wider contribution to the local economy arises in particular through the demand for crops to be grown locally as fuel for the AD plant (see paragraph 6.2.10 of the Planning Statement). It presents a rural diversification project, providing opportunities for both the Buckminster Estate and long term support to a large number of other farms within the Development's catchment to grow and provide fuel for the AD facility.
- 7.5 The Appellant submits that the economic benefit of the Development is a material consideration adding to the indication that that planning permission should be granted for the Development.

Environmental Benefits

- 7.6 A Biodiversity Net Gain report⁶¹ was submitted in support of the Application. This is explained more fully at paragraph 6.122 above. The biodiversity of the Site is significantly enhanced by the Development.
- 7.7 Accordingly, the Appellant submits that this is a material consideration indicating that planning permission should be granted for the Development.

⁵⁹ AB D12

⁶⁰ AB D3

⁶¹ AB A19

Compliance with the NPPF

- 7.8 Pursuant to paragraph 2 of the NPPF, the NPPF is a material consideration in planning decisions.
- 7.9 Paragraph 109 requires consideration of transport issues in development proposals. Of most relevance here is the need to understand and address the potential impacts of development on transport networks. As discussed at paragraph 6.63 to 6.64 above, the Development produces a negligible number of extra vehicles particularly when considered against the current level of traffic on the local highways and would not have an impact on the local transport network. Therefore, there is no conflict with this paragraph.
- 7.10 Paragraph 116⁶² states 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. It has been established that there are no unacceptable impacts on highway safety or the road network (see sections 9 and 10 of the Create Transport Assessment).
- 7.11 NPPF paragraph 125 sets out various aspirations for planning decisions to support in order to ensure that effective use of land is made. The first limb is relevant to the Development which states that decision should *"encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside."* It is clear that the Development provides multiple benefits by way of environmental gains, firstly due to its contribution by renewable energy generation, secondly by the fact it is carbon negative, due to carbon capture (see paragraph 7.2 above), and thirdly, by the biodiversity gains offered onsite, and through the offsite planting (see paragraphs 6.120 to 6.123 and 6.76 above). This paragraph supports the grant of permission of the Development which offers these benefits.
- 7.12 Paragraph 135 of the NPPF sets out a number of criteria which planning decisions should ensure developments meet. These are considered in turn.
- 7.13 Paragraph 135 (a) aims to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The Development itself adds to the quality of the area through benefits given by the generation of renewable energy, and carbon capture, as outlined in paragraph 7.2 above. It has been designed to fit into its surroundings, in the context of being an AD facility, as described at paragraph 6.40 and 6.88 above, and accepted in the Committee Report (see paragraph 7.31 below). It also presents a rural diversification opportunity to the area, providing not only direct job opportunities at the facility itself, but also opportunities for the surrounding farmland to supply energy crops for the AD plant, therefore providing further benefits to the local economy. Bringing economic advantage to the area will assist to add to the overall quality of the area. The Development is in accordance with paragraph 135(a).
- 7.14 Paragraph 135(b) aims for developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. As referred to above, the design of the Development has sought to fit in with its settings and is an attractive presentation. The layout, particularly the siting of taller aspects has been considered. Additionally landscaping and mitigation has been considered, as outlined above at paragraphs 6.7 to 6.10 and 6.76 and further off-site mitigation is proposed to be provided and secured by s.106 planning obligation. This mitigation planting is comprehensive and will offer effective screening of the Development from most views, as is shown by the reduced visibility and impact of the Development as the planting matures to negligible, minor adverse or even minor beneficial effects in certain areas (see paragraphs 3.6 and 3.7 of the LVIA). Therefore, it is submitted that this limb of paragraph 135 is complied with, to the extent it can be, considering the nature of the Development.
- 7.15 Paragraph 135(c) aims for developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Whilst the Appellant acknowledges there is some residual harm to the landscape character at a moderate adverse level reducing to minor adverse level by 5 years after completion of construction, the Appellant submits that this is shown to reduce as the landscaping matures, and in any event should be viewed

⁶² paragraph 111 in the December 2023 version of the NPPF

in the light of the innovation of the renewable energy generation and opportunity to secure the benefits of that (see paragraph 7.2 above). Considered in the round, the Appellant submits that the Development is as sympathetic as possible to the local character, and to refuse the Appeal would be to discourage appropriate innovation or change which is an important caveat contained in paragraph 135(c). Therefore, the Development is shown to comply with this limb.

7.16 Paragraph 135(e) of the NPPF requires the potential of the site to be optimised and support local facilities and transport networks. It is clear from the Council's decision that there is concern as to the effect of the Development on the local transport networks. However, the fact that this does not arise is discussed in more detail at paragraphs 6.64 and 6.106 to 6.113 above. The Appellant submits that there is no conflict with this limb of paragraph 135.

7.17 In terms of the remainder of section 12:

- a) Paragraph 136 relates to trees making an important contribution to the quality and character of urban environments. Whilst the Site is not situated within an urban environment, landscaping mitigation is being provided with trees and planting being chosen which is in keeping with the surrounding countryside. Appropriate conditions will be applied and a section 106 planning obligation⁶³ is proposed to be entered to ensure such planting is secured.
- b) Paragraph 137 requires design quality to be considered. Paragraphs 6.24, 6.76, and 6.47-6.48 and 6.50 to 6.52 hereto demonstrate how the Development has been designed to fit into its local surroundings, blending in with various appropriate landscape measures. Further to this, NPPF paragraph 139 advises that development that is not well designed should be refused. The Development has been well designed and is shown to fit in with the overall form and layout of its surroundings (LVIA paragraph 3.8); although residual harm is identified this is minimal, particularly in the context of the development of an AD plant.
- c) Paragraph 140 advises local planning authorities to ensure relevant planning conditions refer to clear and accurate plans and are clear about the proposed use of development. The Committee Report offered draft conditions which the Appellant believes achieves this; however, if any further relevant plans or appropriate conditions are identified, the Appellant would welcome any further which are considered necessary.

7.18 Accordingly, it is submitted that the Development complies with paragraph 135 and section 12 of the NPPF.

7.19 Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050, including contribution towards radical reduction in greenhouse gas emissions and supporting renewable and low carbon energy. The Development is fully in accordance with this aspiration, both in being a proposal for renewable energy generation, and also in being carbon negative (see paragraph 7.2 above).

7.20 Paragraph 168 of the NPPF provides some guidance on how local planning authorities should determine planning applications for all forms of renewable and low carbon energy developments. It is highly pertinent that it is stated that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future (paragraph 168 a).

7.21 Paragraph 181 requires that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. There are then points to be demonstrated where the development is in an area at risk of flooding. The Flood Risk Assessment has confirmed that the site is within Flood Zone 1 so at a low to moderate risk of groundwater flooding and very low risk of flooding from reservoirs (see section 8 of FRA). However, there are areas at higher risk of surface water flooding. A sustainable urban drainage system has been proposed (see section 5 of the FRA) and will be secured by condition. This will mitigate the identified

⁶³ Draft provided at AB C3

risk of surface water flooding and flooding risk being increased elsewhere. Therefore, the Development raises no conflict with paragraph 181.

7.22 Paragraph 187 outlines a number of ways in which planning decisions should contribute to and enhance the natural and local environment. These are taken in turn, as follows:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils: the impact on the character and visual aspects of the landscape within which the Development is sited have been discussed at 6.75 to 6.77. In respect of soils, the land is of grade 3b agricultural classification (see paragraphs 6.131 to 6.132 above) meaning that it is not of best and most versatile agricultural land. There is also an area of biodiversity gain provided within the site (see paragraph 6.122 above) which will enhance the soil in that area. In addition, offsite planting will further enhance biodiversity.
- b) Recognising the intrinsic character and beauty of the countryside and wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland: The Development includes mitigation as far as possible to reduce the level of harm to the landscape character, recognising that it is important to do so. It is not on the best and most versatile agricultural land, being on land with agricultural classification 3b (see paragraphs 6.131 to 6.132 above). The Development does value the importance of trees and woodland, adding to hedgerows and planting both on and off site (see section 12 of the LVIA) and providing on-site biodiversity net gain (as explained in the Biodiversity Net Gain report⁶⁴ and at paragraph 6.122 above). Therefore, although there is some harm caused to the landscape character, the importance of the local character of the landscape in which the Site sits has been recognised as shown by the mitigation proposed to be secured, and wider benefits are given with the extensive planting proposed, in accordance with this element of paragraph 187.
- c) Applies to coast: not applicable
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species. As explained at paragraph 6.122 above there will be a high biodiversity net gain secured by the Development. As explained at 6.1.1 of the PEA, a range of habitat enhancement opportunities will be secured, providing refuge for amphibian and reptile species and native hedgerow, tree and shrub planting to include a variety of berry and seed-bearing species which will provide for a variety of species including birds and bats. Therefore, meeting the aspirations of 187d).
- e) Preventing new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraphs 6.16 to 6.29 above discuss the levels of pollution which are negligible to soil, air, water and noise and therefore demonstrate that the Development will not cause any unacceptable risk of pollution. There is also no land instability predicted. Limb e also advises that development should, wherever possible, help improve local environmental conditions such as air and water quality. In this respect the carbon capture, as referred to elsewhere in this statement of case (paragraph 7.2), and in the 3 September GHG Letter, the Development will improve the surrounding area by reducing GHG emissions and removing CO₂.
- f) Relates to contaminated land: not applicable.

⁶⁴ AB A19

7.23 Paragraph 193 requires that specified principles are applied when planning applications are determined. These are considered below:

- a) If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused. As detailed at paragraph 6.120 to 6.123 above, there is no harm to biodiversity following mitigation measures
- b) Development should not normally be permitted which is likely to have an adverse effect on a Site of Special Scientific Interest ("**SSSI**"). There is no effect on an SSSI arising from the Development.
- c) Development resulting in the loss or deterioration of irreplaceable habitats should be refused. There is no such loss arising from the Development.
- d) 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. As explained in section 6 of the PEA, section 12 of the LVIA and by the Biodiversity Net Gain Assessment, biodiversity has been integrated into the design of the Development through its on-Site provision, and also through the off-site landscaping works which will enhance existing hedgerows. The Development is clearly securing measurable net gains for biodiversity in accordance with the aspiration of this element of paragraph 193.

7.24 In respect of section 16 of the NPPF which relates to heritage, and more specifically paragraphs 207 and 212. Compliance with this is covered at paragraphs 6.79 to 6.81a) above, which demonstrates that there is no conflict.

7.25 It is submitted that the Development complies with the NPPF is a material consideration adding weight to the notion that planning permission should be granted for the Development (particularly when paragraph 168 is considered which puts significant weight on the benefits offered by the development of its contribution to renewable energy generation and a net zero future).

Compliance with EN-1 (National Policy Statement for Energy) (November 2023) (last updated 17 January 2024) and EN-3 (National Policy Statement for Renewable Energy Infrastructure)

7.26 Paragraph 1.2.1 of EN-1 provides that the statement may be relevant to the determination of an application for the generation of renewable energy by biomass combustion as a material consideration. EN-3 which relates specifically to renewable energy infrastructure would be treated in the same way. Both policy statements are primarily a tool for decision making by the Secretary of State in relation to the Planning Act 2008 and the extent they are relevant as a material consideration in other decisions depends on the extent to which matters are already covered by applicable planning policy (paragraph 1.2.2 of EN-1). In this respect planning policy RE1 and the accompanying REA is the development plan policy which covers these matters and a review of EN-1 and EN-3 does not raise any further issues in addition to those considered elsewhere with which the Development needs to comply. However, the two NPS do provide relevant advice in relation to the net zero GHG emissions target to be achieved by 2050 and that the decarbonisation of the UK's energy system is necessary to achieve this (paragraph 4.2 of EN-1). Combustion of biomass for electricity generation will play an important role in decarbonisation (paragraph 3.7d of EN-3).

Committee report

7.27 The Council's professional planning officer's ("**Officer**") report to the Council's planning committee ("**Committee**") is a material consideration to be given weight in the determination of this Appeal.

7.28 The Committee Report⁶⁵ recommended that the Committee grant planning permission, subject to conditions. The executive summary at page 4 of the Committee Report provides a summary of the reason for the Officer's conclusion and recommendation.

⁶⁵ AB D1

- 7.29 The Officer assessed that there are significant benefits from the Development; in brief, the Development provides:
- a) a rural diversification project for the operations and farms of Buckminster estate and within the AD plant catchment. In respect of this point we note that the officer has attributed limited weight to the economic benefits. The Appellant submits that there is a significant benefit for the local area indirectly through its provision of a rural diversification opportunity for the local farms (see paragraphs 7.4 to 7.5 above). The Appellant will provide an annual spend in the local rural economy in the region of £7.8 to £8.45 million which will be made up of a mixture of crop purchase, harvesting, haulage and digestate spreading;
 - b) significant public benefit of renewable energy generation to which the Officer attributed significant weight;
 - c) Biodiversity Net Gain ("**BNG**") onsite achieving the statutory requirement and being of benefit to the Site in terms of improved ecology and gain in BNG;
 - d) no adverse effects in relation to heritage, noise, odour, ecology, drainage and traffic.
- 7.30 The Officer did recognise a degree of impact on the landscape character of the area and the fact that the Development will be visible to neighbouring dwellings and from the highway. This assessment is at paragraph 10.5 of the Committee Report, which did take into account that landscape and visual impacts can be reduced through the mitigation proposed by the landscaping and planting scheme.
- 7.31 The Officer found that despite the impact raised by the visual appearance of the development, *"when considered in the context of the AD plant and neighbouring industrial area, the development could be further addressed using the imposition of an appropriate planning conditions should planning permission be granted, and with this in mind the planning officer considers that criteria (d) of the biomass Energy Criterion 3 (Renewable Energy Appendix 3) has been met"* (paragraph 7.25 of the Committee Report).
- 7.32 The Officer concluded that the Development would result in a minor to moderate adverse impact⁶⁶ on landscape character. We agree that there is an impact on landscape character, but note the effect is not significant (see paragraph 3.7 of LVIA Addendum. The effect is considered to be moderate adverse once the Development has been completed, reducing over time as planting mitigation matures to minor adverse (see paragraph 3.6 of LVIA Addendum). The Officer cites that this impact is contrary to Policies EN1, DE1, REA Criteria 1 and Section 12 of the NPPF.
- 7.33 The Officer went on to find that the impacts could be partially mitigated through the proposed landscaping scheme therefore leaving some harm. This harm is cited as being contrary to policy EN1 in the Committee Report. However, the Appellant submits that whilst it is agreed that there is some harm to landscape character, the policy does not require it to be fully mitigated as explained at paragraph 6.9 above and therefore there is no conflict with EN1. If conflict is found with policy EN1 the Appellant submits that such conflict should be weighed in the planning balance, in accordance with section 8 hereof. It is also submitted that the Development complies with Section 12 of the NPPF, which conflict is alleged to arise because of the landscape impacts; this is discussed further at paragraphs 7.12 to 7.18 to above. 7.12 to 7.18 to above.
- 7.34 Despite the Officer's conclusion of some harm arising due to the perceived effect on landscape character and visual impacts, the officer, taking into account paragraph 163 of the NPPF which clarifies that *"when determining planning applications for renewable and low carbon development, local planning authorities should (a) not require applicants to demonstrate the overall need for renewable or low carbon energy ... and (b) approve the application if its impacts are or can be made acceptable"* (paragraph 10.9 of the Committee Report), concluded as follows:

⁶⁶ Note the impact is described as being assessed by the officer at paragraph 7.26 of the Evaluation section of the Committee Report as being minor to moderate adverse impact, but is referred to as being moderate in the concluding section at paragraph 10.5

"taking all of the above into account, it is the Case Officer's assessment that the application proposals are in accordance with the adopted Development Plan when taken as a whole, albeit there are conflicts identified in relation to the visual impact of the development. In this case, it is Officer's assessment that the balance of material planning considerations would also weigh in favour of granting planning permission".

7.35 The Officer also noted that there were no objections raised by statutory consultees as follows:

- a) Lincolnshire County Council Highways: who concluded *"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."*
- b) Anglian Water: no comments
- c) The Council's Environmental Protection Team: advised that mitigation measures as stated in the Odour and Air Quality Report should be implemented:
 - a) 5m tall stack to effectively disperse combustion emissions from biogas boiler
 - b) Covering of feedstocks, with exception of the working clamp face, to control odour emissions
 - c) Covering of the digestate lagoon to control odour emissions
 - d) Production of an odour management plan
 - e) Production of a noise management plan
 - f) Production of a containment assessment for the facility to include all tanks, surface run-off and digest containment
- d) Cadent Gas: no objection
- e) Natural England: "considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes."
- f) Heritage Lincolnshire: no objection subject to conditions requiring further archaeological evaluation
- g) Leicestershire County Council Highways: no objection: concluded: *The number of HGVs associated with this development are negligible when compared against the Annual Average Daily Traffic (AADT). Therefore, it is not considered that the proposed will have a severe impact on the local highway network, in accordance with Paragraph 115 of the National Planning Policy Framework (NPPF)'.*
- h) Council's Conservation Officer: no objection: *"Overall there is only a minor potential for indirect impact upon the setting of the heritage assets within the wider proximity of the site. This is not considered to cause harm to their setting."*

7.36 There was an objection from the Environment Agency⁶⁷, but upon receipt of a proposed drainage plan Revision D, on 12 June 2024⁶⁸, found it satisfactorily addressed their earlier concerns.

7.37 This demonstrates that there is no evidence of any harm which is thought likely to be caused by the Development in terms of pollution, highways, heritage and ecology. This supports that there is no reason to refuse planning

⁶⁷ See paragraph 7.62 of Committee Report AB D1

⁶⁸ AB B32

permission for the Development, and moreover, these factors weigh in favour of the grant of planning permission.

8. CONCLUSION ON COMPLIANCE WITH THE DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

- 8.1 Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development complies with the Development Plan taken as a whole. Even if the Council were correct in the conflicts with the Development Plan it has identified, these are minimal (relating to effect on landscape character and lack of local support) and as such do not mean that a conclusion should be drawn that the development does not comply with the Development Plan taken as a whole, as detailed at 6.150 to above. In addition, it has been shown that there are further material considerations adding weight in favour of planning permission being granted.
- 8.2 Even if it were considered that the Development does not comply with the Development Plan, these conflicts should be given limited weight because of their nature, and the weight which should be applied to the material considerations outlined in section 7 above. It is clear that the Development brings many benefits which weigh heavily in favour of permission being granted. This is the case in any event, but particularly when considering the application of paragraph 168 of the NPPF which advises significant weight should be given to the benefits of the Development of renewable energy generation and contribution to net carbon reduction.

9. REASON FOR REFUSAL

- 9.1 The Decision Notice sets out its reason for refusal in 3 paragraphs, the first two containing the substantive reasons and the third setting out a conclusion in relation to the weighing of the benefit of the renewable energy generation against the harms identified by the Council to be caused by the Development. It then identifies the policies with which the Development is deemed to conflict.

Paragraph 1 of the Reason for Refusal

- 9.2 Part 1 of the reason for refusal states:

The proposal, including the required upgraded access route, would result in a large-scale, industrial development which is considered to be an inappropriate form of development in this countryside location. The large scale and industrial nature of the development proposal would result in an adverse impact on the landscape setting and character of the area, which would be reduced, but not fully mitigated by the proposed landscaping and planting scheme resulting in harm to the rural landscape of the Kesteven Uplands.

- 9.3 AD facilities which are fuelled by biomass crops are most sustainable when located near to the crops which will serve them. The Development also needs to be near to a main gas grid connection as explained at paragraph 7.4.3 of the Planning Statement. It presents an opportunity for rural diversification, which brings with it economic benefits for the local agricultural economy, a benefit which is bolstered by the demand for biomass energy crops from neighbouring farmland. A site appraisal was undertaken (see Appendix 2 of the Planning Statement) through which a number of sites were considered against detailed criteria. These criteria are summarised at paragraph 7.4.2 of the Planning Statement as follows:

- a) *Transport – access and road network capacity and routeing*
- b) *Biodiversity – designated and non-designated assets, veteran trees or protected species*
 - 1. *Landscape and Visual Impact – landscape and townscape impact*
- c) *Amenity Impacts – noise, dust, odour, lighting, PROW, proximity to dwellings and leisure/amenity uses*
 - 2. *Water Environment and Pollution Control – flooding and hydrology*
 - 3. *Historic Environment – cultural heritage assets and archaeology*
 - 4. *Soils and Agriculture*
 - 5. *Cumulative Impacts*

- 9.4 This included relevant considerations about location, and it was concluded at paragraph 7.4.4 of the Planning Statement that *"the proposed location is considered to meet both operational needs and planning policy requirements at local, county and national level."* It is also relevant that the Committee Report does not consider the Site to be unsuitable for the Development. The Development does not represent an inappropriate form of development for this location.

- 9.5 However, it is understood that the nature of the Development means there could be a risk of it having an adverse impact on the landscape setting and character of the area if not appropriately mitigated. The LVIA submitted with the Application determined that the Site would have a medium/low landscape capacity, which suggests that thresholds for development of the Site are relatively low and development can be accommodated only in limited situations, having regard to the setting and form of the existing settlement and the character and the sensitivity of the adjacent character areas (see paragraph 3.2 of the LVIA). However, in the context of the Development, this means that mitigation is required to ensure that there is as low an adverse impact to the landscape setting and character of the area as possible.

- 9.6 A mitigation scheme has been provided, as outlined at section 12 of the LVIA. It is robust and deemed to lead to a minor adverse impact to existing landscape character by year 15 of the Development, at which point the visual impact will be negligible or minor, or minor beneficial due to the proposed planting having matured and screening most views of the Development (see paragraph 3.7 of the LVIA). In years 1 to 5 there will be a range of visual impact from negligible to moderate adverse (see paragraph 3.6 of the LVIA). This point is further made out in detail at paragraph 6.76 above.
- 9.7 Therefore, adverse impacts of the Development on the landscape setting and character are so low, and at year 15 in terms of visual impact are negligible, or minor or even minor beneficial for most receptors, and in relation to landscape character are minor adverse at this stage, which mean that this reason for refusal is not justified.
- 9.8 It is clear that it is not uncommon for the impacts of the introduction of new development on landscape not to be able to be fully mitigated, by reason of its introduction: it is submitted that this reason for refusal is not applying a policy as it is applying a test of whether harm to the landscape setting and character is "fully mitigated". It is explicitly acknowledged in policy that it may not be possible to fully mitigate, and therefore the impacts should be minimised through suitable mitigation measures: Biomass Energy Criterion 1 states "*in instances where it is not possible to wholly avoid adverse impact, applicants should demonstrate that they have minimised the potential for adverse impact... suitable mitigation measures should be proposed as necessary*". Similarly, Policy EN1 requires development and mitigation to be appropriate and its impact to be assessed but does not require development to be fully mitigated. Hence the Development is not in conflict with either of these policies, and it is considered the test applied in the reason for refusal cannot be justified.
- 9.9 As outlined at paragraph above, it is clear that suitable mitigation measures have been proposed. It is also described at paragraph 6.86 to 6.87 above in relation to Biomass Criterion 3, that sufficient screening has been proposed to mitigate any visual impacts. The requirement for the Development to be fully mitigated in terms of its impact on the countryside landscape setting and character could never be achieved unless it were invisible.
- 9.10 It is noted that the planning officer (see paragraph 10.5 of the Committee Report) considered that the Development would result in a minor to moderate adverse impact⁶⁹ on landscape character, but as discussed at, 6.149 to 6.151 above, they found that when the conflicts identified were considered against the adopted Development Plan taken as a whole the Development was in accordance with that plan. And, additionally, the material planning considerations would then weigh further in favour of granting planning permission.
- 9.11 As discussed above, at paragraph 8.2, it is submitted by the Appellant that if there were found to be unacceptable harm to the landscape setting caused by the Development, which is found to mean that the Development does not comply with the Development Plan when considered as a whole, the material considerations outlined should be given significant weight in the decision. This includes those identified in section 7. It is also pertinent that paragraph 168 of the NPPF provides guidance that when determining planning applications for forms of renewable energy generation development, significant weight should be given to the benefits associated with the renewable energy generation and contribution to net zero. When the landscape harm, even at the level identified by the planning officer in the Committee Report, is weighed against this benefit, it clearly does not suggest it is great enough to justify a reason for refusal.
- 9.12 It is submitted that for all the reasons given above, the amount of harm found likely to be caused to the landscape setting and character from the development following its mitigation, and that planting maturing, is not sufficient to justify a refusal of planning permission.

Paragraph 2 of the Reason for Refusal

- 9.13 Part 2 of the Reason for refusal states:

The proposal would additionally negatively impact on neighbouring villages and residents through disturbance from the generation of additional traffic movements on local roads. There is particular

⁶⁹ Note the impact is described as being assessed by the officer at paragraph 7.26 of the Evaluation section of the Committee Report as being minor to moderate adverse impact, but is referred to as being moderate in the concluding section at paragraph 10.5

concern with increased numbers of HGV movements on minor rural roads, including through the neighbouring villages, that are used by vulnerable road users such as walkers, cyclists, horse riders and children. The mitigation of the site access road does not remove the concern regarding the increase in HGV movements through neighbouring villages, and the application does not suitably take into account or address the negative impacts from the development on the transport network or amenity of neighbouring communities.

- 9.14 As reported at paragraph 1.5 above, the Appellant asked for clarification of the meaning of this reason for refusal. The response clarified that there is concern not only about the highway safety impacts but also on the impact of the increased traffic on the amenity of local residents and communities. The Appellant's positive case with regard to traffic movements on local roads is set out at paragraphs 6.63 to 6.66 above.
- 9.15 The Create Transport Assessment⁷⁰ demonstrates that there is a low change on local highways due to the Development. Section 10 of the Create Transport Assessment explains that both Gunby and Sewstern show no material change as a result of the construction stage and the operational stage outside harvest. However, during harvest they are likely to experience a reduction in HGV movements (and in particular tractor-trailer movements), since those delivering to the Development would be directed straight to the Site, avoiding the public highway. The further work undertaken by Create has proposed amendments to the access track for the Site to be used by HGVs. This will assist by making there only one route for HGVs accessing the Site (other than for some Buckminster Estate vehicles which may access the Site directly from the surrounding fields), such route to be straight onto the B676 and avoiding Gunby Road and the smaller villages of Gunby and Sewstern. Section 5 of the Create Transport Assessment contains further detail on this.
- 9.16 Whilst the highest increase of HGV movements would be in Buckminster (either during harvest time or relating to the delivery of liquid digestate in the non-harvest period) these movements (for harvest or digestate) would be happening on the highway in some way in any event, so they are a reassignment of traffic, rather than an increase of traffic. The only real increase in HGV movements is to and from the hub clamp/store anticipated to be located to the east of the A1 and the removal of CO₂ generated on site, which will go through Colsterworth and Stainby. Even the maximum of these additional movements to the hub clamp/store and delivering liquid digestate (adding 13.5 HGV vehicle movements in both directions (a less than 5% increase in maximum daily HGV vehicle movements in these areas for a maximum of 24 days a month during non-harvest period and 14-17 during harvest period) would not be classified as a significant level of impact.
- 9.17 Given that there is no objection by the local highways authority, and that the Officer in the Committee Report raised no issues with highways, other than to confirm that conditions are proposed to secure a traffic management plan (which was anticipated by the Appellant and detail included at paragraph 1.16.1 of the Transport Statement), there is no support for this reason for refusal either in the Council's consideration of the Application or in evidence provided by the Council. It is contrary to the findings of the original Transport Statement and the conclusions of the additional work undertaken by Create, but no evidence has been provided by the Council to suggest why or how these conclusions are wrong. On this basis alone this reason for refusal cannot be upheld.
- 9.18 The reason for refusal in terms of amenity to neighbouring communities remains unclear; the reason for refusal does not explain how this negative impact on the neighbouring community would manifest itself. Further, the survey undertaken on behalf of the Appellant shows that there was a very low number of pedestrians, cyclists and horse riders in the vicinity of the Site; 19 cycle movements on one day being the highest number, but mostly between 3 and 9; pedestrian movements were even lower (see paragraph 8.2 of the Create Transport Assessment). This is one of the points on which there is no clear evidence which supports the refusal due to effect on road users.
- 9.19 However, in terms of amenity, the Appellant would propose to offer to provide a new unsurfaced footway along Gunby Road, seeking to link the existing footway in Sewstern to the new Site access road and the industrial

⁷⁰ AB C4 – C6

estate: this will improve access to bus stops within the village and enable pedestrians to access the Site and industrial estate more easily.

- 9.20 If this point in the Reason for Refusal relates to highway safety, it is noted that Leicestershire County Council, as highway authority, raised no objections and concluded that the proposal will not have a severe impact upon the local highway network. Indeed, paragraph 7.60 of the Committee Report draws the conclusion in relation to access and highway impacts that "*the proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policy ID2 and Section 9 of the NPPF*". Section 9 of the Create Transport Assessment considers highway safety. The direction of all HGV movements to and from the Site along the HGV access track to the B676 provides a safety benefit and reduces HGV movements within the villages of Sewstern and Gunby where highway width is limited. The improvement of footway connections by the provision of the unsurfaced footpath mentioned at 9.19 would also provide a safety benefit.
- 9.21 Since there is such a low generation of traffic on local roads, in addition to which much of that traffic is a reassignment of traffic already on the roads (i.e. the movements related to the harvest and to liquid digestate) now to be used to supply the AD plant, it does not seem that there would be sufficient increase in traffic to make a discernible difference on the amenity of neighbouring communities. In particular (as referred to in paragraph 10.11 of the Create Transport Assessment) the only real increase in HGV movements are those delivering between the Site and the Hub Clamp /Store (anticipated to be located to the east of the A1) and removing CO₂ generated on Site, which would go through Stainby and Colsterworth; at their worst case these are not considered to have a significant level of impact.
- 9.22 In terms of amenity, the Create Air Quality Assessment⁷¹ considered the predicted traffic generation (see further explanation at paragraph 6.17) and concluded at paragraph 6.4 (of the Create Air Quality Assessment) that the impacts associated with exhaust emissions from vehicles travelling to and from the site during operation were predicted to be negligible. Similarly, the Create Acoustic Report (further explained at paragraph 6.22 above) found that the change in noise level would not give rise to a significant adverse impact to surrounding sensitive properties (see paragraph 8.10 of the Create Acoustic Report). Therefore, neither noise or emissions from traffic are predicted in the assessments undertaken to accompany the Application to have a significant adverse effect and no evidence has been supplied by the Council to demonstrate otherwise.
- 9.23 In terms of amenity, the Officer in the Committee Report specifically states at paragraph 7.47 "*It is the Officer's assessment that the proposed development would not result in any unacceptable adverse impacts on the neighbouring residential dwelling houses or industrial estate, and would not impact on their amenity.*"
- 9.24 Therefore, there is no evidence to support a reason for refusal on grounds of harm to amenity from increased traffic.
- 9.25 If the reason for refusal is citing harm to amenity other than from increased traffic, this is unclear, but, as detailed above, no such harm arises other than in respect of landscape which is dealt with in response to paragraph 1 of the Reason for Refusal (paragraphs 9.2 to 9.12).
- 9.26 Therefore, this reason for refusal (whether it is citing additional levels of vehicles too great for the highway capacity, an issue arising with highway safety, or harm to (unspecified) amenity) cannot be upheld.

Paragraph 3 of the Reason for Refusal

- 9.27 Paragraph 3 of the Reason for Refusal reads:

"It is acknowledged that the generation of renewable energy would be a significant benefit provided by the scheme, however, it is not considered to outweigh the harm from the development in terms of impact on landscape, character and appearance of the area, and the amenity of neighbouring residents. The

⁷¹ AB C7

development is therefore contrary to Local Plan Policy E7, EN1, EN4, DE1 and RE1, and paragraph 135 of the NPPF."

- 9.28 The Decision Notice appears to undertake the exercise prescribed by section 38(6) of the Planning and Compulsory Purchase Act 2008. However, in doing so it:
- a) firstly, has misapplied the Development Plan in particular in relation to policy E7, which does not apply, policy EN1 in which incorrect weight has been accorded to landscape character, and DE1 and EN1 in terms of the failure to consider the Development against the Development Plan as a whole; and
 - b) secondly, has only applied one of the material considerations which have been identified in this Statement of Case (i.e. generation of renewable energy) and, the Appellant submits, even that material consideration has not been given the weight it deserves (see paragraph 7.20 above regarding paragraph 168 of the NPPF which advises that significant weight should be given to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future). If significant weight were given to these benefits alone, it is suggested that they would outweigh the harm identified to the landscape, character and appearance of the area, which at worst is identified as moderate adverse for landscape character reducing to minor as planting mitigation matures, and in terms of visual appearance is negligible, minor or minor beneficial each of the assessed viewpoints at 15 years after the start of the Development.
- 9.29 Not only have the material considerations not been appropriately identified and given appropriate weight in the Council's decision, they are applied to a harm on the landscape character of the local area which the Appellant has shown in this Statement of Case is at a low level and should be considered with an accordingly low weight, and to an effect on the amenity of neighbouring residents which has been shown not to exist.
- 9.30 Fundamentally, the reasons for refusal are not in accordance with the Council's professional officer's view expressed in the Committee Report. .
- 9.31 The Appellant's case in respect of compliance with the development plan policies identified in this reason for refusal is set out in section 6 above. The Appellant's case in respect of compliance with the NPPF is set out in paragraphs 7.8 to 7.25 above.

Policy E7 – Rural Economy

- 9.32 The Council has identified, in its Decision Notice, the Development is in conflict with Policy E7. This policy sets out when small business schemes in the rural economy can be supported. The Development is not a small business scheme and therefore this policy is not applicable. The Officer does not cite a conflict with Policy E7 in the Committee Report. This should not constitute either a conflict with the Development Plan or a reason for refusal.

Policy EN1 – Landscape Character

- 9.33 This is fully considered at paragraphs 6.7 to 6.11 above. The conclusion is drawn that there would not be a significant adverse effect on landscape character, but a moderate effect after completion of the Development reducing to minor adverse effect as the landscaping planting matures. Whilst the Officer in the Committee Report considered that the harm to the landscape character was contrary to Policy EN1 (a conclusion the Appellant does not agree with), their conclusion was still that the Development complied with the Development Plan when considered as a whole.

Policy EN4 – Pollution Control

- 9.34 The Council's reason for refusal alleges the Development is in conflict with Policy EN4 which relates to pollution control.
- 9.35 The nature of the pollution with which the Council's committee is concerned is unclear from the text of the Decision Notice.

- 9.36 Policy EN4 itself is clear that development should seek to minimise pollution, acknowledging that it is often not possible to eliminate such effects altogether, but that they can be mitigated. The Policy itself has been extensively discussed at paragraphs 6.12 to 6.35 above, and it is clear there are no significant pollution impacts or harm which would mean that development should not be permitted, indeed it promotes environmental benefits (in particular by way of on-site biodiversity gain and extensive planting both on and off-site) which won't be secured if permission is not granted.
- 9.37 The Council's Environmental Protection Team, Environment Agency, and County Council highways were all consulted on the Application and raised no objections.
- 9.38 The Committee Report concludes at paragraph 7.53 that *"It is the Officer's assessment that the proposed development would not result in any unacceptable pollution impacts regarding noise, air quality or odours, and would not impact on the amenity of neighbouring dwelling houses or the industrial estate. This would be in accordance with Local Plan Policy EN4 and Section 15 of the NPPF"* In relation to potential impacts, the Committee Report (again at 7.53) pointed towards proposed conditions regarding construction management, traffic management and external lighting which would secure minimise any impacts.
- 9.39 The Appellant submits that there is no conflict with Policy EN4, as shown by their assessments and case, and agreed by the planning officer and supported by the lack of objections from the Council's Environmental Protection Team. Indeed, the benefits given in respect of improvements to air and land quality weigh in favour of a grant of planning permission.

Policy DE1 – Promoting Good Quality Design

- 9.40 The Development's compliance with Policy DE1 is extensively established at paragraphs 6.38 to 6.70 above, other than the conflict with limb a to the extent there is a moderate adverse impact on landscape character reducing to minor after around year 5 as planting mitigation matures.
- 9.41 In addition to this, the Committee Report concludes at paragraph 7.46 *"that there is sufficient separation distance between residential dwellings, and the proposed development site, that residential amenity will not be adversely impacted in terms of loss of privacy or loss of light."* and that this is sufficient to ensure compliance with policy DE1 in this respect, so there is no unacceptable adverse effects on the amenity of neighbouring residential dwelling houses or the industrial estate (see paragraphs 7.46 and 7.47 of the Committee Report). However, the report does identify a residual minor to moderate adverse impact on landscape character, following mitigation through the proposed landscaping scheme and therefore remains contrary to DE1.
- 9.42 As concluded at paragraph 6.70, the Development substantively complies with Policy DE1, the identified conflict arising only on one element of a policy which includes 8 substantive criterion. However, if there were any such conflict, this should be considered in the planning balance. It is submitted (as explained at paragraphs 6.148 and 6.150 to 6.151 above) that when considered in the context of the Development Plan as a whole the Development complies with the Development Plan.
- 9.43 The Officer has also drawn this conclusion; paragraph 10.10 of the Committee Report concludes that *"the application proposals are in accordance with the adopted Development Plan when taken as a whole"*.

Policy RE1: Renewable Energy Generation

- 9.44 The Appellant's case on compliance with policy RE1 is at paragraphs 6.71 to 6.144. The Development complies with this policy.

Paragraph 135 of the NPPF

- 9.45 Compliance with this paragraph of the NPPF is comprehensively considered at paragraph 7.12 to 7.16 above. This demonstrates that the Development is in accordance with the various limbs of paragraph 135. The Appellant submits that it complies with limb (b) as the Development is designed to be as visually attractive as possible in the context of its purpose as an AD facility. However, if conflict is considered to arise in relation to this element of paragraph 135, this should be weighed in the planning balance as a whole, and in particular the

considerations raised in paragraph 168 of the NPPF which advises significant weight should be given to the benefits associated with renewable energy generation.

- 9.46 Therefore, it is submitted that the Development complies with paragraph 135 of the NPPF, but if and to the extent it is deemed not to, this conflict, which is small in extent, should be weighed against the advantages offered by the Development.

10. REPRESENTATIONS

- 10.1 In terms of objections from the public, they fall into the following categories: comments on specific issues and the Appellant's response to the points are included below.

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
Site Selection	1) The site should be smaller.	<p>The site itself is set out at section 1 of the planning statement. It is shown on the site layout plan at B6.</p> <p>Paragraphs 6.76 and 6.87 hereof describe landscape mitigation measures incorporated to mitigate the development.</p> <p>Paragraph 6.120 and 6.122 of the SoC detail BNG provision which is also detailed in Biodiversity Net Gain Report at Appendix F of the PEA.⁷²</p>	Size of the site is sufficient to include the landscaping mitigation measures and the provision of BNG, through the creation of a BNG area which would result in a 12.21% net gain in habitat units and 28.64% in hedgerow units. This is shown on the plan at B6.
	2) Linked closer to the motorway/an A-road.	<p>See paragraph 9.3 and 9.4 of SoC and Appendix 2 of the Planning Statement for detail on location of the Site and site appraisal.</p> <p>Page 6 of the 3 September Response Letter.⁷³</p>	As explained in the 3 September Response Letter on page 6, the chosen site is on land with a good connection to feedstock and the local highway network, which contributed to the site outperforming other alternatives.
	3) Other comments stated that the site should be in a location closer to where the gas will be used.	<p>As above, regarding site appraisal.</p> <p>See also paragraphs 6.128 to 6.129 of the SoC and paragraph 4.3 of the Planning Statement.</p>	A rural setting is necessary to be close to energy crops and near a high-pressure gas mainline. Detail is also provided in the site appraisal/selection process and criteria on the choice of site.
Development of a Greenfield Site	Linked to the Site Selection objection, comments were received that the use of greenfield land in the open countryside is inappropriate.	Paragraph 6.129 of the SoC explains the need for a rural setting, which is further covered at paragraph 4.3 of the Planning Statement.	A rural setting is necessary to be close to energy crops and near a high-pressure gas mainline. No brownfield alternatives close to

⁷² AB A18

⁷³ AB D8

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
		This is also set out on page 6 of the 3 September Response Letter.	the source of material, with a good grid connection were identified.
Lack of Community Support	1) No community benefits from the proposal and the community will bear the negative impact of the proposal in terms of traffic and environmental issues.	<p>Paragraph 6.133 of the SoC details benefit to local agricultural businesses.</p> <p>Paragraph 6.135 of the SoC considers community support test.</p> <p>Paragraphs 7.4-7.5 of the SoC outline the economic benefits for the community.</p> <p>Page 5 of the 3 September Response Letter also considers this.</p>	<p>Demand for crops for the AD plant will mean agricultural land remains in agricultural use, also it will contribute to the viability of other local agricultural businesses / economy.</p> <p>Appeal decisions and the NPPF demonstrate that there is no community support test / need for public support in the REA and so there is no conflict with that specific limb of Policy RE1.</p> <p>Rural diversification opportunity which generates direct and indirect employment opportunities.</p> <p>In terms of the negative impact, as demonstrated in the many reports undertaken for this proposal, there are no significant traffic impacts, and environmental impacts such as noise and air quality are also negligible.</p>
	2) Gas not being used locally.	Paragraph 6.139 of the SoC explains how the gas will be used.	<p>The gas needs to enter the national grid to be used.</p> <p>It should be noted that the digestate which is produced as a bi-product of the gas production is proposed to be used locally as an organic fertiliser.</p>

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
	3) Decreasing attractiveness of the area.	This is discussed in the LVIA and its addendum, as referred to at paragraphs 6.7 to 6.10 and 6.73 to 6.77 of the SoC.	Whilst it is acknowledged that the development will have a moderate adverse impact on the character of the area during the construction of and early years of the development this will reduce to minor adverse at most as planting matures.
	4) Comments relating to a lack of trust within the community about the Applicant's commitments.	Paragraph 6.135 discusses the need for support from the local community.	It should be noted that the Applicant remains committed to working with local residents. In any event, there is no national policy requirement for community support for proposals such as these.
	5) Complaints about the Applicant's lack of community involvement.		
Transportation and Highways Impact	1) Addition of HGV traffic on already strained roads, especially when the A1 is closed for accidents and the B676 due to cycle races.	<p>Paragraph 6.110 for construction traffic impacts.</p> <p>Paragraph 6.112- to 6.113 details TS conclusions.</p> <p>Paragraph 9.14-9.17 responds to the traffic refusal reason.</p>	<p>Concludes that there will be a low traffic generation and so there will be no implications for highway capacity, especially as the roads have modest traffic levels. The Transport Statement concludes that there will be no significant impact on the Highways. This is because the level of extra traffic generated is not significant, and the upgraded access track to the B676 means that HGVs will no longer be able to use Gunby Road, thereby avoiding the villages of Gunby and Sewstern.</p> <p>A Construction Transport Management Plan can be secured by condition to direct HGV and other travel routes during the construction period (see paragraph 6.22 of the Create Transport Assessment).</p>

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
	2) Exact number of HGV trips is not yet determined and so the full impact on the Highway cannot fully be considered.	Create Transport Assessment and paragraph 6.68 hereof	The level of HGV trips has been further considered for harvest and non-harvest periods by the Create Transport Assessment. Appendix C of the Assessment sets out anticipated trip movements. These have then been modelled and considered as described the assessment.
	3) Roads are narrow and windy, creating 'accident blackspots'.	Create Transport Assessment, section 9.	Highway Safety is considered in section 9 of the Create Transport Assessment which has reviewed the number of accidents in the close proximity of the Site and found none from 2023 onwards.
	4) Site is within a '7.5 tonne environmental protection zone' that protects several small villages and rural lanes.	Create Transport Assessment, figure 3.25.	There is a 7.5 tonne restriction on the roads neighbouring the site, however this is "except for access" (see figure 3.24 of the Create Transport Assessment). This includes roads which are used for existing to the existing industrial park and Brooks Bros and therefore is used by vehicles exceeding the restriction in any event.

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
Safety of Other Road Users	Linked to Transportation and Highways Impact, concerns as a high number of pedestrians and cyclists use the road and as it is a narrow lane, comments have been made regarding the safety of the users.	Paragraph 6.68 details TS conclusions. Paragraph 9.17-9.18 on refusal reason because of highway safety. 3 September Response Letter.	Paragraph 8.2 of the Create Transport Assessment reports on the pedestrian and cycling movements along Gunby Road in the vicinity of the Site and found that levels were very low. It is proposed an unsurfaced footpath could be provided by the Appellant between the Site and the village of Sewstern to provide a further benefit to local residents by providing a safer route for pedestrians who may wish to access the Site, the adjoining industrial estate or the Brooks Bros timber yard.
Visual Impact	Comments stating that the visual impact is stark and unmitigated, affecting a significant number of villages. Concerns were also brought up regarding the design and height of the proposed buildings.	Paragraph 6.73 to 6.77 and paragraphs 9.5 to 9.10 of the SoC discuss landscape, by reference to the LVIA and the LVIA Addendum. Paragraph 6.86-6.87 for cumulative visual impacts, again with reference to relevant sections of the LVIA and its Addendum. Paragraph 6.88 of the SoC refers to paragraphs 5.2.7 to 5.2.9 of the Design and Access Statement ⁷⁴ for design details.	Proposed mitigation measures, including a comprehensive landscape scheme, which establishes long-term screening to fit in with the agricultural surroundings. The LVIA concludes that the effect is not wholly avoided but minimised to a minor adverse effect.
Inaccuracies within the Application	Inaccuracies relating to: 1) the size of the site;	3 September Response Letter.	As detailed above, the size of the Site is that necessary to accommodate

⁷⁴ AB A5

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
	2) the type of development;		The Development is an AD Facility and the plant required for this has been detailed within the Application (for example see the Design and Access Statement ⁷⁵)
	3) the application not being updated accurately;		Any updates to the original Application documents have been included within the Appeal documents (in particular the amended access and visibility splay details which are included in the Create Transport Assessment ⁷⁶)
	4) misleading statements within the Application; and		The Appellant refutes the suggestion that misleading statements were made within the Application
	5) inaccurate Transport Statement.	3 September Response Letter and Create Transport Assessment.	<p>This point was rebutted by the letter from NTP attached to the 3 September Response Letter. In addition, a further JC Transport Assessment has been undertaken to provide additional information in relation to the potential impact of the development on the surrounding highway network.</p> <p>The Create Transport Assessment concludes at 10.16 to 10.17 that there will be negligible impact on the amenity of surrounding</p>

⁷⁵ AB A5

⁷⁶ AB C4 – C6

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
			villages and no detrimental impact on highway safety and highway capacity.
Traffic Management Plan	1) Comments stated that lack of a traffic management plan creates concerns over the feasibility and safety of the proposal.	Paragraph 6.110 of the SoC explains that a construction traffic management plan will be secured by condition, further detail on this is found in paragraph 7.13 of the JC Transport Statement. Pages 2-3 in 3 September Response Letter explain the inductions drivers will receive.	A Construction Traffic Management Plan (CTMP) will be secured, with the implementation of such, there will be minimal, manageable and acceptable impact on the highways. A Traffic Management Plan can be secured by condition to direct HGV routes, although note the point below on design of access. As explained in the 3 September Response Letter, all haulage drivers will be inducted on their first site visit and refreshed on an annual basis. All vehicles attending the site will also be fitted with a GPS monitor, with number plates recorded and kept on file.
	2) Cannot police driver's routes, especially if third party.	See paragraphs section 5, 6.15, 7.14 and 9.5 of the Transport Assessment.	The Transport Assessment confirms that the Construction Traffic Management Plan will identify approves routes to and from the site for various sizes of vehicles and securing penalties through the main contract if contractors do not comply. The design of various parts of the access also ensures all HGVs visiting the site will need to use one route as turning will not be possible for other accesses.
Cumulative Impacts	Concerns regarding the cumulative impacts arising from other similar developments in the local area (2 other AD plants within the	Paragraphs 6.86 to 6.87 consider visual cumulative impacts.	Planting on-site and off-site enhancements to mitigate the landscape impact, as the development has a negligible to moderate

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
	vicinity). Also, concerns about the cumulative traffic impacts from housing developments.	3 September Response Letter considers whether there are cumulative impacts arising.	<p>adverse impact in the medium-term on views. However, there is a minor beneficial impact once the vegetation has matured which prevents detrimental cumulative impacts.</p> <p>The 3 September Response Letter refers to the distance from the 2 projects referred to: assessment of cumulative effects to be considered with these projects is neither proportionate nor required by the Environmental Impact Assessment Regulations.</p> <p>As referred to above, the traffic generated by the Development is modest.</p>
Impact on the Environment	Worries about the carbon emissions and the risks of pollution, including nitrate pollution on the soil and spillages in water sources.	<p>Paragraph 6.16 of the SoC outlines the emissions impacts of operational phase with reference in particular to relevant parts of the Redmore Report.</p> <p>Paragraph 6.88 of the SoC refers to the design of the Development which will mitigate combustion emissions (see also paragraph 5.1.1 of the Redmore Report).</p> <p>Paragraphs 6.13-6.15 and 7.2 to 7.3 on proposal being carbon negative, with reference to the 3 September GHG Letter.</p> <p>Paragraph 6.25 to 6.27 of the SoC considers water pollution, with reference to the FRA.</p>	<p>The SoC demonstrates by reference to relevant reports (in particular the Redmore Report) that there will be no significant impact on ecological receptors from road traffic emissions, combustion plant emissions, dust, air quality etc.</p> <p>Surface water management will minimise the risk of pollution to surface and ground water. FRA also outlines pollution control designs (see in particular section 5) and concludes no significant risk of water pollution.</p> <p>The Development will be carbon negative, as fully explained in the 3 September GHG Letter.</p>

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
	Also comments about the fact the site is within a '7.5 tonne environmental protection zone' that protects several small villages and rural lanes.		There is a 7.5 tonne restriction on the roads neighbouring the site, however this is "except for access" (see figure 3.25 of the Crate Transport Assessment). This includes roads which are used for existing to the existing industrial park and Brooks Bros and therefore is used by vehicles exceeding the restriction in any event.
Food Security	Use of fields to grow energy crops instead of food crops which may result in food insecurity and price increases.	<p>Paragraph 6.125-6.126 of the SoC detail the agricultural land on which the Development will be sited, referring to the conclusions contained in the Agricultural Land Report at paragraphs 3.4 to 3.7.</p> <p>See paragraph 7.4 to 7.5 of the SoC which discuss the opportunity for rural diversification.</p>	<p>Classification of site is not considered as BMV as per NPPF and so no mitigation measures are necessary. The land is subgrade 3b which is a moderate quality and there will be a loss of 7.1ha, which will not negatively impact the District's agricultural land asset.</p> <p>The AD Facility itself provides an opportunity for rural diversification which provides an opportunity for the farms in the area, which in any event are not otherwise confined to producing food crops.</p>
Threats to Biodiversity and Wildlife	Worries about the impact on wildlife in the nearby SSSI, agricultural land and rural lanes.	<p>See paragraphs 6.16 to 6.32 of the SoC and more particularly the referenced section of the Redmore Report for emission impacts from operational phase.</p> <p>Paragraphs 6.56 and 6.48 of the SoC discuss the for PEA and BNG conclusions, drawing on section 5 of the PEA in particular.</p>	<p>PEA concludes no harm to SSSI due to distance, therefore no mitigation required for this.</p> <p>PEA also sets out that the relevant ecology surveys have been undertaken, with more to follow, and a negligible/minor beneficial effect will be had once mitigation measures are secured.</p> <p>Implementation of a Habitat Management and Monitoring Plan will see a 12.21% net</p>

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
			gain of habitat units and 28.64% in hedgerow units – therefore significantly enhancing the biodiversity.
	Also, Site is adjacent to a watercourse that feeds into the River Witham with known white-clawed crayfish.	Heatons Letter 6 August 2025	<p>Gunby Brook, which runs into the Site has been visually examined on two occasions and was found to be dry and more recently interspersed with largely still water at a depth of less than 50mm. In order for white-clawed crayfish to migrate up the brook the level of water would need to be maintained for a long period of time: the channel of water drying up at any time during the year would be a significant barrier to movement.</p> <p>Further, in relation to drainage from the Site, the Environment Agency confirmed their satisfaction with the detail of the disposal of foul water and withdrew their objection. As confirmed by the Ecology Letter 6 August 2025 the Development will cause no harm to white-clawed crayfish.</p>
Impact on Amenity	Relating to noise, odour, traffic and light pollution and the impact of this on residents, especially those living nearby to the facility. Effects on physical and mental health as a result of this plant.	<p>Paragraphs 6.16 to 6.17 for emission impacts of operational phase and the parts of the Redmore Report and the Create Air Quality Assessment referenced therein.</p> <p>Paragraph 6.95 of the SoC and 5.1.1 of the Redmore Report for mitigation regarding dust emissions.</p> <p>Paragraph 6.97 to 6.100 of the SoC and 5.1.1 of the Redmore Report outline the mitigation</p>	<p>The consultants' reports which deal with these issues state that there will not be significant impacts and therefore there is no need for additional mitigation, however, they do take into consideration integrated mitigation measures (such as for control of combustion emissions, dust and air quality).</p> <p>For lighting, it is stated that lighting will be complied with through planning condition.</p>

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
		<p>to control odour, with conclusions at 10.1.4 of the Redmore Report.</p> <p>Paragraph 6.102 of the SoC covers lighting.</p> <p>Paragraphs 6.36 and 6.105-6.106 of the SoC refer to noise which is covered in detail in the Noise Assessment, particularly section 6.</p> <p>Paragraph 9.17-9.24 of the SoC which refers to the Create Transport Assessment responds to impact on amenity from traffic refusal reason.</p> <p>Paragraph 9.25 on amenity refusal reason.</p>	<p>The Noise Assessment considers mitigation through conditions to ensure no unacceptable impact by securing that noise limits are in place for the plan (see paragraph 6.3 thereof).</p>
Safety	Concerns that the site will result in traffic accidents with vulnerable road users, also worries that the Applicant knows the environmental risks of the proposal, won't always comply with environmental safety laws	<p>Paragraph 6.30-6.31 and 6.106 of the SoC discuss impact on safety.</p> <p>The increased safety risk is also responded to in the 3 September Response Letter.</p> <p>This aspect is also covered within the <i>Impact on Amenity</i> section above.</p> <p>Response to traffic concerns is within <i>Safety of Other Road Users</i> section.</p>	<p>Concludes that there is no harm to amenity, health, well-being or safety arising from traffic or pollution, among other concerns.</p> <p>No issues with the compliance of environmental safety laws have been raised by the Council, and no such issues have been raised by the various reports underpinning the Application.</p> <p>As detailed in the 3 September Response Letter: All AD operators in the UK must comply with regulations concerning environmental protection, Control of Substance Hazardous to Health Regulations (COSHH), Dangerous Substance & Explosive Atmosphere Regulations (DSEAR), Health & Safety at Work Regulations, Regulatory Reform (Fire Safety) Regulations as set out</p>

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
			by UK regulations (EA, HSE). These basic duty of care controls exist to ensure the safety of our people & those living or working near our plants. These regulations cover plant design and equipment – which have built in automated safety controls & fundamental operational controls that fail safe. All of Future Biogas' plants have sophisticated lightning protection systems that meet the British Standard 62305 and will be regulated by the HSE. All plants contain fire suppression equipment as standard as well as being built with comprehensive containment to ensure nothing leaves the site other than intentional exports of by-products. This site will fall under lower tier COMAH and be regulated by the Health and Safety Executive (HSE).
Fire or Explosions	From the AD plant, comments about the Oxfordshire AD fire. Concerns that the site is far away from a fire station/emergency services.	Fire Hydrant Connection Specification. ⁷⁷ Proposed Site Layout Plan. ⁷⁸	Fire safety is dealt with by the inclusion of fire hydrants (see fire hydrant connection specification ⁷⁹). A lightning mast is also proposed (see Proposed Site Layout Plan ⁸⁰).

⁷⁷ AB C1

⁷⁸ AB B6

⁷⁹ AB C1

⁸⁰ AB B6

Objection	Summary of Objection	Section addressed in this Statement of Case ("SoC") and other documents	Summary of Response
Flood Risk	Increased risk of flash flooding, also any hydrological change will have an effect downstream. Also worries that debris dropping from HGVs will block drains and cause flooding.	<p>Paragraph 6.25 of the SoC discusses flood risk; there is further detail in the Flood Risk Assessment.</p> <p>Section 5 of the Flood Risk Assessment⁸¹ describes the surface water management system to be applied at the Site.</p> <p>Paragraph 7.21 of the SoC draws on section 8 of the FRA which concludes on flood risk arising from the proposed Development.</p>	<p>FRA demonstrates that there is a low to moderate groundwater flood risk and very low risk of flooding from reservoirs. SUDS have been proposed to mitigate the identified risk of surface water flooding and flood risk being increased elsewhere.</p> <p>Note that the HGVs will be sheeted, as confirmed at paragraph 7.3 of the Create Transport Assessment</p>

⁸¹ AB A9

11. CONCLUSION

- 11.1 The Appellant's case is straightforward. The Development complies with the Council's Development Plan when taken as a whole.
- 11.2 In relation to Development Plan policy RE1 (limb b) it is set out above at paragraph 6.135 that a previous planning appeal decision found that this limb of policy RE1 only applies to applications for the generation of wind energy, because whilst it is included in the main policy, the supporting REA only includes more detailed criteria on the requirement for community support explicitly in relation to wind, and not (in the case considered at the relevant appeal) to proposals for solar PV. Similarly, the detailed criteria for biomass proposals do not include a requirement for support from the affected local community. The Appellant asserts that there is strong justification that this position should apply in this case; there is neither the specific guidance as provided for proposals for energy generated from wind, given in relation to Biomass, and further there is no similar requirement elsewhere in policy, including national policy. The Development complies with the general aims of Policy RE1 which is supportive of applications for renewable energy generation.
- 11.3 It is also relevant that the Officer agrees with the appeal decision and concluded the lack of support of the affected local community "*does not constitute a conflict with Policy RE1b in this case*".
- 11.4 It is submitted that the Development raises no conflict with Policy DE1. The policy is complied with in all respects other than a moderate adverse impact on landscape character, reducing to minor after around year 5 as planting mitigation matures. It is submitted that this is not sufficient to mean that overwhelming compliance with the policy cannot be demonstrated.
- 11.5 The Applicant would submit that it is shown that the Development complies with the Development Plan when taken as a whole. Indeed, the Officer also assessed that "the application proposals are in accordance with the adopted Development Plan when taken as a whole, albeit there are conflicts identified in relation to the visual impact of the development." (paragraph 10.10 of the Committee Report).
- 11.6 It follows, therefore, that there is a statutory presumption in favour of granting planning permission for the Development unless there are any material considerations that indicate otherwise. In this case, there are no material considerations indicating that Planning Permission should not be granted. Indeed, for the reasons which have been articulated above, the only material considerations relevant to this Appeal add further weight to the position that planning permission should be granted.
- 11.7 The material considerations in favour of the Development which lead to the conclusion that planning permission should be granted are:
- a) development accords with the NPPF;
 - b) carbon negative development;
 - c) renewable energy generation and contribution to net zero (which should be given significant weight in accordance with paragraph 168 of the NPPF);
 - d) economic benefits including rural diversification;
 - e) biodiversity improvements; and
 - f) positive assessment of the Development given by the Council's professional Officer in the Committee Report leading to a recommendation of approval subject to conditions
- 11.8 In addition, the reason for refusal is rebutted for the reasons articulated in section 9 of this Statement of Case. The refusal on grounds of negative effect on the landscape setting and character is acknowledged. However, it has been mitigated as far as possible, and when the resultant harm is considered against the benefit of the Development, the refusal cannot be sustained. In addition, the Council's lack of evidence to support its reason for refusal in terms of the effect arising from transport, either in terms of the traffic generated from the Development having an adverse effect on highway capacity, safety, or any (unspecified) amenity is compelling.

- 11.9 Therefore, in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 it is the Appellants' case that the Appeal should be allowed.
- 11.10 For these reasons, the Appellant respectfully requests that the Appeal is allowed.

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