

Refusal of Planning Permission

Name and address of applicant

Veolia ES (UK) Ltd
210 Pentonville Road
London
N1 9JY

Name and address of agent (if any)

Miss B Gill
Veolia ES (UK) Ltd
Kingswood House
Kingswood Crescent
Cannock
Staffordshire
WS11 8JP

Part I - Particulars of application

Date of application:

30 September 2016

Application No.

2016/1076/CCC

LCC Ref. No.

L/1076/16

Particulars and location of development:

To demolish an existing building, construct a new building and operate a waste transfer station, including the production of refuse derived fuel, with associated development including a new weighbridge, relocation of existing wash bay, diesel tank and re-alignment of existing fence line at Veolia Site, Long Leys Road, Lincoln, LN1 1DS.

Part II - Particulars of decision

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been refused** for the carrying out of the development referred to in Part I hereof for the following reasons:-

The proposed development represents a sustainable waste management practice and is acceptable in terms of its broad location. However, given the applicant's proposed continued and dual use of the site difficulties could arise in terms of differentiating between the hours of operation and activities associated with one use and that of another. The imposition of a planning condition in order to restrict the hours of operation for the waste transfer use would not be sufficiently precise and enforceable and the applicant has refused to enter into a Planning Obligation in order to restrict the hours of operation for the whole site. Without the ability to impose a planning condition or secure a Planning Obligation, it would not be possible to control the hours of operation associated with the waste transfer operations and therefore these could potentially be carried out 24 hours a day. As the potential noise impacts arising from that use (in combination with the existing permitted use) during the evening and night-time hours have not been assessed, then the proposals have not demonstrated that they could be carried without having an unacceptable impact on the amenity of nearby residents.

Date 6 February 2017

Unit 4, Witham Park House
Waterside South, Lincoln

Planning Manager
Lincolnshire County Council

The Waste Planning Authority contends that the benefits of the proposed development are considered to be outweighed by the potential impacts of evening and night-time noise on sensitive receptors of acknowledged importance. Therefore planning permission is refused for failure to comply with the aims and objectives of the National Planning Policy Framework and Policies DM1 and DM3 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (June 2016) and would conflict with Policies 34, 67A and 104 of the City of Lincoln Local Plan 1998 and Policy LP26 of the emerging Central Lincolnshire Local Plan.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made either electronically via the Planning Portal at <https://www.gov.uk/government/organisations/planning-inspectorate> or by using a form which can be obtained by contacting the Customer Support Team on 0303 444 00 00). The Secretary of State has a power to allow a longer period for the giving notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving of a notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him. Please note, only the applicant possesses the right of appeal.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.