

# **Officers Report**

## **Planning Application No: WL/2025/00182**

**PROPOSAL:** Planning application for 4no. silos.

**LOCATION:** RPC Containers Ltd, Gallamore Lane Industrial Estate,  
Gallamore Lane, Market Rasen LN8 3HA

**WARD:** MARKET RASEN

**WARD MEMBER(S):** Cllr S Bunney, Cllr E L Bennett, Cllr M K Westley

**APPLICANT NAME:** Mr Luke Withers-Adamson (Berry CPI – Agile  
Solutions)

**TARGET DECISION DATE:** 15th April 2025 (Extension agreed until 27<sup>th</sup>  
June 2025)

**CASE OFFICER:** Ian Elliott

**Recommended Decision:** Grant permission subject to conditions

### **Planning Committee:**

This application has been referred to the Planning Committee due to objections from the Ward Member, the Market Rasen Town Council and a number of third parties.

### **Site Description**

The application site is part of an established plastic manufacturing business on Gallamore Lane Industrial Estate at Market Rasen which is covered by hardstanding.

The site is located at the eastern end of the Industrial Estate. Residential properties adjoin the site along its eastern and southern boundaries.

To the south of the proposed silo adjacent the south gable end is a grass bank with trees along the south boundary. High timber fencing screens the east boundary with the north elevation of 1 and 2 Sunnymede along the south boundary. The existing silos and main commercial building are to the north and west.

The silo to the north of the buildings is screened by high hedging, high trees and timber fencing to the north and east boundary. Existing silos also screen the site to the east. The existing buildings provide screening to the south. To the west is open across the site to the main access.

The site is within an area allocated as an Important Established Employment Area (IEEA) in the Central Lincolnshire Local Plan.

### **Proposal:**

The application seeks permission for 4 raw material silos (2 pairs) adjacent to existing silos. The silos would store plastic granules ready for transfer into the

factory. The proposed silos would be split positioned into different locations on the site. One pair adjacent the south gable end of the factory, and the 2<sup>nd</sup> pair to the north end section of the site.

The pair of silos (including safety fencing) would be:

- 7.4 metres in width
- 11.3 metres in height
- In a stainless steel finish

Each silo would have two an individual diameter of 3.4 metres.

### **Relevant Planning History**

137212 - Planning application for 2no. raw material silos adjacent to existing silos – 13/03/18 - Granted time limit plus conditions

137796 - Request for confirmation of compliance with condition 2 of Planning Permission 137212 granted 13 March 2018 - Condition discharged - 11/06/2018

### **Planning Constraints**

- The site is on an established employment area E21 (inset map 51 of the Central Lincolnshire Local Plan 2023-2043).
- Silos are positioned within flood zone 1 (low probability).
- Flood zone 2 (medium probability) and 3 (high probability) sits close by to the east and south of the proposed silos adjacent the south gable end.

### **Representations**

*Representations made in relation to the application, the substance of which are summarised below (full representations can be viewed online).*

#### **Cllr Bunney: Objections**

- Detrimental affect on properties at end of Rasen Lane (Sunnymede) and 25 Caistor Road.
- Silos will overlook the neighbouring properties.
- Noise and Vibration from filling and emptying the silos will be greater and more invasive causing distress to residents.
- Possibility that trees will be felled which will increase invasiveness especially in summer months.
- As part of the planning permission granted in 2004 it was stipulated that environmental planting and landscaping should occur to protect the integrity of the properties but did not happen. This situation needs to be considered during this application.
- Silos should be to the north or west of the factory.

**Market Rasen Town Council: Objections**

- Will have a detrimental impact on properties on Rase Lane, in particular Sunnymede and 25 Caistor Road.
- Silos will impede the view of the properties.
- Will be invasive as overlook the properties.
- Noise from filling will be detrimental to neighbours.
- As part of the planning permission granted in 2004 it was stipulated that environmental planting and landscaping should occur to protect the integrity of the properties but did not happen. This situation needs to be considered during this application.
- Felling trees would be detrimental and invasive to neighbours.
- Consideration should be given to re-location of silos elsewhere on the site.

**Local residents: Objections received from:**

2 Sunnymede, Rasen Lane, Market Rasen  
25 Caistor Road, Market Rasen

Residential Amenity

- Suffer from continued droning noise which will increase with silos.
- Extra traffic noise caused by articulated lorries.
- Continued bleeping noise from forklifts.

Visual Amenity

- Impact on view from seating area of 2 Sunnymede.
- The silos to the south side would be clearly visible from 25 Caistor Road.
- More acceptable location for silos on west of factory close to apex of roof.

Trees

- It is important three trees remain in place for screening

Flood Risk

- Will cause greater flood risk to houses adjacent.
- In 2022 25 Caistor Road was flooded. The dyke that is on east side of factory overflowed. As far as we are aware, the dyke has only been majorly cleared out once, that was after our home was flooded. All the water from RPC site, roofs and associated buildings, drains into the dyke.

Other

- Value of properties will decrease.

**LCC Highways and Lead Local Flood Authority: No objections**

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning proposal does not affect the public highway.

**WLDC Tree and Landscape Officer:** No objections with advice  
Having looked at the plan RD:5785/05 which shows the worst-case scenario in relation to extent of any excavations along that side of the road near the tree, I have no objections to the work, as there should be very few roots in that area of soil so close to the existing road.

If any roots greater than 2.5cm diameter are encountered, the ground below them should be excavated lower and try to push them down into the lower ground and recover them with soil.

**LCC Archaeology:** No representations received to date

**Date Checked:** 17<sup>th</sup> June 2025

**Relevant Planning Policies and Legislation:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016)

Development Plan

- **Central Lincolnshire Local Plan 2023-2043**

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S20 Resilient and Adaptable Design

S21 Flood Risk and Water Resources

S31 Important Established Employment Areas

S47 Accessibility and Transport

S49 Parking Provision

S53 Design and Amenity

S57 The Historic Environment

S61 Biodiversity Opportunity and Delivering Measurable Net Gains

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- **Neighbourhood Plan (NP)**

The site is not within a designated Neighbourhood Area and there is no Neighbourhood Plan to consider.

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site/area.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2024.

Paragraph 85 states:

*"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."*

Paragraph 232 states:

*However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

<https://www.gov.uk/government/publications/national-planningpolicy-framework--2>

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

- **National Model Design Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

**Main Considerations:**

- Principle of the Development  
Central Lincolnshire Local Plan 2023-2043  
Concluding Statement
- Visual Impact

- Residential Amenity
- Highways
- Surface Water Drainage and Flood Risk
- Trees
- Biodiversity Net Gain

## **Assessment:**

### Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The business uses the site for industrial manufacturing with associated storage facilities. Therefore, the site has B2 (general industrial) and B8 (storage and distribution) use in accordance with the uses allowed in local policy S31 (Important Established Employment Area (IEEA)) reference E21 of the CLLP. The proposed silos add further needed storage (B8 use) for the growth of the business.

The application has been submitted to increase the plastic granule storage following the award of new contract from a major British company worth 4.5 million pounds. The new contract would provide 12 new full-time job opportunities to the local area.

### *Central Lincolnshire Local Plan 2023-2043:*

The application site is located on an Important Established Employment Area (IEEA). It is referenced in local policy S21 of the CLLP as E21 with accepted use classes as B1, B2, B8 and A2.

Paragraph 5.1.1 of Local policy S31 states that '*This section sets out how the Central Lincolnshire Authorities will assist the achievement of strong and sustainable local economic growth where entrepreneurship, innovation and inward investment are actively encouraged*'.

### *Concluding Statement*

Therefore, growth of this established business within an Important Established Employment Area accords with the Development Plan (S31)

The development can be supported in principle, subject to assessing any environmental impacts and meeting all other relevant policies.

### Visual Impact

Objections have been received in relation to the visual amenity harm caused by the proposed silos adjacent the south gable end.

Local policy S53 of the CLLP sets out 10 criteria based on design and amenity. It is considered that criteria 1 (Context), 2 (Identity), 3 (Built Form), 5 (Nature) and 8 (Homes and Buildings) of S53 are the most relevant to the development.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The site or surrounding area is not designated as having any special character or scenic beauty.

Indeed, the site is allocated as an Important Established Employment Area where employment use is the key characteristic.

The application site is on Gallamore Lane Industrial Estate which is located in the north west of Market Rasen. The proposed silos are an industrial style bulk storage and conveying system which feeds plastic granules into the factory through connected piping. The silos would match the existing silos across the site and would have the normal stainless steel finish.

The proposed silos to the north of the buildings would be located adjacent existing silos and be well screened, particularly to the north, east and west. The silo would be viewed within its industrial setting.

The proposed silos to the south of the buildings would be located adjacent existing silos and be well screened to the north and the west. The scale of the proposed silos would be in view from parts of the garden areas to the closest residential dwellings to the east and south. These views from the nearest residential dwellings would again be viewed as you look towards the industrial site and buildings. The view of the silos would be softened by low and high trees.

Locating the silos adjacent existing silos to group the silos together at either end of the factory building and is preferred rather than dotting them throughout the site providing no harm is caused.

The silos may be utilitarian in appearance, but this is appropriate to an Established Employment Area setting.

It is therefore considered that the proposed silos would not have a harmful visual impact on the site or the surrounding area and would accord to local policy S53 of the CLLP and the provisions of the NPPF.

#### Residential Amenity

Objection have been received in relation to the proposed silos to the south gable end of the factory creating overlooking and further noise from operation, articulated lorries and forklift vehicles.

The proposed silos to the north of the site would be at least 30 metres from the nearest residential dwelling. Existing silos of the same height would sit between the new silo and the dwellings to the east. The next nearest residential dwellings on the other side of Gallamore Lane.

The proposed silos to the south gable end of the factory will be (approximate measurements taken from plan RD:5785/02 dated 4<sup>th</sup> January 2018):

- 18 metres from the north elevation of 1 and 2 Sunnymede
- 21 metres from the west elevation of 25 Caistor Road
- 46 metres from the north elevation of Sunnymede

The proposed silos on their own and cumulatively with other silos adjacent, are set into the site away from the boundary and would not have a harmful overbearing impact on the living conditions of neighbouring dwellings.

The silos do have safety fencing around the top of the silos which would be used for maintenance and monitoring purposes. The applicant has stated in email dated 22<sup>nd</sup> May 2025 that *“it can be variously for maintenance, cleaning access, or safety checks. Staff go up there no more than once or twice a year. Realistically, it's only a 'when needed', not necessarily a routine”*.

The rear gardens of the dwellings to the east and south would be in view when employees are carrying out duties at the top of the silo adjacent the south gable end. However, the number of times that employees would be up there during a year is so modest that the south silo would not have an unacceptable harmful overlooking impact on the living conditions of neighbouring dwellings.

On the request of the case officer a Plant Noise Assessment (PNA) by Soundplanning dated 17<sup>th</sup> April 2025 has been submitted. The Noise Assessment was requested to assess the noise created by the day today operation of the silos. As discussed later in the report noise is created by heavy goods vehicle deliveries but these deliveries would be around 3 per week and would only be for the time it takes to arrive at the site, fill the silos and leave the site. This has been confirmed in writing by the applicant as a maximum of 2 hours.

In summary the PNA sets out the noise levels in decibels (dB) to be:

- Combined noise level of 33 dB with a background noise level of 37 dB during the daytime (7:00-23:00 hours)
- Combined noise level of 33 dB with a background noise level of 35 dB during the daytime (23:00-7:00 hours)

The background noise level of the combined silos is subsequently -4 and -2 less than the background level. The noise report concludes that:

*“The evaluation shows that the predicted noise rating level at the nearest noise sensitive receiver is 'low impact' in accordance with BS 4142:2014+A1:2019. 9.4. No noise mitigation strategy should be required for the 2 additional silos”*

Objections have also been received in relation to noise created by heavy goods vehicles delivering plastic granules to the silos. In approved planning



application 137212 (2 silos adjacent the proposed) the application detail stated *“At present we are averaging between 2-3 silo deliveries per week. With the new silos we estimate that this would increase to just over 3 per week. i.e. an extra delivery every 2 weeks’. ‘Our core unloading times from 8.00 to 15.00 but we do accept deliveries up to 17.00 if they are delayed due to traffic and very rarely (once every 18 months or so) there may be a deliver between 17.00 and 18.00. We only accept this if it is required to avoid stopping the production”*.

The agent has stated that these silos would require *“1 additional delivery per new silo per month”*. Therefore, only two additional deliveries will be required to both pairs of silos to the south gable end of the building.

A condition restricting times of delivery was added to planning permission 137212. The condition stated:

*“No deliveries to the proposed silos shall take place outside the hour of 8:00-19.00 on a Monday to Friday.*

*Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.”*

This condition is still considered as necessary and reasonable to add to this permission to restrict deliveries to the times stated.

Objections have additionally been raised in relation to forklift vehicles bleeping whilst operating on the site. Forklifts bleep when they are reversing as a warning to people nearby. The site is a commercial/industrial site and it is the responsibility of the business to as much as possible respect the neighbouring uses when operating forklifts vehicles.

As stated in the officer's report for 137212 the extra storage capacity will help to reduce the number of forklift truck movements which currently take place around the rear of the property to move bagged plastic granules. In fact the silos will stop any further increase from larger stocks of bagged granules stored on site to meet the higher demands of the new contract.

It is therefore considered that the proposal would not have an unduly harmful noise disturbance on the living conditions of neighbouring dwellings due to the amount and timing of deliveries expected each week and the results of the PNA. If the operation of the silos does materialise to be the subject of noise complaints the Council has separate statutory powers to investigate and address unacceptable disturbance.

It is therefore considered that the proposed silos would not result in unacceptable noise pollution or have an otherwise harmful impact on the living conditions of neighbouring dwellings and would accord to local policy S53 of the CLLP and the provisions of the NPPF (paragraph 187(e)).

### Highways

As stated above the proposed silos will create a very modest increase to the amount of deliveries to the site which will use the existing access off the Industrial estates road. The proposal would not remove any parking spaces from the site. The application states that the development would create 12 full time employment opportunities. The applicant has stated that the site has *“more than enough spare off-road parking. Whilst it is 12 new jobs, it's split across multiple shifts meaning it's only 3-4 extra parking spaces at any given time”*. The Highways Authority at Lincolnshire County Council have not objected to the application.

The proposal will therefore not have a harmful highway safety impact and accords to local policy S47 and S49 of the CLLP and the provisions of the NPPF.

### Surface Water Drainage and Flood Risk

Objections have been received from neighbouring dwellings on surface water flooding.

The application form states that surface water will be disposed of to the mains sewer. It is considered that this relates to the overall site and not to the silos which would be unlikely to be connected directly to the mains sewer.

The silos to the south of the site would be close to areas of flood zone 2 and 3. However, the silos would be positioned within flood zone 1 therefore are located on land which has the lowest risk of flooding and would meet the NPPF sequential test for locating development in areas of the lowest potential for flooding.

The government's flood map for planning<sup>1</sup> identifies that the northern silos would be located on ground which has history of surface water flooding. The southern silos would be primarily on land which has no history of surface water flooding but would be cover some limited ground which has history of surface water flooding.

The Lead Local Flood Authority at Lincolnshire County Council have no objections to the development.

The silos to the north would be positioned on impermeable hardstanding therefore would have a neutral impact on surface water drainage from rainfall.

The silos to the south would be positioned on areas of permeable brick effect hardstanding which extends to the immediate surrounding area including the lane to the south of the factory. The introduction of the southern silos will reduce the amount of permeable ground to the south of the factory. The surface water which comes off the proposed silos would still infiltrate through the remaining brick effect hardstanding as well as discharging into the dyke to the east of the site.

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<sup>1</sup> [Map – Flood map for planning – GOV.UK](#)

The agent has stated in writing that the *“the new silos will be on an impervious base, again drained to the existing surface water system. There will be no increase in impermeable area”*.

The applicant has provided comments from their Engineering Manager which states that:

*'With regards to the southern silos, there are 5 storm water drains along the southern block paved section, the storm water currently goes into those storm drains and is then piped off site, the dyke is other side of the storm drains. So, water from the dyke, flows out of the dyke via the drainpipes which the southern storm drains then join into. So, there will be no additional water going into the dyke because of these silos. There are no drains in the location where the new silos will sit. The existing storm drains are a few meters south of the where the new silos would sit. So, we will not be reducing the number of storm drains for surface water to go down.*

*We do have some responsibility for the dyke, in 2022 we hired in a small excavator and cleared the dyke, which the neighbours were very pleased with. We have checked the condition of the dyke and continued to liaise closely with one of the neighbours to ensure he is happy with the condition of it. I expect we will need to hire a small excavator again in a couple years to give the dyke a thorough clear out again. Which we are happy to do.*

Therefore, the silos to the south of the site would also have a neutral impact on surface water drainage from rainfall.

Therefore, it is considered that the silos would have a neutral impact on surface water flooding of the site and the surrounding area. The proposal will therefore accord to local policy S21 of the CLLP and the provisions of the NPPF.

### Trees

Local policy S66 of the CLLP states that *“Development proposals should be prepared based on the overriding principle that:*

- the existing tree and woodland cover is maintained, improved and expanded; and*
- opportunities for expanding woodland are actively considered, and implemented where practical and appropriate to do so.”*

The silos to the south gable end of the factory would be close to four or five trees to the south as identified on the below photos. The trees are not protected but provide some amenity and screening value therefore it would be preferred if they were retained.



The trees are located on land raised above the existing road which would need to be widened to allow vehicles to get to the new silos. The application has included plan RD:5785/05 dated 18<sup>th</sup> December 2024 identifying the amount of the embankment to be removed to widen the road.

The Authority's Tree and Landscape Officer (TLO) has no objections in terms of the excavation works affecting the existing trees. However, the TLO has provided some advice which is considered necessary to attach as an advisory note.

*"Having looked at the plan RD:5785/05 which shows the worst-case scenario in relation to extent of any excavations along that side of the road near the tree, I have no objections to the work, as there should be very few roots in that area of soil so close to the existing road."*

*"If any roots greater than 2.5cm diameter are encountered, the ground below them should be excavated lower and try to push them down into the lower ground and recover them with soil."*

Having considered the advice given, the proposal will therefore not have a harmful impact on the existing trees and accords to local policy S66 of the CLLP and the provisions of the NPPF.

#### Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 sets out in law that 10% Biodiversity Net Gain (BNG) for minor developments is a statutory requirement after 2nd April 2024. This takes precedence over local policy S61 of the CLLP.

Local policy S61 of the CLLP requires *"all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management"*.

Local policy S61 goes on to state that *"All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to*

*the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric".*

The Principal Ecology and Wildlife Officer (PEWO) has verbally confirmed that the development is *"exempt from BNG under the de minimis threshold as the application although larger than 25m<sup>2</sup> will not impact 25m<sup>2</sup> or more of habitat with a score greater than 0 in the statutory, nor does it include habitat with a score greater than 0 that has been degraded since Jan 2020."*

**Other:**

Landscape Mitigation

Representations have been received in relation to environmental planting and landscaping which should have been implemented as part of a planning permission granted in 2004 to protect the integrity of the properties. This cannot be considered as part of this application and would need to be reported to the Planning Enforcement Team for consideration.

As discussed earlier in the tree section of this report the primary consideration is the retention of the existing trees which provide soft landscaping to the south of the site. It is not considered reasonable or necessary to require any further landscaping mitigation to the site.

**Conclusion and reasons for decision:**

The decision has been considered against policies S1 The Spatial Strategy and Settlement Hierarchy, S20 Resilient and Adaptable Design, S21 Flood Risk and Water Resources, S31 Important Established Employment Areas, S47 Accessibility and Transport, S49 Parking Provision, S53 Design and Amenity, S57 The Historic Environment and S61 Biodiversity Opportunity and Delivering Measurable Net Gains of the adopted Central Lincolnshire Local Plan 2023-2043 in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and National Design Guide. In light of this it is considered that the principle of the proposal is acceptable and will provide growth and employment opportunities to an established business on an Important Established Employment Area. The proposal will not have a harmful visual impact on the site, the surrounding area or the street scene and subject to the imposition of the conditions discussed above will not have a harmful impact on the living conditions of neighbouring dwellings, highway safety or drainage.

**Recommended Conditions:**

**Conditions stating the time by which the development must be commenced:**

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

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or require matters to be agreed before the development commenced:**

NONE

**Conditions which apply or are to be observed during the course of the development:**

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following drawings:

- RD:5785/01 dated 18<sup>th</sup> December 2024 – Site Plans (Proposed Only)
- RD:5785/02 dated 4<sup>th</sup> January 2018 – Elevation Plans (Proposed Only)
- RD:5785/04 dated 18<sup>th</sup> December 2024 – Site Plans
- RD:5785/05 dated 18<sup>th</sup> December 2024 – Road Widening Plans

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Local Policy S1, S31, S47, S49 and S53 of the Central Lincolnshire Local Plan 2023-2043.

**Conditions which apply or relate to matters which are to be observed following completion of the development:**

3. No deliveries to the silos hereby approved must take place outside the hours of 8:00-19.00 on a Monday to Friday.

Reason: To preserve residential amenity to accord with the National Planning Policy Framework and local policy S53 of the Central Lincolnshire Local Plan 2023-2043.

**Advisory Note**

**Excavation Works for Road Widening**

It is advised that if any roots greater than 2.5cm diameter are encountered during the excavation works, the ground below them should be excavated lower and the roots should be pushed down into the lower ground and covered with soil.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not

interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

**Representors to be notified -  
(highlight requirements):**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Standard Letter</b>	<b>Special Letter</b>	<b>Draft enclosed</b>