

**Open Report on behalf of Richard Wills  
Executive Director, Environment & Economy**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>3 April 2017</b>
Subject:	<b>County Matter Application - S81/0053/17</b>

**Summary:**

**Supplementary Report**

Planning permission is sought by Cemex UK Operations Ltd (Agent: ShrimplinBrown Ltd) to continue to extract sand and gravel without complying with condition 2 (details and plans), condition 10 (plant and machinery) and condition 11 (site layout) imposed by permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) together with the discharge of condition 2 (additional embankments) and condition 3 (vehicular access) of S81/1112/07.

At its meeting on 6 March 2017 the Planning and Regulation Committee, following consideration of the application, the written update and having heard the oral presentations from representatives for the applicant, West Deeping Parish Council and the Local Member, resolved to defer consideration of the application and to carry out a site visit on 10 March 2017. Councillors wished to inspect the site and surrounding area and to assess the proximity of the proposed revised plant site location to the village of West Deeping.

**Recommendation:**

The recommendation remains that planning permission be granted subject to the conditions as contained in the report attached as Appendix B to this report.

**Background**

1. At its meeting on 6 March 2017 the Planning and Regulation Committee considered an application by Cemex UK Operations Ltd to continue to extract sand and gravel without complying with condition 2 (details and plans), condition 10 (plant and machinery) and condition 11 (site layout) imposed by permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) together with the discharge of condition 2 (additional embankments) and condition 3 (vehicular access) of S81/1112/07.
2. The application proposes amendments to the location, layout and design of the approved aggregate processing plant and includes details relating to

ancillary offices and a bagging plant within the site. A new location is also proposed for the silt lagoon and amended freshwater lagoon along with associated minor changes to the method of working and progressive restoration scheme.

3. Following consideration of the application, the written update and having heard the oral presentations from representatives for the applicant, West Deeping Parish Council and the Local Member, the Planning and Regulation Committee resolved to defer consideration of the application and to carry out a site visit on 10 March 2017. Councillors wished to inspect the site and surrounding area and to assess the proximity of the proposed revised plant site location to the village of West Deeping. The site visit took place on the 10 March 2017 and a copy of the Minutes which summarise and record the issues discussed at the site visit part of this Committee's agenda pack. The Minutes of the 6 March 2017 Planning & Regulation Committee meeting are also included within this pack and provide a summary of the issues raised by the Parish Council and applicant during the meeting.
4. Since the last meeting a letter has been received from the Rt Hon John Hayes CBE MP (South Holland and The Deepings) which states that he is supportive of the position and comments made by West Deeping Parish Council and requests that these are addressed in the determination of the application. No further information or representations have been received from the applicant or third parties since the last Committee meeting or the site visit. The comments, issues and objections raised by the Parish Council have already been reported and addressed in the previous report (dated 6 March 2017) and no further response is therefore considered necessary.

<b>RECOMMENDATION</b>
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Following consideration of the original Officer's report, written update and oral presentations made to the Planning and Regulation Committee on 6 March 2017, and having undertaken the site visit on the 10 March 2017, the recommendation remains that planning permission be granted subject to the conditions as contained in the report attached as Appendix B to this report.

### Appendices

These are listed below and attached at the back of the report	
Appendix B	Report Reference 5.1 to the Planning and Regulation Committee on 6 March 2017 relating to County Matter Application reference S81/0053/17.
Appendix A	Committee Plan

**Open Report on behalf of Richard Wills  
Executive Director, Environment & Economy**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>6 March 2017</b>
Subject:	<b>County Matter Application - S81/0053/17</b>

**Summary:**

Planning permission is sought by Cemex UK Operations Ltd to continue to extract sand and gravel without complying with conditions 2 (details and plans), condition 10 (plant and machinery) and condition 11 (site layout) imposed by permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) together with the discharge of condition 2 (additional embankments) and condition 3 (vehicular access) of S81/1112/07.

The proposal is for an amended location, layout and design of the approved aggregate processing plant and for ancillary offices and a bagging plant within the site. A new location is also proposed for the silt lagoon and amended freshwater lagoon. Associated minor changes are also proposed to the method of working and progressive restoration scheme including the creation of a conservation wetland in part of the site and amended details relating to the site access at land east of King Street, West Deeping.

**Recommendation:**

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

## Background

1. Planning permission was first granted in October 1997 (reference: S81/1588/89) for the extraction of sand and gravel at land east off King Street, West Deeping. That permission was subject to 12 planning conditions and a S106 Planning Obligation (covering lorry routeing, drainage, archaeology, advance landscaping and after-use) as well as a Section 278 Highways Agreement with respect to the proposed improvements between the site access and the A16.
2. In November 2001 a Section 73 planning permission (reference: S81/0787/01) was granted which varied Condition 1 attached planning

permission S81/1588/89 and allowed an extended period for the commencement of the development. The new time limit imposed was 24 October 2007 and the remaining conditions and obligations secured by the S106 Planning Obligation remained unchanged by this decision.

3. In September 2007 a further Section 73 planning permission (reference: S81/1112/07) was granted which removed Conditions 5 and 7 as imposed on permission S81/1588/89 and replaced these with three additional conditions. At the time this application was considered the applicant indicated that rather than erect a processing plant within the King Street site, minerals extracted from the site would instead be transported for processing at their Manor Pit Quarry near Baston. The application therefore allowed a reduction in the amount of visual screening required around the site (to reflect operational changes) and to enable the existing planning permission to be lawfully commenced within the timescale set by Condition 1 (i.e. 24 October 2007). Following the issuing of this consent, works were undertaken in order to lawfully implement the consent however since then the site has remained inactive as operations have remained focused on the applicant's Manor Pit Quarry.

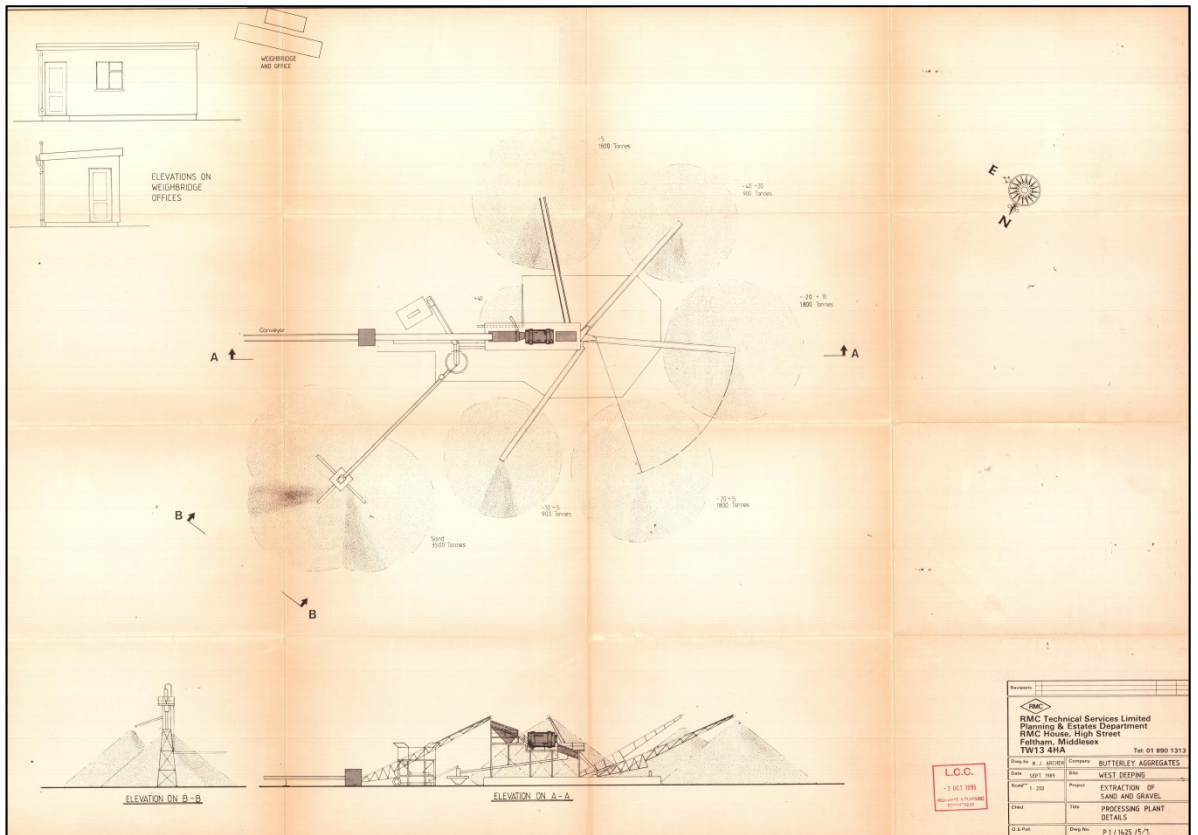
#### The Application

4. Planning permission is sought by Cemex UK Operations Ltd (Agent: ShrimplinBrown Ltd) to continue to extract sand and gravel without complying with conditions 2, 10 and 11 imposed by permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) together with the discharge of condition 2 and condition 3 as imposed by permission S81/1112/07 which relates to the sand and gravel operation permitted on the land east of King Street, West Deeping.
5. The application comprises of two main elements:

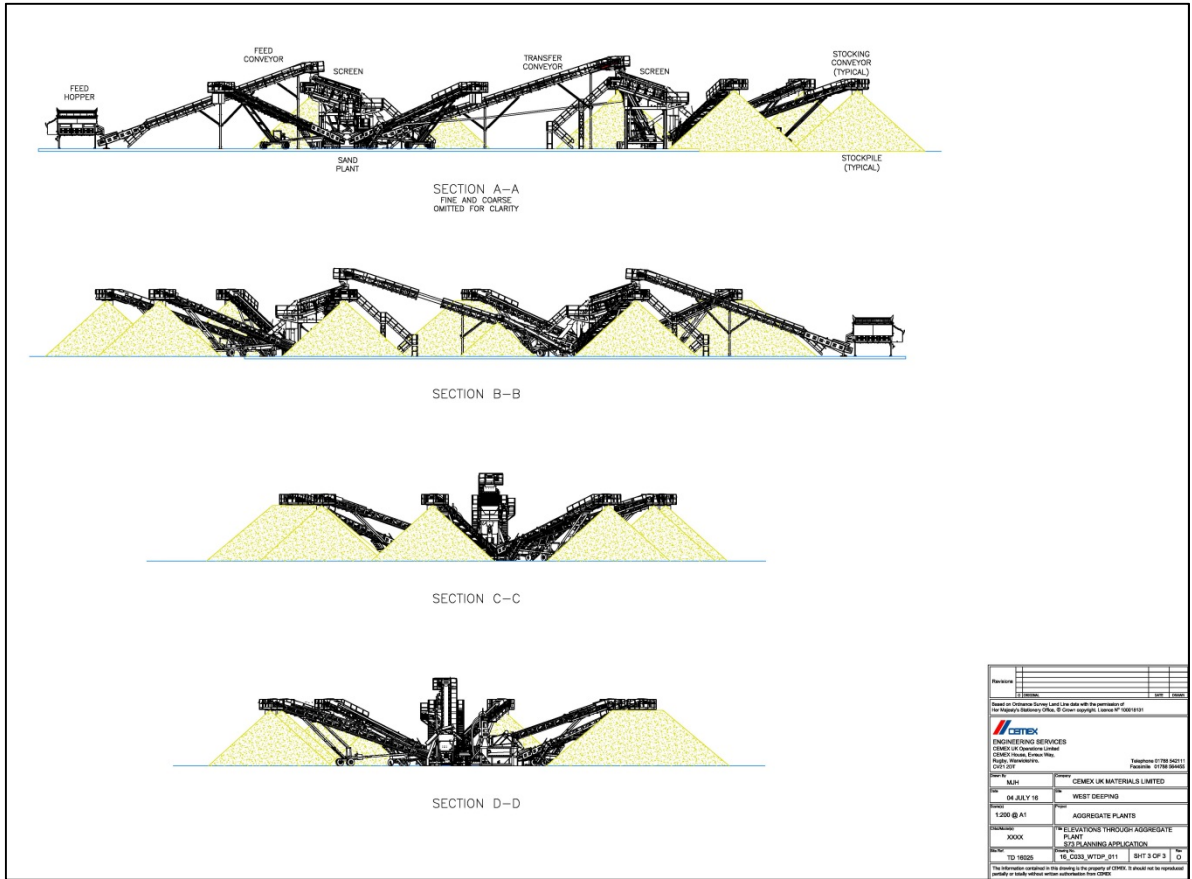
**Variation of conditions 2, 10 and 11 of permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07)** - the proposed amendments would vary document/plans/details referenced or approved by existing conditions so as to allow for the relocation, revised layout and design of an aggregate processing plant, ancillary offices and bagging plant. A new location is also proposed for the silt lagoon along with an amended freshwater lagoon as well as minor changes to the method of working and progressive restoration scheme including the creation of a conservation wetland within part of the site. Further details setting out the reasoning and details relating to each of these elements is given below:

- (i) Aggregate plant/ancillary offices/bagging plant – the processing plant submitted as part of the original application in 1989 is no longer manufactured and therefore the details as previously shown and approved on drawings cited within Condition 2 cannot be complied with. Revised details relating to a more modern aggregate processing plant comprising of a series of hoppers, screeners and conveyors have therefore been submitted. The new facility would be approximately

13m high and cover a footprint of around 84.2m in length by 7m wide and would be set on a concrete pad and be black and grey in colour. It is also proposed to relocate the facility to the south of the site rather than the currently approved location which is along the western boundary of the site (alongside King Street) north of the site entrance. The revised position of the plant means that it could be powered by a mains electricity feed from the substation lying to the south of the site and also would be closer to the freshwater and silt lagoons which are to be constructed along the eastern edge of the site. This revised location would also reduce the haulage distances between the processing plant, bagging plant and site entrance and therefore offers wider operational efficiencies.

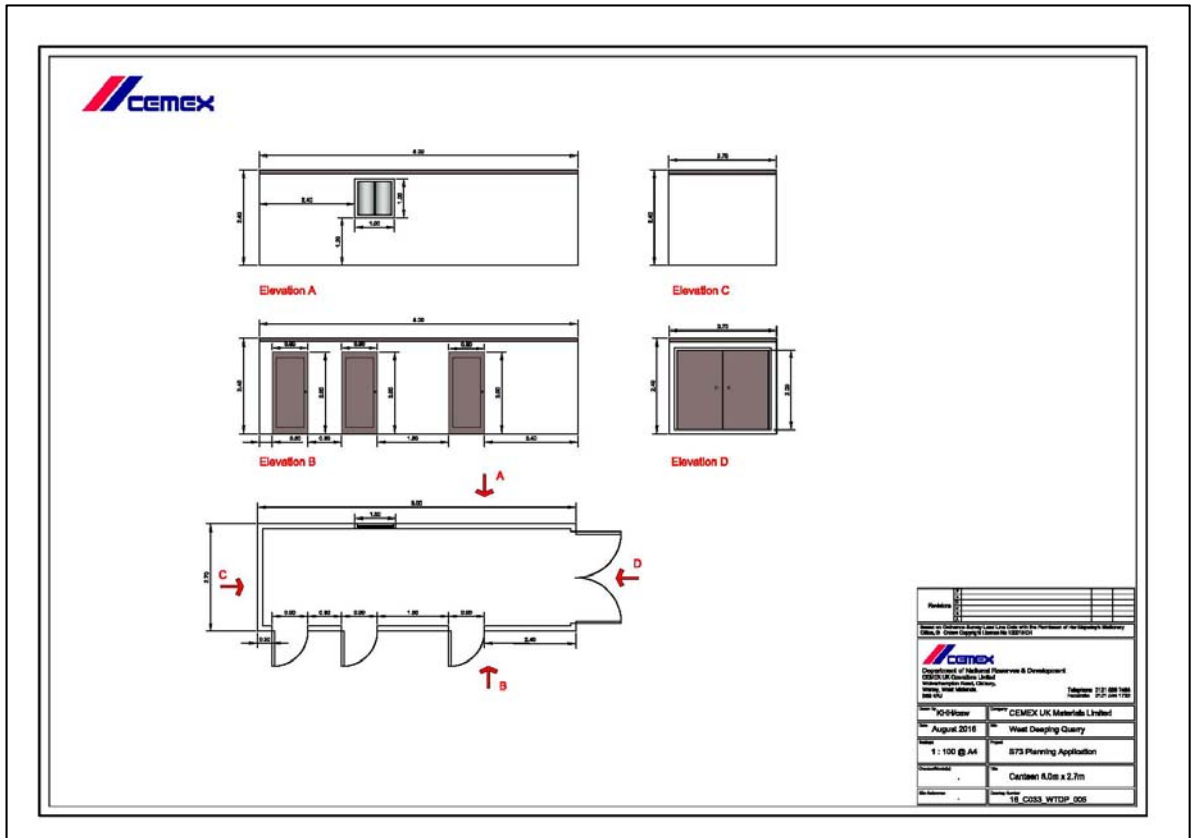


Existing approved aggregate processing plant

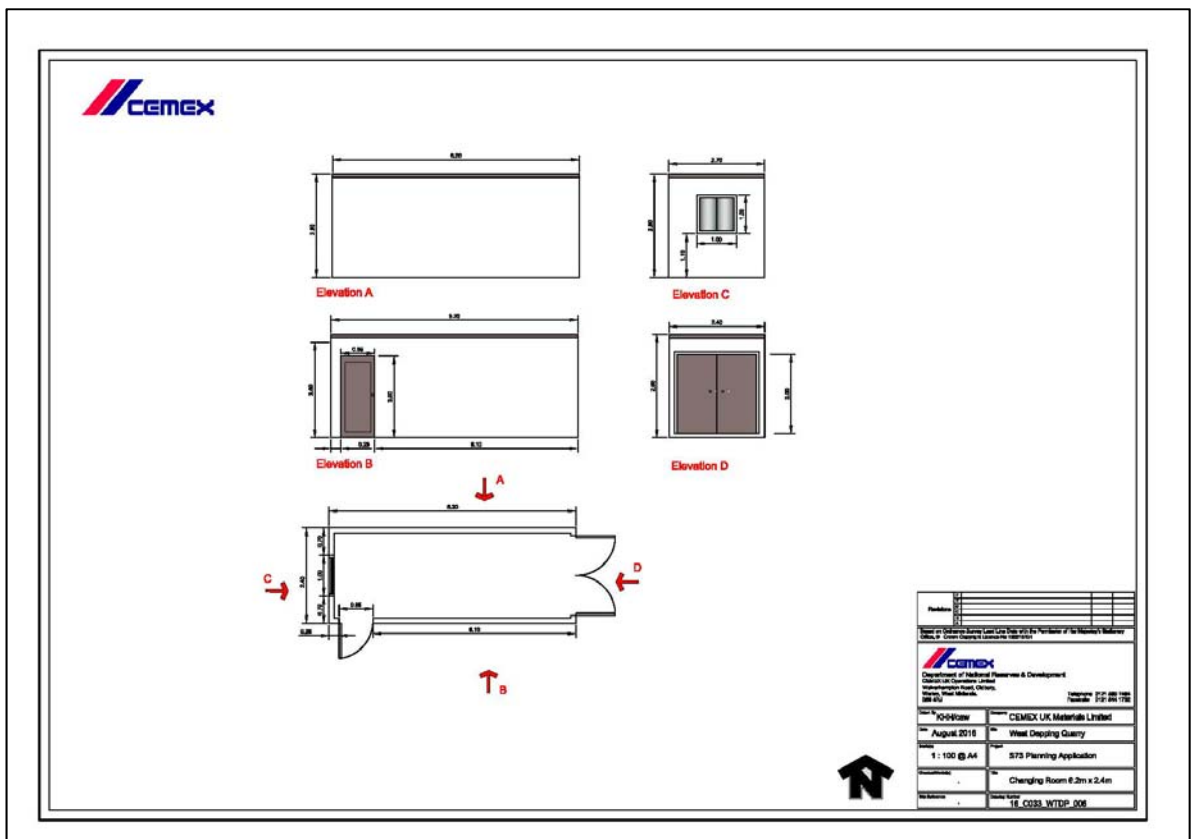


Elevation through proposed modern aggregate plant

In addition to the above, details of ancillary site accommodation and infrastructure have also been submitted. These include a site office, canteen and staff changing facilities, weighbridge and associated office. A new bagging plant is also proposed to be erected within the site which would act as a replacement for the current facility at Manor Pit. The bagging plant building would be an industrial style building (approx. 30m by 20m by 10m to the roof ridge) which would house the bagging plant/equipment and stocking area for bagged materials. This building, along with the other ancillary buildings and infrastructure, would also be located towards the southern end of the site. Condition 10 imposed on permission S81/1588/89 requires details of any ancillary buildings, plant and equipment to first be submitted and approved by the Mineral Planning Authority. The applicant has therefore submitted this information with the intention that these can now be approved.

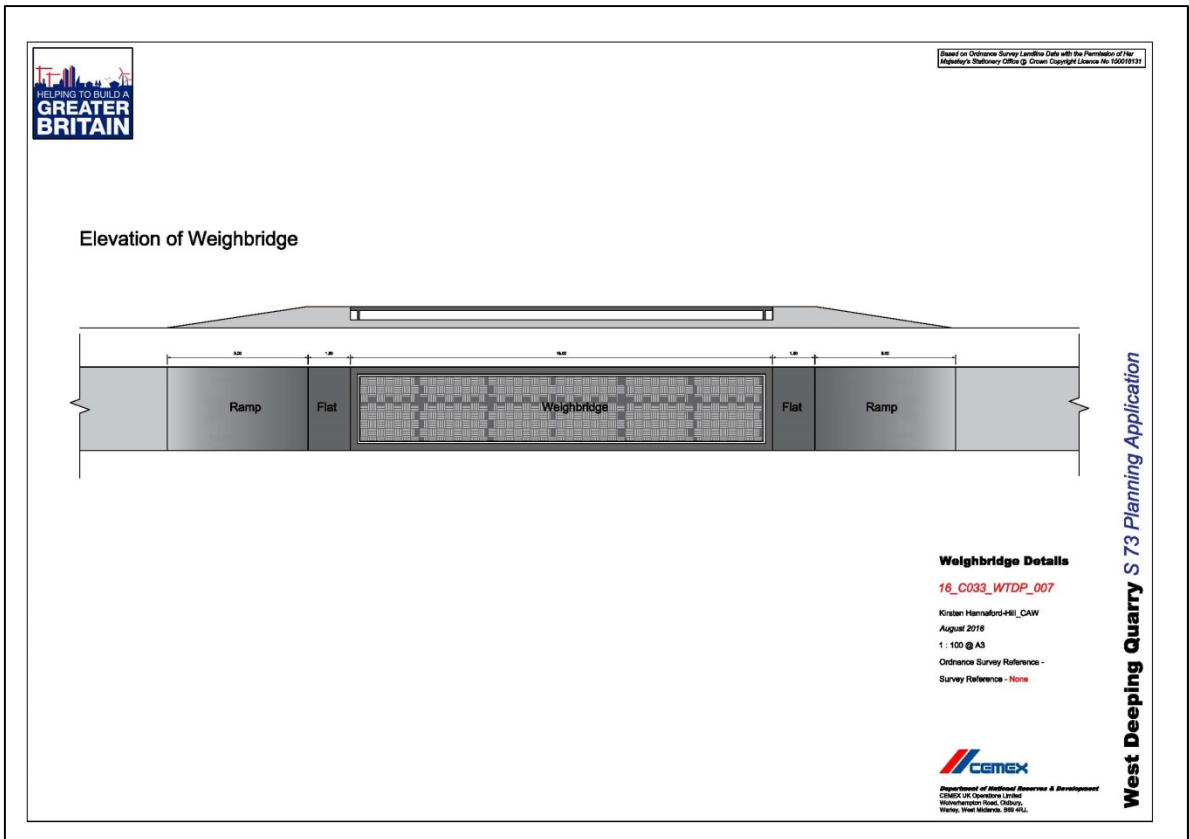


Canteen: Proposed Elevations & Floor Plans

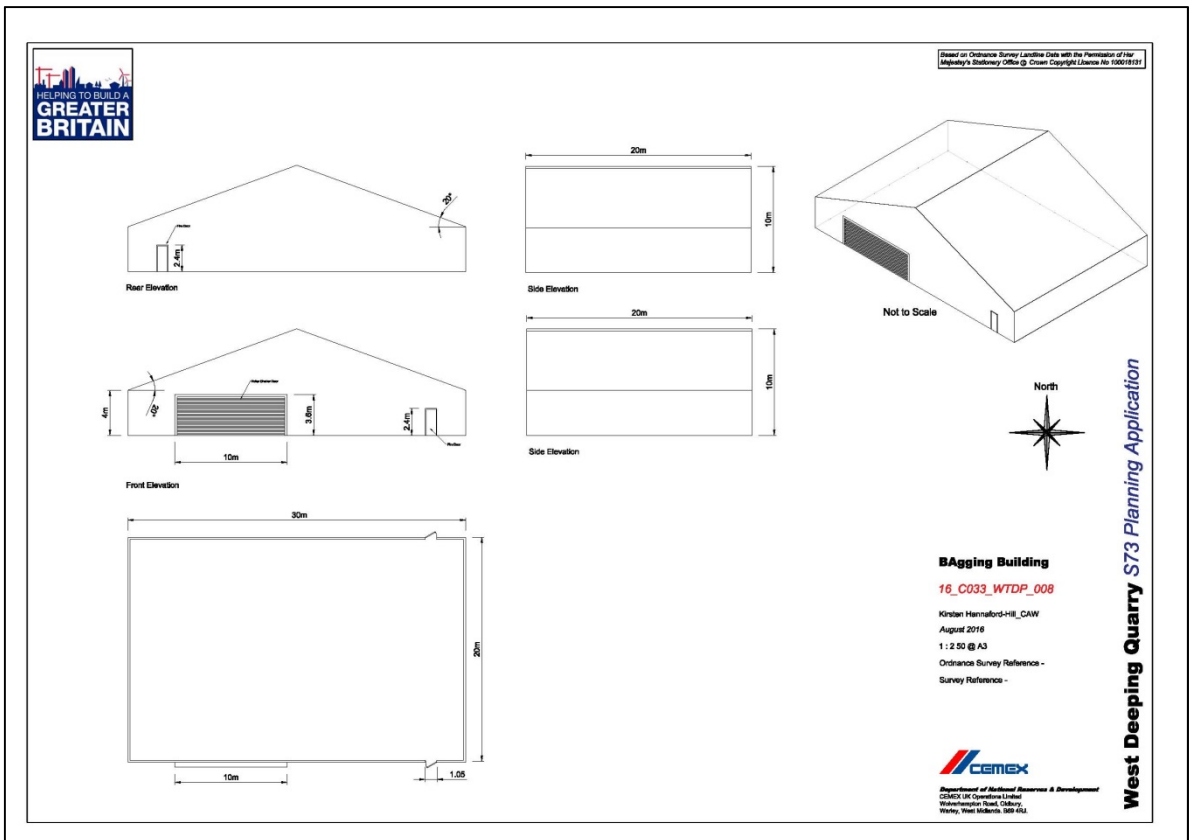


Changing Room: Proposed Elevations & Floor Plans





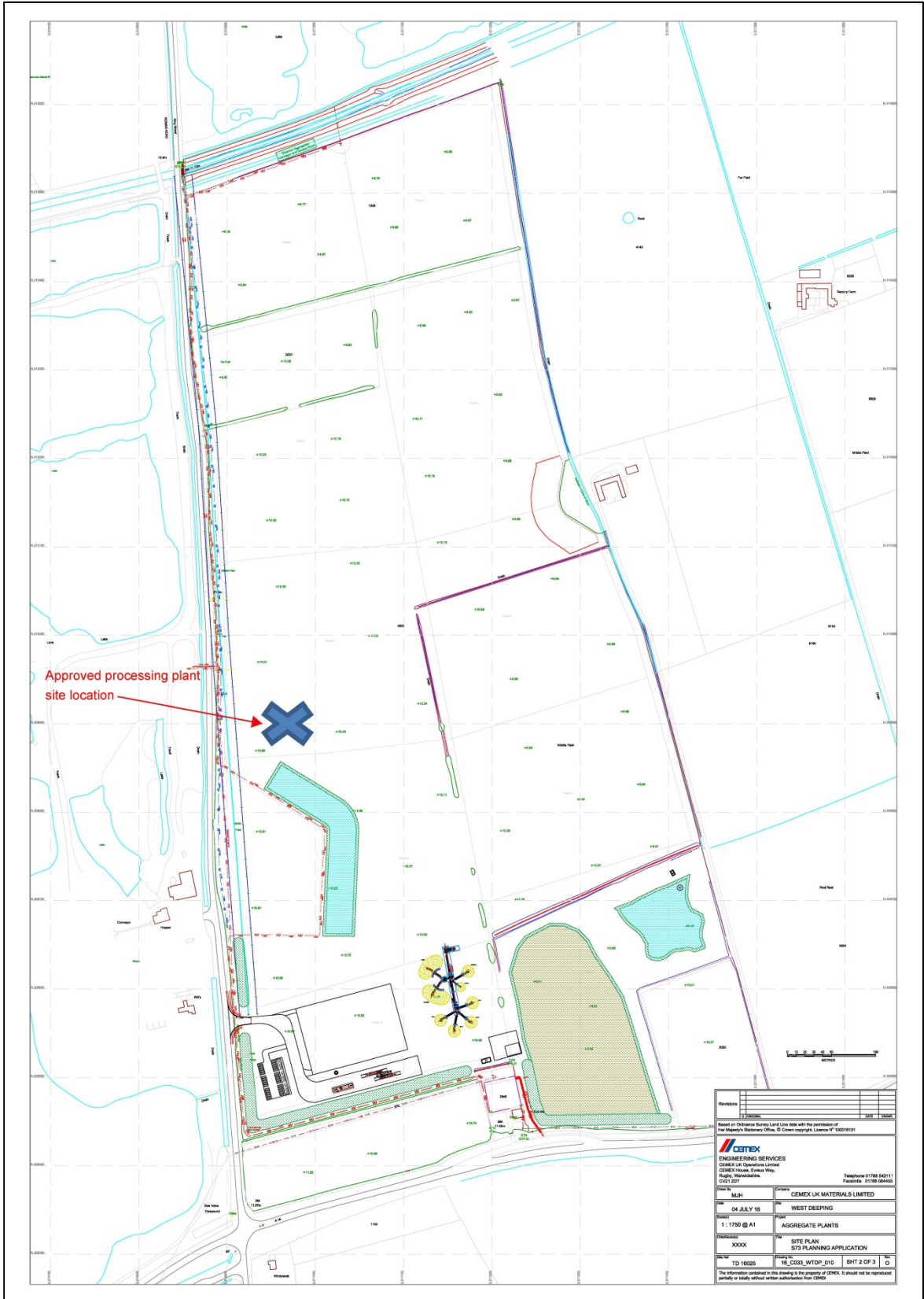
Weighbridge Proposed Plan



Bagging Building: Proposed Elevations & Floor Plans



- (ii) Revised freshwater and silt lagoon – the approved freshwater lagoon would be enlarged in order to meet the water consumption requirements of the now proposed aggregate processing plant. The silt lagoon, which was originally proposed to be sited north of the site entrance, is proposed to be relocated so as to be closer to the new plant site area and this would be utilised for the duration of the extraction operations and eventually be restored to an agricultural use.
  
- (iii) Revised site layout plans, method of working and restoration – in order to accommodate the revised plant site location and amendments to the freshwater and silt lagoons, amendments are proposed to the site layout, method of working and phasing plans for the site. The method and progressive sequence of working and restoration follows that previously approved with operations advancing from the south-western corner of the site in a south-north direction before returning along the western flank in a north-south direction. Clay seals would be progressively constructed around the site as the operations advance with the exception of seals around the archaeological area of importance and Lodge Farm which would be created as part of the first phase of works. Overall the site would be progressively worked and restored with the whole site being restored back to low level agricultural use with the exception of a small area of wetland which would be created in the south-eastern corner.



Site Plan

Revised drawings and details reflecting all of the above have been submitted as part of the application. In addition to the revised plans and drawings the application is also supported by a noise assessment and dust monitoring scheme. There is currently no noise limit condition attached to the planning permission however given the proposed relocation and revised plant site design, the applicant has deemed it appropriate to undertake a noise assessment in order to understand the potential impact of the revised development on nearby sensitive receptors and, if necessary, to identify the need for any additional mitigation. The submission and proposed implementation of a dust monitoring scheme also reflects modern working practices since the original consent was granted. The applicant proposes that these details, along with the amended and updated drawings, replace, supplement or supersede those previously referenced or approved by conditions attached to the existing planning permission.

**Details relating to Conditions 2 and 3 of permission S81/1112/07** - this element of the application seeks to address and satisfy the requirements of these conditions. The conditions required details relating to the site access and soil bund locations/design around the processing plant site area to be submitted for approval. Details have therefore been submitted by the applicant in order that these conditions can either be removed or the details subsequently approved and incorporated into the details to be approved and cited in conditions attached to any re-issued and updated consent.

- (i) Soil bunds – details have been submitted which illustrate the design and location of the soil embankments that have been constructed around the plant site area. The embankments have already been constructed along the southern boundary of the site as well as around the site entrance and proposed relocated plant site area. The bunds have been constructed using topsoils stripped from Phase 1 and are currently a maximum height of 4m. Following discussions between your Officers and the applicant, the applicant has however confirmed that the height of these bunds would be reduced to 3m. This amendment would ensure that the bunds are consistent with that previously consented but more importantly ensure that the structure and integrity of the topsoil is protected whilst they are stored so that they are fit for purpose and sufficient quality when they are to be re-used as part of the restoration proposals.
- (ii) Site access – details have been submitted which illustrate the configuration and design of the access to the site. The site access has been constructed in accordance with a scheme that has already been approved as part of a S278 Highway Agreement. Notwithstanding this, Condition 3 attached to permission S81/1112/07 requires details relating to the access to be submitted for the written approval of the Mineral Planning Authority. The details submitted are therefore seeking formal approval which would allow the requirements of Condition 3 to be formally discharged.

## Site and Surroundings

6. West Deeping is approximately 8.9km east of Stamford and 3.2km west of Market Deeping with the built up area of the village lying to the south of the A1175. King Street runs north from West Deeping and forms a crossroads with the A1175. The application site is 51 hectares in area and is generally flat agricultural land lying immediately to the east of King Street. To the north lies the Greatford Cut (a substantial land drain) and to the south a substantial electricity substation. To the west of King Street are the existing operations and plant site associated with West Deeping Quarry (operated by Tarmac). The nearest residential property (Lodge Farm) is located adjacent to the sites eastern boundary with a further property (Rectory Farm) located approximately 300m to the east. The adjoining land to the proposal site is progressively being quarried for sand and gravel by Tarmac. The other nearest residential properties to the proposed revised site plant location are situated to the north of West Deeping Village and are located approximately 300m to the south on the opposite side of the A1175.
7. The site is accessed via a new entrance that has been constructed onto King Street in accordance with an approved S278 Highways Agreement. Operations have commenced within the site insofar as soils have been stripped from part of the site and bunds have been partially constructed along the eastern and southern boundary.

## Main Planning Considerations

### National Guidance

8. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 17 - seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 109 - seeks to conserve and enhance the natural environment.

Paragraph 120 - seeks to prevent unacceptable risks from pollution and protect general amenity.

Paragraph 123 - seeks to prevent adverse impacts as a result of noise pollution.

Paragraph 142 - recognises the importance of minerals reserves and the need to make best use of them.

Paragraph 144 - sets out a series of criteria to be taken into account when determining applications for minerals development, including ensuring that there are no unacceptable adverse impacts on the natural and historic environment and human health and that the cumulative effects from multiple individual sites are taken into account; ensure that any unavoidable noise, dust and particle emissions are controlled and mitigated and establish noise limits for extraction in proximity to noise sensitive properties; and provide for restoration and aftercare at the earliest opportunity to high environmental standards.

Paragraphs 186 and 187 – state that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraphs 215 and 216 - state that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF, with the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. Weight may also be given to relevant policies contained within emerging plans with greater weight being afforded to taking into account their stage of preparation and/or the extent to which there are unresolved objections to relevant policies.

### Local Plan Context

9. **Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016)** – this document was formally adopted on 1 June 2016 and as a recently adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy DM1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc).

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact

would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

Policy R1 (Restoration and Aftercare) states the proposals must demonstrate that the restoration of mineral workings will be of high quality and carried out at the earliest opportunity and accompanied by detailed restoration and aftercare schemes.

Policy R2 (After-use) states that proposed after-uses should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character and the natural and historic environment of the area in which the site is located. After-uses should enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources, safeguard best and most versatile agricultural land and after-uses including agriculture, nature conservation, leisure recreation/sport and woodland. Where appropriate, the proposed restoration should provide improvements for public access to the countryside including access links to the surrounding green infrastructure.

**South Kesteven Core Strategy (SKCS) (2010)** - forms part of the Development Plan and therefore, as confirmed by the NPPF, due weight should be given to relevant policies within the Plan according to their degree of consistency with the policies of the NPPF. The following policies are considered to be of particular relevance (summarised):

Policy EN1 (Protection and Enhancement of the Character of the District) sets out a number of criteria against which all development proposals are required to be assessed including (amongst others) statutory, national and local designations of landscape features, including natural and historic assets; local distinctiveness and sense of place; the condition of the landscape; biodiversity and ecological networks within the landscape; visual intrusion; noise and light pollution, and; impact on controlled waters.

#### Emerging Local Plan Context

**Site Locations Document (Pre-submission Draft)** of the Lincolnshire Minerals and Waste Local Plan (November 2016) – this document sets out the proposed sites and areas that the Mineral Planning Authority proposes be allocated for future minerals and waste development. This document is to be submitted to the Secretary of State for formal Examination in April 2017. One of the site proposed for future sand and gravel extraction within this document comprises of an area of land located to the south of the A1175 and east of West Deeping Village (Site ref: MS29-SL). Although this site is proposed as a possible extension to the King Street development this is not expected to be delivered until around 2027.

## Results of Consultation and Publicity

10. (a) Local County Council Member, Councillor T Trollope Bellew – who is also a member of the Planning and Regulation Committee will reserve his position until the application is heard by the Committee.
- (b) West Deeping Parish Council – has made a number of detailed comments including questioning the basis and justification for the proposed amendments and object on the grounds that the proposed relocation of the processing plant would have an adverse impact on the residents at the north end of West Deeping village. A summary of the main points/comments made is set out below:
- (i) Object to the application in its entirety as the applicant has not engaged in any pre-application discussions with the Parish Council.
  - (ii) Object to the proposed location of the plant site area as it would be 150m from the north end of the village and the closest possible position within the quarry site. The Parish Council is of the view that the location chosen would materially impact upon residents significantly and adversely resulting in a marked deterioration in their quality of life of a very long period of time.
  - (iii) The original consent received a number of objections from residents and the Parish Council and the existing approved location of the plant site area was agreed on the basis of these concerns. The applicant should not therefore be permitted to reverse the protection agreed previously by resident via this application.
  - (iv) In 2007 the applicant had previously stated that they were not proposing to erect a processing plant within the site and instead would haul extracted minerals to Manor Pit, Baston. The applicant should not therefore now be allowed to reverse this position and the Parish Council argues that if operations are to continue then minerals should continue to be hauled to Manor Pit, Baston.
  - (v) The Parish Council questions whether a Section 73 application is an appropriate procedure for CEMEX to seek the amendments sought. Although the Planning Officer has advised that this is appropriate, it is requested that the Committee ascertain that this is correct and seek formal external advice if necessary.
  - (vi) Land to the south of the A1175 and east of West Deeping village is currently being promoted through the Site Locations Document as an extension to the King Street site (Site MS29-L). Minerals extracted from this site are likely to be conveyed to the King Street site for processing and therefore the Parish Council argues that



the proposed amendments sought by this application should not be approved as it does not take into account the probable extraction site and their cumulative impacts on the West Deeping residents.

- (vii) There are three separate accesses onto King Street within a distance of 400m from the King Street/A11756 junction. Appropriate risk assessments and controls should be considered for this dangerous area.
- (c) Environment Agency – no objection.
- (d) Highway & Lead Local Flood Authority (Lincolnshire County Council) – no objection.
- (e) Natural England (NE) – has confirmed that the proposals would not have a significant adverse impact on designated sites and therefore has no objection.
- (f) Public Rights of Way (Lincolnshire County Council) – has confirmed that the proposal does not affect any definitive public rights of way.

The following persons/bodies were notified/consulted on the application but no response had been received within the statutory consultation period or by the time this report was prepared.

County Council Member, Councillor P Robinson (adjoining area)  
Tallington Parish Council (adjoining Parish)  
Barholm & Stowe Parish Council (adjoining Parish)  
Langtoft Parish Council (adjoining Parish)  
Environmental Health Officer (South Kesteven District Council)  
Lincolnshire Wildlife Trust.

- 11. The application has been publicised by notices posted at the site and in the local press (Peterborough Evening Telegraph on 2 February 2017) and letters of notification were sent to the nearest neighbouring residents to the site.
- 12. Two letters have been received. One letter complains about mud on the public highway arising from the existing quarrying operations and another has been received from the nearest resident living to the site (Lodge Farm). This letter states that whilst it is accepted that the permission cannot be revoked, this application gives an opportunity to redress previous failures to impose sufficient and satisfactory operating conditions to reduce the impacts on residents in particular relating to noise limits and prevention of dust. The comments received relate to three main areas/points which are summarised below.

Noise: in order to achieve compliance with the recommended lower noise level limit as promoted in current Planning Practice Guidance (e.g. existing

background + 10dB) rather than the higher acceptable level of 55dB, it would be necessary to construct a 5m high bund over a length of 750m down the eastern side of the site. The applicant has argued that as noise level limits are currently unrestricted then to require the applicant to now comply with the lower figure would place an unreasonable burden on the operator and not be beneficial to the Lodge Farm inhabitants. This view is disputed as such a bund would be welcomed and could be constructed using as-raised mineral which could then be recovered and processed during site restoration. It is therefore argued that a 5m bund should be sought and secured in considering the current revised proposal and this should be a minimum of 500m in length.

Dust: the measures proposed within the submitted dust monitoring scheme are generally acceptable but it requested that a speed limit of 10mph is implemented within the site.

Bagging plant: it is suggested that the bagging plant be required to be removed no later than six months following the final cessation of mineral extraction operations and that only minerals extracted at the site should be used in its operations. Conditions could be imposed to prohibit the importation and processing of mineral derived from other site at the site.

#### District Council's Recommendations

13. South Kesteven District Council were consulted on 11 January 2017 but no comments/response had been received within the statutory consultation period or by the time this report was prepared.

#### Conclusion

14. Although the applicant could continue to carry out the development in accordance with the current conditions, instead a number of revisions are sought to the development. Therefore the applicant is seeking to vary the conditions attached to the consent in order that these amendments are reflected in the details referenced or approved by those conditions.
15. West Deeping Parish Council has questioned whether the proposed amendments are capable of being considered by way of a Section 73 application - especially as previous variations to the permission/conditions have been made because, at the time, the applicant had indicated that they were not proposing to erect a processing plant within the site. Whilst the comments made by the Parish Council are noted, Officers are satisfied that the proposed amendments are capable of being handled by way of a Section 73 application and therefore this application is valid. Although in 2007 the applicant had not intended to erect a processing plant within the King Street site, none of the conditions imposed on the amended 2007 consent actually removed the ability or rights for applicant to erect one in the future should this be required. The current application is seeking to allow amendments to be made principally to the design and location of the previously approved processing plant and silt lagoon as well as providing

further details of ancillary buildings and infrastructure within the site. Consequential amendments to the site layout and plans approved by the original consent are therefore required however the changes would not materially change the principle use or operations permitted to take place, the extent or nature of the method of working and restoration proposals or result in changes that would require a separate or wholly new planning permission. Furthermore the application has been considered against the relevant criteria of the EIA Regulations 2011 and a 'screening opinion' undertaken which confirms that the proposed amendments are not such that they are likely to give rise to significant effects and therefore require an EIA to be undertaken. Consequently, your Officers are satisfied that the application is valid and a Section 73 application is an appropriate method by which the proposed amendments can be sought.

16. In terms of the need and basis for the proposed amendments, these have arisen following a review of the details previously approved as part of the development. The amended and additional details submitted as part of this application intend to provide greater clarity over the type of processing plant to be installed at the site as well as further details of the various ancillary buildings and infrastructure which were not previously provided or detailed in the original application. Additionally, the proposed alterations to the site layout, including repositioning of the processing plants location, would enable greater integration between the various activities and deliver operational efficiencies such as reducing the haulage distances between the processing plant site and bagging plant facility and the distance waters would need to be pumped to and from the approved lagoon to the processing plant. Although the Parish Council has suggested that the revisions to the plant site location should be considered in the context of the potential to support future workings on the opposite side of the A1175 and to the east of West Deeping (currently being promoted as part of the emerging Site Locations document) your officers are satisfied that the proposed amendments can, and should rightly be, considered in the context of the existing permitted development at the King Street site which is capable of being carried out independent of any potential future proposals. The proposed future workings currently being promoted through the Site Locations document have yet to be formally accepted and adopted and therefore it is not considered reasonable or necessary to delay the determination of this application especially as the proposed amendments sought are considered to be beneficial and acceptable when considered in the context of the existing approved development. Therefore Officers see no reason why the proposed changes cannot be considered at this time and therefore a reason to delay or withhold the determination of this application.
17. In terms of the proposed revised and repositioned processing plant site area, it is accepted that the relocation of this to the southern end of the site would bring those operations closer to the properties located towards the north of West Deeping village (on the opposite side of the A1175). However, whilst the objections and concerns raised from the Parish Council about potential increased noise impacts on those residents are noted, these concerns are considered to be unfounded and are not supported by the

findings or conclusions of the noise assessment which has been carried out in support of this application.

18. The submitted noise assessment has considered the potential noise levels arising from temporary operations (i.e. soil stripping, bund formation, etc) as well as from normal operations including sand and gravel extraction, operation of the processing plant and new bagging plant activities on these properties. The assessment demonstrates that the resultant noise levels at these properties, and at Lodge Farm (the nearest property to the site), would fall within the maximum acceptable noise level limits of 70 dB LAeq for temporary operations and 55 dB LAeq for normal operations which is in line with those levels prescribed in National Planning Practice Guidance (PPG) and therefore Officers are satisfied that the revised development would not have an unacceptable advise noise impact on those residents. Furthermore, although a local resident has suggested that the lower noise level limit promoted in the PPG should be sought and applied (e.g. background level +10dB), in this case, this is not considered appropriate or reasonable for two main reasons.
19. The first reason is because in order to achieve the lower noise level limit promoted by the PPG a substantial bund would have to be erected along the eastern boundary of the site. To construct a bund of such a height (5m) and length (750m) would not only itself be an incongruous feature within the local landscape but would also likely require substantial changes to be made to the method of working in order to accommodate a bund with such a lateral footprint. A bund of this size so close to the property would also be imposing and have a negative impact on the outlook of the residents of Lodge Farm. Whilst the current occupier of this property has indicated that they would be willing to accept such a bund, ownerships can change and the Mineral Planning Authority have to consider protecting the interests of all residents (including future residents) living close to a development. For these reasons, a bund of this size and scale is not considered appropriate.
20. Secondly, whilst it is proper and right for Mineral Planning Authorities to seek to impose the lower limit promoted in the PPG when considering proposals for new mineral workings, in this case the current planning permission is unrestricted in terms of any noise control or condition. Consequently, the current fall-back position is a mineral development with no noise level control and whilst this is not common or in line with modern practice it is nevertheless lawful in this case. This application therefore presents the Mineral Planning Authority with an opportunity to try and redress this situation and to impose conditions to gain greater control over this aspect of the development. Given that the noise assessment has been able to demonstrate that the resultant noise levels from the site would fall within the higher acceptable limit as promoted by the PPG, then the development would be capable of being carried out in line with the current and latest guidance and therefore it would not be reasonable or justified to refuse the proposed amendments on that basis.

21. Finally, in response to the comments made by the Parish Council regarding the lack of pre-application engagement from the applicant, it should be noted that pre-application engagement is not mandatory and whilst it is encouraged by Officers, it does not prevent an application from being considered. With regard the comments and concerns about the close proximity and number of entrances on King Street, it should be noted that the location of the quarry's site access along with its design and specification has already been approved and agreed as part of a S278 Agreement. No changes are proposed to the general nature of the mineral extraction operations or the throughput of the site (as previously consented) and consequently no objections have been raised from the Highways Officer in this regard. Therefore the proposed revisions sought b this application would not exacerbate or result in any increased impact on highway safety over and above that which has already been deemed acceptable and for which measures have already been put in place to address (e.g. the construction of the site access and road widening).

### Final Conclusion

22. In summary, it is considered that the proposed alterations to the site layout, including the relocated plant site, additional ancillary buildings, revisions to the freshwater and silt lagoons would not have a detrimental impact on the surrounding environment. The proposed changes would not result in any increased adverse visual or noise impacts over and above the existing consented development and the changes proposed would not undermine or significantly change the scale or nature of the method of working or restoration proposals for the site. As part of this application, it has also been possible to seek further clarity and control over elements of the development which were are currently secured as part of the consent and therefore would offer greater control over the site operations and ensure that they operate in line with more modern working practices.
23. Having taken into account all of the above, it is therefore concluded that the proposed amendments are acceptable and would not be contrary or conflict with the objectives of Policies DM1, DM3, DM17 and R1 and R2 of the CSDMP and Policy EN1 of the SKCS.
24. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which reflect and consolidates those cited on the various previous permissions and which updates and (where relevant) removes any which are no longer subsisting or capable of taking effect.
25. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these

rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

## RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S81/1588/89 (as amended by permissions S/0787/01 and S81/1112/07) has been implemented and therefore commenced.
2. The site shall be worked and restored in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
  - Statement in Amplification dated September 1989 and Report on the Soils and Agricultural Land Classification dated October 1989 as amended by the Revised Working and Restoration Scheme dated November 1995 and letter of clarification dated 24 November 1995 and details contained within the Planning Statement entitled 'S73 Application for Variation of Conditions 2, 10, 11 of S81/1588/89 and Discharge of Conditions 2 and 3 of S81/1112/07' dated December 2016.
  - Drawing No. 16\_C033\_WTDP – Site Plan (received 7 December 2016)
  - Drawing Nos. 16\_P169\_WD\_001 to WD\_0020 – Method of Working (received 7 December 2016)
  - Drawing P1/1425/4/8 - Final Restoration (received 7 December 2016)
  - Drawing No. 16\_C033\_WTDP-009 Rev.O – Aggregate Plant Layout and Traffic Management Plan (received 7 December 2016)
  - Drawing No. 16\_C033\_WTDP-010 Rev.O – Site Plan (received 7 December 2016)
  - Drawing No. 16\_C033\_WTDP-011 Rev.O – Elevation Through Aggregate Plant (received 7 December 2016)
  - Drawing No. 1611\_P245\_D\_PWJ\_B – Sections Through Bund (received 9 February 2017)
  - Drawing No. 1611\_P246\_D\_PWJ\_D – Section Locations (received 7 December 2016)
  - Drawing No. P1/1425/6 - Base of Mineral Contours (received 2 October 1995)
  - Drawing No. P1/1425/7 - Mineral Isopachyte Contours (received 2 October 1995)
  - Drawing P1/1425/11/3 - Advance Planting (received 7 November 1995)
  - Drawing No. 16\_C033\_WTDP\_004 – Office/Weighbridge (received 7 December 2016)

- Drawing No. 16\_C033\_WTDP\_005 – Canteen (received 7 December 2016)
  - Drawing No. 16\_C033\_WTDP\_006 – Changing Room (received 7 December 2016)
  - Drawing No. 16\_C033\_WTDP\_007 – Weighbridge Details (received 7 December 2016)
  - Drawing No. 16\_C033\_WTDP\_008 – Bagging Building (received 7 December 2016).
3. No operations authorised or required under this permission shall be carried out except between the following times other than with the written consent of the Mineral Planning Authority:-
- 07:00 hours to 17:00 hours Monday to Friday  
07:00 hours to 12:00 hours Saturday
- and no such operations shall be carried out on Sundays or Bank Holidays.
4. In addition to the details required and by Condition 13, the advanced planting as shown on Drawing No. P1/1425/11/3 (received 7 November 1995) shall be retained and all future hedgerow, tree planting and soft landscaping to be undertaken as part of the development shall be carried out in accordance with the sequence/phasing as set out in the RMC letter dated 19 November 2007 (as previously approved by the Mineral Planning Authority pursuant to Condition 4 of permission S81/1588/89) and Drawing No. P1/1425/4/8 (received 7 December 2016). All trees, shrubs and bushes shall be adequately maintained for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.
5. All screening bunds shall be 3m in height and constructed in accordance with the details as shown on Drawing Nos. 1067-P169-WD-001 to 1067-P169-WD-020 (received 7 December 2016) and Drawing No. 1611\_P245\_D\_PWJ\_B (received 9 February 2017).
6. Unless otherwise agreed in writing by the Mineral Planning Authority all archaeological works undertaken as part of the development shall continue to be undertaken in accordance with the requirements previously approved and secured as part of the existing S106 Planning Obligation dated 24 September 1997.
7. The dust mitigation and monitoring measures as identified in the document entitled “Dust Monitoring Scheme” (received 7 December 2016) shall be fully implemented and all operations shall be carried out in accordance with this scheme throughout the course of the development.
8. No stockpiles of extracted and processed sand and gravel shall exceed 9 metres in height.



9. With the exception of the plant, machinery and buildings already approved as part of the development (as referenced in Condition 2) and notwithstanding the provisions of Schedule 2, Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no plant, machinery, buildings or equipment shall be erected or stationed on the site without the prior approval of the Mineral Planning Authority.
10. The site access, car parking and internal and vehicular turning and circulation areas as shown on Drawing No. 16\_C033\_WTDP-009 Rev.O (received 7 December 2016) and shall be kept available for use and swept or otherwise cleaned to prevent the accumulation of mud, dirt or debris whilst ever the development hereby permitted subsists.
11. During temporary operations, which includes soil stripping, overburden removal and the construction of overburden mounds/screening bunds, noise levels shall not exceed 70dB LAeq (1 hour, free-field) at any noise sensitive property.
12. Except for temporary operations, noise levels emitted from the site associated with the winning and working of minerals shall not exceed 55dB LAeq (1 hour, free-field) at any noise sensitive property.
13. No extraction operations shall commence within Phase 2 as shown on Drawing Nos. 1607\_P169\_WD\_001 to WD\_0020 until details of the additional temporary screen embankments to be erected around the archaeological area and northern boundary of the plant site area, along with details of infill and advanced planting on the western boundary of the site, have first been submitted and approved in by the Mineral Planning Authority. Following the approval of those details the additional screen embankments shall be constructed and the infill and advanced planting shall be undertaken prior to the commencement of extraction operations within Phase 2. All infill and advanced planting shall thereafter be adequately maintained for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

### Reasons

1. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).
- 2 & 9  
To ensure the development is carried out in accordance with the details contained and approved within the original application and to ensure that the Mineral Planning Authority can adequately control the development to minimise its impacts on the amenities of the local area.
3. To reflect the permitted hours of operation and protect the amenities of local residents.

4, 5 & 8

In accordance with the details previously approved by the Mineral Planning Authority dated 19 January 1998 pursuant to permission S81/1588/89.

6. To ensure the archaeological interests of the site are adequately recorded in accordance with the requirements and details previously approved by the Mineral Planning Authority and secured as part of the accompanying S106 Planning Obligation.

7. To minimise the disturbance from operations and avoid nuisance to local residents from the effects of dust.

10. To ensure that the means of access to the site and vehicular circulation and parking spaces are provided in the interests of highways safety.

11 & 12

To minimise the disturbance from operations and avoid noise nuisance to local residents.

13. To improve the existing level of visual screening around the site so as to minimise the impact of the mineral extraction operations on the surrounding area.

#### Informatives

Attention is drawn to:

The development authorised by this permission is also subject of a Section 106 Planning Obligation dated 24 September 1997 and therefore should be read in conjunction with that agreement.

#### Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## Background Papers

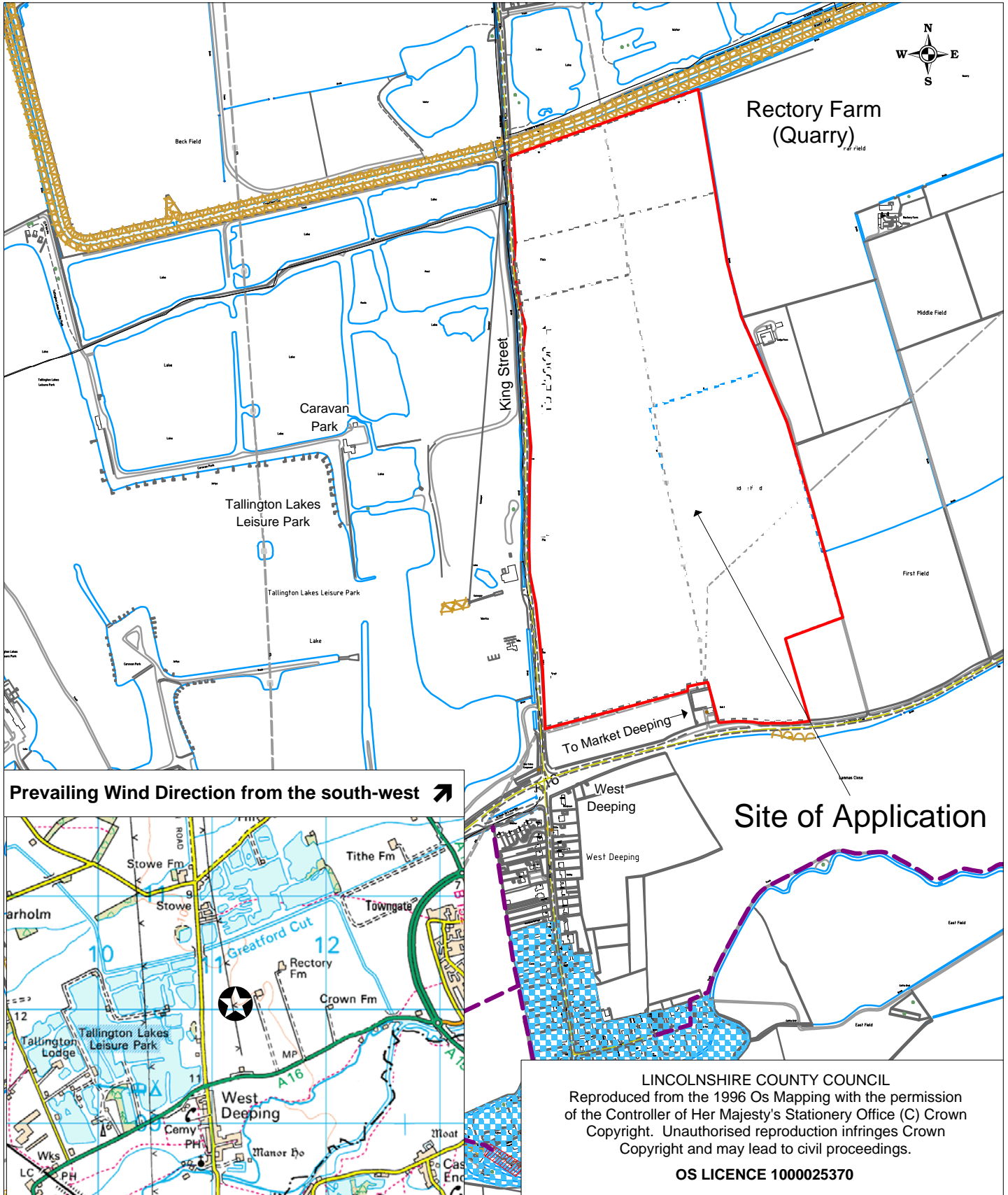
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S81/0053/17	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) Site Locations (Pre-submission Draft) November 2016	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Core Strategy (SKCS) (2010)	South Kesteven District Council website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 6 MARCH 2017



**Location:**  
 Land East of King Street  
 West Deeping  
 Lincolnshire

**Application No:** S81/0053/17  
**Scale:** 1:10,000

**Description:**  
 To continue to extract sand and gravel without complying with conditions 2, condition 10 and condition 11 imposed by permission S81/1588/89 (as amended by permissions S81/0787/01 and S81/1112/07) together with the discharge of condition 2 and condition 3 of S81/1112/07.