

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>5 June 2017</b>
Subject:	<b>County Matter Application - N26/0437/17</b>

**Summary:**

Planning permission is sought by Len Kirk Plant Hire Ltd (Agent: Hughes Craven Ltd) to extend the existing quarry into 4 hectares of agricultural land at Dunston Quarry, B1188 Lincoln Road, Dunston.

This application is a resubmission following the refusal of a previous planning application for the same development (reference: N26/1212/16). In making this application the applicant has included comments which they feel justify the development and argue override the reason previously cited for refusing the proposal.

Despite the further comments and justification put forward by the applicant as part of this application there is still a substantial landbank and surplus of limestone reserves available to meet projected demands and future requirements during the Plan period (i.e. up to 2031). Although many of the potential environmental and amenity impacts of this development could be mitigated, minimised or reduced through the implementation of the mitigation measures proposed within the application and/or through the imposition of planning conditions, there is no proven need or exceptional circumstance to justify and support the release of further limestone reserves at this time.

**Recommendation:**

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

**Background**

1. Dunston Quarry is an active limestone quarry with a long established planning history, commencing pre-1948. The extant planning permission for quarrying activities at the site was granted on 27 May 2010. This permission (reference: N26/0523/09) allowed for an extension of the quarry as well as regularising existing activities and to carrying out reduced level restoration to limestone grassland. The planning permission requires the mineral extraction operations to cease and the site to be restored by no later

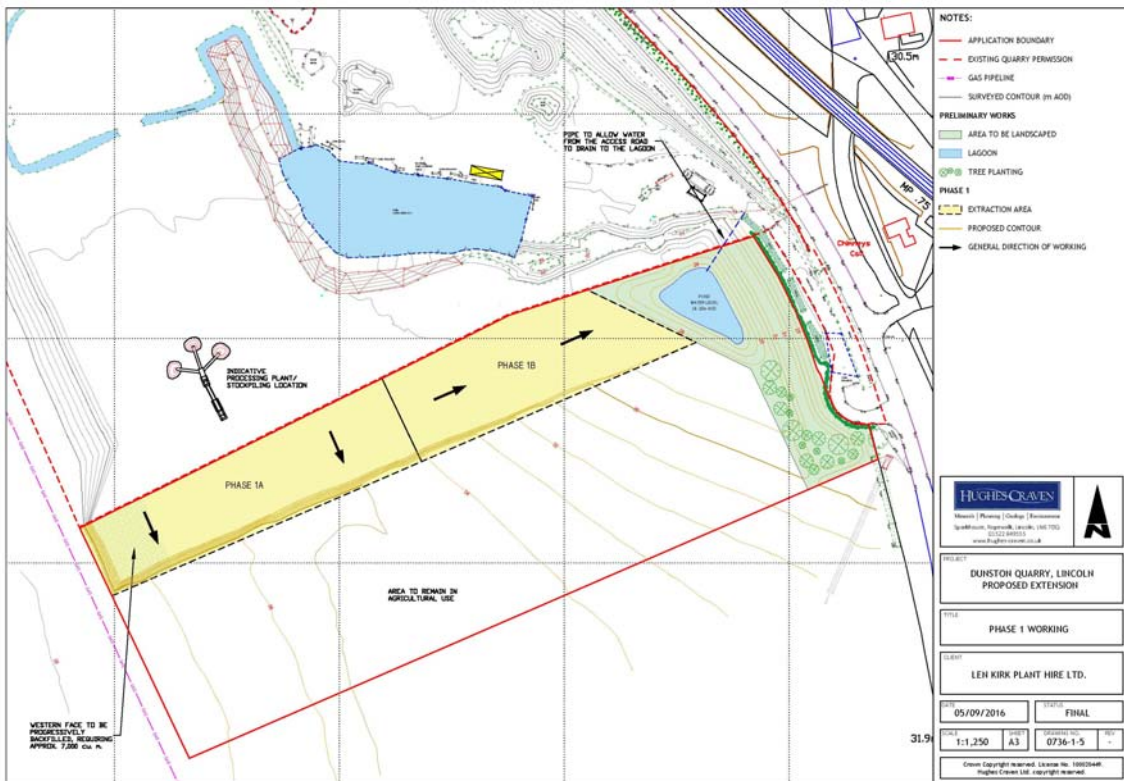
than 27 May 2025. In addition to the main mineral extraction operations, planning permission also exists which allows for the recycling of construction, demolition and excavation wastes within the base of the quarry. The most recent planning permission granted covering these activities was granted last year (reference: N26/0434/16 dated 25 July 2016) and requires those operations to also cease by no later than 27 May 2025 or when the winning and working of limestone at the quarry has permanently ceased, whichever is the earlier.

2. The limestone reserves available within the permitted footprint of the quarry are nearing exhaustion and so last year the applicant submitted a planning application (reference: N26/1212/16) seeking permission to extend the quarry southwards into 4 hectares of agricultural land. This application was considered by the Planning & Regulation Committee on 5 December 2016 where, after some debate and in line with the Officers recommendation, the application was refused on the grounds that the proposal was contrary to the National Planning Policy Framework and Policy M5 of the Lincolnshire Minerals & Waste Local Plan Core Strategy as there was no proven or quantitative need to justify the release of additional reserves given the substantial tonnage of existing reserves available and identified surplus at the end of the Plan period.
3. Following this refusal the applicant decided to review the issues and comments made by the Planning & Regulation Committee during their deliberation of the application and to submit a revised application. This revised application seeks permission for the same development as that which was refused permission last year. The application however contains further comments which the applicant feels justifies the development and overrides the reason cited for refusing the previous application.
4. A summary and outline of the proposed development and information contained within this resubmitted application is set out in this report.

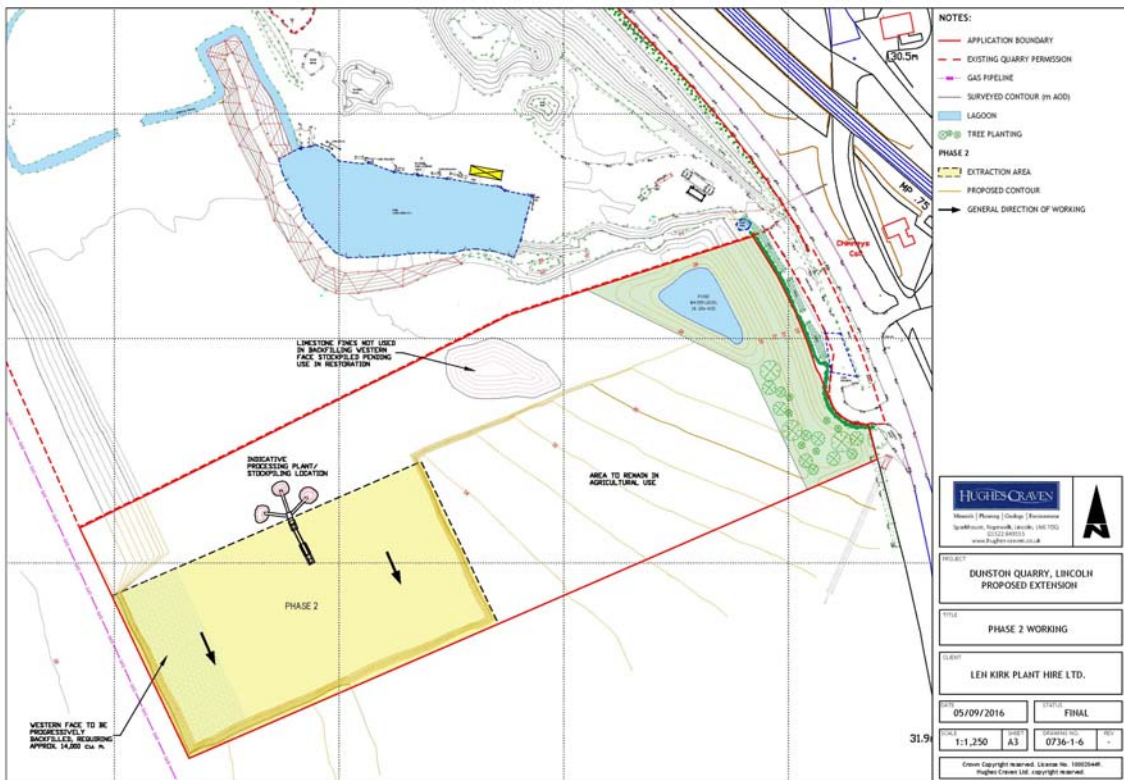
#### The Application

5. Planning permission is sought by Len Kirk Plant Hire Ltd (Agent: Hughes Craven Ltd) to extend the existing quarry into 4 hectares of agricultural land at Dunston Quarry, B1188 Lincoln Road, Dunston, Lincolnshire. This application is a resubmission following the refusal of a previous application (reference: N26/1212/16) which had sought the same development.
6. The application site extends to 4 hectares however up to 0.5 hectares would be utilised for screening, drainage and landscaping purposes and therefore the proposed extraction area would be reduced to around 3.5 hectares. The extension would be worked progressively in a similar manner to the existing quarry and be worked in three broad phases. The proposal would release approximately 500,000 of limestone reserves of which it is anticipated that approximately 400,000 tonnes would comprise of saleable stone. It is stated that the output of the quarry would predominately be limestone aggregate,

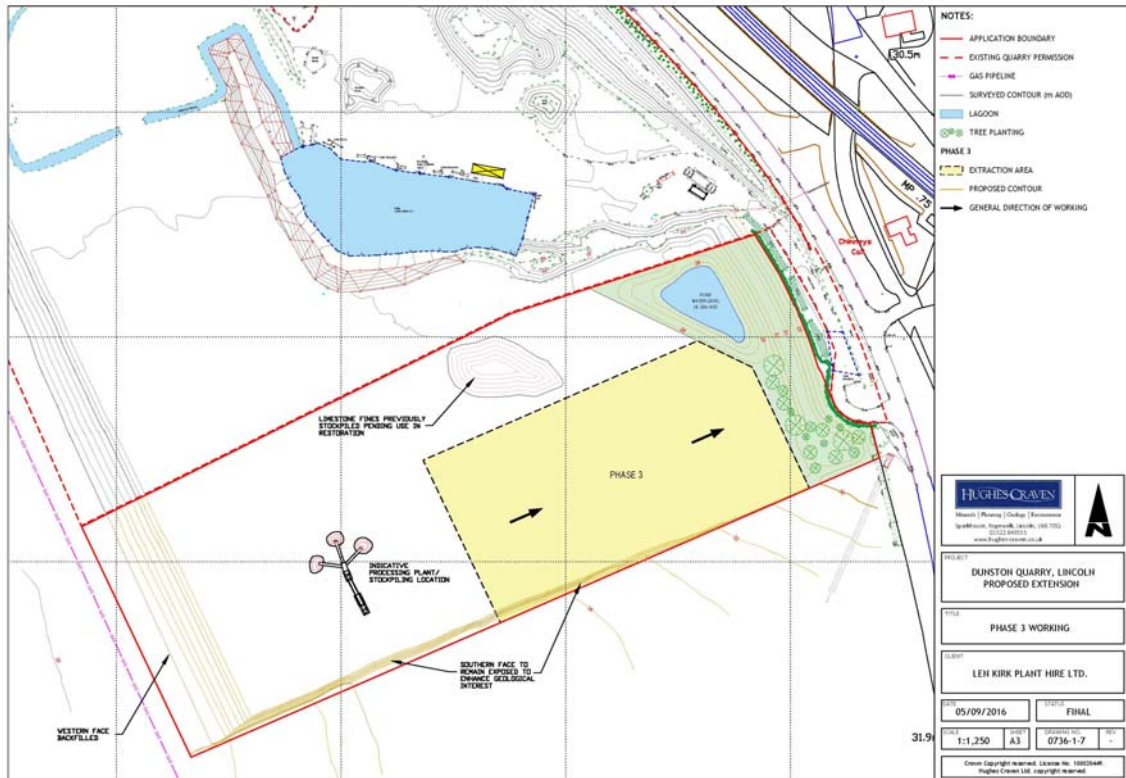
however, should suitable quality stone be identified, limited volumes of blockstone may also be produced.



Phase I Working Plan

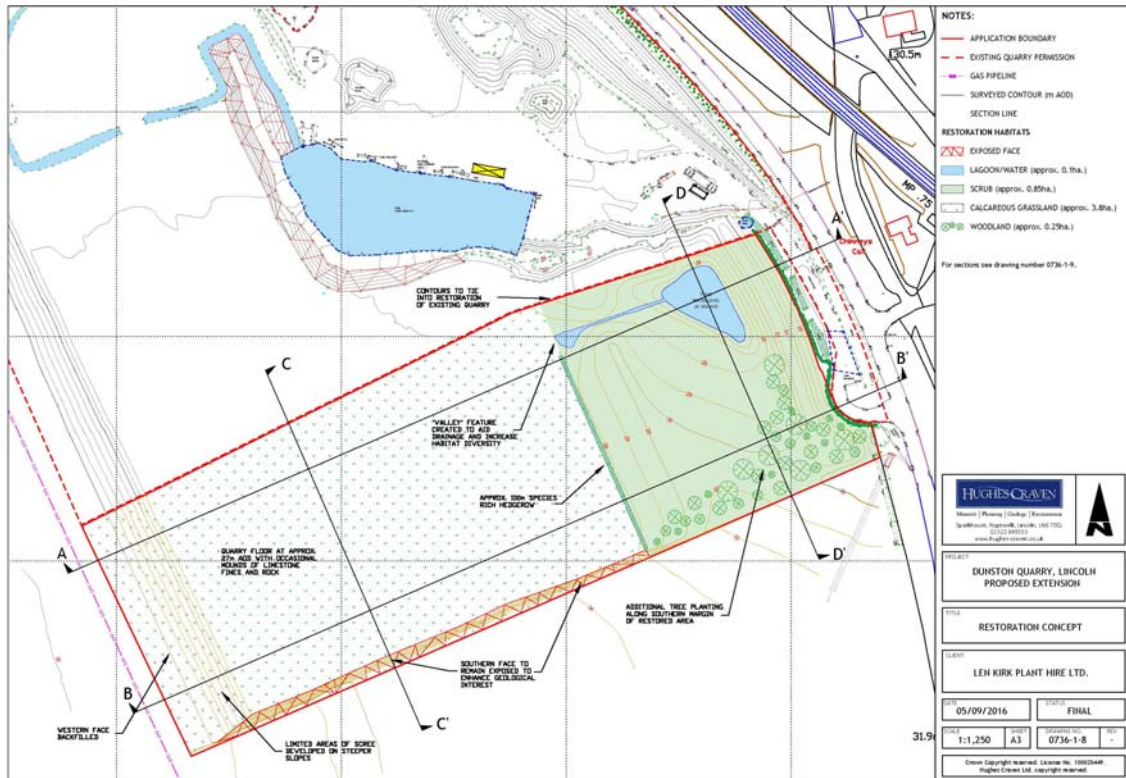


Phase 2 Working Plan



Phase 3 Working Plan

7. The mineral would be extracted using a hydraulic excavator and processed using mobile plant which is located on the quarry floor and it is estimated that the site would be worked at a rate of around 50,000 to 80,000 tonnes per annum. The proposed extension would therefore support a further five to eight years of production although planning permission is sought until 2025 (i.e. nine years) which is consistent with other extant permissions affecting the site and would allow sufficient time to complete the restoration of the site.
  
8. It is proposed to restore the site to a low level using soils, inter-burden and unsaleable limestone fines derived from the site and these would be used to create a restored landform which would include a mix of calcareous grassland, scrub, woodland, wetland and retained geological exposures. Following the restoration of the site a five year aftercare programme would be implemented which would help to ensure that the restoration delivers biodiversity and geodiversity benefits.



Restoration Concept Plan

9. As before the application is supported by a comprehensive Planning Statement and supplementary documents/reports which describe the proposal, sets out the applicant's arguments to justify the need and benefits of this proposal as well as an assessment of the development in terms of its compliance with planning policy. The statement and supplementary reports also consider the potential impacts of the development on a range of environmental and amenity issues/criteria which includes (amongst others):

- Landscape and Visual Impact
- Traffic and Access
- Noise and Dust
- Hydrology and Flood Risk
- Archaeology and Cultural Heritage
- Soils and Agricultural
- Employment.

10. As with the previous application, a summary of the main arguments contained within the Planning Statement are set out below:

**Landscape and Visual Impact:** In order to screen the proposed extension a permanent screening bund would be constructed alongside the eastern boundary of the site. The bund would be constructed using soils stripped from the site and match that which currently runs alongside the eastern boundary of the current quarry. The bund would be approximately 3m in height although as the ground levels rise to the south its height would effectively reduce at the southern end. Once the bund has been

constructed it would be planted with a mix of native trees and shrubs (e.g. Hawthorn, Blackthorn, Elder, Hazel, Dogwood, etc). The assessment concludes that the proposed extension is capable of being well screened and would therefore have only a very limited, if any, visual impact. As such the development would not result in any unacceptable landscape or visual impacts.

Transport, Access & Reduced HCV Mileage: Annual output of limestone aggregate is not proposed to increase as a result of this proposal and therefore HCV movements are anticipated to remain consistent with current levels – these being approximately 10 to 20 loads (20 to 40 movements) per day. Occasionally during periods of high demand the number of movements could increase, however, the current planning permissions do not impose any restriction or limitation on HCV movements. It is therefore argued that to impose such a restriction in considering this proposal would be unnecessary and also prejudice the applicant's ability to service major contracts.

In terms of access, again this would remain unchanged with all vehicles continuing to use the existing quarry entrance onto the B1188. As part of this proposal the applicant has offered to make further drainage improvements to the site access road in order to help address localised flooding problems that arise as a result of surface water run-off from the public highway. This would comprise of cutting of a drainage grip into the roadside verge separating the access road and the B1188 public highway (which this site is a designated Local Wildlife Site) and installing a pipe beneath the proposed eastern boundary screening bund which would allow surface waters to drain to a surface water lagoon to be constructed as part of this proposal.

The applicant states that Dunston Quarry is the closest active limestone aggregate quarry to Lincoln, a market to which approximately 70% of the site's output is supplied and the cessation of quarrying activities at the site would therefore result in this market having to be supplied from other more distant quarries which would result in a significant increase in HCV miles. It is added that as well as supplying bulk loads of aggregate, a notable percentage of the limestone extracted from the site is also transported to the applicants other business on Whisby Road where minerals are stockpiled and then sold to the Lincoln market in smaller loads (e.g. 1 to 5 tonnes). This arrangement minimises the need for smaller contractors to travel out of the urban area to collect materials which thus further reduces the vehicle miles that have to be travelled. The cessation of quarrying at the site would therefore result in the need to transport aggregates from further afield and this would result in a significant increase in HCV miles which the applicant argues would be undesirable and unsustainable.

Noise and Dust: Assessments of the potential impacts of noise and dust associated with this proposal have been undertaken. These assessments conclude that noise associated with both the current working and proposed extension would comply with the relevant criteria contained within the

Planning Practice Guidance which supports the National Planning Policy Framework. In terms of dust, like the existing operations, a range of good practice and mitigation measures would be adopted in order to minimise the occurrence of dust emissions and again these would ensure that there would be no unacceptable impact upon nearby residents as a consequence of this proposal.

Hydrology and Flood Risk: The site lies within Flood Zone 1 and therefore is considered to be at low risk of river or sea flooding. Operational experience has also demonstrated that the site does not suffer from flooding from groundwater and the proposed depth of working (e.g. 27m AOD) is such that groundwaters would not be encroached and therefore the site would not require dewatering. As stated above, the access road to the quarry has been subject to localised flooding as a result of surface water run-off from the adjoining public highway however this does not pose a risk to users of the public highway and the volumes experienced are not sufficient to cause and issue to the operations of the quarry. Notwithstanding this, as detailed above, measures have previously been secured which when implemented would reduce the impacts of this and as part of this proposal further improvements are proposed which would provide a benefit in the longer-term.

Archaeology and Cultural Heritage: An archaeological evaluation of the site has been undertaken which included a geophysical survey and programme of trial trenching. The evaluation trenching has proved the greater part of the application site to be devoid of any significant archaeology and accordingly the applicant's assessment concludes that no further archaeological works need be undertaken across much of the site. However, the southwestern section of the site does contain a potential enclosure and therefore it is recommended that further works be secured in order to enable this to be dated and any archaeological remains to be recorded.

Soils and Agricultural Land: The proposed extension area is currently in agricultural use and throughout the surrounding area the land varies between Grades 2, 3a and 3b. The soils across the proposal site vary in thickness and composition and although the soils in much of the wider area are likely to be classed as Grade 3a (and thus classified as being 'best and most versatile') the greater part of the application site is considered to fall within Grade 3b. The proposed development would therefore not result in the loss of significant areas of 'best and most versatile' agricultural land, however, and notwithstanding this relatively low grade, it is recognised that soils are an important resource. Consequently, all soils would be retained on site and used to provide benefits as part of the development including the creation of screening bunds, habitat diversification and ensuring the long-term stability of exposed quarry faces proposed as part of the restoration scheme.

Employment: The applicant states that the proposed extension would allow production to continue at the quarry which is an important supplier of

minerals to the local construction industry and markets. The proposed extension would also help to support the continued success of the applicant's business which in total employs 28 people with between 6 to 8 people being directly employed at the quarry with additional jobs being supported by the activities of the quarry including HCV drivers, fitters, administrative staff, etc.

Following the refusal of the previous application, the applicant states that they have reviewed their overall operations and have concluded that if the extension is not permitted then the quarry would be forced to close. The applicant states that without the economies and efficiencies achieved by operating the quarry the recycling and business operations at the applicant's site off Whisby Road would be unsustainable and therefore may be forced to cease trading resulting in the potential redundancy of up to 28 staff. The approval of this development would therefore secure the future of the quarrying operations and jobs which are dependent upon the site.

Need/Justification and response to the reason for refusal of application  
N26/1212/16

In making this revised application the applicant has provided further commentary and analysis which challenges the reason cited for refusing the previous application and the Council's position that the landbank of limestone reserves within the County is sufficient. The reason cited for refusing the previous application was as follows:

*"The National Planning Policy Framework (NPPF) advises that provision should be made for a landbank of at least 10 years for crushed rock and the Core Strategy and Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016) confirms that there is a substantial landbank and surplus of limestone reserves available to meet projected demands and future requirements up to 2031. This proposal would release further low quality limestone aggregate reserves which are already available from existing sources/sites within the County. The aggregates do not therefore have any specialist characteristics or properties which would support or justify the release of those minerals as an 'exceptional circumstance' and given the level of existing permitted limestone reserves there is no proven or quantitative need to justify the release of additional reserves at this time.*

*Consequently, taking into account the projected demand, substantial tonnage of existing reserves available and identified surplus at the end of the Plan period this development would be contrary to the advice contained in the National Planning Policy Framework and Policy M5 of the Core Strategy and Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016)".*

In terms of the landbank the applicant states that the actual figure cited by the Lincolnshire Minerals and Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) is out of date and has been



reduced to around 20 Mt due to a number of issues including the determination of numerous planning applications, the re-opening of quarries and the general improvement in the economy since the CSDMP was prepared. The applicant therefore contends that the refusal of the previous application placed an overreliance on out of date data.

The applicant essentially argues that since the CSDMP was prepared there has been an upturn in activity within the construction industry and consequently an increased demand for aggregates resulting in increased production rates. It is stated that this upturn in aggregate sales may not be reflected immediately in published data sources however the applicant submits that sales at Dunston Quarry and other sites have increased and that this trend is likely to continue in order to support infrastructure and construction activities - including planned housing in Lincoln, Gainsborough and Grantham as well as schemes such as the Lincoln Eastern Bypass, Grantham Relief Road, Boston Barrier Flood Defence, Spalding Western Relief Road, etc.

Given the reduced landbank figure the applicant argues that if demand and production rates were to continue then the landbank would be reduced much faster. On this basis the applicant submits that by the end of the Plan period (i.e. 2031) the landbank could stand at around 8.2 Mt (equivalent to around 7.3 years) and so there would be a shortfall of around 2.20 Mt which would need to be sought if a 10 year landbank as recommended by the National Planning Policy Framework is to be achieved. Although this proposal would not provide all of the 2.20 Mt required the applicant argues that the approval of this application would nevertheless help the County to achieve this required level and therefore ensure that an adequate landbank is maintained throughout the Plan period.

Finally, the applicant argues that whilst it is accepted that the aggregates from the quarry do not have special qualities a unique set of exceptional circumstances do exist which indicate that planning permission should be granted. These include:

- A significant proportion of the consented reserves included within the County's landbank are contained in quarries located a considerable distance from Dunston and supply different markets;
- The quarry is an important local supplier of limestone aggregate to the Lincoln market and its unique links with the Applicant's Whisby Road depot provide a sustainable method by which relatively small quantities of aggregate can be supplied to the Lincoln Urban Area without significantly increasing transport movements;
- The early closure of the quarry would result in the loss of an important local recycling facility, significantly reducing waste recycling capacity and potentially leading to a shortfall in such capacity for the County;

- When combined with the loss of the recycling capacity, this is likely to force the Applicant to close their business, resulting in the loss of up to 28 jobs, which will result in a significant financial impact to the area;
- No technical objections to the 2016 Application were received, the proposed Development has been demonstrated to comply with all relevant policies within the CSDMP, and it has been accepted that any potential impacts can be adequately mitigated.

### Site and Surroundings

11. Dunston Quarry is located approximately 16km south east of the city of Lincoln, on the eastern edge of Dunston Heath, north west of the village of Dunston and south west of the village of Nocton. The eastern boundary of the quarry abuts the B1188 Lincoln Road with the Lincoln–Sleaford railway line beyond; to the north, south and west lies open agricultural land. On the eastern side of the B1188 immediately to the south of the quarry is an industrial complex occupying the site of the former railway station. A 2.5m bund has been constructed to run the length of the quarry's eastern boundary, screening it from the B1188 Lincoln Road.



Proposed extension area



Site Access

12. The proposal site comprises of an area of agricultural land (approximately 4 hectares) which abuts the southern boundary of the quarry and adjacent to the site entrance roadway which leads off the B1188. The site's eastern boundary is currently marked by a small hedgerow which filters view into the site but does not completely screen the site. The nearest residential property is located on the opposite side of the B1188, opposite the existing access road and is approximately 100m from the site.

## Main Planning Considerations

### National Guidance

13. 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 sets out the core planning principles that underpin both plan-making and decision-taking. These include (amongst others) that planning should be genuinely plan-led; that decisions should enhance and improve the places in which people live and proactively drive and support sustainable economic development; that high standards of design and a good standard of amenity for all should be secured; that areas of special character and beauty are conserved and protected, etc.

Paragraph 32 states that all development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether, amongst other things, safe and suitable access to the site can be achieved for all people.

Paragraph 103 seeks to ensure that flood risk is not increased on or offsite as a result of development.

Paragraphs 109 and 110 seek to conserve, enhance and minimise pollution and other adverse effects on the local and natural environment.

Paragraph 112 seeks to protect the best and most versatile agricultural land and states a preference for development to be located on poorer quality land to that of a higher quality.

Paragraph 118 seeks to conserve and enhance biodiversity and gives protection to Sites of Special Scientific Interest.

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

Paragraph 122 states that local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

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

Paragraphs 128 to 135 require that the significance of heritage assets (including non-designated assets) be taken into consideration, including any impacts on their setting.

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.

Paragraph 145 states that mineral planning authorities should plan for a steady and adequate supply of aggregates by, amongst other things, making provision for the maintenance of a landbank of at least 10 years for crushed rock. It is also stated that longer periods may be appropriate to take account of locations of permitted reserves relative to markets and productive capacity of permitted reserves.

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.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to plant and to the development to be permitted, enforceable, precise and reasonable in all other respects.

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.

In addition to the NPPF, the Government has published a series of web based National Planning Policy Guidance (NPPG). The NPPGs provide further advice and guidance on a range of matters including the overall requirements for minerals sites, including the need to assess environmental impacts such as noise and dust and the need for minerals sites to be restored at the earliest opportunity to high environmental standards.

### Local Plan Context

14. Lincolnshire Minerals and 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 M5 (Limestone) states that proposals for extensions to existing limestone extraction sites or new limestone extraction sites (other than small scale extraction of building stone) will be permitted provided that they meet a proven need that cannot be met by existing sites/sources and accord with all relevant Development Management Policies set out in the Plan.

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 DM2 (Climate Change) states that proposals for minerals and waste management developments should address the following matters where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HCVs in the supply of minerals and the treatment of waste;
- Waste – Implement the Waste Hierarchy and reduce waste to landfill;
- Minerals – encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new/enhanced biodiversity levels/habitats as part of the restoration proposals to provide carbon sinks and/or better connected ecological networks, and; encourage the most efficient use of primary minerals.

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 DM4 (Historic Environment) states that proposals that have the potential to affect heritage assets including features of historic or archaeological importance should be assessed and the potential impacts of the development upon those assets and their settings taking into account and details of any mitigation measures identified. Planning permission will be granted for minerals and waste development where heritage assets, and their settings, are conserved and, where possible enhanced and where adverse impacts are identified planning permission will only be granted provided that:

- the proposals cannot reasonably be located on an alternative site to avoid harm; and
- the harmful aspects can be satisfactorily mitigated; or
- there are exceptional overriding reasons which outweigh the need to safeguard the significance of heritage assets which would be harmed.

Policy DM6 (Impact on Landscape and Townscape) states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period.

Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

Policy DM8 (Nationally Designated Sites of Biodiversity and Geological Conservation Value) states that planning permission will be granted for developments on or affecting such sites (e.g. SSSIs and Ancient Woodland) provided it can be demonstrated that the development, either individually or in combination with other developments, would not conflict with the conservation, management and enhancement of the site to have any other adverse impact on the site. Where this is not the case, planning permission will be granted provided that:

- the proposal cannot be reasonably located on an alternative site to avoid harm; and
- the benefit of the development would clearly outweigh the impacts that the proposal would have on key features of the site; and
- the harmful aspects can be satisfactorily mitigated or, as a last resort, compensated by measures that provide a net gain in biodiversity/geodiversity; and

- in the case of a SSSI, there are no broader impact on the network of SSSIs.

Policy DM9 (Local Sites of Nature Conservation Value) states that planning permission will be granted for development on or affecting such sites (e.g. Local Wildlife Sites, Local Nature Reserves) provided that it can be demonstrated that the development would not have any significant adverse impacts on the site. Where this is not the case, planning permission will be granted provided that:

- the merits of development outweigh the likely impacts; and
- any adverse effects are adequately mitigated or, as a last resort compensated for, with proposal resulting in a net-gain in biodiversity through the creation of new priority habitat in excess of that lost.

Policy DM11 (Soils) states that proposals should protect and, wherever possible, enhance soils.

Policy DM12 (Best and Most Versatile Agricultural Land) states that proposals that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that no reasonable alternative exists and for mineral sites the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

Policy DM14 (Transport by Road) states that planning permission will be granted for minerals and waste development involving transport by road where the highways network is of appropriate standard for use by the traffic generated by the development and arrangements for site access would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding.

Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

Policy DM16 (Water Resources) states that planning permission will be granted for minerals and waste developments where they would not have an unacceptable impact on surface or ground waters and due regard is given to water conservation and efficiency.

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.

Policy R4 (Restoration of Limestone and Chalk Workings) states that proposals for limestone and chalk operations should be sympathetic to the surrounding landscape and prioritise the creation of calcareous grassland habitat, except best and most versatile agricultural land that would be restored back to agricultural land of comparable quality. Restoration should also seek to retain suitable exposures for geological educational use where appropriate.

Central Lincolnshire Local Plan (CLLP) – this document was formally adopted on April 2017 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 LP1 (Presumption in Favour of Sustainable Development) emphasises the need to take a positive approach in the presumption in favour of sustainable development contained in the NPPF where there are no identifiable adverse impacts.

Policy LP2 (Spatial Strategy & Settlement Hierarchy) sets out the strategy and hierarchy to be applied when considering applications for siting new development. In this case, the site is located within the countryside and so this policy seeks to restrict development except for those which are demonstrably essential to this location such as agriculture, horticulture, forestry and outdoor recreation. Minerals and waste development is also recognised as being a potentially suitable development where they are in accordance with the Minerals and Waste Local Plan.



Policy LP17 (Landscape, Townscape and Views) seeks to protect and enhance the intrinsic value of our landscape.

Policy LP21 (Biodiversity and Geodiversity) seeks to direct all development proposals protect, manage and enhance statutory and non-statutory designated sites by minimising impacts.

Policy LP26 (Design and Amenity) requires developments to demonstrate how amenity of neighbouring residents and land users have been considered.

Policy LP55 (Development in Hamlets and the Countryside) Part E Non-residential development which specifies criteria that should be addressed to allow support including proximity to existing established business, would not conflict with neighbouring uses and size and scale commensurate with the proposed use.

#### Results of Consultation and Publicity

15. (a) Local County Council Member, Councillor R Kendrick - was elected as the new Local Member following the recent elections held in May and so was consequently notified of this application on 8 May 2017. No comment/response had been received within the statutory consultation period or by the time this report was prepared.
- (b) Dunston Parish Council – no objection but have requested that any increase in traffic be instructed to use Dunston Heath Lane.
- (c) Environment Agency (EA) – no objection as all operations would take place above the water table and there is to be no imported waste infilling. The proposed restoration is to be low level using quarry waste and whilst the site lies with a groundwater source protection zone it is considered there will no effect as a result of this proposal.
- (d) Historic Environment (Lincolnshire County Council) - has confirmed that the site has undergone pre-application archaeological evaluation which shows that there is an archaeological enclosure feature to the west of the site and a scattering of Roman pottery across other areas of the site. The proposed mineral extraction would destroy these features and therefore these should be recorded prior to their destruction. If planning permission is granted it is therefore recommended that a planning condition be imposed which would secure a written scheme of archaeological investigation which requires the reporting and recording of any archaeological finds should these be encountered during the excavation works.
- (e) Lincolnshire Wildlife Trust (LWT) - welcomes the restoration proposals for the site which should result in benefits to both biodiversity and geodiversity. It is added that whilst the proposed cutting of a drainage grip into the designated roadside verge outside of the site (Dunston

Sleaford Road Verge Local Wildlife Site) would result in the direct loss of calcareous grassland habitat, it is recognised that the restoration proposals would result in a net gain in calcareous grassland overall. It is however recommended that mitigation is put in place to ensure the impacts on the Local Wildlife Site are minimised as much as possible.

- (f) Ministry of Defence (Safeguarding) – no safeguarding objections provided that the pond proposed as part of the restoration scheme is surrounded by dense scrub vegetation and is not immediately adjacent to shorter grass areas.
  - (g) Highway & Lead Local Flood Authority - welcomes the applicant's proposal to accept some of the discharge of highway surface water into the new drainage pond that would be provided as part of this proposal. Notwithstanding this, it is considered that the proposal is acceptable and therefore has no objection to the proposal.
  - (h) National Grid – has confirmed that there is a gas pipeline which runs parallel to the site and therefore have advised that an Informative be placed on any planning permission granted which would advise the operator to contact National Grid prior to commencing any works.
  - (i) Natural England – has no objection as the proposed development will not have a significant adverse impact on designated assets or best and most versatile land.
16. The following persons/bodies were notified/consulted on the application on 21 March 2017 but no response/comments had been received within the statutory consultation period or by the time this report was prepared:
- Nocton Parish Council (adjoining Parish)  
Environmental Health Officer (North Kesteven District Council).
17. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 29 March 2017) and letters of notification were sent to the nearest neighbouring properties to the site.
18. A letter of objection has again been received from another quarry operator who owns and operates two limestone quarries which lie within 5km of the site (e.g. Longwood and Metheringham Quarries). Both of these sites contain significant consented reserves and so can meet local demands. Given the existing level of permitted reserves it is stated that there is no quantitative need to justify the release of additional reserves during the plan period. This position was confirmed in the Council's recent decision to refuse consent for the extraction of limestone at Denton (decision reference: S26/1611/15) and consistent with that decision the development would be contrary to Policy M5 of the CSDMP.

## District Council's Recommendations

19. North Kesteven District Council have no objections subject to conditions to control hours of operation (07:00 to 17:00 Monday-Friday and 07:00 to 12:30 Saturday), mitigate noise and dust impacts and secure landscaping and restoration.

## Conclusion

20. This application is a resubmission following the earlier refusal of a previous planning application for the same development (ref: N26/1212/16). As before the main planning issues to be considered in the determination of this application are:
  - (i) whether there is a need or justification to support the release of new limestone aggregate reserves having regard to the National Planning Policy Framework and Core Strategy and Development Management Policies of the recently adopted Lincolnshire Minerals and Waste Local Plan, and;
  - (ii) whether the potential environmental and amenity impacts would be acceptable.

## Need for Limestone

21. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that all applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking and in fact confirms that proposed developments which conflict with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
22. In this case the NPPF advises that Mineral Planning Authorities make provision for a landbank of at least 10 years for crushed rock and Policy M5 of the CSDMP states that proposals for extensions to existing limestone extraction sites or new sites will be permitted provided that they meet a proven need that cannot be met by existing sites/sources and accord with all relevant policies set out in the Plan.
23. Having reviewed the additional comments within this revised application, Officers maintain the view that the applicant has failed to demonstrate that there is a proven or quantitative need to justify or support this development. As before it is acknowledged and accepted that the landbank reserve figure cited in the CSDMP is out of date and more likely to be within the region of 20 Mt as a consequence of planning decisions taken since the CSDMP was prepared. The CSDMP does indicate that there is a need to supply 11.16 Mt of limestone aggregate during the Plan period and despite the applicant's claims, this projected demand figure does take into account planned and potential development known at the time the CSDMP was prepared.

Consequently, even with a reduced landbank the reserves available to meet this demand are more than adequate and even if production rates and the demand for limestone aggregate were to increase as a result of new or previously unknown construction and housing projects coming forward, such an increase would have to be significant and sustained before this would pose a risk of reducing the landbank to such a degree that additional reserves would be required or justified for release on quantitative grounds alone. Officers are therefore still satisfied that given the substantial size of the landbank there are sufficient reserves available to absorb and meet likely demands without the need to allocate or grant permission for new reserves at this time. Production rates and changes in the landbank will continue to be monitored through the annual Aggregate Working Party reports and Local Aggregates Assessment (produced by the Mineral Planning Authority as part of the on-going monitoring of the Lincolnshire Minerals & Waste Local Plan) and if any potential shortfall in supply was to be identified then this would trigger a review of the Local Plan and potentially the need to identify and allocate sites and/or justify granting planning permission for the release of new reserves such as that proposed by this application. This approach is consistent with the basic principle of plan, monitor and manage development and given the current landbank position and lack of quantitative need there is no justification to support a deviation from this approach by granting permission for this development at this time.

24. Additionally, although the applicant's arguments are noted, since the last application was determined there has been no change in the status or position of the CSDMP and the latest annual production figures do not indicate a significant upturn or increase in demand for limestone aggregate such that this poses a risk of significantly reducing the landbank. As a consequence, at this time there is no quantitative or proven need to release additional limestone aggregates at this time. The reserves that would be released by this proposal are also largely low quality aggregate that is available from other sites and sources elsewhere and therefore do not for example have specialist characteristics which would potentially justify or lend support for the release of such reserves.
25. The NPPF confirms that there are three dimensions to sustainable development and these are an economic role, a social role and an environmental role. Whilst the applicant's arguments regarding the safeguarding of employment and lack of any adverse impacts on the environment or amenity of nearby users are noted, to support growth the planning system needs to ensure that sufficient land of the right type is available in the right places and at the right time. In this case the proposed extension is not required in quantitative terms and is therefore not allocated or needed to support the objectives of the Minerals and Waste Local Plan. As the proposal is considered to be contrary to the strategic objectives of the CSDMP it would also fail to gain full support with Policy LP2 of the CLLP. Given this conflict, on balance, it is considered that the economic and environmental arguments put forward by the applicant are not considered sufficient to outweigh or override the conflict that this proposal would have with the wider strategic objective of Policy M5 of the CSDMP. Therefore

your Officers therefore maintain the view that planning permission should be refused.

### Environmental and Amenity Impacts

26. As was the case with the previous application, it is concluded that many of the potential environmental and amenity impacts in respect of matters including landscape, noise, dust and traffic could be minimised or reduced through the implementation of the mitigation measures proposed within the application and/or through the imposition of planning conditions. Given this, again your Officers would not recommended that planning permission be refused on the grounds that the development would have, for example, a significant or unacceptable adverse impact in terms of landscape and visual impact, hydrology, traffic, noise, dust, etc.

### Overall Conclusions

27. Despite the further comments and justification put forward by the applicant as part of this application there is still a substantial landbank and surplus of limestone reserves available to meet projected demands and future requirements during the Plan period (i.e. up to 2031). Although many of the potential environmental and amenity impacts of this development could be mitigated, minimised or reduced through the implementation of the mitigation measures proposed within the application and/or through the imposition of planning conditions, there is no proven need or exceptional circumstance to justify and support the release of further limestone reserves at this time.
28. Given the level of existing permitted limestone reserves available within the County if planning permission were to be granted for this extension then this would be contrary to the advice contained within paragraph 145 of the National Planning Policy Framework and also conflict with the overall strategic objective of Policy M5 of the Core Strategy and Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016).

<b>RECOMMENDATIONS</b>
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That planning permission again be refused for the following reason:

The National Planning Policy Framework (NPPF) advises that provision should be made for a landbank of at least 10 years for crushed rock and the Core Strategy and Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016) confirms that there is a substantial landbank and surplus of limestone reserves available to meet projected demands and future requirements up to 2031. This proposal would release further low quality limestone aggregate reserves which are already available from existing sources/sites within the County. The aggregates do not therefore have any specialist characteristics or properties which would support or justify the release of those minerals as an 'exceptional

circumstance' and given the level of existing permitted limestone reserves there is no proven or quantitative need to justify the release of additional reserves at this time.

Consequently, taking into account the projected demand, substantial tonnage of existing reserves available and identified surplus at the end of the Plan period this development would be contrary to the advice contained in the National Planning Policy Framework and Policy M5 of the Core Strategy and Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016).

## Appendix

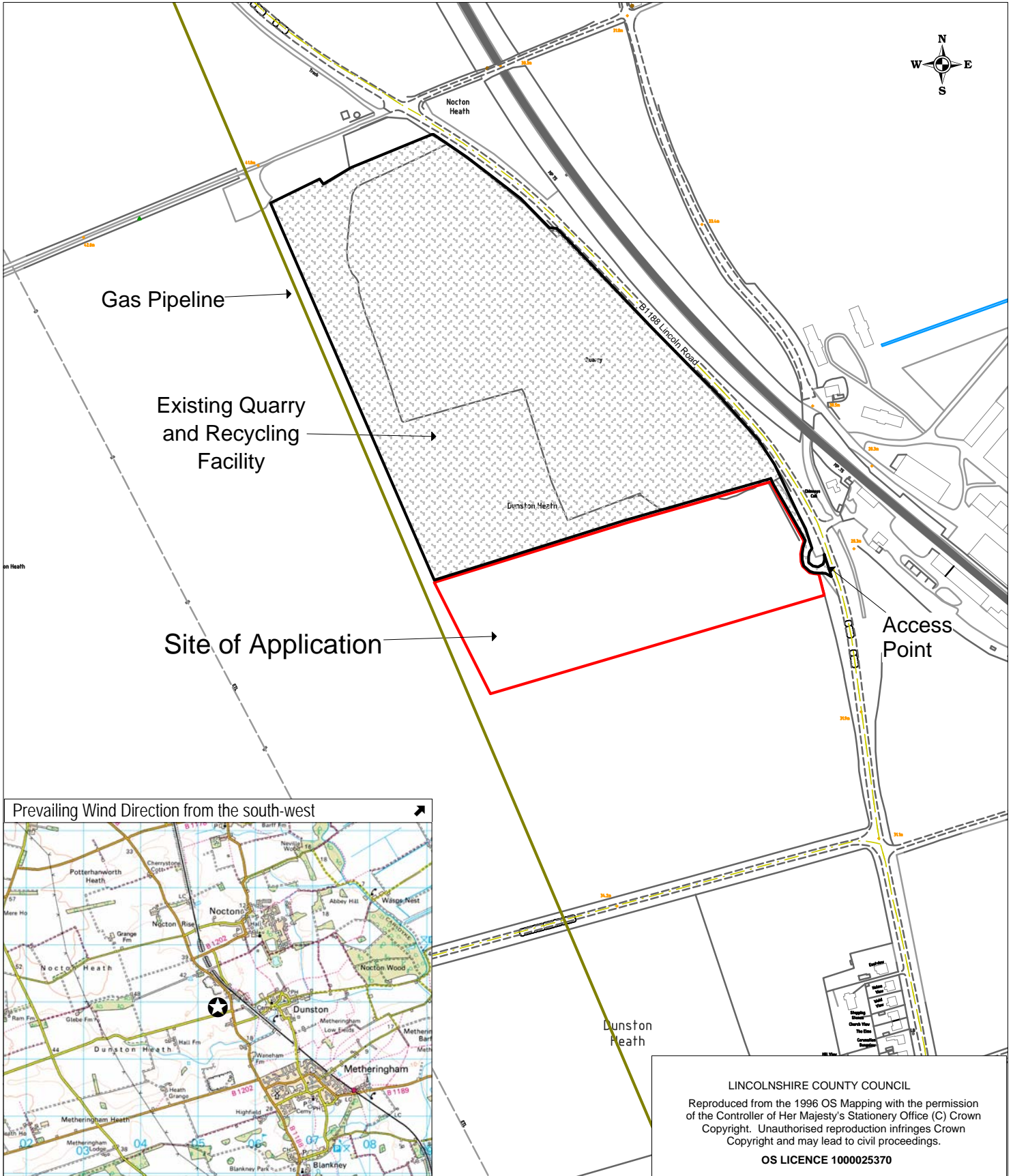
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## 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 N26/0437/17	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 and Waste Local Plan: Core Strategy and Development Management Policies (June 2016)	Lincolnshire County Council's Website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
North Kesteven District Council (2007)	North Kesteven District Council's Website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>

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**Location:**

Dunston Quarry  
 B1188 Lincoln Road  
 Dunston

**Description:**

To extend the existing quarry into 4 hectares of agricultural land

**Application No:** N26/0437/17

**Scale:** 1:5000

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