

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

Report to:	Planning and Regulation Committee
Date:	4 June 2018
Subject:	County Matter Application - 18/0476/CCC

Summary:

Planning permission is sought by Cemex UK Operations Ltd to vary condition 28 of planning permission N47/66/0360/00 at Norton Disney Quarry, Norton Disney. The proposed variation would amend the restoration details submitted and approved with the original planning application and further details submitted and approved 5 March 2003.

The amended restoration of the plant site and silt lagoons of the former Norton Disney Quarry proposes the creation of a mosaic of habitats including smaller water bodies, marginal planting, wet woodland and heathland. The establishment of permissive paths for public access and the long term management of the site was previously secured through a Section 106 Planning Obligation that was drawn up when the final extraction area of the Quarry (known as Low Wood) was approved in February 2007 (ref: N47/0449/06). Due to the proposed amendments to the restoration scheme now sought, a Deed of Variation to the Section 106 Planning Obligation would also be required in order to ensure that the proposed amendments would not compromise the terms of the existing Planning Obligation.

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 reference number N.47 & 66/534/88 dated 23 October 1995 was granted to move the plant site from the former Thurlby Quarry to a new site located to the west of Swinderby Road, Norton Disney and to permit the extraction of sand and gravel. This planning permission represented the opening of Norton Disney Quarry. A further planning permission (ref: N47/66/0360/00) was granted 3 February 2003 to extract sand and gravel at Tonge's Farm to the east of Swinderby Road, as an extension to Norton Disney Quarry with restoration to a landscaped lake.

The application for Tonge's Farm included the plant site and a conveyor route and the silt lagoons became ancillary mining land and a restoration scheme was approved. This planning permission was subject to a total of 31 conditions.

2. Condition 28 states:

'Prior to the commencement of development a revised scheme and programme of restoration shall be submitted for the written approval of the Director of Highways and Planning pursuant to conditions 24 and 28 of planning permission reference number N.47 & 66/534/88 dated 23 October 1995. Such scheme and programme shall:

- *Increase the nature conservation potential of the site covered by that planning permission by utilising the additional silt which will be produced by virtue of this planning permission;*
- *Provide for the retention of the screening bunds constructed pursuant to that planning permission until after the completion of extraction operations at the site covered by this planning permission; and*
- *Set out a programme for the removal of the plant site and buildings and for the restoration of the area covered by that planning permission'.*

3. Planning permission for the final area of sand and gravel extraction at Norton Disney Quarry was secured on 26 February 2007 to the north of Tonge's Farm, known as Norton Low Wood (ref: N47/0449/06). The decision was supported by a Section 106 Planning Obligation which encompassed all previous extraction areas and the plant site. This included a restoration master plan that provided access to the proposed fishing lakes and wildlife areas through the provision of a permissive footpath.

The Application

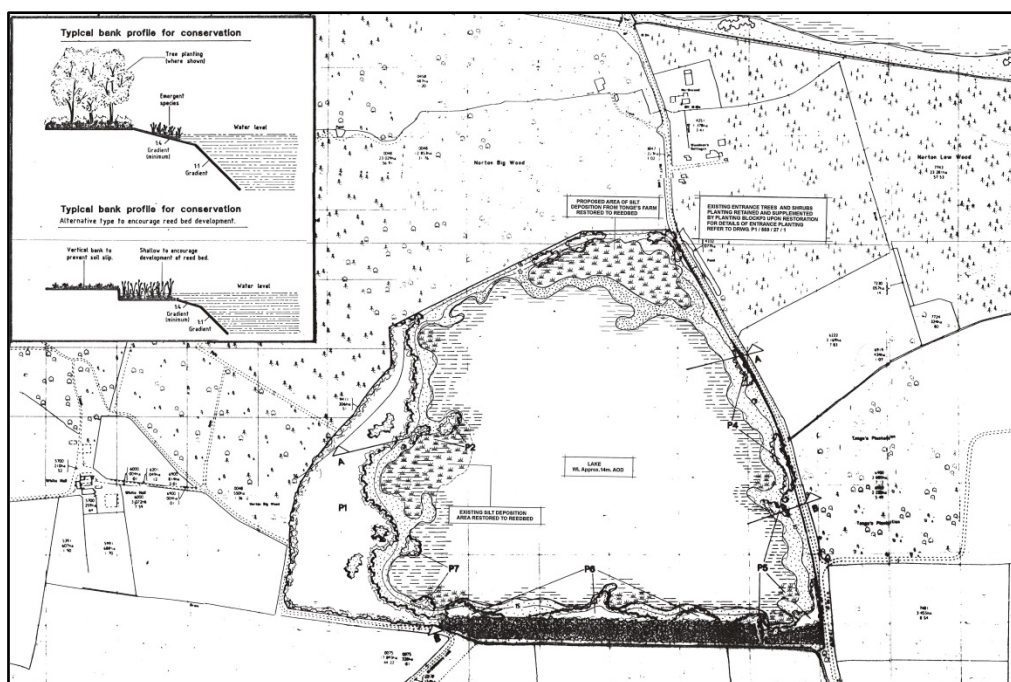
4. Planning permission is now sought to vary the approved restoration scheme previously approved pursuant to Condition 28 of permission N47/66/0360/00 which reiterated the provision for restoration required in planning permission ref: N.47 & 66/534/88 at Norton Disney Quarry, Swinderby Road, Norton Disney LN6 9QH.
5. Following the cessation of mineral extraction at the quarry and the opening of a new quarry at the Former RAF Swinderby, the operator of both sites (Cemex UK Operations Ltd) carried out a review of the required restoration scheme for the former plant site and the associated silt lagoon.
6. The majority of the buildings and structures associated with the plant site and the conveyor, that transported the 'as raised mineral' from Tonge's Farm and Norton Low Wood, have been removed and the final phase of extraction of minerals at the plant site has been carried out. The approved restoration scheme only took into consideration the availability of restoration material contained within the perimeter and internal bunds, the silt arising from the extraction of Tonge's Farm and the assumption that all available mineral

below the plant site would be extracted. Following the grant of planning permission for Norton Low Wood the lagoon received a significant deposit of silt over and above that originally anticipated and also the grant of planning permission for the Former Swinderby Airfield resulted in a decision not to fully extract the mineral below the plant site area. As a consequence there was an excess of material, over and above that originally estimated, available for restoration purposes. It is therefore proposed that the restored lake would be considerably smaller than that earlier approved and that there would be an opportunity to increase the nature conservation potential of the site through the creation of a mosaic of habitats. As part of the revised restoration proposals it was also considered expedient to create a number of smaller waterbodies and marsh areas so as to reduce the sites attractiveness to flocking water fowl thus not presenting a significant threat to aviation safety.

7. Notwithstanding the requirement to utilise all the materials contained in the perimeter bunds it was further identified that approximately 300 metres of the western perimeter bund, having been in place and undisturbed for at least two decades, had become self-vegetated with woodland species and so had largely become part of the adjacent Killbuck Plantation and Norton Bigwood (Ancient Woodland and a designated Lincolnshire Wildlife Site). Therefore rather than remove this, the applicant is instead proposing that this now be retained as part of the revised restoration proposals.

Revised Proposals

8. The existing approved restoration scheme (Plan 1) was to create a single large water body representing 70% of the area, with marginal reed beds and emergent species such as willow. Tree planting was also proposed to be carried out in blocks to supplement the advanced planting carried out during 1987-1988 the largest block being to the south west of the site.



Plan 1 – Approved restoration scheme

9. The advanced planting was predominantly to the southern perimeter of the site (Photograph 1) and intended to screen views from Norton Disney village. This area of planting is now approximately 30 years of age and well established.



Photograph 1 – Conveyor route causeway and advance planting along southern boundary

10. The applicant has confirmed that the proposed variation to the restoration scheme (Plan 2) would to create the following habitats:
- Conservation grassland - both acid and wet would be created throughout the site dependent on the final ground levels and proximity to standing water;
 - The retention of two areas where sand and gravel has been exposed but not removed as these provide suitable habitat for invertebrates, reptiles and ground nesting birds. These areas would be enhanced to create an acid grassland mosaic;
 - Wet woodland (ref: P3) – this would be planted in proximity to the wetland ponds and surrounding marshland on the area formally occupied by the plant site, along the route of the former haul road and adjacent to Norton Bigwood and the retained western bund;
 - The retained pond and self-generated wetland mosaic including self-sown trees, to the south of the former plant site would be linked to two larger lakes located to the east by areas of woodland shrub planting (ref: P2);
 - The largest block of woodland planting would be carried out in the south west corner of the site (ref: P1) with further planting linking the

established perimeter planting along the southern boundary to the retained western perimeter bund and Norton Bigwood beyond;

- Four smaller areas of woodland planting would be carried out in the area that formed the entrance to the plant site (refs: P4 and P5). An area of planting adjacent to the cross-over point from Tonge's Farm (ref: P6) would also extend the mature perimeter planting into the site as would another area (ref: P7) which would supplement the mature planting in the south east corner of the site;
- The concrete haul road (Photograph 2) would be removed completely as would the tarmac bell mouth forming the entrance to the plant site. This would be replaced with a kerbed entrance mounted with a field gate to allow vehicular access to carry out maintenance and aftercare as required by Clause 2 of the S106 Planning Obligation which provides for the Long Term Management of the whole of Norton Disney Quarry.



Photograph 2 – Concrete haul road

- All areas along the margins of the water bodies, including the causeway separating the larger water bodies to the east (Photograph 1) of the site

would be allowed to continue to naturally vegetate either as reed bed or wet woodland.



Plan 2 – Proposed restoration scheme

11. With the exception of the western perimeter bund, which would be retained, all the soils in the perimeter bunds would be distributed across the site and graded to produce the landform necessary to support the habitats above.

Planting Schedule

12. All trees and shrubs are native with Oak being the predominant tree species and hazel, hawthorn and blackthorn being the main shrub species. The following table lists the proposed Planting Schedule of trees and shrubs identifying the locations illustrated in Plan 2 above:

	P1	P2	P3	P4	P5	P6	P7	Total
Total Trees	1,610	120	600	15	10	30	260	2,645
Total Shrubs	690	1080	600	60	30	120	75	2655
Total	2,300	1,200	1,200	75	40	150	335	5,300

13. The planting would be carried out in November to March and would be maintained in accordance with a programme that has already been secured as part of details approved pursuant to Condition 31 of planning permission ref: N47/66/0360/00 and the Section 106 Planning Obligation.
14. The open areas of grassland would be sown with a variety of Fescue species, Dogtail, Bent, Grass species, Cocksfoot, Birds Foot Trefoil, Yorkshire Fog, Clover and Foxtail at a rate of 3g per square metre.

15. The revised restoration proposals would provide for the restoration of the plant site and silt lagoons and represents the final stage of the restoration of the whole quarry. The restored site would still be accessible to members of the public by way of a permissive footpath that has already been secured through the Section 106 Planning Obligation relating to planning permission ref: N47/0449/06. However, as the restoration scheme for the site is also reflected within the existing Section 106 Planning Obligation, if this proposed amendment is to be approved then a Deed of Variation would need to be secured to ensure that the proposed changes are accommodated and covered by the same terms and obligations as the other areas of the site and wider restoration scheme.

Site and Surroundings

16. The site is located 10 kilometres southwest of Lincoln and approximately 400 metres north of Norton Disney, the site lies within the Witham Valley Country Park.
17. The nearest residential property is located approximately 100 metres from the entrance to the site. The former plant site was located to the north west of the original quarry, which is roughly triangular in shape. The boundary to the north and west of the site is adjacent to Norton Bigwood (Ancient Woodland and Local Wildlife Site), the eastern boundary is along Swinderby Road and the southern boundary is adjacent to open arable farmland.
18. The site is surrounded by a soil bund between 3 and 5 metres in height with established perimeter screen planting external to the bunds. The site is effectively screened from external distant views in all directions. There is some visibility into the site from Norton Bigwood (adjacent), now used for natural burials.

Main Planning Considerations

National Guidance

19. 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):

Paragraphs 6 to 17 – presumption in favour of sustainable development and core planning principles;

Paragraphs 109 to 125 – seeks to conserve and enhance the natural environment; prevent unacceptable risks from pollution and protect general amenity;

Paragraphs 186 to 192 - decision-taking should be approached in a positive way to foster the delivery of sustainable development and secure developments that improve the economic, social and environmental conditions in the area;

Paragraphs 196 and 197 – confirm that the planning system is a plan-led system and that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise;

Paragraphs 203 and 206 – advises on the use of planning conditions and states these should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development;

Paragraph 215 – due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is of relevance to the Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Plan (2016) and Central Lincolnshire Local Plan (2017).

20. In addition to the NPPF, in March 2014 the Government published the web-based National Planning Policy Guidance (NPPG). The NPPG also sets out the overall requirements for minerals sites, including in relation to assessing environmental impacts such as noise, light and visual amenity.
21. The consultation on the 'Draft revised National Planning Policy Framework' commenced 5 March 2018, although a material consideration is at an early stage and carries little weight but does include the following addition (summarised):

Paragraph 168 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Local Plan Context

22. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - 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 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; and
- 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 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.

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

Policy R1 (Restoration and Aftercare) states that proposals must demonstrate that restoration will be of high quality and carried out at the earliest opportunity.

Policy R2 (After-use) requires that the proposed after-use should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character, natural and historic environment of the area.

Policy R3 (Restoration of Sand and Gravel Operations within Areas of Search) specifically Trent Valley (south west of Lincoln within the Witham Valley Country Park): creation of habitats (particularly wetland, grazing marsh and wet woodland) to enhance local nature conservation and biodiversity value; provision of improved public access including links to surrounding green infrastructure; and the development of additional recreational facilities.

23. Central Lincolnshire Local Plan (2017) - the key policies of relevance in this case are as follows (summarised):

Policy LP1 (Presumption in favour of sustainable development) direct the Central Lincolnshire districts to take a positive approach and where planning

applications accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy LP2 (Spatial strategy and settlement hierarchy) identifies the site in the countryside.

Policy LP17 (Landscape) states that proposals must seek to protect and enhance the landscape value and character of the area.

Policy LP20 (Green Infrastructure Network) seeks to maintain and improve the green infrastructure network in Central Lincolnshire by enhancing, creating and managing multifunctional green space around settlements that are well connected to each other and the wider countryside. Identifying Strategic Green Corridors, Green Infrastructure Zones (24 Stapleford Wooded Vales) and Mosaic Heath Wet Wood Opportunity Areas

Policy LP21 (Biodiversity and geodiversity) states that proposed development should seek to protect, manage and enhance habitat networks.

Policy LP23 (Local Green Space and other Important Open Space) identifies areas of Local Green Space that will be protected from development in line with the NPPF in this instance the area of advance planting to the southern perimeter of the site now given the status of Primary Use Natural and Semi-Natural Greenspace.

Policy LP26 (Design and amenity) states that development must make effective and efficient use of land and should minimise adverse impacts on amenity.

Results of Consultation and Publicity

24. (a) Norton Disney Parish Council – have no objection to the variation of species of trees planted or any other variation in that sphere. They support the complete extraction of the concrete road, however, the proposed retention of the western bund, which would take away the natural topography of the area is viewed as a 'relic' of the areas' 'industrial past' which the Parish is keen to avoid.
- (b) Environment Agency (EA) – have no objection but requested that an Informative be attached to any permission granted which advises the applicant that they may need to vary the existing Environmental Permit ref: EPR/VP3095/A001.
- (c) Highways & Lead Flood Authority Officer (Lincolnshire County Council) - does not wish to object to this planning application.
- (d) MOD Safeguarding (RAF Waddington) – has no safeguarding objections.

- (e) Lincolnshire Wildlife Trust – generally supports the revised restoration plan but has requested that an Informative be attached relating to recommended seed suppliers, wild flower species and grassland management.
- (f) Arboricultural Officer (Lincolnshire County Council) – has no objection to the proposal.
- (g) The following bodies/persons were also consulted on the application on 5 April 2018 but no response or comments had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member – Councillor M Overton as a member of the Planning and Regulation Committee reserves her position until the meeting

North Kesteven District Council EHO

Countryside Officer (Lincolnshire County Council)

Forestry Commission

Woodland Trust

25. The application has been publicised by two notices posted at the site entrance and the entrance to Tonge's Farm extraction area and in the local press (Lincolnshire Echo on Thursday 12 April 2018). Ten letters of notification were also sent to the nearest neighbouring residents. Representations have been received from four residential properties in the local area as a result of this publicity/notification which contain objections on the following grounds (summarised below):

- Totally opposed to this application;
- The bunds should not be retained because they obscure the view;
- The bunds contain topsoil and seed stock which should be spread to assist in return to natural environment;
- The bunds are not a natural feature of this rural landscape and are alien industrial in character;
- Opposed to the removal of any bunds visible from the adjacent roads; and
- The soils from the bunds should be spread evenly on the lakeside to promote summer grazing opportunities that would enhance future sustainability.

District Council's Observations

26. North Kesteven District Council – does not wish to make any observations in respect of the proposal.

Conclusions

27. The development authorised by the original planning permission N47/66/0360/00 was granted 3 February 2003. This permission has been

lawfully implemented and the development commenced. This application has been submitted in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended) which allows for conditions attached to existing planning permissions to be amended or varied.

28. The applicant is seeking to vary condition 28 of planning permission N47/66/0360/00 to amend the approved restoration scheme at Norton Disney Quarry, Norton Disney. Having carried out a review of the approved restoration scheme the operator identified a number of issues which would prevent the site from being restored in accordance with the currently approved scheme. These issues have partly arisen as a consequence of the quarry firstly extending into Norton Low Wood, and secondly, as a result of a decision not to fully extract the sand and gravel within the plant site area once the buildings and structures had been removed. The amount of silt deposited in the lagoon adjacent to the plant site (following the extraction at Norton Low Wood) together with the unexcavated mineral at the plant site area left in situ, has consequently resulted in an excess of restoration materials available. As a result it is no longer possible to restore the site to a single lake covering 70% of the area and so revised proposals have been put together which would provide an alternative design for this area of the site.
29. The revised proposal would restore the site to a greater range of habitats thus resulting in biodiversity gain and contributing to enhancing the surrounding landscape. A number of objections have been received indicating that the retention of the perimeter bunds would be an unacceptable visual impact on the landscape of the area and that the soils within the bunds should be used in the restoration. With the exception of part of the western bund, which has already naturally revegetated with woodland species over a period of 20 years, all the perimeter and internal bunds will be removed and the soils used to create a mainly level landform with some undulations towards the centre of the site. With regards to the western bund being considered an 'industrial relic' and an 'unnatural feature' in the landscape, the proposal to plant 1,610 trees in area P1 that includes the bund will further soften any visual impact and the removal of the western bund would represent the loss of an established woodland edge habitat.
30. Rather than the approved single large waterbody, the existing ponds and wetland areas to the west of the site would be retained to create a mosaic of wet woodland, acid and wet conservation grassland, open sandy/shingle areas and marginal reedbeds. The larger waterbody to the east and south of the site has been divided in two by the former route of the conveyor from the extraction area of Tonge's Farm leaving a naturally vegetated causeway that would be allowed to develop into a reed bed. The margins of this waterbody have and would be allowed to continue to be, naturally colonised as a succession of reed beds and wet woodland (predominantly willow species).
31. Given the proximity of the site to Norton Bigwood (Ancient Woodland and LWS) the predominant habitat across the site would be wet woodland with

the planting of 5,300 trees and shrubs. To the south and southeast of the site would be areas of tree planting to create an enhanced corridor of trees to link the mature advance planting, now identified in the Central Lincolnshire Local Plan as Primary Use Natural and Semi-Natural Greenspace, to Norton Bigwood to the west and Tonge's Farm and Tonge's Plantation to the east.

32. Lincolnshire Wildlife Trust has requested that a condition be attached to secure twice yearly cutting and clearing of the grassland as part of the 5 year management plan and that an Informative be attached requiring the applicant to source the seed mixes from a supplier with Flora Locale accreditation to ensure local provenance. The grassland management plan proposed by Lincolnshire Wildlife Trust has already been secured as part of the Long Term Management Plan approved pursuant to a clause in the Section 106 Planning Obligation dated 26 February 2007 and it is not considered necessary to attach a condition in this instance.
33. Having reviewed the revised proposals I am satisfied that the proposed revised restoration scheme fulfils the aims and objectives of the NPPF and Policies DM1, DM2, DM6, DM11, R1, R2 and R3 contained within the CSDMP (2016) and do not conflict with nor compromise the Policies LP1, LP2, LP17, LP20, LP21, LP23 and LP26 of the CLLP (2017) that seek sustainable development through the effective and efficient use of land, by creating accessible green infrastructure that enhances both the landscape and biodiversity of the area.
34. Notwithstanding the appropriateness of the proposed revised restoration scheme, there is an existing Section 106 Planning Obligation which places a requirement on the operator to provide a permissive footpath within the site in accordance with the currently approved restoration scheme. The currently approved route of this permissive footpath would be changed as a result of these revised proposals and so as a consequence a Deed of Variation would need to be secured in order to amend the existing Section 106 Planning Obligation. Therefore if the Committee is minded to approve this application this would need to be secured before any decision can be issued.

Final Conclusions

35. 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 recites and updates (where relevant and necessary) the conditions that were originally included and attached to the previous planning permission.
36. 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:

- A. The applicant and all other persons with an interest in the land, entering into a Deed of Variation to amend the existing S106 Planning Obligation dated 26 February 2007 so as to secure a new route for the permissive footpath and the Long Term Management of the former Norton Disney Quarry.
- B. Subject to the completion of the Deed of Variation referred to above, the Executive Director of Environment and Economy be authorised to grant planning permission subject to the conditions and reasons set out below.
 - 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 W97/131925/14 has been implemented and therefore commenced.
 - 2. No topsoil, subsoil or overburden shall be removed from the site.
 - 3. No material shall be imported to achieve restoration of the site.

Scheme of working

- 4. The site shall be worked strictly in accordance with the details set out in Chapter 5 of the Environmental Statement and drawing numbers P1/1306/7(i)-(ix) received by the Mineral Planning Authority on 15 March 2000 except as may be modified by other conditions of this planning permission or as may otherwise be agreed in writing with the Mineral Planning Authority. No extraction shall take place outside the extraction boundary shown on drawing number P1/1306/6.

Access

- 5. All access to the plant site shall be via the access roadway to Swinderby Road constructed under planning permission N.47 & 66/534/88 granted 23 October 1995 and all access to Tonge's Farm and Norton Low Wood shall be via the access to Swinderby Road constructed under planning permission N/47/66/0360/00.
- 6. No vehicles authorised by this planning permission shall use the southern access to Tonge's Farm onto Swinderby Road shown on drawing number P1/1306/6.

Soil Movement/Storage

7. The soil storage and placement shall be implemented in full and carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 9 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003).
8. The soil bunds shall be maintained in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 10 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003).

Hours of Operation

9. Except with the prior written approval of the Mineral Planning Authority no operations authorised or required by this planning permission shall be carried out outside the following times:

0700 hours to 1800 hours Monday to Friday
0700 hours to 1200 hours Saturday

and no such operations shall be carried out on Sunday or Public Holidays.

Outside of these times the access gates to the site shall be locked shut.

Stockpiles

10. No stockpiles of material shall be created within the site other than the Plant Site Compound indicated on drawing number P1/1306/1/1 unless otherwise agreed in writing by the Mineral Planning Authority. All stockpiles within the Plant Site Compound shall accord with the details agreed under condition 22 of planning permission reference N.47 & 66/534/88 granted on 23 October 1995.

Noise

11. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers.
12. All pumps employed on site shall be housed in acoustic enclosures in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 14 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003).
13. All reversing vehicles shall be operated in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 15 of planning permission N/47/66/0360/00 (as set out in the decision letter

dated 5 March 2003) and the arrangements shall be maintained throughout the duration of the development.

14. Except during periods of soil reinstatement the level of noise at the locations identified in Schedule 1 of Appendix (V) of the Environmental Statement arising from the operations on the site shall not exceed the relevant criterion limit specified in the schedule. During the periods of soil replacement noise levels arising from such operations shall not exceed 70dB (LAeq) (1 hour) at those locations and shall not exceed a total of 8 weeks in any 12 month period.
15. The scheme of noise monitoring shall be implemented in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 17 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003) and the arrangements shall be maintained throughout the duration of the development.

Dust

16. The scheme of measures for the suppression of dust in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 18 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003) and shall be implemented in full throughout the duration of the development.

Wheel Cleaning

17. No vehicles or plant shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway. (was condition 21)

Water Protection and Pollution

18. Any fuel, oil, lubricant and other potential pollutants shall be handled on site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should be bent downwards into the bund.

Lighting

19. No additional lighting shall be installed on site unless otherwise agreed in writing by the Mineral Planning Authority.

Protected Species

20. The scheme of ecology shall be carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 24 of planning permission N/47/66/0360/00 (as set out in the decision letters dated 5 March 2003 and 1 October 2003) and the mitigation/compensation measures shall be implemented in full and maintained throughout the duration of the development.

Landscaping and Tree Planting

21. The scheme of tree planting in Tonge's Plantation shall be carried out in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 25 of planning permission N/47/66/0360/00 (as set out in the decision letters dated 5 March 2003 and 11 March 2003).
22. The existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped, topped or removed other than those identified in the approved scheme of working or by condition number 19 of this permission. Any such vegetation removed without consent, dying, being severely damaged or becoming severely diseased as a result of operations permitted by this planning permission shall be replaced with trees or bushes of such size as may be specified by the Mineral Planning Authority in the planting season immediately following any such occurrences.

Restoration

23. The bank profiles of the lakes shall be constructed in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 27 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003) and the site shall be progressively restored in accordance with drawing number P1/1306/8/1.
24. The plant site and silt lagoons shall be fully restored in accordance with the details listed in Document Ref: AW/559/P1 'Submission of revised restoration scheme pursuant to condition 28 (of planning permission N/47/66/0360/00)' date stamped received 3 April 2018 and Document Ref: AW/559/P1 'Submission of revised restoration scheme pursuant to condition 28' date stamped received 23 April 2018 and Drawing No. P1/559/15/13 'Final Restoration Plan: Plant Site' date stamped received 3 April 2018.
25. The aftercare scheme shall be implemented in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 29 of planning permission N/47/66/0360/00 (as set out in the decision letter dated 5 March 2003).

Maintenance Period of Tree/Shrub Planting

26. All tree/shrub planting undertaken pursuant to conditions of this planning permission shall be subject to a ten year maintenance period during which all losses shall be replaced in the first planting season after they occur.

Reasons

1. To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).
2. To ensure that resources are available for the restoration of the site.
3. For the avoidance of doubt as to the scope of the permission.
4. To ensure the development is carried out in accordance with the application as approved and to enable the MPA to adequately control the development.

5 6 & 17

In the interests of highway safety and safeguarding the local environment.

7 & 8

To protect the soils and ensure the progressive restoration of the site.

9, 10, 11, 12, 13, 14, 16 & 19

To protect the amenity of local residents.

15. To enable the MPA to adequately control the development.
18. To minimise risk of pollution of watercourses and the groundwater.
20. To minimise/mitigate against any adverse impacts on bats.
21. To comply with Section 197 of the Town and Country Planning Act 1990 (as amended) and in the interests of amenity and wildlife conservation.
22. In the interests of amenity and wildlife conservation.
23. To enable the MPA to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use.
24. To ensure that the area worked under planning permission N.47 & 66/534/88 dated 23 October 1995 is restored to a condition capable of beneficial use.
25. To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended) to ensure the restored land is correctly husbanded and to bring the land to the standard required for amenity use.
26. To ensure the successful implementation of the tree planting.

Informatives

Attention is drawn to:

- i) Letter from English Nature dated 20 June 2000;
- ii) Letter from the Environment Agency dated 19 February 2002 and letter Ref: AN/2018/127283/01-L01 dated 02 May 2018; and
- iii) Representation from Lincolnshire Wildlife Trust dated 26 April 2018.

Appendix

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

Background Papers

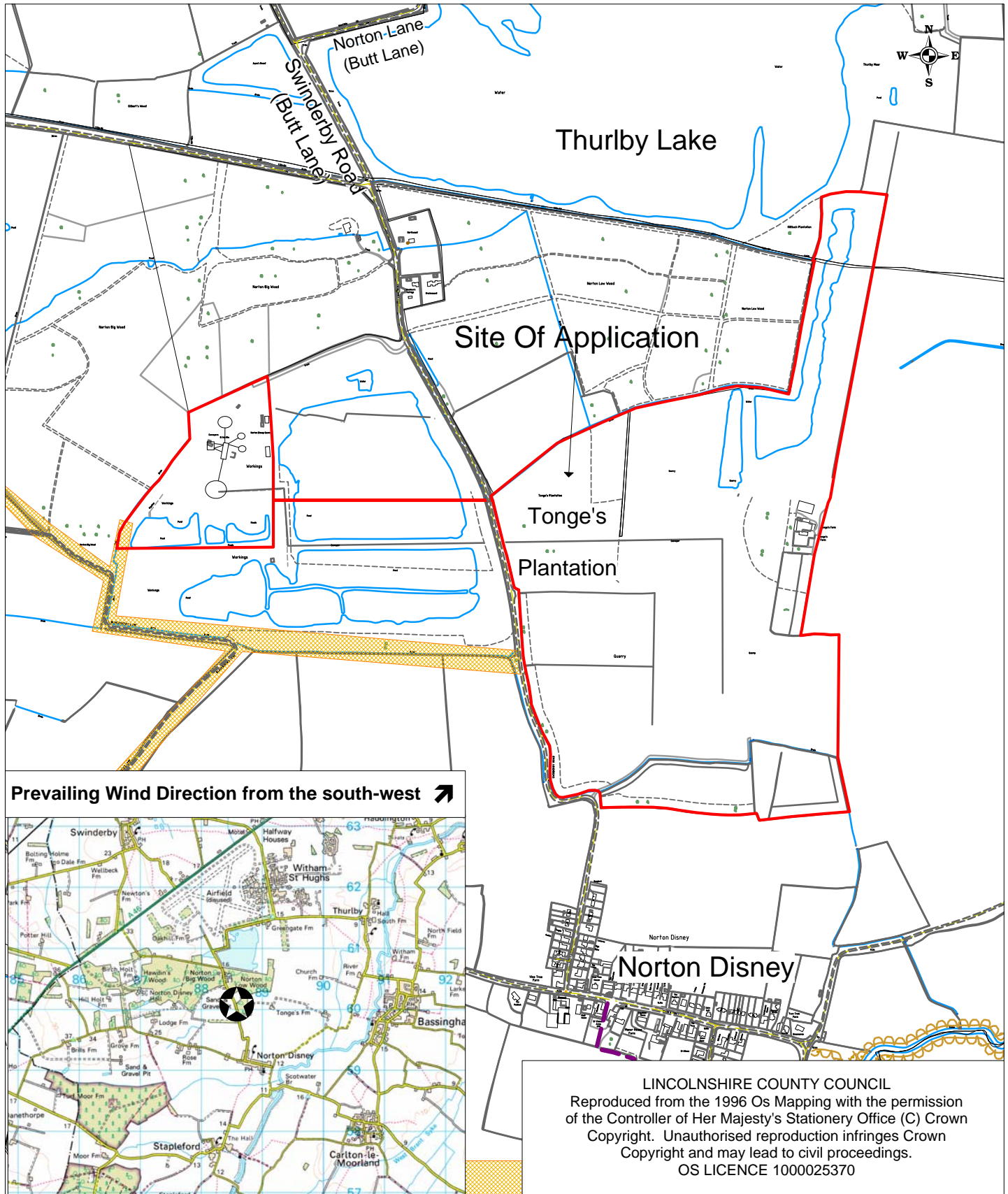
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File 18/0476/CCC	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Local Plan	
Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan (2017)	Central Lincolnshire Local Plan website https://www.n-kesteven.gov.uk/centrallincolnshire/local-plan/

This report was written by Felicity Webber, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 4 JUNE 2018



Location:
 Norton Disney Quarry
 Norton Disney

Description:
 To vary condition 28 of planning permission
 N47/66/0360/00

Application No: 18/0476/CCC
Scale: 1:10,000

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