

**Open Report on behalf of Andy Gutherson
Interim Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	13 May 2019
Subject:	County Matter Application - S56/2453/17

Summary:

Planning permission is sought by PJ Thory Ltd (Agent: S B Rice Ltd) to extract sand and gravel in order to create an agricultural irrigation reservoir (part retrospective) at Tithe Farm Pastures, Tithe Farm, Langtoft, Lincolnshire, PE6 9LN.

The application is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Statement has been submitted which assesses the potential impacts of the proposed development along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.

The main issues to be considered in the determination of this application are:

- whether the applicant has demonstrated a proven need for an irrigation reservoir of this size and holding capacity;
- whether the design of the reservoir is "fit for purpose", and;
- whether removal of the minerals from the site and impacts associated with the development would have a significant detrimental and unacceptable.

Having assessed the information contained within the application the need for an irrigation reservoir has been clearly demonstrated and the information submitted to justify the size of the proposal is satisfactory to demonstrate that it is fit for purpose and not excessive. In constructing the reservoir minerals would be extracted and exported off-site and the benefits of removing these minerals as opposed to their sterilisation or the potential environmental impacts that could arise in constructing the same above ground facility outweigh any impacts associated with the construction of this development.

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. In May 2016 South Kesteven District Council (SKDC) issued a decision notice (ref: S16/0835) confirming that a proposal to construct an irrigation reservoir and landscaped embankment at Tithe Farm, Langtoft fell within the provisions of Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) Order 2015 (the GPDO) and as such planning permission was not required. The proposed reservoir was to be created by excavating an area extending approximately 34,800sqm (3.48 ha) and designed to hold approximately 95,000m³ of water below existing ground level. The proposed reservoir was to be excavated to a depth of approximately 3m below existing ground level and surrounded by a substantial landscaped bund (4m high by 32m wide) formed using the materials excavated from the site.



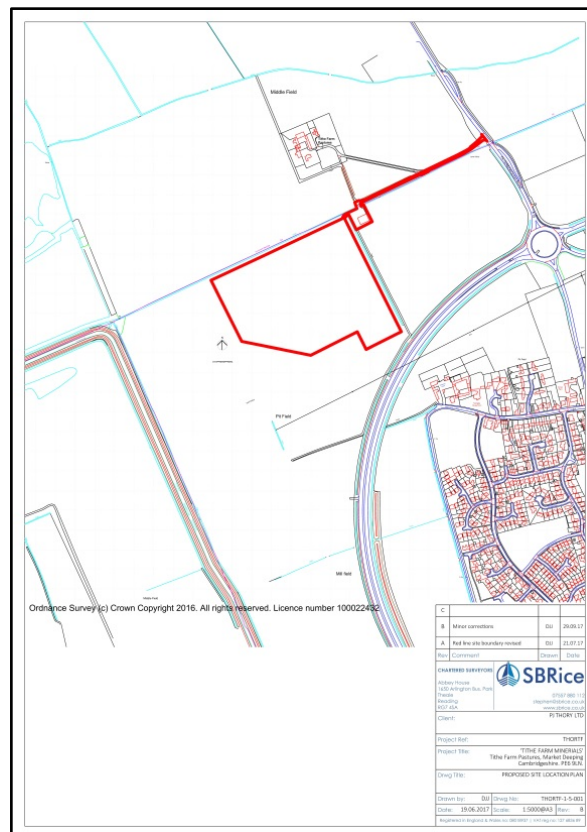
Reservoir granted by SKDC decision – S16/0835

2. Having obtained confirmation from SKDC that planning permission was not required for the proposed reservoir, the applicant states that further ground investigations were carried out and these revealed the presence of a mineral deposit within the site which extended to a depth of 3.5m below ground level. The applicant states that this mineral would not be suitable for the construction of the landscape embankment proposed and permitted by the SKDC decision and in any case its use for the purpose as permitted would not constitute a sustainable use for it once excavated. Consequently, the applicant wishes to extract and export this mineral for use off-site which under the terms and conditions specified within the GPDO is not permitted. Planning permission would therefore be required for this and given that a large element of the development would involve the extraction and exportation of minerals this proposal would constitute a 'county matter' and so any application made to the Mineral Planning Authority for determination rather than the District Council.

3. The applicant consequently submitted a planning application seeking permission to construct the same irrigation reservoir authorised by the SKDC decision but which would allow the minerals excavated during its construction to be exported and taken off site. The application was submitted in October 2017 and initially proposed to extract mineral from an area that was larger than that of the footprint of the final irrigation reservoir. However, during the consideration of this application, and as a result of discussions between the applicant and your Officers, the applicant has subsequently revised the proposal so as to reduce the extent of the proposed mineral extraction area and consequently a reduction in the total volume of mineral to be extracted from the site. This report therefore contains details of the revised proposal and summarises the information that has been submitted in support of the application.

The Application

4. Planning permission is sought by PJ Thory Ltd (Agent: S B Rice Ltd) to extract sand and gravel in order to create an agricultural irrigation reservoir (part retrospective) at Tithe Farm Pastures, Tithe Farm, Langtoft, Lincolnshire, PE6 9LN. The proposed reservoir would be used by the landowner (Sly Bros. (Potatoes) Ltd) who farm the land within which the reservoir is proposed and which surrounds it. This application is part-retrospective insofar as soils have already been stripped from the footprint of the proposed reservoir and stockpiled in a mound on adjoining land.



Site Location Plan

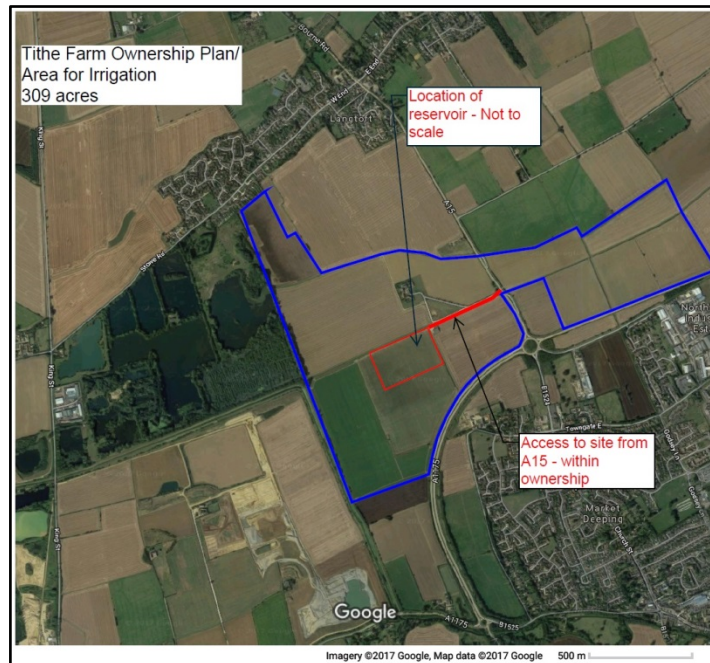


Proposed reservoir (soils stripped)

Need & Justification

5. The principal crops grown on the landowner's farmholding are potatoes and onions and a reliable and consistent supply of water is vital to maximise both yield and quality. It is stated that it is extremely important that water is applied at the correct time and in particular early in the growing season so as to minimise common scab, maximise tuber numbers and to encourage growth of the crop canopy. Since the introduction of the Water Framework Directive and in response to recent summer droughts, there have been greater restrictions placed on how farmers abstract water directly from water courses and boreholes during the summer months with more emphasis being placed on creating storage facilities that would allow water to be taken from watercourses during the winter months when water levels are high and to store this for use in the summer months. This is therefore the primary purpose for the reservoir proposed as part of this development.
6. The applicant states that the proposed reservoir would be used to store water that would be used to irrigate water dependant crops including onions and potatoes which the landowner currently grows on the farmholding on a rotation of 1 year in 5. The farmholding extends to 125ha and currently approximately 50 hectares of onions and potatoes are grown on the farm each year. Onions and potatoes require a minimum of 18cm of irrigation water per annum and so this requires a total of around 90-95,000m³ (approx. 90-95,000,000 litres) of water per annum. The landowner however, is also intending to include sugar beet in their rotation, possibly at the expense of onions, whilst retaining their acreage of potatoes in the rotation. Sugar beet requires significantly higher volumes of water for irrigation (up to 400cm per annum).
7. The proposed reservoir would be capable of storing approximately 100,000m³ (approx. 100,000,000 litres) of water which, allowing for 5-10% evaporation losses would provide the farm with approximately 90-95,000m³ (approx. 90-95,000,000 litres) of stored irrigation water. The proposed

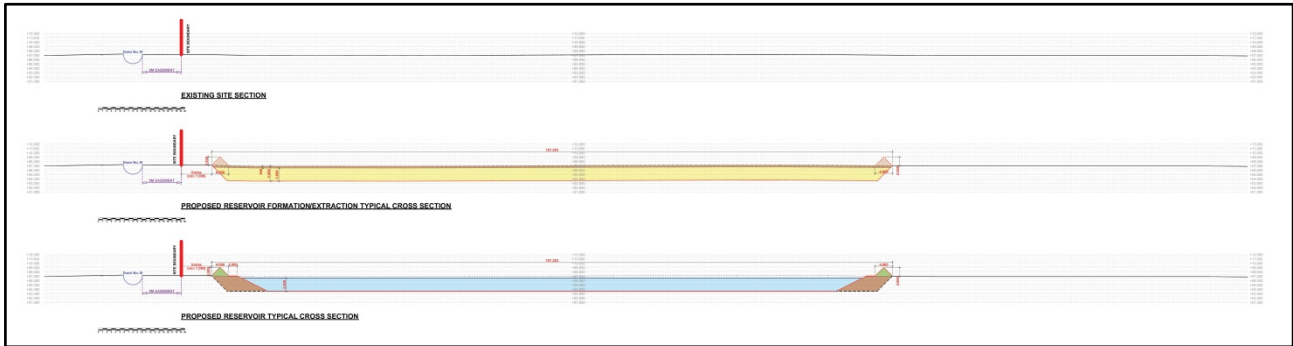
reservoir would be filled during the winter period by abstracting waters from Greatford Cut which lies approximately 500m to the south-west of the site. The Environment Agency has recently granted an abstraction licence for this very purpose. The reservoir would therefore ensure that there is sufficient water available throughout the year and help to reduce the demand and pressure on water resources during drier periods.



Tithe Farm Ownership Plan

Proposed Reservoir

8. The application site, including haulage route to the nearby A15, equates to around 10.54ha whilst the area to be excavated to create the reservoir is approximately 40,700m² or 4.07 ha. The original proposal was to excavate a much larger area (approx. 6.8ha) and extract around 195,000m³ (circa 292,500 tonnes) of sand and gravel during the construction of the reservoir. The mineral would have been exported at a rate of around 97,500 tonnes per annum and so taken around 3 to 3½ years to complete. The revised proposal however has reduced the footprint of the extraction area and consequently reduced the total volume of minerals to be extracted to around 122,100m³ (circa 183,150 tonnes). The applicant anticipates that the works would therefore take between 2 to 3 years to complete with the mineral being exported at a rate of around 61,050 to 91,575 tonnes per annum.



Sections

10. The site would be excavated as a single phase using mobile plant including an excavator and dumpers. The mineral would be exported 'as raised' and so no processing or screening plant is proposed at the site. The aggregate would be exported for use elsewhere which the applicant suggests could include infrastructure projects carried out by Highways England and Network Rail or other local projects. If neither of these projects/markets are identified within the available timeframe then the 'as raised' mineral would be transported to the applicants existing processing facilities at Willow Hall Farm Quarry near Thorney, Peterborough (approx. 25km from the site).

Environmental Statement

11. The application is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'). An Environmental Statement (ES) has therefore been submitted in support of the application. In accordance with the EIA Regulations the ES contains a statement setting out the relevant expertise or qualifications of the experts employed in the preparation of the ES and contains an assessment of the potential impacts arising from the development as well as identifying any mitigation measures that are proposed to be implemented in order to avoid, reduce and, if possible, remedy any significant adverse impacts.
12. The ES and the various assessments contained therein were written and based upon the originally proposed larger extraction development and therefore assessed the potential impacts of that proposal. Following the revisions made to the development, which reduced the size of the extraction area and volume of minerals to be removed, the applicant submitted addendums and further information to support the application. These reflect the revised, smaller proposal and, where necessary, updates the original ES and re-assess the impacts of the revised development. The original ES, subsequent addendums and further information submitted by the applicant meet the requirements of the EIA Regulations 2017 and the contents can be summarised as follows:
13. Chapters 1 to 6 of the ES sets out the background and planning history leading to this planning application; describes the methodologies used in

conducting the technical assessments which form the ES; describes the proposed development and alternatives considered; identifies the relevant planning policy framework, and; sets out the conclusions of the various technical assessments and reports that have been carried out as part of the ES.

14. Chapters 7 to 17 consider the impacts of the proposed development on a range of topics and provides a summary of the findings, along with any proposed mitigation for each of these. A summary of each of these chapters is as follows:

Chapter 7: Agricultural Land Classification – this assessment was produced based upon the original larger development and therefore represents a worst-case scenario when compared to the revised and smaller proposed development. The assessment confirms that a survey has been undertaken which concludes that the soils within the site are classified as Grade 3a and so the development would result in the permanent loss of an area of 'best and most versatile' agricultural land. The report states that whilst the land is classed as Grade 3a it could potentially be Grade 2 but because of its stoniness it is prone to drought. As it is difficult to remove stone from the topsoil and subsoil, an alternative method to off-set or reduce its droughtiness is to irrigate. The proposed irrigation reservoir would provide a source of water which would be used to irrigate water dependant crops such as potatoes, sugar beet and other root crops to be grown on land which would otherwise be unsuitable. If used correctly, the reservoir would consequently allow the farmer to potentially improve the classification of the remaining Grade 3a to Grade 2 land through irrigation.

Whilst this development would therefore result in the loss of some Grade 3a 'best and most versatile' agricultural land the impact of this loss would be mitigated by constructing a reservoir which would itself enable the remaining Grade 3a land to be improved to Grade 2 through irrigation. The assessment therefore concludes that the impact of the development on agricultural land would be neutral.

Chapter 8: Heritage Assessment – an assessment of the potential impacts of the development on heritage assets, including below ground archaeology, both within and the proposal site and within 2km of it has been undertaken. This assessment was produced based upon the original larger development and therefore represents a worst-case scenario when compared to the revised and smaller proposed development.

The assessment confirms that there is a Scheduled Ancient Monument (Village Cross, Towngate), two Conservation Areas (Market Deeping & Langtoft) and 99 Listed Buildings within 2km of the site (the vast majority of which are located in Langtoft or Market Deeping). Given the separation distance between the proposed development and majority of these heritage assets, a further assessment of the impacts of this proposal on these assets and their settings was scoped out and instead attention focused on four Listed Buildings - St Michaels Church in Langtoft and the farmhouse, barns

and maltings associated with the Towngate Farm complex which is located to the south-east of the site, on the outer edge of Market Deeping and situated on the opposite side of the A17 to the site. The assessment concludes that the development would not be seen from the Listed Buildings and given the general lack of intervisibility the impact of the development on the setting of these assets would be neutral.

In terms of below ground archaeology, a desk-based assessment was initially undertaken and submitted as part of the ES which confirmed that there could be heritage assets from the Prehistoric, Roman and medieval period within the proposed development area. Given this potential the ES recommended that further work/field evaluation be carried out. Although all of the topsoil and a large area of the subsoil had already been removed from the site, a further elevation of the site was consequently undertaken and this comprised of a geophysical survey and targeted trial trenching. These additional elevation works were completed following the submission of the application and the results submitted in order to supplement and complete the findings of the ES in August 2018. Together these assessments concluded that the impact of the development on heritage assets would be neutral.

Chapter 9: Dust - an assessment has been undertaken to identify the potential impacts arising from dust and air pollutants arising from the extraction and construction of the reservoir. This assessment was produced based upon the original larger development and therefore represents a worst-case scenario when compared to the revised and smaller proposed development.

The assessment concludes that the increase in vehicle movements associated with the development would not increase air pollutants or dust above acceptable levels. In respect of fugitive dust emissions, the assessment confirms that the nearest sensitive receptors consist of five residential properties which lie approximately 170m to the north of the site. The proposed works have the potential to generate dust as a consequence of activities such as soil stripping, soil storage, overburden removal and reinstatement. Mitigation measures have been identified which could be adopted to minimise and reduce any incidences or impacts of dust and these include practices such as the dampening down of surfaces in dry conditions, sheeting of vehicles transporting materials, reducing drop heights when transferring materials, suspension of operations in windy conditions, etc. It is concluded that subject to the implementation of these practices the development could be operated in a manner unlikely to cause adverse air quality of dust impacts on the locality or which would have an unacceptable adverse impact on the amenity of nearby residents.

Chapter 10: Ecology – this assessment was produced based upon the original larger development and therefore represents a worst-case scenario when compared to the revised and smaller proposed development.

The assessment confirms that there is the Langtoft Gravel Pits Site of Special Scientific Interest (SSSI) situated 470m to the west of the site and three non-statutory designated wildlife sites within 2km of the site (Deeping Mill Stream; River Welland, and; Tallington Lakes). Due to the separation distances between the proposed extraction site and these designated sites, the assessment concludes that there would be no significant impacts as a consequence of this development either as a consequence of changes to the underlying water environment or air born pollution. Mitigation measures have been designed into the development to ensure that no surface water or groundwater could gain access to the drainage ditches without first being treated and therefore this would protect the waters within these ditches and any species that they may support.

Potential impacts on species including bats, badgers, reptiles and invertebrates, have been assessed and no significant adverse impacts identified. Mitigation measures have been designed into the development to ensure that where impacts are identified any impacts would be temporary, minor and reversible. The assessment also concludes that the creation of the landscape embankments around the reservoir would have a positive effect when compared to the arable field as this would create habitat that would support invertebrates and would be suitable for shelter and breeding.

Chapters 11 & 12: Flood Risk and Hydrogeology – these chapters summarise the findings of a Flood Risk Assessment and Hydrogeological Impact Assessment which provide a comprehensive assessment of the potential risk of flooding and hydrogeological impacts arising from the proposed development. Those assessments were produced and based upon the original larger development and therefore represent a worst-case scenario when compared to the revised and smaller proposed development.

The assessments confirm that the site lies within Flood Zone 1 and so is classified as a very low flood risk area. The assessments consider the potential risks of flooding to and from the development from fluvial, surface water, groundwater and sewage/water mains sources and any impacts on hydrogeology.

In terms of groundwater, during the construction phase the mineral would be worked dry and so there would be no groundwater ingress into the excavation. Therefore the risk of groundwater flooding to the site is considered very low. Post construction the reservoir would be lined using underlying clay and therefore there would be no groundwater ingress into the reservoir and so similarly the risk of groundwater flooding is low.

In respect of surface waters, during the construction phase any rainfall would be collected within the excavation and the degree of flood risk posed by rainfall is considered to be low. Post construction the reservoir would be surrounded by a raised embankment which would marginally increase run-off into the reservoir and the surrounding land, however, the degree of flood risk arising from this run-off is not considered significant.

The site is not located close to sewers or any water mains and so the risk of flooding is considered to be very low for the site or the immediately surrounding area.

Overall the assessments conclude that the risk of flooding from the site from fluvial, surface water, groundwater and sewage/water mains would range from negligible to very low and would have no long-term impacts. The proposed development would not therefore have a significant adverse impact in terms of flooding or on the hydrogeological regime and would accord with the requirements of the National Planning Policy Framework and its supporting technical guidance.

Chapter 13: Landscape and Visual Impact – a Landscape & Visual Impact Assessment (LVIA) was produced which was based upon the original larger development. The LVIA recognises that the development would result in a loss of arable land and alter the visual appearance of the site. There would be some loss of the intensively farmed arable landscape however the proposed development would not change the key characteristics of the low-lying open landscape with the level horizons and large skies with open rectangular fields divided by drainage ditches and embanked rivers.

The assessment concludes that the proposed development has been designed to minimise the effects on landscape character and views. A 2m high landscaping bund would be constructed as part of the development and the stockpile of topsoil and overburden would be no higher than the landscaping bund and would be removed following the completion of the construction phase. No processing of minerals would take place on site and so the impact of the development would be temporary. The visual influence of the development is restricted to 1km distance and views would be largely restricted by distance and intervening trees and landscaping. Views would however be visible from the Public Right of Way which crosses the arable field within which the reservoir would be located however these would be restricted by the bund that would border the reservoir.

The LVIA concludes that whilst there would be some temporary landscape and visual effects arising from the proposals, these effects would be temporary and experienced at site level or in the sites immediate vicinity. When considered against the wider landscape context, on balance, these landscape and visual effects are considered to be acceptable and limited in terms of their influence on the overall character and views.

Chapter 14: Noise – a noise assessment has been conducted which considers the potential impacts of the operations on the surrounding area and nearby sensitive receptors. This assessment was produced based upon the original larger development and therefore represents a worst-case scenario when compared to the revised and smaller proposed development.

The assessment confirms that existing background noise levels are influenced by road traffic on the A15 and that this is relatively constant throughout the day. In addition there are regular tractor and plant

movements within the small farm yard to the north east of the reservoir site and surrounding fields which contribute to noise levels experienced in the area.

Typical background noise levels were recorded at and/or close to the residential properties close to the site and these were measured at between 43dB L_{A90} and 48dB L_{A90}. The assessment takes into account the guidance and advice on the control of noise from mineral extraction operations as contained within the Planning Practice Guidance (PPG) entitled 'Minerals' which advises that for normal daytime operations noise levels should not exceed 10dB above the background noise level subject to a maximum level of 55dB LAeq, 1 hour (free-field).

An assessment of the likely noise levels associated with the operation of the site indicates that the site operations would generate noise levels which would fall within the appropriate levels as set out in the PPG. Given the low level of noise predicted and as the levels as experienced at the nearby properties would fall within acceptable limits the development would not have an adverse impact on the occupants of properties living close to the site or the wider area.

Chapter 15: Transport – a Transport Assessment (TA) was produced and contained within the ES which was based upon the original larger development and considered the potential impacts of the development on the local highway network. Addendums to this assessment were later submitted (received February and March 2019) which updates and revises the findings of the TA given the revision and reduction in the volume of minerals to be extracted and therefore traffic movements associated with the development, and; any potential implications of a proposed petrol filling station which is being proposed at the roundabout of the A15/A1175 just to the south of the site.

In terms of access, as part of the proposal the existing access off the A15 would be upgraded as so as to allow two large HGV to pass one another and a further passing place would be constructed along the access road which leads from this access to the proposal site. The original TA confirmed that minerals extracted from the site would be exported using HGVs and assumed the site would operate 275 days per year and 61 hours a week and take 3½ years to complete. This would have generated around 17-18 HGVs (36 two way movements) per day however under this revised proposal this would now be reduced to around 16 HGVs (32 two-way movements) per day (if completed in 3 years) or 11 HGVs (22 two-way movements) per day (if completed in 2 years). When compared with that of traffic associated with the nearby Manor Pit and South Witham Quarries this is not significant.

In respect of the proposed petrol filling station, it is concluded that the accesses to the filling station and the reservoir sites would be far enough apart to avoid any problems of conflict or visibility. The filling station itself will not generate additional traffic past the reservoir access and traffic

generated by the filling station will not lead to capacity problems at its access junction or the A15/A1175 roundabout.

Taken together the original TA and the addendums conclude that the development would be acceptable in highways and transport terms.

Chapter 16: Public Right of Way – this section confirms that there is a Public Right of Way (PRoW) which passes immediately to the south-eastern boundary of the proposed reservoir. To ensure the safety of users the extraction and construction activities have been designed not to encroach upon the route of this PRoW. A post and wire fence would be erected alongside the northern side of the footpath to prevent users straying into the site. Warning and information signs would also be erected immediately adjacent to the footpath and will inform users that access to the site is restricted.

As none of the activities would impact upon the route of the PRoW there would be no need to either close or temporarily divert it. The assessment confirms that users of the PRoW may be subject to increased levels of noise whilst the footpath however any impacts would be temporary and transient in nature and therefore not deemed to be significant.

Chapter 17: Climate Change, Energy and Environmental Sustainability – this section assesses the likely significant impacts of the proposed development in terms of its effect on climate change both through the construction and subsequently its operation as a reservoir.

This section states that prior approval permission has already been granted by South Kesteven District Council for the reservoir however this proposal would allow for the extraction and removal of the underlying sand and gravel and therefore prevent its sterilisation. The extraction operations would use plant and equipment and the minerals would be exported in bulk tipper HGVs which would give rise to emissions (principally CO₂ and other greenhouse gases). The assessment states that the minerals would be extracted in the shortest possible time and in an efficient manner as possible. All plant and equipment would be operated only when necessary and be maintained so as to not only ensure economic efficiency (i.e. fuel reduce fuel consumption) but also to reduce impacts on the environment. The extracted mineral is to be transported off-site and used in projects close to the site or alternatively taken to the applicant nearby quarry for processing. This will reduce the distances materials travel for end-use and therefore again reduce emissions.

Overall it is concluded that the economic and social benefits of the proposed extraction of the minerals, along with the benefits that the irrigation reservoir will offer in terms of sustainable water management, outweigh the potential environmental impacts arising from its construction.

Site and Surroundings

15. The proposal site is located at Tithe Farm Pastures, Langtoft which is located approximately 1.25km to the south of the village of Langtoft whilst the outskirts of Market Deeping lie approximately 300m to the south east. To the west lies the Site of Special Scientific Interest (SSSI) Langtoft Gravel Pits (470m west) beyond which is operational West Deeping Quarry. To the east lies the A15 and the A15/A17 roundabout with the A17 itself lying to the south and which arcs around Market Deeping providing a physical barrier between properties lying in north-western corner of the village and the proposal site.
16. The proposed reservoir itself is located on a level area of land located in the north eastern corner of a large cultivated field. Topsoil (and some of the sub-soil) have already been stripped from the site and are currently being stockpiled in a mound located in the south-eastern corner of application site. Two watercourses lie in close proximity to the reservoir with one drain running east/west to the north and the other north/south to the east. An existing agricultural storage shed is located to the east of the proposed reservoir. Five residential properties are located approximately 170m to the north with access to these being shared via a private concrete and hardcore access road off the A15. A Public Right of Way (PRoW) crosses the field within which the reservoir is proposed and passes the south west corner of the extraction area. The route of this PRoW would not however be altered or affected by this proposal.



Tithe Farm Barn



Shared Access and Roadway



Shared Access and Roadway



Shared Access and Roadway

17. A planning application for a proposed Petrol Filling Station (PFS) on land lying immediately to the south-east of this reservoir is currently being considered by South Kesteven District Council (ref: S18/2263). The PFS proposal occupies an area of land extending 0.64ha and so if permitted would only reduce the total area of the farm-holding identified to be supported by the reservoir (125ha) by a small amount. As part of the PFS proposal highway improvement works are being proposed which include the creation of a right turn ghost island on the A15 just south of the access identified to serve this development.

Main Planning Considerations

National Guidance

18. National Planning Policy Framework (NPPF) (February 2019) 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 7 to 11 (Sustainable development) - states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways. These three objectives are: economic; social and; environmental.

For decision-making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting planning permission unless:

- the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

Paragraph 38 (Decision making) - states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 2, 47 & 48 (Determining applications) - states that planning law requires applications for planning permission to be determined in

accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (Use of planning conditions and obligations) – states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Paragraph 98 (Public Rights of Way) states that decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

Paragraphs 108 & 109 (Transport) states that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.

Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Paragraphs 148, 155 to 165 (Climate change and flood risk) states that plans should take a proactive approach to mitigating and adapting to climate change taking into account long-term implications including in respect of flood risk, water supply and biodiversity and landscapes. It is added that developments should seek to ensure that flood risk is not increased on or off-site as a result of development and that development is appropriately flood resistant and resilient and any residual risk can be safely managed.

Paragraphs 170 to 177 (Conserving and enhancing the natural environment) – states that planning decisions should contribute to and enhance the natural and local environment including by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland;

- minimising impacts on and providing net gain in biodiversity;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraphs 189 to 202 – (Conserving and enhancing the historic environment) require that the significance of heritage assets (inc. non-designated assets) be taken into consideration, including any impacts on their setting.

Paragraphs 212 to 214 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016), South Kesteven Core Strategy (2010) and the emerging South Kesteven Proposed Submissions Local Plan (2011-2036).

Paragraphs 203 to 206 (Minerals) – recognises that since minerals are a finite resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. Local Plans should also ensure that they (amongst other things):

- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it necessary for non-mineral development to take place;
- set out environmental criteria against which applications should be assessed so as to ensure that operations do not have unacceptable adverse impacts on the natural and historic environment or human health including from noise, dust, visual intrusion, traffic, etc;
- provide for restoration and aftercare at the earliest opportunity to high environmental standards.

Local Plan Context

19. Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) 2016 - the CSDMP sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County up to 2031. Of relevance in this case are the following policies:

Policy M11 (Safeguarding of Mineral Resources) seeks to protect mineral resources (including sand and gravel deposits) from permanent sterilisation by other development. Applications for non-minerals development in a minerals safeguarding area will be granted provided that it would not sterilise mineral resources or prevent future minerals extraction on neighbouring land.

Policy M14 (Irrigation Reservoirs) states that permission will be granted for new or extensions to existing irrigation reservoirs that involve the extraction and off site removal of minerals where it can be demonstrated that:

- there is a proven agricultural justification for the reservoir; and
- the need can be met by an irrigation facility; and
- an abstraction licence has been granted by the Environment Agency; and
- the design is fit for purpose; and
- the environmental impacts of removing material off-site would be less than constructing an above ground facility; and
- the proposals 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 waste management developments should address the following:

- identify locations which reduce distances travelled by HGVs in the treatment of waste, unless other environmental/sustainability considerations override this aim;
- implement the Waste Hierarchy and reduce waste to landfill;
- identify locations suitable for renewable energy generation;
- encourage carbon reduction measures to be implemented.

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.

Policy DM6 (Impact on Landscape) - states that due regard should be given to the likely impact of the proposed development on landscape, including landscape character, features and views. Development that would result in residual, adverse impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme.

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. SSSI's 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.

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.

20. South Kesteven Core Strategy (SKCS) (2010) - the SKCS provides the spatial policy framework for development and change in the district of South Kesteven for the period to 2026. Of relevance in this case are the following policies:

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

Policy EN2 (Reducing the Risk of Flooding) states that all planning applications should be accompanied by a statement of how surface water is to be managed and in particular where it is to be discharged. On-site attenuation and infiltration will be required as part of any new development wherever possible.

Emerging Local Plan

21. South Kesteven Local Plan (Proposed Submission) (SKLP) (2011-2036) – the SKLP will replace the current South Kesteven Core Strategy and sets out the vision, objectives and spatial strategy for development up to the year 2036. The Proposed Submission version of this Plan was submitted to the Secretary of State for formal Examination on 19 January 2019. Given its advanced stage of preparation, the emerging plan and policies contained therein can be given more weight in the determination of this application. The following draft policies are of relevance in this:

Policy SP5 (Development in the Open Countryside) states that development in the open countryside will be limited to that which has an essential need to be located outside of the existing built form of a settlement. Examples of the following types of development will be supported including agriculture, forestry or equine development and rural diversification projects.

Policy SD1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development

contained in the NPPF. Therefore planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SD2 (Principles of Sustainable Development in South Kesteven) states that development proposals will be expected to minimise the impact on climate change and contribute towards creating a strong, stable and more diverse economy. Development proposals shall consider how they can proactively minimise the effects of climate change and include measures to take account of future changes in the climate; consider how they can proactively avoid developing land at risk of flooding or where development would exacerbate the risk of flooding elsewhere; and proactively encourage, as appropriate the use of sustainable construction materials.

Policy EN1 (Landscape Character) states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

Policy EN2 (Protecting Biodiversity and Geodiversity) seeks to conserve, enhance and promote biodiversity and geodiversity interests and ensure that designated sites are protected and development not permitted unless the impacts can be avoided, mitigated and if mitigation is not possible, compensated for. Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless the need for, and benefits of, the development in that location clearly outweigh the loss or harm.

Policy EN3 (Green Infrastructure) supports development that maintains and improves the green infrastructure network by enhancing, creating and managing green space within and around settlements that are well connected to each other and the wider countryside. Proposals that cause loss or harm will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts. Where adverse impacts on green infrastructure are unavoidable, development will only be permitted if suitable mitigation measures for the network are provided.

Policy EN4 (Pollution Control) – states that development that, on its own or cumulatively, would result in significant air, light, noise or other environmental pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals.

Policy EN5 (Reducing the Risk of Flood Risk) states that development should be located in the lowest areas of flood risk, and where this is not possible all development must avoid increasing flood risk elsewhere.

Policy EN6 (Historic Environment) states that where development affecting archaeological sites is acceptable in principle, the Council will seek to ensure mitigation of impact through preservation of the remains in situ as a preferred solution. When in situ preservation is not practical, the developer will be required to make adequate provision for excavation and recording before or during development.

Policy DE1 (Promoting Good Quality Design) - seeks to ensure high quality design is achieved throughout the District. Proposals should (amongst other things) ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light; retain and incorporate important on site features, such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancement into the development and provide well designed hard and soft landscaping.

Results of Consultation and Publicity

22. (a) Environment Agency (EA) – has confirmed they have no objection to the proposed development.
- (b) Highway & Lead Local Flood Authority – no objection but has requested that planning conditions be imposed on any permission granted which would require the improvements to the existing access onto the A15 to be carried out and for details of wheel washing facilities to be submitted for approval.
- (c) Natural England (NE) – has no objection as the development would not have any significant adverse impacts on designated sites.

It is added that the development would result in the loss of 'best and most versatile' (BMV) agricultural land and whilst they do not wish to comment in detail on the soils and reclamation issues arising from this proposal, they have offered the advice and comments:

- NE are satisfied that the site working and reclamation proposals provided in support of this application meet the requirements for sustainable minerals development, set out in current Planning Practice Guidance 'Minerals' particularly section 6 on restoration and aftercare of minerals sites.
- NE note that the information presented in the application is sufficient to demonstrate that an equivalent area of the BMV land disturbed as a result of the development would be reinstated to a similar quality.
- NE confirms that it would be appropriate to specify agriculture as an after use for the reservoir and for the land to be reclaimed so that the physical characteristics of the land when restored, so far as practicable, is as it was when last used for agriculture.

- NE is satisfied that the Soils and Agricultural Land Classification Report constitutes a record of the pre-working physical characteristics of the land within the application site boundary.
- Defra's Good Practice Guide for Handling Soils provides detailed advice on the choice of machinery and method of their use for handling soils at various phases. NE therefore recommend the adoption of "Loose-handling" methods (as described by Sheets 1-4 of the Guide) to minimise damage to soil structure and achieve high standards of restoration.

(d) Historic Environment (Lincolnshire County Council) – has provided the following comments (summarised):

Built environment – there are a number of Listed Buildings in the area including Towngate House in Market Deeping and St Michaels Church in Langtoft. However, it is concluded that the development would have a negligible effect on the character and setting of these buildings and so has no objection to the proposals.

Archaeology – initially responded recommending that further information in the form of an archaeological evaluation of the site be undertaken so that sufficient information would be available to enable a reasoned decision to be made. It was advised that this further evaluation should initially consist of a geophysical survey and this should help to inform any trial trenching strategy.

A further archaeological evaluation including a programme of trial trenching was subsequently undertaken and the results were submitted in support of the ES in August 2018. Having reviewed these the HER Officer responded noting that the evaluation produced very disappointing results as the removal of the topsoil from the site has almost certainly removed the majority of any potential archaeology on this site. The survival rates of any remaining archaeological features are therefore considered extremely low and this, accompanied by the lack of legibility and potential issues dating any of the severely truncated features, means that the creation of a meaningful archaeological record from further work on this site is severely compromised. In light of this no further archaeological work is required in this case.

(e) Countryside & Public Rights of Way – has confirmed that the Market Deeping Public Footpath No.1 runs immediately to the south of the proposed reservoir but given the information contained in the application it is expected that the definitive line and customary width of the path would not be affected by this development. It is added that during any works allowed by this proposal, users of the Public Right of Way should not be inconvenienced or exposed to hazards by any such works.

- (f) Ministry of Defence (Safeguarding) - has confirmed that the proposal site is approximately 13.4km north east from the centre of the main runway at RAF Wittering and therefore falls within the statutory aerodrome height and birdstrike safeguarding consultation zone. However, due to the type of development and given its scale and the presence of other waterbodies within the wider area, the reservoir would not result in the formation of a significant additional habitat and so have no safeguarding concerns from a height or birdstrike perspective.
- (g) South Fenlands Partnership – has commented that the proposal site lies within the South Lincolnshire Fenlands Partnership project area. The project is seeking ways to re-address the loss of Lincolnshire's historical wet-fenlands and their associated plants, animals and heritage by restoring fenland and wetland habitats.

In terms of this proposal it is stated that whilst the Environmental Impact Assessment concludes that the proposed extraction and restoration will not have an adverse impact on the environment, there are 112 notable species of local and national importance found within 2km of the site and a Site of Special Scientific Interest within 500m of the site. The Partnership therefore feels that there is great opportunity for further environmental enhancement at little environmental cost, particularly within the context of the aims of South Lincolnshire Fenlands Partnership project. A number of suggestions about this proposal are offered which are summarised as follows:

- It is suggested that consideration be given to removing the bund to allow the restored site a more open aspect; overburden could be used to create a shallow profile around the edge of the reservoir.
 - It is suggested that the profile of the irrigation reservoir should include shallow edges to allow some plant growth and provide better habitat for bird species.
 - It is suggested topsoil should not be replaced when re-profiling the area surrounding the reservoir as this will encourage greater plant diversity and reduce the amount of nettles and other undesirable plant species. A suitable grass and wildflower seed mix could also be sown around the reservoir edge. A suitable, locally sourced seed mix, together with low nutrient soil, would encourage a greater diversity of plants and attract insects and birds to the site and improve the biodiversity of the area.
 - The ditches and drains around the site should continue to be correctly maintained in order to retain biodiversity.
- (h) The following persons/bodies were also consulted on the application but no comments/response had been received by the time this report was prepared.

Local County Council Member, Councillor R Trollope-Bellew
Adjoining Local County Council Member, Councillor B Dobson
Environmental Health Officer (South Kesteven District Council)
Market Deeping Parish Council
Langtoft Parish Council (adjoining Parish)
Lincolnshire Wildlife Trust
Lincolnshire Fieldpaths Association
Ramblers Association (Lincolnshire South)

23. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 14 December 2017) and letters of notification were sent to the nearest neighbouring residential properties to the site.
24. A total of 3 representations have been received. One representation is from a local Parish Councillor (Cllr A Brookes), another is made by a Planning Consultant on behalf of the residents of Tithe Barn Farm (the nearest residential property) and another from a resident of Market Deeping. A summary of the objections and comments received in these representations is set out below:
- The proposal site is located 145m from the nearest residential property and the impacts from the extraction operations would have a significant adverse impact on the residential amenity.
 - Given the existing and former quarry workings at Tallington, West Deeping and King Street it is somewhat unlikely that the applicant did not consider that there might be mineral reserves within the site when they first proposed the development and applied for permission to the District Council.
 - The site lies within an area of known to contain important archaeological features of Bronze Age and Iron Age. Therefore concerned that the unauthorised works could have destroyed important features.
 - Policy R2 of the Minerals & Waste Local Plan requires after-uses to enhance and secure a net gain in public access to the countryside. This proposal does not provide such an enhancement although there are opportunities to secure such a net gain by creating a new permissive path which would connect with existing routes in the area.
 - The access road to the site is shared by residents living close to the site and so there are concerns about the safety of users given proposed use of this route. This roadway is narrow (less than 4m) and whilst a passing bay is proposed this would not be sufficient to ensure the safe passage of vehicles and lead to conflicting vehicle movements and loss of residential amenity.
 - The visibility and access onto the A15 is poor and even with the proposed improvements fully laden trucks would take considerable time to turn out of the site and this is a safety risk to other road users.
 - Concerns regarding the potential for mud and debris to be deposited on the shared access road and for dust to blow over to the nearby

residential properties for the duration of workings and these would have a harmful impact on residential amenity.

- Significant concern that the developer will seek to expand the workings to surround the residents with mineral workings – this would undermine the justification for the irrigation reservoir in the first place and lead to a wholly unacceptable degradation of residential and rural amenity.

District Council's Observations / Recommendations

25. South Kesteven District Council – has confirmed that they have granted permission for the creation of an irrigation reservoir and landscaped embankment at the site (ref: S16/0834) and so have no further comments or matters that they require the Mineral Planning Authority to give consideration to outside of their usual remit when considering mineral applications. The District Council therefore has no objections and no further comments to make on the specifics of the development.

Conclusions

26. The main issues to be considered in the determination of this application are whether the applicant has demonstrated a proven need for an irrigation reservoir of this size and holding capacity; whether the design of the reservoir is "fit for purpose", and; whether removal of the minerals from the site and impacts associated with the development would have a significant detrimental and unacceptable adverse impact on the environment and amenity of nearby residents.

Need and agricultural justification for the reservoir

27. A significant volume of sand and gravel would be extracted in the construction of the reservoir however these are incidental to the creation of the reservoir and are not therefore the primary purpose or driver for this development. As a result, the policies contained in the CSDMP which usually apply when considering applications for new sand and gravel workings (namely Policies M1, M2 and M3) are not applicable in this case. Policy M14 of the CSDMP does however specifically relate to proposals for irrigation reservoirs where the extraction and export of minerals is proposed and this policy sets out the criteria that must be met if proposals are to be supported. The first three of these criteria are that:
- i) there is a proven agricultural justification for the reservoir; and
 - ii) that the need can be met by an irrigation facility; and
 - iii) an abstraction licence has been granted by the Environment Agency.
28. Changes in legislation and the increasing pressure on water supplies have led to a need for farmers to create winter storage facilities rather than rely on summer abstraction. Information provided in support of the application demonstrates that there is a need for a high volume of water (circa 90-95,000m³ per annum) to irrigate crops such as onions and potatoes that the landowner currently grows on his farmholding. The landowner is also

looking to expand the type of crops grown so as to include sugar beet and these require even more water than onions and potatoes.

29. The proposed reservoir is of a size and depth that it could hold around 100,000m³ of water at any one time. This volume of water is largely the same as that which is identified as necessary to meet the irrigation needs of the landowner and consistent with that of an abstraction licence which has recently been granted by the Environment Agency which will allow the landowner to abstract up to 104,400m³ of water annually from the Greatford Cut. The proposed reservoir would enable waters abstracted from the nearby water course to be held and stored so they can be used during the summer months when flows are lower and other demands and pressures on water are higher. Given the above I am satisfied that the applicant has demonstrated a proven agricultural need for the reservoir which can be met by the facility and that an abstraction licence for this very purpose has already been obtained which further supports the basis and justification for this reservoir. I am therefore satisfied that the development meets the first three criteria of Policy M14.

Design & benefits over an above ground facility

30. Before the proposal can be considered fully compliant with Policy M14 however it is still necessary to assess whether:
- iv) the design of the reservoir is fit for purpose;
 - v) whether the environmental impacts of removing material off-site would be less than constructing an above ground facility; and
 - vi) the proposals accord with all relevant Development Management Policies set out in the Plan.
31. In order to assess the appropriateness of the design of the reservoir it is necessary to establish whether it is “fit for purpose” and whether or not it is excessive in size. It is also necessary to consider whether the environmental impacts of removing material off-site would be less than constructing an above ground facility.
32. In terms of design, the reservoir has been designed with a holding capacity that is consistent with the annual irrigation requirements of the landowner and that of the recently obtained abstraction licence. The mineral extraction footprint is however slightly larger than the area of the void and final body of water that would be held within the reservoir. This is due to the proposed extraction of minerals that underlie the landscape bunds that would be constructed around the reservoir and so this would release more sand and gravel that is strictly necessary to create the reservoir void itself. However, the site does lie in a mineral safeguarding area and Policy M11 of the CSDMP promotes and seeks opportunities to prior extract minerals from sites where they are at risk of sterilisation from non-minerals development. This proposal would therefore allow a reasonable degree of additional reserves which may otherwise be sterilised to be worked in line with the objectives of Policy M11. These additional sand and gravel reserves would

be worked from the outer limits of the final reservoir void and once removed the areas backfilled with the surplus overburden and soils stripped from the site. The extraction of these additional reserves would not therefore result in a final reservoir that is greater in size or capacity than that which has been proven necessary to meet the landowner's irrigation requirements and as such I am satisfied that the design, size and capacity of the reservoir is not excessive given the amount of water required for irrigation and therefore is "fit for purpose" and meets criterion iv).

33. An above ground reservoir of the same storage capacity would have to be constructed and engineered to a standard that meets the Flood and Water Management Act 2010 and Reservoir Act 1975. The bunds/dams required to hold such a volume of water would have to be substantial at around 4-4.5m high and be of considerable width. Such bunds would have to be constructed using a significant amount of engineering grade clays which would have to be imported to the site. The applicant estimates that this would require around 100,000m³ of materials and the construction timeframe would be much shorter at around 6 months. Compared with the proposed below ground facility, this would generate a significantly higher number of HGV movements over a shorter period of time and therefore have a greater impact on the wider area. The applicant states that an above ground facility would also present a potentially significant flood risk in the event of dam failure and that the costs of building such a large facility would in any case be prohibitively expensive meaning the farmer could potentially be without access to sufficient volumes of water during the drier months to irrigate their crops.
34. Taking into account the above, I am satisfied that an above ground reservoir could therefore have a potentially greater impact on the environment than that of the proposed below ground facility and therefore meets criterion v) of Policy M14.

Environmental and amenity considerations and impacts

35. The final criterion of Policy M14 requires that proposals accord with all relevant Development Management Policies set out in the Plan and a range of different environmental and amenity considerations are subject of these policies.

Historic Environment

36. The NPPF, Policy EN1 of the adopted SKCS, Policy EN6 of the emerging SKLLP and Policy DM4 of the CSDMP all seek to conserve and prevent any adverse impacts on the historic environment and heritage assets.
37. The information submitted as part of the ES confirms that the proposal site had the potential to contain archaeological features and assets from the Prehistoric, Roman and medieval period. Given this potential a series of further evaluation works have been carried out which included a geophysical survey and digging of several trial trenches across the site. However, as

soils have already been stripped from the site (which the applicant states were carried out in implementing the 'prior approval' decision for the same reservoir as granted by SKDC) this has compromised the ability to identify any important archaeological features which may have been present and the likely survival of any remaining features. Therefore despite the findings and conclusions of the ES, it has not been possible to identify and assess the significance of any such features or to secure mitigation measures that would conserve or preserve (by record) them and consequently demonstrate that the development would not have adverse impacts. Therefore the applicant has failed to demonstrate full compliance with the objectives of Policy EN1 of the SKDC, Policy EN6 of the emerging SKLLP and Policy DM4 of the CSDMP.

Highway & Traffic

38. The applicant has indicated that the revised development could take between 2 to 3 years to complete and this would equate to between 11 and 16 HGV loads per day (or between 22-32 two-way movements). All HGVs transporting minerals off-site would enter and egress the site via the existing access onto the A15 and it is proposed to carry out some minor improvement works to this access as part of the development.
39. Although representations have been received which raise concerns and objections regarding perceived transportation and traffic impacts, the Highways Officer has considered the information contained within the ES and supplementary addendums and confirmed that, subject to suitable conditions and the access improvement works, the development would not have a significant adverse impact on the function or safety of the highway network. Therefore whilst the concerns and objections of third parties are noted, the development does not conflict with the objectives of the NPPF and Policy DM14 and there is no evidence or grounds to warrant or justify the refusal of this development on highway safety grounds.

Agricultural Land

40. The NPPF and Policies DM11 and DM12 of the CSDMP seek to protect soils and the loss of best and most versatile agricultural land from inappropriate development. The application has been assessed and largely comprises of Grade 3a agricultural land with a small patch of Grade 2 land in the western most end of the site and therefore categorised as being of the best and most versatile.
41. The position of the irrigation reservoir has been chosen so that it can be used to irrigate the landowners farmholding which extends to some 125ha and which surrounds the application site. These fields are likely to be of a similar grade or higher than that of the proposal site and so whilst an area of best and most versatile land would be lost the position of the reservoir would ensure that only that which is of the lowest grade available in the area is permanently lost and therefore minimise the amount of loss of the best and most versatile agricultural land. On balance, it is considered that the

benefits of providing an irrigation reservoir in this location outweigh the loss of the best and most versatile agricultural land in this case and that the proposal does not conflict with the objectives of the NPPF or Policies DM11 and DM12 of the CSDMP.

Impact on the open countryside

42. Policy SP5 of the emerging SKLLP seeks to protect the open countryside by limiting development to that which has an essential need to be located outside of the existing built form of a settlement. The irrigation reservoir is related to an existing agricultural use and so needs to be located to its proposed end use and as such is appropriate within the open countryside and presents no conflict with this policy.

Public Rights of Way

43. Representations have been received which suggest that as part of this development an opportunity exists (and should be secured) to create a new permissive footpath to the north of the reservoir that would link with existing routes in the area. It has been suggested that the footpath could connect to an existing obstructed footpath (Langtoft 5/1) which lies to the west of the application site and provide a new link to the A15 to the east. This new route could act as an alternative safer route to the existing definitive route (Market Deeping No.1) which runs to the south-west of the site and which crosses the A1175 dual carriageway before providing access into Market Deeping. It is suggested that the creation of such an improved link would reflect the objectives of Policy EN3 of the emerging SKLLP and also Policy R2 of the CSDMP which lends support to the improvement and creation of new public access to the countryside, where appropriate, as part of restoration proposals relating to mineral or waste developments.
44. Whilst the above suggestion is noted, the creation of such a route in this case is not considered justified or appropriate. Although the restoration of typical mineral operations usually results in the creation or re-creation of habitats and secure after-uses where it may be appropriate to create or enhance public access, in this case, the restoration and after-use of the reservoir is purely functional and reflects its intended purpose and given this is acceptable and accords with Policies R1 and R2 of the CSDMP. The reservoir itself does not affect any existing Public Right of Way and so there would be no need to divert, extinguish or replace any existing routes as part of this proposal. The suggested new path lies outside the application site and so could not be secured by way of a planning condition but in any case I am not satisfied that it would be reasonable or necessary to secure the creation of such a path given that it is not related to this development and that it would not be necessary to enable the development to proceed. The provision of such a footpath is not therefore so fundamental that it would be necessary in its absence to refuse planning permission for the reservoir. As a result, it is not recommended that this path be secured as part of the development and that the development does not conflict with the objectives

of Policy EN3 and does in any case accord with Policies R1 and R2 of the CSDMP.

Noise & Dust

45. The nearest noise sensitive receptors are located to the north of the site and the noise assessment submitted as part of the ES confirms that the background noise levels experienced at those properties include a significant element of road traffic noise arising from the nearby A15. The noise assessment indicates that site operations would generate noise levels which would fall within acceptable limits as set out in the Planning Practice Guidance. I am therefore satisfied that the development would not have an adverse impact on the occupants of properties living close to the site or the wider area.
46. In respect of dust emissions, again given the separation distance between the proposal site and given the measures identified and proposed to be implemented to minimize dust emissions as par to the site operations, I am satisfied that these could be effectively controlled so as to not have an unacceptable adverse impact. Therefore subject to the imposition of appropriate planning conditions I am satisfied that the proposal would accord with the NPPF, Planning Practice Guidance, Policy DM3 of the CSDMP, Policy EN1 of the SKCS and Policies EN4 and DE1 of the emerging SKLLP.

Landscape & Visual

47. In terms of landscape and visual effects, after initial soil stripping and bund construction operational activities would take place partially below existing ground level and so the extraction operations would not be prominent with the exception of views from the adjoining public footpath that abuts the site. Any views from this public vantage point would however be temporary and transient in nature and not so significant to warrant refusal. The existing flat arable field would be altered during the construction phase and the landscape bunds around the reservoir would be retained following the completion of the works. The bunds and reservoir would therefore have a permanent and lasting impact on the immediate area surrounding area however when considered against the wider landscape context, on balance, these landscape and visual effects are considered to be acceptable and limited in terms of their influence on the overall character and views. Therefore I am satisfied that the proposed development would not be contrary to the objectives of Policies DM3 and DM6 of the CSDMP and Policies EN1 of both the adopted SKCS and emerging SKLLP.

Ecology, hydrology & flood risk

48. The assessments undertaken as part of the ES confirm that given the proposed depth of working groundwaters would not be encountered during the extraction operations and therefore dewatering would not be required. The assessments also conclude that the development would not have any

adverse impacts on the nearby Langtoft Gravel Pits SSSI and Natural England have consequently raised no objections to the proposals. The Environment Agency, who are the statutory body responsible for providing advice to Mineral Planning Authorities on matters relating to hydrology and hydrogeology, has similarly raised no objection and so, subject to the implementation of the mitigation measures proposed as part of the application, the development would not have an adverse impact upon the underlying groundwater or surface water regimes or ecology in and around the locality and therefore would not be contrary to the objectives of the NPPF or Policies DM8, DM15 and DM16 of the CSDMP, Policy EN2 of the SCKS and Policies SD2 and EN5 of the emerging SKLLP.

Human Rights Implications

49. 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.

Overall Conclusions

50. Planning permission is sought, in part retrospectively, for an irrigation reservoir on land located at Tithe Farm, Langtoft. The need for an irrigation reservoir has been clearly demonstrated and the information submitted to justify the size of the proposal is satisfactory to demonstrate that it is fit for purpose and not excessive. In constructing the reservoir minerals would be extracted and exported off-site and the benefits of removing these minerals as opposed to their sterilisation or the potential environmental impacts that could arise in constructing the same above ground facility outweigh any impacts associated with the construction of this development.
51. As the development is part retrospective the applicant has failed to be able to demonstrate full compliance with Policies EN1, EN6 and DM4 in respect of its impacts on the historic environment. Notwithstanding this however, when considered against the policies of the Development Plan as a whole, the development has demonstrated general conformity and compliance with the policies contained within the Development Plan and no significant objections or impacts have been identified which cannot be appropriately addressed or mitigated through the imposition of suitable conditions. Consequently, it is concluded that the proposed development is acceptable and planning permission can be granted.

RECOMMENDATIONS

It is recommended that:

- A. Planning permission be granted subject to the following conditions:

Scope of permission

1. This permission relates to the site edged red on Drawing No. THORTF-1-5-001 Rev.B for the construction of an irrigation reservoir including the winning and working and subsequent export of underlying sand and gravel reserves extracted as part of the development.

Reason(s): For the avoidance of doubt as to scope and nature of the development that is permitted.

Approved Plans and Documents

2. The development and operations hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
 - Planning Application Form, Design & Access Statement, Planning Statement (all date stamped 11 October 2017), Environmental Statement (dated October 2017) (Volumes 1 to 4) as amended and supplemented by the addendums and further supporting information received 3 January 2018, 13 August 2018, 30 August 2018 and 6 February 2019;
 - Drawing No. THORTF-1-5-001 Rev.B – Proposed Site Location Plan;
 - Drawing No. THORTF-1-5-002 Rev.D – Proposed Site Plan;
 - Drawing No. THORTF-1-4-001 Rev.C – Existing & Proposed Site Sections;
3. The maximum depth of working within the extraction site shall be 3.5 metres below existing ground level (as defined by reference to Drawing No. 0849_001_T_0 contained within Volume 2 of the Environmental Statement)
4. All mineral shall be exported off-site 'as raised' and no processing of any minerals shall take place at any time on the site

Reason(s): To ensure that the development is completed in accordance with the approved details.

Highway & Traffic

5. No mineral shall be exported from the site until details of the passing place to be provided along the single track access road between the A15 and the irrigation reservoir as indicated on Drawing No. SK04 Rev.A (contained within Appendix H of the Transport Statement dated August 2017 within Volume 2 of the Environmental Statement) have been submitted and approved in writing by the Mineral Planning Authority. The passing place shall be constructed in accordance with the approved details before any mineral is exported from the site and thereafter maintained in good condition

and free from obstruction for the duration of the construction phase of the development hereby permitted.

6. No mineral shall be exported from the site until the vehicular access to the A15 has been improved in accordance with the details shown on Drawing No. SK05 (contained within Appendix H of the Transport Statement dated August 2017 within Volume 2 of the Environmental Statement). The access shall thereafter be maintained in good condition and free from obstruction for the duration of the development hereby permitted.
7. No mineral shall be exported from the site until details of wheel cleaning facilities have been submitted and approved in writing by the Mineral Planning Authority. The approved facilities shall thereafter be implemented in accordance with the approved details and be available at all times for the duration of the construction phase of the development hereby permitted.
8. No HCV used to export minerals or soils from the site shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the public highway and no loaded HCV shall leave the site unsheeted.

Reason(s): To secure the highway improvement works proposed as part of the development and to ensure a safe access to the site and to prevent mud or other deleterious materials derived from the development being transferred onto the public highway in the interests of highway safety and safeguarding the local amenity and the environment.

Hours of Operation

9. Works associated with the extraction of minerals and the creation of the reservoir shall only be carried out between the hours of 07:00 and 18:00 hours Monday to Friday; 07:00 and 13:00 on Saturdays; and at no time on Sundays, Public or Bank Holidays.

Reason: To minimise the impacts of the development on the amenities of local residents and the surrounding area.

Soils

10. Topsoil, subsoil or soil making material shall only be stripped and handled when they are in a dry and friable condition, and no movement of soils shall take place between the months of November and March (inclusive) unless otherwise approved in writing by the Mineral Planning Authority in advance.

Noise and Dust

11. Except for temporary operations, noise levels as a result of the development hereby permitted, measured at a height of 1.5 metres above the ground level at the following identified noise sensitive locations, shall not exceed the limits set out below:

<u>Noise sensitive location</u>	<u>Noise Limit (LAeq, 1-hour) free-field</u>
Tithe Farm Pastures	53 dB
Vergette Court	55 dB

12. For temporary operations such as soil stripping and bund formation, the noise levels as a result of the development hereby permitted shall not exceed 70 dB LAeq, 1-hour free-field at any of the identified noise sensitive locations in Condition 11. The dates of these occurrences shall be notified in writing to the Mineral Planning Authority seven days prior to each event. Temporary operations which are likely to exceed the noise limits in Condition 11 shall be limited to a total of eight weeks in any 12-month period.
13. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers and white noise reversing devices.
14. All dust mitigation measures as set out in the Dust Action Plan contained within Section 6 of the "Dust and Air Quality Assessment for Proposed Mineral Extraction at Tithe Farm Pastures dated September 2017 (contained within Volume 2 of the Environmental Statement) shall be implemented in full for the duration of the operational/construction phases of the development.

Reason(s): To reflect the recommendations as set out in the Noise and Dust Assessments that formed part of the Environmental Statement and to ensure that noise levels and dust emissions arising from the development do not have an adverse impact upon local amenity or the surrounding environment.

- B.** This report forms part of the Council's Statement pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which requires the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 30(1)(d) the Council must make available for public inspection a statement which contains:
- the reasoned conclusion of the Council on the significant effects of the development on the environment, taking into account an examination of the environmental information;
 - any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
 - a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset likely significant adverse effects on the environment;
 - any monitoring measures considered appropriate by the Council;

- the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
- a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed;
- information regarding the right to challenge the validity of the decision and the procedures for doing so.

Informatives

- i) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified during the consideration of the application and amendments to the proposal so as to make it acceptable in planning terms. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.
- ii) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

Appendix

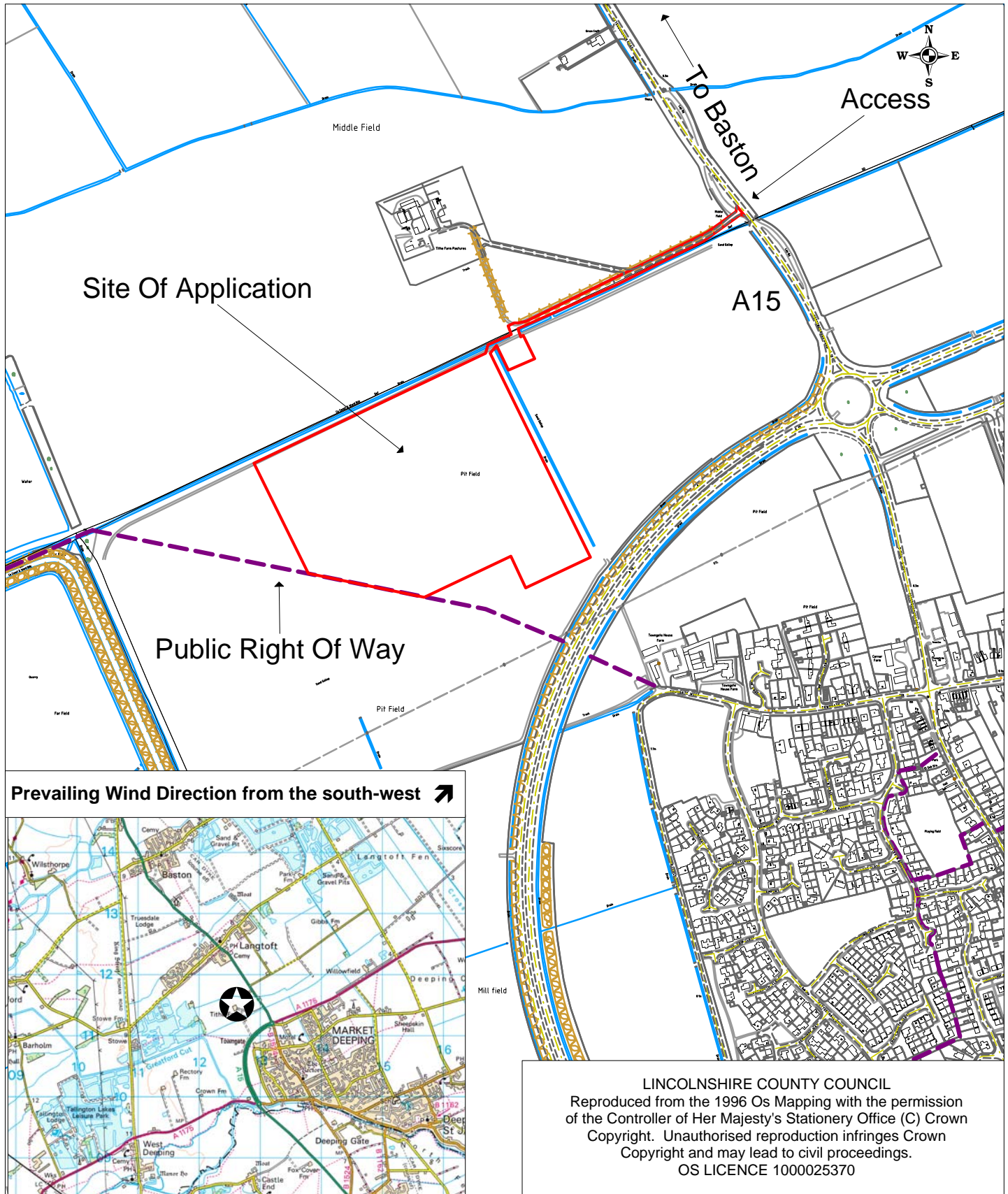
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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 S56/2453/17	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2019)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (2016)	County Council's website www.lincolnshire.gov.uk
South Kesteven Core Strategy (2010) and emerging South Kesteven Local Plan (Proposed Submission) (2011-2036)	District Councils website www.southkesteven.gov.uk

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



Location:
 Tithe Farm Pastures
 Tithe Farm
 Langtoft

Application No: S56/2453/17
Scale: 1:7500

Description:
 To extract sand and gravel in order to create an
 agricultural irrigation reservoir (part retrospective)