

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>13 May 2019</b>
Subject:	<b>Outcome of Planning Appeal – Proposed Extension to Dunston Quarry, Dunston County Matter Application - N26/0437/17</b>

**Summary:**

This report sets out the outcome of an appeal following the Council's decision to refuse planning permission relating to Len Kirk Plant Hire Ltd's (the Appellant) application for an extension to the existing quarry into 4ha of agricultural land at Dunston Quarry, B1188 Lincoln Road, Dunston, Lincoln, Lincolnshire

Having considered the arguments and representations made by the Appellant and the Council during the course of the appeal the Inspector decided to find in favour of the Appellant and consequently has allowed the appeal.

A copy of the Inspector's decision letter is attached as Appendix A.

**Recommendation:**

That the decision of the Planning Inspectorate is noted.

**The Proposal and Decision**

1. Dunston Quarry has a long planning history which commenced pre-1948. The extant permission for quarrying activities was granted in 2010 and requires extraction to cease and the site restored by no later than 27 May 2025. Planning permission also exists which allows for the recycling of construction, demolition and excavation wastes within the base of the quarry. A condition requires that this use cease no later than 27 May 2025 or when the winning and working of limestone at the quarry has permanently ceased, whichever is the earlier.
2. The limestone reserves within the quarry are nearing exhaustion and in 2017 the applicant submitted a revised application seeking permission to extend the quarry southwards into 4 hectares of agricultural land. The revised application followed the refusal of an earlier application for the same

development which was refused permission in December 2016. The proposed extension would yield around 400,000 tonnes of saleable limestone aggregate which would be worked at a rate of 50,000 to 80,000 tonnes per annum. Permission was sought until 2025 so as to be consistent with the extant permissions and the site would be progressively restored to a low-level using soils, interburden and limestone fines to create calcareous grassland, with scrub/woodland, wetland and geological exposures. The application was refused in June 2017 on the grounds that the proposal was contrary to the National Planning Policy Framework and Policy M5 of the Core Strategy and Development Management Policies document of the Lincolnshire Minerals & Waste Local Plan as there was no proven or quantitative need to justify the release of additional reserves given the substantial tonnage of existing reserves available.

3. The Appellant appealed against the decision and a Hearing was held on 12 March 2019. At the Hearing a Planning Inspector, appointed by the Secretary of State, heard evidence and representations submitted by the Appellant and the Council and having considered these arguments and representations decided to find in favour of the Appellant and consequently allow the appeal.
4. The Inspector decided that the proposed extension does comply with Policy M5 of the Lincolnshire Minerals & Waste Local Plan as without the extension, in the near future, he felt the Lincoln Urban market would have to largely rely upon aggregates from one other aggregate quarry and aggregates derived from other quarries that produce building stone. The Inspector took the view that the volume of aggregate from these other sources could be inconsistent as they are wastes and so not a reliable source. Given this the Inspector decided that there was a proven need for the release of new reserves as they could not be met from other existing sites/sources. The Inspector also decided that the extension would allow operations to continue and therefore contribute to the local economy and, given the small volume of mineral within the extension, the limited timeframe for extraction and lack of any significant environmental or amenity harm arising from its working and restoration, on balance, the development was acceptable.
5. A copy of the Inspector's decision is attached to this report as Appendix A. The implications of this decision including whether or not there is a need to consider any revision to the policies contained within the Core Strategy and Development Management Policies document of the Lincolnshire Minerals & Waste Local Plan will be taken into account as part of the forthcoming review.

<b>RECOMMENDATIONS</b>
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That the contents of the report are noted.

## Appendices

These are listed below and attached at the back of the report	
Appendix A	Planning Inspectorate's Appeal Decision dated 1 April 2019

## Background Papers

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

Document title	Where the document can be viewed
Planning Application File N26/0437/17	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX

This report was written by Marc Willis, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)



## Appeal Decision

Hearing Held on 12 March 2019

Site visit made on 12 March 2019

**by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI**

**an Inspector appointed by the Secretary of State for Housing Communities and Local Government**

**Decision date: 1<sup>st</sup> April 2019**

**Appeal Ref: APP/Q2500/W/17/3190663**

**Dunston Quarry, B1188 Lincoln Road, Dunston, Lincoln  
Lincolnshire LN4 2EX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Len Kirk Plant Hire Ltd against the decision of Lincolnshire County Council (LCC).
- The application No.17/0437/CCC (LCC Ref.No.N26/0437/17), dated 8 March 2017, was refused by notice dated 5 June 2017.
- The development proposed is an extension of the existing quarry into 4 ha of agricultural land.

### Decision

1. The appeal is allowed and planning permission granted for an extension of the existing quarry into 4 ha of agricultural land at Dunston Quarry, B1188 Lincoln Road, Dunston, Lincoln, Lincolnshire LN4 2EX in accordance with the terms of the application No.17/0437/CCC (LCC Ref.No.N26/0437/17), dated 8 March 2017, subject to the conditions set out in the Schedule of Conditions attached to this decision.

### Preliminary matters

2. The parties submitted a joint written statement to the Hearing about the demand for, and supply of, limestone aggregate.<sup>1</sup> In addition to the accompanied visit to the appeal site, I also visited the appellant's site at Whisby Road unaccompanied and viewed the property from the road. On 13 March, at LCC's request, I visited Castle Quarry at Ancaster, on an Access Required Site Visit basis.
3. Suggested planning conditions in the event that permission was granted were discussed at the Hearing. Revised wording for some conditions was subsequently submitted by the parties.<sup>2</sup> I invited written comments from the parties about possible additional changes to the suggested conditions, which I have taken into account.<sup>3</sup>

<sup>1</sup> Document 3.

<sup>2</sup> Document 5.

<sup>3</sup> Documents 6.1 and 6.2.

## **Main issues**

4. The main issues in this appeal are:

- (a) The effects of the proposed development on the character, appearance and amenity of the area.
- (b) The need for limestone aggregate, having regard to the likely future demand for, and supply of, these minerals.
- (c) Whether the benefits of the proposed development would outweigh any harm.

## **Planning policy**

- 5. Policy M5 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies, which was adopted in June 2016 (MLP), provides that extensions to existing limestone extraction sites will be permitted provided that they meet a proven need that cannot be met by existing sites/sources, and accord with all relevant Development Management Policies and Restoration Policies in the MLP. Table 3 of the MLP sets out a calculation of limestone aggregate provision for the plan period 2014-2031. It cites an annual requirement of 0.62 million tonnes (Mt) and reserves of 40.25 Mt at 13 December 2013.
- 6. The supporting text to Policy M5 states that these reserves are split between 13 quarries widely distributed over the limestone deposit between Lincoln and Stamford. The plan did not consider that any additional provision was necessary, but added that there may be exceptional circumstances over the life of the plan when the release of additional reserves may be justified, such as where it is essential to maintain continuity of supply due to special demand factors which would have an impact on the local economy.
- 7. The *National Planning Policy Framework* (hereinafter the *Framework*) provides that mineral planning authorities should plan for a steady and adequate supply of aggregates by, amongst other things, maintaining landbanks of at least 10 years for crushed rock, and ensuring that large landbanks bound up in very few sites do not stifle competition. Footnote 67 states that longer periods may be appropriate to take account of the need to supply a range of types of aggregate, locations of permitted reserves to markets, and productive capacity of permitted sites. The *Planning Practice Guidance* (hereinafter the *Guidance*), includes further guidance about landbanks.

## **Planning history**

- 8. Dunston Quarry has a long planning history which commenced pre-1948. The extant permission for quarrying activities was granted in 2010 and requires extraction to cease and the site restored by no later than 27 May 2025. The quarry has historically supplied a limited quantity of building stone, but its main output has been aggregate, with production levels of between 30,000 tonnes and 80,000 tonnes per annum. The appellant indicated at the Hearing that there has been no significant working in the last two years, and that remaining reserves at Dunston quarry were estimated at about 40,000 tonnes.
- 9. Planning permission was granted in 2016 for use of part of Dunston Quarry for the recycling of construction, demolition and excavation (CD&E) wastes. A

condition requires that this use shall cease no later than 27 May 2025 or when the winning and working of limestone at the Dunston Quarry has permanently ceased, whichever is the earlier.

10. The appeal scheme proposes an extension to the south of the existing quarry, utilising the existing access to the B1188, but with a separate drainage system to a new lagoon. It is anticipated that the extension would yield about 400,000 tonnes of saleable aggregate, which would be worked at a rate of 50,000 to 80,000 tonnes per annum. Permission is sought until 2025 to be consistent with the extant permissions for Dunston Quarry. Progressive low-level restoration would use soils, interburden and limestone fines to create calcareous grassland, with scrub/woodland, wetland and geological exposures. The restored areas would be subject to a 5-year aftercare period.
11. The appellant has another site at Whisby Road, which is located within the Lincoln urban area. It is proposed that a proportion of the output from the quarry extension would be transported in bulk to this headquarters site, where it would be available for collection in smaller quantities by contractors, as had previously occurred when the existing quarry was active.

## **Reasons**

### *Character, appearance and amenity*

12. The appeal site adjoins the existing quarry, which is located in the countryside to the north-west of Dunston village. The site lies within the Limestone Heath landscape character sub-area (LCA) of North Kesteven District Council's Landscape Character Assessment. This LCA is characterised by its elevation and its openness, with large agricultural fields and prominent small copses. It contains several active quarries, which are generally well screened, but where additional tree planting would improve their setting.
13. Mineral extraction and aggregate recycling are currently a feature of the local area. There is no reason to doubt that these activities are likely to remain a characteristic of the local landscape for the duration of the proposed extension to the quarry. Therefore, the proposal would not unduly impact upon the local landscape character of the area.
14. In terms of visual effects, the existing quarry is well screened from the road by a bund along its eastern boundary, which could be extended to screen the appeal site. After initial soil stripping and bund construction operational activities would largely take place below the existing ground level, and so the extraction and processing operation would not be prominent in any views from public vantage points.
15. The existing arable field would be substantially altered during the proposed operation, with inevitable effects on the character and appearance of the area. However, these effects would be time limited and the restored site, subject to appropriate conditions, would reasonably blend into the wider landscape. I find that the proposed development would have an adverse effect of moderate significance on the character and appearance of the area during the extraction operation and site restoration, but that in the longer term it would have a neutral impact on the local landscape.
16. The nearest noise sensitive receptor, Old Station House, is located on the eastern side of the B1188, opposite to the quarry access. Some noise from activity associated with the proposed quarry extension would at times be

apparent to the occupiers of this property. However, background noise levels here include a significant element of road traffic noise. The submitted noise assessment indicates that noise emissions from the proposed development would be within acceptable limits set out in the *Guidance*. Dust emissions could be effectively controlled by the measures set out in the proposed Dust Action Plan. I am satisfied that noise and dust are considerations that could be addressed by the imposition of appropriate planning conditions.

17. Mineral extraction of the 4-ha site would, to some extent, inevitably have a harmful effect on the character, appearance and amenity of the area. However, in the circumstances which apply here the adverse impacts could be effectively minimised by the imposition of appropriate planning conditions, such that any resultant harm would be limited. Nevertheless, this residual harm is a consideration to be weighed against the benefits of the proposed development.

*Need for and supply of limestone aggregate*

18. The parties acknowledge that the reserve position in respect of limestone aggregate has altered since the appeal was lodged. It is agreed that for the purposes of this appeal a reserve of 20.52 Mt, as cited in the draft 2017 East Midlands Aggregate Working Party, incorporating data from January to December 2017 (AWP), represents the most up to date publicly available figure.
19. The Lincolnshire Local Aggregates Assessment 2017 (reporting 2016 data) dated January 2018 (LAA) indicates that annual sales of limestone extracted in Lincolnshire from 2007-2016 ranged from 0.99 Mt in 2007 to 0.38 Mt in 2014. The average over this period was 0.53 Mt and the 3-year average for 2014-2016 was 0.52 Mt. However, the AWP cites aggregate sales in 2017 of 0.85 Mt. The appellant argues that a level of demand of 0.82 Mt is likely to continue because of new development and infrastructure provision in the Lincoln area. This is disputed by LCC, but would, if correct, currently provide for a 25-year landbank, and a landbank at the end of the plan period of about 11 years. LCC argues that if supply issues arose over this period then monitoring would trigger a review of the Plan.
20. The parties agree that quarries over 40 km from Lincoln are unlikely to routinely supply aggregates to the Lincoln urban area on an economic basis because of the low value of limestone aggregate. Five quarries were identified as potentially providing limestone for Lincoln in the longer term; Metherringham, Longwood, Brauncewell, Castle and Copper Hill quarries.
21. Metherringham and Longwood quarries are in the same ownership and their operator objected to the extension of Dunston Quarry on the grounds that there was no quantitative need given the significant consented reserves at these quarries. The objection added that there were also substantial consented reserves at Brauncewell. However, the LAA states that Brauncewell has an estimated life of reserves to 2021.
22. The building stone operation at Castle Quarry has a restriction of 15 HGVs in and 15 out per day, which is intended to prevent it from becoming a major aggregate producer.<sup>4</sup> Table 12 in the LAA, concerning productive capacity of limestone sites, states that both Metherringham and Castle quarries operate primarily for building stone, but periodically may produce significant quantities of aggregate. The planned production level at Copper Hill is 30,000 tonnes per

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<sup>4</sup> Document 4.



year. But the Hearing was advised that this quarry produces mainly high-quality building stone. No specific data was available to the Hearing about the split between building stone and aggregate production at the quarries that potentially could provide limestone aggregate for the Lincoln urban area. The LAA states that the overall sales and reserves include an average of 22% non-aggregates, but this is for all the quarries listed in Table 12, and there is nothing to indicate that this proportion applies to the 5 quarries at issue here.

23. There are clearly large reserves of limestone that could potentially supply the Lincoln market. However, the *Guidance* states that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. It adds that there are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank. These could include; significant future increases in demand that can be forecast with reasonable certainty; the location of the consented reserve is inappropriately located relative to the main market areas; the nature, type and qualities of the aggregate, such as its suitability for a particular use within a distinct and separate market; and known constraints on the availability of consented reserves that might limit output over the plan period.
24. Without an extension to Dunston Quarry the evidence indicates that limestone aggregate for the Lincoln market is likely to come from processing waste from quarries that mainly produce higher valued building stone, or from Metheringham and Longwood quarries, which are in the same ownership. The LAA states that the stone quarries may periodically produce significant quantities of aggregate. This is because stone quarry waste is usually dealt with on a campaign basis. There is no certainty about the quantity of aggregate produced from such waste, or when it might periodically be available to the Lincoln market. In addition, a large proportion of the aggregate potentially available to the local market is controlled by a single owner, which may have implications for how competitive the local market is at times. For these reasons, I do not consider that the existence of a large landbank here should rule out granting planning permission for what would be a relatively modest increase in reserves. I find that in the circumstances which apply here there is a local need for aggregate from the appeal site because of the contribution it would make to the local economy.

#### *Other benefits*

25. The appellant considers that there are exceptional circumstances in this case that should be taken into account. These concern; (1) employment considerations, particularly arising from the co-location of the extraction and recycling operations; (2) the relationship with the appellant's Whisby Road site; and (3) the opportunity to alleviate flooding along this part of the B1188.
26. (1) Between 6-8 people are normally employed at Dunston Quarry, but its operation supports other jobs, including HCV drivers, fitters, administrative and managerial staff. In total the appellant's business employs 28 people. The appellant indicated at the Hearing that the business had for some time been in "survival" mode with no significant aggregate extraction at Dunston Quarry. I am not, therefore, convinced that dismissing the appeal would necessarily result in the cessation of both the recycling and quarrying operations causing the loss of up to 28 jobs. Nevertheless, employment at the proposed extended quarry would be likely to be a significant benefit for the local economy.



27. There are also significant potential benefits arising from the co-location of CD&E wastes recycling with limestone aggregate extraction. This would have the advantage of more efficient utilisation of plant and infrastructure, and back-loading would offer potential to reduce vehicle miles in supplying aggregate to the Lincoln market. If these efficiencies made recycling CD&E wastes a more attractive option than landfill, then that would help to drive waste management up the waste hierarchy in accordance with national policy. The appellant's submission that the current recycling operation forms an important part of LCC's waste management strategy was not disputed at the Hearing. The continuation of the recycling operation cannot be guaranteed, but the potential advantages of co-location here are a consideration which weighs in favour of the scheme.
28. (2) The opportunity to provide for the collection of smaller loads from the appellant's Whisby Road site would also be beneficial in reducing vehicle miles. Dunston Quarry and the appellant's Whisby Road site are currently in the same ownership. However, there is nothing in planning terms to link the two sites. The sites could be operated by different owners or operated in a different way by the same owner. There is no certainty that this arrangement would be maintained in future. Little weight should therefore be given to any benefits of the appeal scheme from the potential for bulk loads to be transported to the Whisby Road site for collection by local contractors.
29. (3) It was apparent from my site visit that runoff from the B1188 drains into the quarry access, and that obstruction of this informal drainage results in localised highway flooding. The appellant has included provision within the proposed development to provide a sustainable drainage solution, by means of a pipe from the highway verge, under the quarry access road and landscaped bund, to drain into the lagoon proposed on the appeal site. However, these works would be located outside the appeal site edged in red on the application plans and could require an agreement under the Highways Act. The parties suggested a condition in a Grampian form requiring a scheme to alleviate surface water flooding on the B1188 be approved and implemented prior to development taking place.
30. I heard the views of the parties at the Hearing about whether these works would be necessary to enable the development to proceed. But it seems to me that the works are not so fundamental to the proposed development that it would be necessary in their absence to refuse planning permission for the quarry extension. I am not satisfied, having regard to the *Guidance*, that the suggested condition passes the tests set out in the *Framework*. The imposition of the Grampian condition agreed by the parties would be at odds with national policy and guidance. Whether the proposed development would, or would not, assist in alleviating flood risk on this part of the B1188 should not be an influential consideration in determining this appeal.

#### *Other environmental considerations*

31. The underlying limestone is designated as a principal bedrock aquifer. The site lies in an Outer Groundwater Protection Zone 2 as defined by the Environment Agency. The Planning Statement acknowledges that the main potential for groundwater impact would be localised contamination resulting from spills of fuel, oil or other potentially polluting materials. However, groundwater levels lie about 3 m below the base of the proposed working. Furthermore, Anglian Water Services Ltd's abstraction point is over 1,000 m to the south of the site.

- I am satisfied that with strict controls on the storage and handling of potential pollutants the proposed development would not pose an unacceptable risk of contaminating the aquifer.
32. The appeal site currently provides a poor habitat for wildlife. Site restoration would create improved habitat with open water, tree planting, 2.5 ha of calcareous grassland, 200 m of exposed quarry face and 100 m of new hedgerow. The scheme would cause some disruption and habitat loss during the operation, but thereafter would result in biodiversity benefits of moderate significance in the long term.
33. Soils in the area are variously classified as grade 2, 3a and 3b. There is evidence from the archaeological trial trenches that soils on parts of the appeal site are thin with a high percentage of limestone fragments, where retention of water would limit agricultural potential. I do not consider that the scheme would adversely affect a significant area of best and most versatile agricultural land. The proposal would reasonably comply with policy in the *Framework* which provides that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
34. The existing access adequately provides for the extant quarry and recycling operations, and there is nothing to indicate that it would not continue to do so if the quarry was extended by the appeal scheme. Dunston Parish Council commented on the use of Dunston Heath Lane, which lies to the south of the appeal site. However, there is no evidence to indicate that traffic generation from the proposed extension would have an unacceptable adverse impact on the local highway network.
35. A geophysical survey and trenching indicated that the greater part of the site is devoid of any significant archaeology. However, a potential enclosure was identified in the south-western part of the site. Further work would be required to date this feature and to preserve any heritage assets by record. This is a matter that could be addressed by a planning condition.
36. An approved landscaping scheme for restoration could require dense scrub planting in the vicinity of the proposed pond to deter use of the site by large birds that could potentially be a risk to air safety given the proximity of RAF Waddington. The proposed restoration includes appropriate buttressing to safeguard the gas pipeline that lies to the west of the site.

#### *Planning policy and planning balance*

37. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The *Framework* provides that best use needs to be made of mineral resources to secure their long-term conservation, and that planning policies should provide for the extraction of mineral resources of local and national importance, which includes aggregates. MLP Policy M5 was drafted when the previous version of the *Framework* applied, but the 2018 revision does not make significant changes to its provisions that are relevant to the issues which arise here. I am satisfied that Policy M5 is consistent with the *Framework*.
38. Reasonable evidence has been adduced about how the proposed extension would operate to benefit the Lincoln area aggregate market, which is sufficient to demonstrate a proven need for this development that cannot be met by

existing sites/sources. I find that the proposal would reasonably comply with MLP Policy M5. It would also accord with relevant Development Management Policies and Restoration Policies of the MLP. I have taken into account other development plan policies referred to in the appeal documentation and I am satisfied that the proposal would accord with the development plan as a whole.

39. Turning to the planning balance, the scheme would result in limited harm during the operational phases, along with moderate biodiversity benefits in the long term. The proposal, both by itself and in association with the permitted recycling operation, would be beneficial to the overall aggregate market in the Lincoln area. It would make a useful contribution towards the local economy. Given that Paragraph 205 of the *Framework* states that great weight should be given to the benefits of mineral extraction, including to the economy, I consider that the benefits here would outweigh the limited harm I have identified. In my judgement the planning balance here falls in favour of the proposal.

#### *Other matters*

40. I have taken into account all the other matters raised in the evidence, including the appeal decision at Denton.<sup>5</sup> The circumstances in that case were very different from those which apply at Dunston Quarry. The Denton scheme was for the extraction of 5.65 Mt of limestone at a rate of 200,000 tonnes per annum for a 30-year period. Because of the location of the Denton scheme some distance from Lincoln, it seems to me that the relationship of that proposal with the local Lincoln aggregate market would have been very different from that which would apply at Dunston Quarry. Given its location and scale, I do not consider that the appeal decision for the Denton scheme is very helpful in determining the appeal before me, which I have considered on its own planning merits. Neither this, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issues, which have led to my decision on this appeal.

#### **Conditions**

41. I have considered the need for conditions, along with the suggestions by the parties, in the light of the advice contained in the *Guidance*. A commencement period of three years would be appropriate here, and to effectively enforce conditions, notification of the date of commencement would be necessary (Condition 1). Given extant permissions for mineral extraction and recycling at Dunston Quarry a condition would be necessary to specify that the permission relates to the site edged in red on the application plans and is for the progressive winning and working of limestone and subsequent restoration of the site (Condition 2). Conditions 3 and 4 would be necessary to ensure that the temporary permission ceased and that the site was appropriately restored.
42. Otherwise than as set out in the decision and conditions, it would be necessary that the development was carried out in accordance with the approved plans, to ensure that it was in accordance with the scheme considered at the Hearing (Condition 5). There are insufficient details about landscaping and aftercare contained in the submitted documents, and so approval would be required for the matters set out in Condition 6 in the interests of the appearance of the area.

<sup>5</sup> APP/Q2500/W/17/3172131.

43. The proposed development should accord with the phasing set out in the application and discussed at the Hearing (Condition 7). The depth of working should be limited to minimise the risk to ground water (Condition 8). Hours of operation should be restricted in the interests of the amenity of the area (Condition 9). Conditions 10 and 11 would be necessary to maintain soils for restoration. Access would need to be restricted to the existing arrangement in the interests of highway safety (Condition 12). Loaded HCVs would need to be sheeted and tracks/highway maintained to minimise dust dispersal (Conditions 13 and 14).
44. The timing for the removal of vegetation should be restricted in the interests of biodiversity (Condition 15). Noise limits and silencers would be required to safeguard the amenity of the area (Conditions 16 and 17). For similar reasons there should be no blasting (Condition 18). Dust mitigation measures would be necessary for air quality reasons (Condition 19). To safeguard the underlying aquifer strict measures would be necessary for the storage and handling of potential pollutants, and to deal with any spillages (Conditions 20 and 21). Site restoration would need to be secured in accordance with the submitted restoration concept and approved details in the interests of the character and appearance of the area (Condition 22).
45. A scheme for archaeological fieldwork and recording would need to be approved and implemented in the interests of local heritage (Condition 23). Details would need to be submitted annually about the progress of extraction/restoration to enable effective monitoring of the development (Condition 24). For the reasons set out above, I do not consider that a Grampian condition should be imposed to secure off-site highway drainage.

### **Conclusions**

46. I have found that the planning balance here falls in favour of the scheme, and that the proposal would accord with relevant local and national planning policy. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*John Woolcock*  
Inspector

## APPEARANCES

### FOR THE MINERAL PLANNING AUTHORITY:

Marc Willis Applications Team Leader

### FOR THE APPELLANT:

Oliver Craven	Director Hughes Craven Ltd
Len Kirk	Appellant
Steve Kirk	Appellant

## DOCUMENTS SUBMITTED DURING AND AFTER THE CLOSE OF THE HEARING

Document 1	Council's letter of notification of the Hearing and list of persons notified
Document 2	Monitoring reports pursuant to Conditions 4 and 5 of the extant planning permission for Dunston Quarry [requested by Inspector]
Document 3	Joint written statement in respect of limestone supply and demand [requested by Inspector]
Document 4	Committee report for Castle Quarry
Document 5	Revised suggested planning conditions following discussion at Hearing
Document 6.1	Comment on additional conditions by LCC
Document 6.2	Comment on additional conditions by appellant

## SCHEDULE OF PLANS

Drawing No.0736-1-3 Site Boundary Plan  
Drawing No.0736-1-4 Topographic Survey  
Drawing No.0736-1-5 Phase 1 Working  
Drawing No.0736-1-6 Phase 2 Working  
Drawing No.0736-1-7 Phase 3 Working  
Drawing No.0736-1-8A Restoration Concept  
Drawing No.0736-1-9 Restoration Sections

## SCHEDULE OF CONDITIONS (1-24)

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.
- 2) This permission relates to the site edged red on Drawing No. 0736-1-3 for the progressive winning and working of limestone and subsequent site restoration.
- 3) Only on-site derived mineral wastes, overburden and soils shall be used in the site restoration. Nothing in this permission shall be construed as permitting the use of imported materials to achieve site screening, site restoration, or for any other purpose.

- 4) The development hereby permitted shall cease, and the site shall be restored in accordance with Condition 22 of this permission, no later than 27 May 2025, or when the winning and working of limestone in the area edged blue on Drawing No.0736-1-3 has permanently ceased, whichever is the earlier.
- 5) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule of Plans included in this decision, except where modified by conditions attached to this planning permission or details subsequently approved in writing by the Mineral Planning Authority pursuant to those conditions.
- 6) No development shall take place until a detailed landscaping and aftercare scheme has first been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details to cover the following:
  - (a) Full details of the grass/tree/shrub/hedge planting to be carried out as part of the restoration works, which shall include details of the species, densities, heights and means of protection. The scheme shall include dense scrub planting around the retained pond.
  - (b) Details of the measures to be taken to manage existing hedgerows and/or shrubs and trees to be retained so that they provide additional natural screening to the extended quarry.
  - (c) A scheme of aftercare detailing the steps to be implemented to bring the restored quarry to the required standard for the uses as shown on Drawing No. 0736-1-8A.

The aftercare period shall be five years. All restoration, landscaping and aftercare works shall be carried out and implemented in accordance with the approved details or any updated or revised details subsequently approved in writing by the Mineral Planning Authority in advance.

- 7) The site shall be progressively worked and restored in accordance with the phased programme as set out in Sections 5.4 and 6.3 of the Planning Statement, dated March 2017, and as shown on Drawing Nos. 0736-1-5 to 0736-1-9 (inclusive).
- 8) The maximum depth of working shall be 27 metres AOD.
- 9) Except as may otherwise be approved in writing by the Mineral Planning Authority in advance, the working and processing of minerals and their transportation from the site and all other associated activities at the site shall be restricted to between the following hours:  
07:00 to 17:00 hours Monday to Friday  
07:00 to 12:30 hours Saturdays  
No operations shall be carried out on Sundays or Public Holidays.
- 10) No topsoil, subsoil or overburden shall be removed from the site.
  - (a) 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.



- (b) The movement and handling of soils shall be in accordance with Sheet 1 (soils handling using excavators and dump trucks) and Sheet 15 (soils replacement with bulldozers and dump trucks) of the *Good practice guide for handling soils* published by the Ministry of Agriculture Fisheries and Food in April 2000 or any subsequent amending or replacement edition or guidance thereof.
  - (c) Topsoil and subsoils shall be stripped to their full depth and shall, where practicable, be immediately re-spread on those parts of the site where it is required in order to achieve the intended after-uses as shown on Drawing 0736-1-8A. If this immediate re-spreading is not practicable, the topsoil and subsoils shall be stored separately for subsequent reuse.
- 11) Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall not exceed 3 metres in height in the case of topsoil and 5 metres in height in the case of subsoils and soil making materials. Where soils are to be stored, any mounds should be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid the collection of water in surface undulations and shall not be subsequently moved or added to until required for restoration, unless otherwise approved in writing by the Mineral Planning Authority in advance.
  - 12) Access to and egress from the site shall only be by means of the existing access onto the B1188 as shown within the land edged blue on Drawing No. 0736-1-3.
  - 13) No HCV 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 enter the public highway unsheeted.
  - 14) The surface of the access and internal site roads shall be maintained and kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.
  - 15) No site preparation works that would involve the destruction or removal of vegetation shall be undertaken during the months of March to August (inclusive), unless otherwise approved in writing by the Mineral Planning Authority in advance.
  - 16) (a) 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:

Noise sensitive location	Noise Limit (L <sub>Aeq, 1-hour</sub> ) free-field
The Lodge	52 dB
Old Station House	55 dB
East View	55 dB

(b) For temporary operations such as soil stripping, replacement and bund formation, the noise levels as a result of the development hereby permitted shall not exceed 70 dB L<sub>Aeq, 1-hour</sub> free-field at any of the identified noise sensitive locations in Condition 16(a). 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 16(a) shall be limited to a total of eight weeks in any 12-month period.

- 17) 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.
- 18) There shall be no blasting associated with the permitted operations.
- 19) All dust mitigation measures set out in the Dust Action Plan contained within Sections 9.4 and 9.5 of the Planning Statement, dated March 2017, shall be implemented in full for the duration of the development.
- 20) Any facilities for the storage of fuels, oils, lubricants and other potential pollutants shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above the ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 21) No development shall take place until a scheme containing details of measures and equipment to minimise the possibility of contaminant spillage during the filling of fixed tanks and mobile plant, along with the movement of fuels, oils, lubricants and other potential pollutants to, from and around the site has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall also include details about measures and equipment to deal with any spillage of contaminants so as to minimise any pollution risk to the underlying aquifer. The approved scheme shall be implemented in full for the duration of the development.
- 22) The site shall be restored, and the land reinstated to the land uses as shown on Drawing No.0736-1-8A, Drawing No.0736-1-9 and the detailed scheme approved pursuant to Condition 6 of this permission.
- 23) No development shall commence until a written scheme of archaeological works, fieldwork, and provision for reporting and deposition of archives has been submitted to and approved in writing by the Mineral Planning Authority. The programme of analysis, reporting, publication and archiving shall be completed in accordance with the approved scheme.
- 24) No later than 31 December of each year, commencing in the year following implementation of this permission, the operator of the site shall submit written confirmation, including plans and survey levels, for consideration by the Mineral Planning Authority, documenting progress on the site for mineral extraction and restoration.