

Open Report on behalf of Andy Gutherson - Executive Director for Place

Report to:	Planning and Regulation Committee
Date:	6 November 2023
Subject:	County Matter Applications S23/0102 and S23/0103

Summary:

Supplementary Report

Planning permission is sought by Breedon Trading Ltd (Agent: Heatons) to amend conditions attached to two existing planning permissions which relate to their West Deeping Quarry, King Street, West Deeping.

The two applications seek to reduce the current stand-off distances between the permitted mineral extraction boundary and existing properties/receptors that lie within the site. The first application (reference: S23/0102) seeks to vary condition 3 of planning permission S19/0486 in order to reduce the stand-off distance from Crown Farm. The second application (reference: S23/0103) seeks to vary condition 2 of planning permission S19/0497 to reduce the stand-off distances from Rectory Farm, Crown Farm and The Lodge. It is proposed to reduce the stand-off distances at Rectory Farm and Crown Farm from 100m to circa 25m and to reduce the distance from the quarry boundary/residential curtilage of Lodge Farm to around 30m.

At its meeting on 4 September 2023, following consideration of the Officer's report (attached as Appendix D), the Planning & Regulation Committee resolved to defer making decisions on the two applications and to carry out a site visit. The site visit took place on 23 October 2023 where Members of the Committee were able to view the application site and its surroundings including the proposed additional areas of working and the sites proximity to Listed Buildings in and around the site.

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 for both applications.

Background

1. Planning permission is sought by Breedon Trading Ltd (Agent: Heatons) to amend conditions attached to two existing planning permissions which relate to their West Deeping Quarry, King Street, West Deeping.
2. The first application (reference: S23/0102) seeks to vary condition 3 of planning permission S19/0486 in order to reduce the stand-off distance between the mineral extraction boundary and that of Crown Farm from 100m to circa 25m.
3. The second application (reference: S23/0103) seeks to vary condition 2 of planning permission S19/0497 to reduce the stand-off distances between the mineral extraction boundary and Rectory Farm and Crown Farm from 100m to circa 25m and to reduce the distance to around 30m for Lodge Farm.
4. At its meeting on 4 September 2023, the Planning and Regulation Committee heard presentations from a local resident; the Chairman of West Deeping Parish Council and a representative acting as agent for the Applicant as well as officers from the County Council. Following an initial discussion, the Committee resolved to defer making any decision on the two applications so that a site visit could be carried out and this matter considered further.
5. The site visit took place on 23 October 2023 where Members of the Committee were able to view the application site and its surroundings which included the proposed additional areas of working and the sites proximity to Listed Buildings in and around the site.

Additional Information Received Since the Last Meeting

6. Since the last meeting, the applicant has submitted amended phasing plans and some additional commentaries regarding hydrological and heritage impacts. These additional submissions do not alter the proposals or conclusions made previously but have instead been produced in order to respond and clarify matters the Committee had discussed at the last meeting. A summary of the information received is as follows:

Updated Phasing Plan

7. The updated phasing plans do not change any aspect of what has been proposed but have instead been amended to confirm that extraction operations within each of the additional areas of proposed working would be limited to a period of eight weeks. These plans have been provided to confirm and reassure the Planning & Regulation Committee that operations within these areas would be temporary and time-limited and therefore not significantly extend the duration of operations or life of the quarry. The applicant has confirmed that should permission be granted then they would be agreeable to the imposition of conditions that would require the operator to notify the Council when working starts within each of these areas and therefore

provide a mechanism to ensure that works within these areas are limited to the eight week period proposed.

8. Accordingly, the proposed conditions relating to each application (attached in Appendices to this report) have been updated to include and reflect this amended plan and an additional condition (i.e. Condition 2a) added which would secure this mechanism.

Applicants Additional Commentary Regarding Impacts on Heritage Assets

9. The applicants archaeological/heritage consultant has provided further comments which states that they concur with the conclusions made by Officers in the previous report regarding the impacts of the reduced stand-off and closer working to Rectory Farm Barn - a Grade II Listed Building.
10. This additional commentary acknowledges that the current setting of the Barn is very different from that when the Barn at Rectory Farm was listed in 1987. Quarrying now encircles the asset and the impacts during extraction and following restoration have to date been considered acceptable. The revised proposals would bring quarrying closer for a very short time period and then the land would be restored meaning that there would be no long-term detrimental impact upon the significance of the asset.
11. It is also noted that current setting of the Barn is dominated by unlisted buildings and a modern barn, and that the listed barn is hemmed in. The image below shows how from the barn there would be no clear views westwards to the revised extraction boundary.



Satellite view of the listed barn and the surrounding unlisted buildings

12. In response to comments made by Historic England, the consultants additional submission states that the test set by the National Planning Policy Framework (NPPF) and mirrored in Historic England's guidance "The Setting of Heritage Assets" (GPA3, 2017) is what effect does a development have on our ability *to appreciate the significance* of the heritage asset. It is stated that, in their view, the proposed development has no real effect on one's ability to appreciate the significance of the barn. Whilst there is a change in setting due to proximity of working and the construction of a straw bale mitigation bund, these effects are temporary (eight weeks). However, the long term and permanent restoration is not significantly different to that approved and which was not considered detrimental to the significance of the listed Barn. It is added that, as Historic England note the harm to setting '*is fairly small*' however, they do not then apply that '*fairly small harm*' to how the proposed works would affect the significance of the listed barn, which the consultant states is how the test should be applied as stated in NPPF.... '*harm to the significance of a heritage asset*' (NPPF, para 200). Development in the vicinity of a listed building, be it built development, mineral extraction, or infrastructure, will almost always result in some harm. That harm may be permanent or temporary, but harm does not necessarily affect one's appreciation of the significance of the asset.

Applicants' Additional Commentary Regarding Off-site Hydrological Impacts

13. The applicant's hydrological consultant has similarly provided further comments in response to concerns that have been raised by third parties regarding water related impacts that could arise from these proposals. Again, this response does not alter the proposals or conclusions made previously but instead highlights the conclusions contained within the Hydrological and Hydrogeological Assessment (H&HA) which already supports the two applications.
14. The additional submission highlights that the H&HA has fully considered the potential for the development proposals to affect groundwater levels and flows and concludes that there will be no such impact associated with the planned stand-off reduction within the site. The H&HA demonstrates that all areas of planned stand-off reduction are already within the radius of influence of existing dewatering operations and so are effectively unsaturated. Reducing the stand-off and working these areas would not therefore result in any significant change in dewatering volumes or change in existing dewatering related influence. The revised working proposed would therefore not result in no greater hydrological/hydrogeological impact than is already the case for the site.
15. In respect of concerns raised about Molecey Mill, again the concerns identified by third parties are noted however are unfounded. The site is already dewatered and as part of the restoration works the site is clay sealed to prevent groundwater ingress given the low level agricultural after-use. The clay seal between the site and Molecey Mill is already in place and therefore this means Molecey Mill is hydraulically isolated from the site. Dewatering discharges are made into the IDB drainage network to the north east and not the Welland catchment and as a result do no increase water levels and flows within the Gretatford Cut which might impact

on Molecey Mill. Furthermore, the Greatford Cut is a lined and perched artificial channel that is elevated above the mineral workings and so is hydraulically isolated from the quarry and this therefore again ensures that water levels and flows within the Greatford Cut are unaffected.

16. As a result, it is concluded that there is at present no direct hydraulic connection between the site and Molecey Mill nor mechanism through which the revised scheme of working may impact upon Molecey Mill.

Conclusions

17. The two applications were first considered by the Planning & Regulation Committee at their meeting on 4 September 2023. Following consideration of the Officer's report, the Planning & Regulation Committee resolved to defer making decisions on the two applications and to carry out a site visit. The site visit took place on 23 October 2023 where Members of the Committee were able to view the application site and its surroundings including the proposed additional areas of working and the sites proximity to Listed Buildings in and around the site.
18. Since the last meeting, the applicant has submitted amended phasing plans and some additional commentaries regarding hydrological and heritage impacts. These additional submissions do not alter the proposals or conclusions made previously but have instead been produced to respond and clarify matters the Committee had discussed at the last meeting.
19. Notwithstanding the additional submissions made, my view regarding the impacts of this development, its acceptability and recommendation remain unchanged from that which was set out in the previous report. The additional information provided by the applicant in respect of hydrological and heritage matters do not alter the conclusions made previously. Regarding the revised phasing plans, this was discussed and suggested by Officers and is welcomed as it demonstrates a commitment to limit working in the reduced stand-off areas to eight weeks and therefore gives confidence and assurance that any impacts during these works would be limited in duration. In order to ensure this is enforced, revised and additional conditions have been recommended to secure reference to these plans and a condition requiring notification of commencement within these areas so that those activities can be monitored and enforced. Such conditions would be reasonable, relevant, necessary, and enforceable and so meet the necessary tests as set out in the NPPF.

Human Rights Implications

20. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as

set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

It is recommended that:

- A. S23/0102 - planning permission be granted to vary condition 3 of planning permission S19/0486 subject to the revised and updated set of planning conditions set out in Appendix B of this report.
- B. S23/0103 - planning permission be granted to vary condition 2 of planning permission S19/0497 subject to the revised and updated set of planning conditions set out in Appendix C of this report.

Appendix

These are listed below and attached at the back of the report	
Appendix D	Proposed conditions in relation to application S23/0102
Appendix E	Proposed conditions in relation to application S23/0103
Appendix F	Planning and Regulation Committee Report dated 4 September 2023

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

Appendix D

S23/0102 - to vary condition 3 of planning permission S19/0486 - to amend the mineral extraction boundary and reduce the standoff distance from Crown Farm

Definition and Commencement

1. This permission relates to the site edged red on Drawing No. W23_LAN_002 - 'Location Plan' (hereafter referred to as 'the Site') for the progressive winning and working of sand and gravel and restoration of the Site.

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

Scope of the Permission

2. (a) The development hereby permitted shall only be carried out in accordance with the submitted documents and drawings, unless modified by the conditions attached to this decision notice or details subsequently approved pursuant to those conditions, including:

Documents

Planning Application Form (date stamped received 23 January 2019) and Planning and Environmental Statement prepared by Heaton Planning Ltd dated January 2019 (date stamped received 23 January 2019) including all appendices and supporting technical assessments as amended by the Further Information submitted in response to the Regulation 25 Notice (date stamped received 5 July 2019) as amended by the information contained within the Planning Application Form (date stamped received 25 November 2022) and Planning and Environmental Considerations Statement (date stamped received 25 November 2022) including all technical appendices and supporting assessments referenced A to H (the PES).

Drawings

- W23_LAN_002 'Location Plan' (date stamped received 25 November 2022)
- W23_LAN_026_E 'Proposed Extraction Areas' (date stamped received 10 October 2023)
- W23_LAN_027_E 'Restoration Concept' (date stamped received 25 November 2022)

- W23_LAN_028 'Areas Affected by S73 Application' (date stamped received 15 December 2022)
 - W23_LAN_29_E 'Cross Sections' (date stamped received 25 November 2022)
 - W23_LAN_30_E 'Development Stages' (date stamped received 25 November 2022)
 - W23_LAN_31_E 'Additional Mitigation' (date stamped received 25 November 2022).
- (b) Prior to any mineral extraction operations commencing within each of the sub-phases/areas diagonally hatched orange as shown on Drawing No. W23_LAN_026_E 'Proposed Extraction Areas' (date stamped received 10 October 2023) written notification shall be given to the Mineral Planning Authority of the date such operations are due to commence. Upon commencement of those operations all mineral extraction activities within that specific area/sub-phase shall be completed within eight weeks of the date of commencement unless a longer period of time is otherwise agreed in writing with the Mineral Planning Authority.

Reason: To ensure that the development is completed in accordance with the approved details and to ensure the Mineral Planning Authority can monitor the progress of operations within the sub-phases/areas closest to the properties within the site so as to ensure the duration and any impacts associated with those activities are time-limited and temporary and accord with that identified at the time planning permission for these works was assessed/granted.

3. There shall be no access or egress by Heavy Commercial Vehicles from the site using the field gate onto the A1175/Stamford Road for the duration of the development.

Reason: In the interest of highway safety.

Archaeology

4. (a) All archaeological works including observation, mapping, assessment and recording shall be carried out in accordance with the specification contained within Technical Appendix G of the PES.
- (b) The applicant shall notify the Mineral Planning Authority of the intention to commence at least 14 days before the start of each phase of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without the prior consent of the Mineral Planning Authority.

- (c) A report of the archaeologist's findings shall be submitted to the Mineral Planning Authority and the Historic Places Records Officer at Lincolnshire County Council in accordance with the approved scheme unless otherwise agreed in writing by the Mineral Planning Authority. The condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site.

Landscape and Ecology

5. The existing trees and shrubs around the boundary of the Site shall be retained except where provision for their removal has been made in the approved scheme of working and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority.
6. No site preparation works that 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.

Reasons 5 & 6: To ensure that the existing boundary trees are retained throughout the development so as to help minimise the visual impact of the development, to secure the ecological mitigation measures and enhancements proposed as part of the development and to avoid disturbance to birds during the breeding season in the interests of wildlife conservation.

Materials Handling Strategy

7. Nothing in this determination shall be construed as permitting the removal of soils and/or overburden and/or clay from the site.
8. The stripping, excavation, movement, storage, lifting and placement of topsoil, subsoil, clay and soil forming materials that may be encountered, shall only take place in accordance with the recommendations in Section 4 of the 'Soil Resources and Agricultural use and Quality of Land at West Deeping Quarry, Lincolnshire' (Technical Appendix H of the PES).
9. All materials excepting topsoil shall be stored to a height not exceeding 5m and shall not be located on restored land or land that has not been stripped of topsoil.

Reasons 7 to 9: To preserve the quality of topsoil and protect the visual amenity of the surrounding area.

Hours of Operation

10. Unless otherwise agreed in writing with the Mineral Planning Authority no operations and activities authorised or required in association with this development, other than water pumping, shall be carried out except between the following hours:

Monday to Friday 07:00 to 17:00 hours;
Saturdays 07:00 to 12:00 hours; and

No operations shall be carried out on Sundays or Bank Holidays.

Noise and Dust

11. All dust prevention, control and management measures as set out in Chapter 10 of the PES shall be implemented in full for the duration of the operational/construction/restoration phases of the development.
12. Except for temporary operations (as referred to in Condition 14 below) noise levels as a result of any operation or item of plant and machinery operating within the site shall not exceed 55dB LAeq (1 hour, free-field) when measured at any noise sensitive property in the vicinity of the site.
13. For temporary operations, which includes soil stripping and bund construction and removal, noise levels shall not exceed 70 dB LAeq (1 hour free-field) when measured at any noise sensitive property in the vicinity of the site.

Complaints Procedures

14. In the event of a complaint relating to dust and/or noise being received by the operator or the Mineral Planning Authority, the programme of monitoring and complaints procedure (as set out in Technical Appendix D 'Supporting Statement in Respect of Noise and Dust' of the PES) shall be implemented in full and any further mitigation measures considered necessary identified and implemented. The results of the monitoring and details of any further mitigation measures implemented shall be recorded and retained at West Deeping Quarry for a period of three years and made available to the Mineral Planning Authority on request.

Reasons 10-14: To protect the amenities of the surrounding area.

The Water Environment

15. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, or shall be stored in an approved

double skin proprietary tank/s. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/s and other containers 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.

16. Prior to commencement of extraction in Stage D, as illustrated in Drawing No: W23_LAN_030_E, a groundwater monitoring scheme shall first be submitted and approved in writing by the Mineral Planning Authority. The scheme shall provide for monitoring to be undertaken during the restoration and aftercare phases of the development and reflect the recommendations as set out in Technical Appendix E.1 'Hydrological and Hydrogeological Assessment' of the PES and provide for the following:
- (a) contain details of the location of all monitoring boreholes to be established;
 - (b) provide for the carrying out of baseline surveys and levels;
 - (c) identify triggers and measures to be adopted to ensure and maintain the water table level within the areas of the site restored to agriculture to no greater than 6 metres above ordnance datum; and
 - (d) contain a timetable setting out the frequency for on-going monitoring and reporting of results to the Mineral Planning Authority for the duration of the development hereby permitted.

Following the approval of the scheme it shall be implemented in full and in accordance with the approved details.

Reasons 15 & 16: In order to afford appropriate protection to the environment and to demonstrate that the water table is maintained in restored areas.

Restoration and Aftercare

17. Prior to commencement of mineral extraction in Stage D, as illustrated in Drawing No. W23_LAN_030_E, full details of a restoration scheme for the extension site shall be submitted and approved in writing by the Mineral Planning Authority. The restoration scheme shall include information on landform, locations and cross-section of the water body and drainage ditches and weirs together with native planting species, numbers, spacing and locations. The site shall be progressively restored in accordance with the approved scheme and completed in full within 12 months of the permanent cessation of mineral extraction. All planted trees, shrubs and hedgerows shall be maintained for a period of five years during which all losses shall be replaced in the following planting season.

18. Prior to commencement of mineral extraction in Stage D, as illustrated in Drawing No. W23_LAN_030_E, an aftercare scheme for the site shall be submitted to and approved in writing by the Mineral Planning Authority. For avoidance of doubt the submitted scheme shall provide the following details:
- The steps as may be necessary to bring the land to the required standard for use for agriculture, water management and nature conservation;
 - For the annual submission of a schedule of aftercare works to be undertaken in any calendar year from the commencement of the aftercare period; and
 - For the annual submission of a record of the works carried out in the previous year.

The approved scheme shall be implemented in full. Aftercare shall commence on the date cited in Condition 18 above of the completion and restoration.

19. In the event of permanent cessation of mineral extraction, a revised restoration scheme and programme aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Such a scheme shall be submitted within six months of cessation of extractive operations and implemented in full.

Reasons 17 to 19: To ensure that the site is restored appropriately and at the earliest opportunity and that the restored land is subject to appropriate aftercare in the interests of agricultural land quality.

Appendix E

S23/0103 - to vary condition 2 of planning permission S19/0497 to amend the mineral extraction boundary and reduce the standoff distances from Rectory Farm, Crown Farm and The Lodge

Duration

1. The winning and working of minerals shall be limited to a period expiring on 21 February 2042.

Reason: To comply with the requirements of Section 72(5) and paragraph 1 of Part 1 of Schedule 5 to the Town and Country Planning Act 1990.

Scope of the Permission

2. (a) The development hereby permitted shall only be carried out in accordance with the submitted documents and drawings, unless modified by the conditions attached to this decision notice or details subsequently approved pursuant to those conditions, including:

Documents

Planning Application Form (date stamped received 5 November 2018) and Planning and Environmental Statement prepared by Heaton Planning Ltd dated October 2018 (date stamped received 5 November 2018) including all appendices and supporting technical assessments as amended by the Further Information submitted in response to the Regulation 25 Notice (date stamped received 5 July 2019) as amended by the information contained within the Planning Application Form (date stamped received 25 November 2022) and Planning and Environmental Considerations Statement prepared by Heaton Planning Ltd (date stamped 25 November 2022) including all technical appendices and supporting assessments referenced A to H (the PES).

Drawings

- W23_LAN_001 ROMP 'Location Plan' (date stamped received 25 November 2022)
- W23_LAN_026_R 'Proposed Extraction Areas' (date stamped received 10 October 2023)
- W23_LAN_027_E 'Restoration Concept' (date stamped received 25 November 2022)

- W23_LAN_28 'Areas Affected by the S73 Application' (date stamped received 15 December 2022)
- W23_LAN_029_E 'Cross Sections' (date stamped received 25 November 2022)
- W23_LAN_030_E 'Development Stages' (date stamped received 25 November 2022)
- W23_LAN_031_E 'Additional Mitigation' (date stamped received 25 November 2022).

- (b) Prior to any mineral extraction operations commencing within each of the sub-phases/areas diagonally hatched orange as shown on Drawing No. W23_LAN_026_R 'Proposed Extraction Areas' (date stamped received 10 October 2023) written notification shall be given to the Mineral Planning Authority of the date such operations are due to commence. Upon commencement of those operations all mineral extraction activities within that specific area/sub-phase shall be completed within 8 weeks of the date of commencement unless a longer period of time is otherwise agreed in writing with the Mineral Planning Authority.

Reason: To ensure that the development is completed in accordance with the approved details and to ensure the Mineral Planning Authority can monitor the progress of operations within the sub-phases/areas closest to the properties within the site so as to ensure the duration and any impacts associated with those activities are time-limited and temporary and accord with that identified at the time planning permission for these works was assessed/granted.

3. Nothing in this determination shall be construed as permitting the removal of soils and/or overburden and/or clay from the site.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure these materials remain on site for use for restoration purposes.

4. Nothing in this determination shall be construed as permitting the importation of materials (with the exception of silt from the existing lagoons at West Deeping Quarry Plant Site) for any purpose including achieving landscaping or restoration of the site.

Reason: For the avoidance of doubt.

Hours of Operation

5. No operations and activities authorised or required in association with this development, including HGVs accessing and egressing the quarry, shall be carried out except between the following hours:

Monday to Friday 07:00 to 17:00 hours;
Saturdays 07:00 to 12:00 hours; and

No operations shall be carried out on Sundays or Bank Holidays.

Reason: To protect the amenities of the surrounding area.

The Water Environment

6. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, or shall be stored in an approved double skin proprietary tank/s. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/s and other containers 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.
7. Prior to commencement of mineral extraction in Development Stage D, identified in Drawing No. W23_LAN_030_E, a groundwater monitoring scheme shall first be submitted and approved in writing by the Mineral Planning Authority. The scheme shall provide for monitoring to be undertaken during the extraction, restoration and aftercare phases of the development and reflect the recommendations as set out in the Technical Appendix E.1 'Hydrological and Hydrogeological Assessment' of the ES and provide the following:
 - (a) contain details of the location of all monitoring boreholes to be established;
 - (b) provide for the carrying out of baseline surveys and levels;
 - (c) identify triggers and measures to be adopted to ensure and maintain the water table level within the areas of the site restored to agriculture to no greater than 6 metres above ordnance datum; and
 - (d) contain a timetable setting out the frequency for on-going monitoring and reporting of results to the Mineral Planning Authority for the duration of the development hereby permitted.

Following the approval of the scheme it shall be implemented in full and in accordance with the approved details.

Reasons 6 & 7: In order to afford appropriate protection to the environment and to demonstrate that the water table is maintained in restored areas.

Landscape and Ecology

8. All existing trees, shrubs, hedges, walls and fences on and adjacent to the site boundary shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying and until the restoration of the whole site has been completed and the after-care period expired.

Reason: To ensure that these features are properly maintained and protected for the duration of the development and in the interest of visual amenity and landscape character.

9. No removal of hedgerows, trees, shrubs or vegetation shall take place between 1 March and 31 August inclusive, unless otherwise agreed in writing with the Mineral Planning Authority. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and where appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until the birds and any dependent young have vacated the area.

Reason: In the interest of the natural environment.

Archaeology

10. All archaeological works undertaken as part of the development shall be undertaken in accordance with the specification contained within Technical Appendix G of the PES.

Reason: In order to afford appropriate protection to the historic environment.

Dust Suppression

11. All dust prevention, control and management measures as set out in Chapter 10 of the PES shall be implemented in full for the duration of the operational/construction/restoration phases of the development.

Noise

12. Except for temporary operations (as referred to in Condition 13 below) noise levels as a result of any operation or item of plant and machinery operating within the site shall not exceed 55dB LAeq (1 hour, free-field) when measured at any noise sensitive property in the vicinity of the site.
13. For temporary operations, which includes soil stripping and bund construction and removal, noise levels shall not exceed 70 dB LAeq (1 hour, free-field) when measured at any noise sensitive property in the vicinity of the site.

Complaints Procedures

14. In the event of a complaint relating to dust and/or noise being received by the operator or the Mineral Planning Authority, the programme of monitoring and complaints procedure (as set out in Technical Appendix D 'Supporting Statement in Respect of Noise and Dust' of the PES) shall be implemented in full and any further mitigation measures considered necessary identified and implemented. The results of the monitoring and details of any further mitigation measures implemented shall be recorded and retained at West Deeping Quarry for a period of three years and made available to the Mineral Planning Authority on request.

Reasons 11 to 14: To protect the amenities of the surrounding area.

Materials Handling Strategy

15. The stripping, excavation, movement, storage, lifting and placement of topsoil, subsoil, clay and soil forming materials that may be encountered shall only take place in accordance with the recommendations in Section 4 of the 'Soil Resources and Agricultural Use and Quality of Land at West Deeping Quarry, Lincolnshire' (Technical Appendix H of the PES).
16. All materials excepting topsoil shall be stored to a height not exceeding 5 metres and shall not be located on restored land or land that has not been stripped of topsoil.

Reasons 15 & 16: To preserve the quality of topsoil and protect the visual amenity of the surrounding area.

Restoration and Aftercare

17. Prior to commencement of mineral extraction in Development Stage D, identified in Drawing No. W23_LAN_030_E, full details of a restoration scheme for the site illustrated in Drawing No. W23_LAN_027_E 'Restoration Concept' shall be submitted and approved in writing by the Mineral Planning Authority. The restoration scheme

shall include information on landform, locations and cross-section of all water bodies and drainage ditches and weirs together with native planting species, numbers, spacing and locations. The site shall be progressively restored in accordance with the approved scheme and completed in full within 12 months of the permanent cessation of mineral extraction or 21 February 2042, whichever is sooner. All planted trees, shrubs and hedgerows shall be maintained for a period of five years during which all losses shall be replaced in the following planting season.

18. Prior to commencement of mineral extraction in Development Stage D, identified in Drawing No. W23_LAN_030_E, an aftercare scheme for the whole site shall be submitted to and approved in writing by the Mineral Planning Authority. For avoidance of doubt the submitted scheme shall provide the following details:
- The steps as may be necessary to bring the land to the required standard for use for agriculture, water management and nature conservation;
 - For the annual submission of a schedule of aftercare works to be undertaken in any calendar year from the commencement of the aftercare period; and
 - For the annual submission of a record of the works carried out in the previous year.

The approval scheme shall be implemented in full. Aftercare shall commence on the date cited in Condition 17 above of the completion of restoration.

19. In the event of a permanent cessation of mineral extraction, a revised restoration scheme and programme aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Such a scheme shall be submitted within six months of cessation of extractive operations and implemented in full.

Reasons 17 to 19: To ensure that the site is restored appropriately and at the earliest opportunity and that the restored land is subject to appropriate aftercare in the interests of agricultural land quality.

Transport

20. All minerals shall only be transported to the King Street plant site using the overland field conveyor.
21. The total number of HGV movements per year associated with the importation of silt from the King Street plant site shall not exceed 100 movements.

22. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway.
23. Deleted - now subject of separate permission S22/1478

Reasons 20 to 22: In the interest of highway safety and to ensure that the highway is clear of mud and extraneous deposits.

Open Report on behalf of Andy Gutherson - Executive Director for Place

Report to:	Planning and Regulation Committee
Date:	4 September 2023
Subject:	<p>County Matter Applications</p> <p>S23/0102 - to vary condition 3 of planning permission S19/0486 - to amend the mineral extraction boundary and reduce the standoff distance from Crown Farm; and</p> <p>S23/0103 - to vary condition 2 of planning permission S19/0497 to amend the mineral extraction boundary and reduce the standoff distances from Rectory Farm, Crown Farm and The Lodge.</p>

Summary:

This report deals with two concurrent applications that have been made by Breedon Trading Ltd (Agent: Heatons) which relate to their West Deeping Quarry, King Street, West Deeping.

Both applications seek to amend conditions attached to existing planning permissions in order to reduce the current stand-off distances between the permitted mineral extraction boundary and existing properties/receptors that lie within the site. The first application (reference: S23/0102) seeks to vary condition 3 of planning permission S19/0486 in order to reduce the stand-off distance from Crown Farm. The second application (reference: S23/0103) seeks to vary condition 2 of planning permission S19/0497 to reduce the stand-off distances from Rectory Farm, Crown Farm and The Lodge. It is proposed to reduce the stand-off distances at Rectory Farm and Crown Farm from 100 metres to circa 25 metres and to reduce the distance from the quarry boundary/residential curtilage of Lodge Farm to around 30m.

The reduced stand-offs would enable the extraction and release of an additional 200,000 tonnes of sand and gravel reserves which would otherwise be unnecessarily sterilised under the currently permitted plans. Once worked out, the additional areas identified to be worked would be restored and integrated into the wider restoration proposals for the site. These additional reserves would contribute to maintaining a stable landbank of saleable sand and gravel reserves within the South Lincolnshire

Production area and accords with the National Planning Policy Framework (NPPF) and Policies M2, M3, and M4 of the Lincolnshire Minerals and Waste Local Plan.

The key issues to be considered in this case are as follows:

- the need and justification for the release of new mineral reserves; and
- the environmental and amenity impacts associated with the development including landscape and visual impacts; noise and dust; transport and highways; ecology and biodiversity; cultural heritage and the water environment, and cumulative impacts.

Having considered the information and supporting technical assessments that support both applications, I am satisfied that whilst there would be some inevitable impacts associated with the reduction of the current stand-off distances from the identified properties, any impacts would be relatively short-term and temporary. Subject to the implementation of the mitigation measures embedded and proposed as part of the development, any impacts would not be so significant or detrimental so as to warrant refusal of the applications.

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 for both applications.

Background

1. West Deeping Quarry is a historic and extensive sand and gravel quarry lying to the north of West Deeping village. The quarry (extraction areas and processing plant) is bisected by King Street which is aligned in a north-south direction. The processing plant area is located to the west of King Street with the mineral extraction operations taking place to the east of King Street beyond a separate sand and gravel quarry operated by Cemex. Sand and gravel extracted from the current working area is transported via conveyor to the processing facilities west of King Street. The extraction operations are governed by two planning permissions these being S19/0497 (which is a Periodic Review decision which updated planning conditions attached to existing permissions covering the site - the ROMP permission) and S19/0486 which granted permission for a lateral extension to the main site subject of the ROMP decision (the Extension permission). Both decisions were issued in October 2019.

The Application

2. This report deals with two concurrent applications that have been made by Breedon Trading Ltd (Agent: Heatons) which relate to their West Deeping Quarry, King Street, West Deeping. These application are as follows:

- S23/0102 - this application seeks to vary condition 3 of planning permission S19/0486 in order to reduce the stand-off distance from Crown Farm.
- S23/0103 - this application seeks to vary condition 2 of planning permission S19/0497 to reduce the stand-off distances from Rectory Farm, Crown Farm and The Lodge.

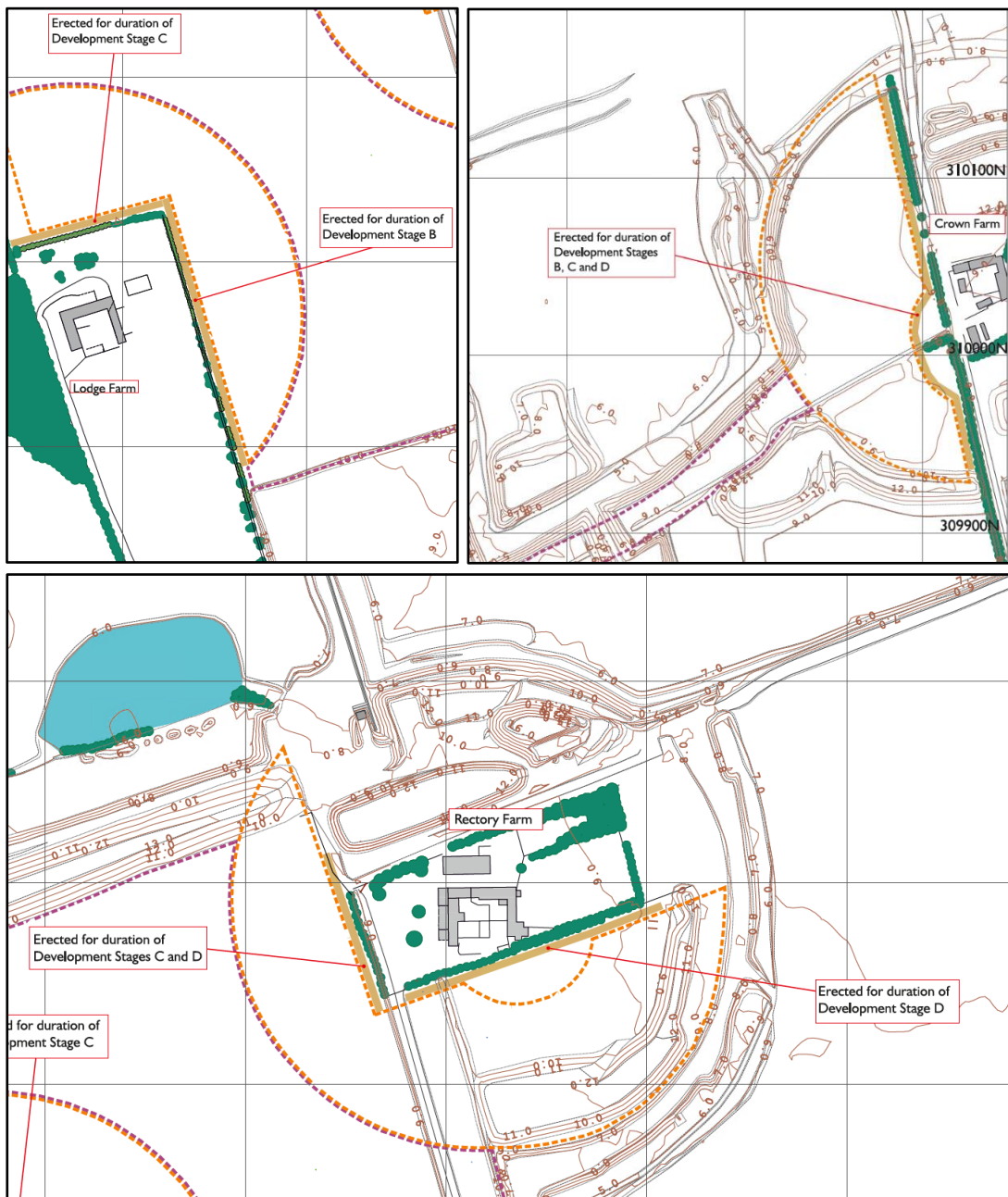
Revised Proposals

3. At the time of submission, the applicant estimated that there was approximately three years supply of permitted sand and gravel reserves remaining to be worked at West Deeping Quarry. Having reviewed the current working scheme it has been identified that by reducing the current stand-off distances between the permitted extraction boundary and Rectory Farm, Lodge Farm and Crown Farm (which all lie within the confines of the quarry) an additional 200,000 tonnes of sand and gravel could be released. The applicant submits that as a result of updated working practices, modern standards and the use of modern plant and machinery, the stand-off distances can be reduced without reducing existing protections or conflicting with conditions already in place to protect these residents from adverse impacts such as noise or having any long-term impacts on these properties. Reducing the stand-off distances would also prevent the minerals from being unnecessarily sterilised and enable the land to be restored and integrated into the wider restoration proposals for the site.
4. Under the currently permitted working and restoration schemes the stand-off distance to the three properties is around 100m and following restoration of the site would leave broadly circular 'islands' of land around each of these properties. They would sit at a higher level to that of the restored quarry which would be restored largely to low-level agricultural land.



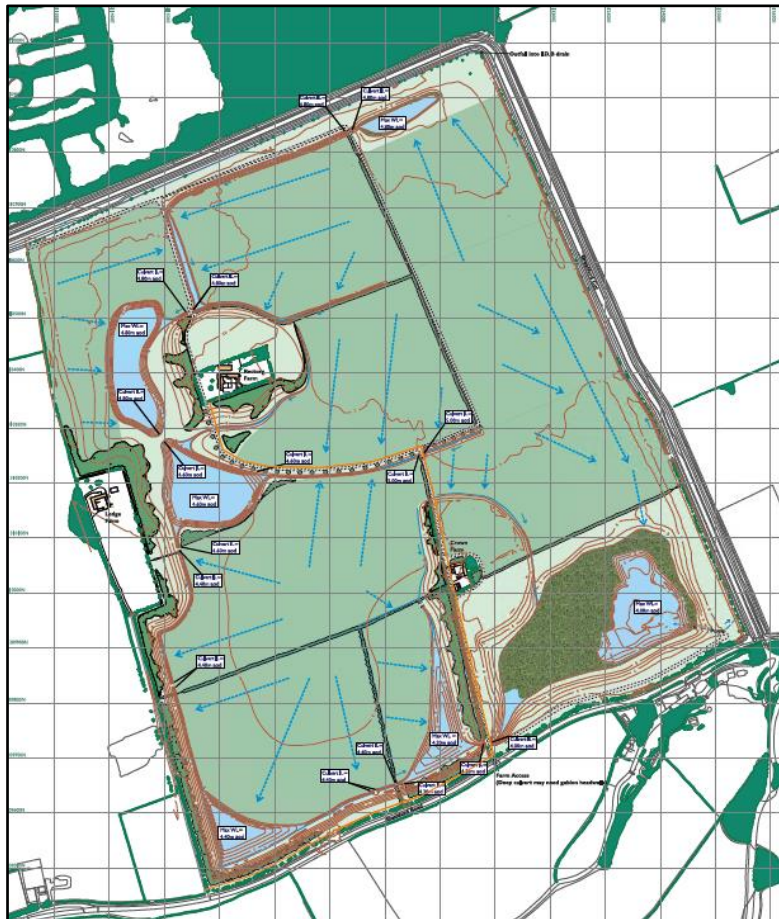
Final Restoration Plan

5. Under the revised proposals subject of these two applications, it is proposed to reduce the stand-off distances to circa 25 metres at Rectory Farm and Crown Farm and to around 30m at Lodge Farm. In order to allow a reduction in the stand-off distances, it is proposed to temporarily erect a three-metre high straw bale bund/barrier around each of the properties to screen them from the noise created by the extraction operations. This bund/barrier would be placed central to the extraction area and repositioned around the properties periodically, as the extraction area progresses, ensuring effectiveness at all times. Additionally, when working between 25-30m from Rectory Farm and Crown Farm, a smaller 22 tonne excavator (e.g. Volvo EC220) would be used to ensure noise levels from these operations fall within the limits that have been assessed as part of the Noise Assessment that supports the application.



Additional Mitigation

- The mineral from the additional areas would be integrated and worked as part of the existing phases of the quarry and worked at the same rate as that of the current operations. All mineral extracted would be transported by conveyor back to the Plant Site for processing which lies on the western side of King Street. Following extraction the areas would be progressively restored and integrated into the wider restoration proposals without fundamentally altering the overall restoration objectives and after-uses for the site.



Restoration Concept

- Both applications have been 'screened' to take into account the criteria contained within the Town and Country (Environmental Impact Assessment) Regulations 2017 and have been confirmed by Officers as not constituting EIA development. Whilst the applications/proposals do not therefore require an Environmental Statement, the applicant has submitted a Planning and Environmental Considerations Report in support of both applications which, along with appendices containing specialist technical reports, describes the proposed revisions sought; contains an assessment of the potential impacts arising from the proposed reduction to the stand-offs and revisions to the working and restoration proposals, and; identifies and gives details of measures proposed or incorporated into the revised proposals to mitigate any impacts. The topics and matters covered include an assessment of need and alternatives; planning policy; landscape and visual impact; nature and ecology; noise; dust and air quality; water resources and

flood risk; transportation and traffic; archaeology and cultural heritage; soils and agricultural land.

Site and Surroundings

8. West Deeping Quarry lies approximately 750 metres north east of West Deeping village and bound to the south by the A1175; to the west by the extraction area of the CEMEX King Street Quarry; to the north and east by the Greatford Cut (with the Langtoft Gravel Pit SSSI beyond to the north and agricultural land to the east). The quarry extraction and Plant Site areas are separated from one another by King Street which is aligned in a north-south direction. The Plant Site lies on the western side of King Street whilst the extraction area lies to the east. Sand and gravel extracted from the site is transported via conveyor to the processing facilities west of King Street via a route that runs along the northern boundary of the site and underneath King Street.

The nearest properties/sensitive receptors to the quarry (and which are directly affected by the current proposals) are:

- Rectory Farm - this is located centrally within the quarry and the barn associated with this property is a Grade II Listed Building. Bunding has previously been constructed along the southern boundary of the property to provide screening from the extraction operations. Currently, there is no screening to the north of the property, where dump trucks pass to unload extracted mineral into a stockpile area and where a loading shovel operates to load the conveyor.



View from within the site looking north towards Rectory Farm



View further south from within the site looking north towards Rectory Farm



View of trees to the west

- Crown Farm - this is located within the southern area of the quarry and bunding has been provided previously to screen the property from the surrounding extraction operations.
- Lodge Farm - this is located to the west of the quarry and under the existing operations no bunding is required due to the stand-off distance from this receptor to the currently permitted extraction boundary.



View of Lodge Farm showing archaeological works and proposed extraction boundary



View of Lodge Farm showing the proximity to the property



Proposed new extraction boundary (hedgerow) to the north of Lodge Farm

9. Access to all of the above properties is gained via separate private accesses/roads which lead onto the A1175. These are not used by the quarry for the transportation of mineral from the site which instead is transported to the Plant Site via a series of conveyors.
10. The other nearest residential properties to the site lie on the edge of West Deeping village which is located on the opposite side of the A1175 and are approx. 580m to the southwest. Molecey's Mill (Grade II* Listed Building) lies on the opposite side of the A1175 to the south of the quarry.

Main Planning Considerations

Planning Policy Context

11. The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 12 - Sustainable development

Paragraph 47 and 48 - Planning law

Paragraphs 84 and 85 - Supporting a rural economy

Paragraphs 110 to 112 - Promoting sustainable transport

Paragraph 120 and 122 - Making effective use of land

Paragraph 166 and 167 - Planning and flood risk

Paragraph 174 - Conserving and enhancing the natural environment

Paragraph 180 - Habitats and biodiversity

Paragraph 183, 185 and 187 - Ground conditions and pollution

Paragraph 199 to 202 - Historic environment

Paragraph 209 to 211 - Facilitating the sustainable use of minerals

Paragraph 213 - Maintaining Supply

12. Planning Practice Guidance 'Minerals' - the National Planning Policy Guidance (NPPG) sets out the overall requirements for minerals sites, including the need to ensure a steady supply of minerals; the need to ensure the information provided in support of an application is sufficient to enable the environmental impacts to be assessed and that sites are restored at the earliest opportunity to high environmental standards.
13. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard for the desirability of preserving listed buildings and their settings, or any special architectural or historic interest which it possesses.
14. Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies 2016 (CSDMP) - this document was formally adopted on 1

June 2016 and as an adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows:

Policy M2 - Providing for an Adequate Supply of Sand and Gravel
Policy M3 - Landbank of Sand and Gravel
Policy M4 - Proposals for Sand and Gravel Extraction
Policy DM1 - Presumption in favour of sustainable development
Policy DM2 - Climate Change
Policy DM3 - Quality of Life and Amenity
Policy DM4 - Historic Environment
Policy DM6 - Impact on Landscape and Townscape
Policy DM8 - Nationally Designated Site of Biodiversity and Geological Conservation Value
Policy DM9 - Local Sites of Nature Conservation Value
Policy DM11 - Soil
Policy DM12 - Best and Most Versatile Agricultural Land
Policy DM13 - Sustainable Transport Movements
Policy DM14 - Transport by Road
Policy DM15 - Flooding and Flood Risk
Policy DM16 - Water Resources
Policy DM17 - Cumulative Impacts
Policy R1 - Restoration and Aftercare
Policy R2 - After-use
Policy R3 - Restoration of Sand and Gravel Operations within Areas of Search.

15. South Kesteven District Council Local Plan (SKLP) - as an adopted document, the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows:

Policy SD1 - Principles of Sustainable Development in South Kesteven
Policy EN1 - Protection and Enhancement of the Character of the District
Policy EN2 - Protecting Biodiversity and Geodiversity
Policy EN4 - Pollution Control
Policy EN5 - Water Environment and Flood Risk Management
Policy EN6 - The Historic Environment
Policy DE1 - Promoting Good Quality Design
Policy ID2 - Transport and Strategic Transport Infrastructure.

Other material considerations

16. The Lincolnshire Local Aggregates Assessment (LAA) dated July 2023 contains the most recent published data on aggregate sales and reserves available within the County at the end of December 2022. The latest LAA shows that at the end of 2022 there were approx. 22.364 Mt of sand and gravel reserves available within the County equating an estimated landbank of 9.62 years (based on 10 year average sales). This is above the recommended minimum of seven years identified

by the NPPF however the distribution of those reserves is not even with some Production Areas containing a higher proportion of these overall reserves than others.

Results of Consultation and Publicity

17. (a) West Deeping Parish Council - has confirmed that it has no specific objections to the extension of the boundaries proposed by these two applications but would like reassurance that noise levels and traffic management are strictly controlled, with the contractors ensuring that the A1175 is constantly kept in a satisfactory state, free of debris, to ensure the safety of all road users. More broadly, the Council shares the concerns of many residents regarding the proposed extension of mineral extraction works in proximity to the village and has made representations to the Mineral Planning Authority opposing the potential inclusion of future areas/sites located to the south of the A1175 which are currently being considered as part of the Minerals & Waste Local Plan Review.
- (b) Langtoft Parish Council (adjoining Parish) - object to both applications. Has commented that the villagers of Langtoft and neighbouring communities have lived with the impact of local quarry sites for an extended period of time and residents have to tolerate increased traffic, noise, light, and dust pollution. King Street is now considered an appropriate access road for heavy vehicles and being an accident blackspot while being narrow and not allowing two lorries to pass each other safely. The quarrying operations have a significant and detrimental impact to the living conditions of residents, especially those closest to the sites. Concerns have been raised regarding the destruction of wildlife habitats with yet more applications for extraction planned. Furthermore, whilst the Parish Council understands that mineral resources are essential and the Parish has largely accepted and adjusted to the impact, in more recent years, the Parish has experienced continued developments with calls for more sites going forward. All of these result in delays to restoration. Water levels in Langford have also dropped considerably over this period.
- (c) Historic Places (Lincolnshire County Council) - has offered the following comments in relation to both applications:

In relation to buried archaeology, this is well known and understood at the quarry with a multi-period landscape from prehistory into the Roman period, including a significant high status Roman villa site. There is every reason to expect that similar remains extend into the areas now proposed for mineral extraction as part of these applications. The extraction of mineral is likely to result in the complete removal and destruction of any archaeological remains within these areas. Therefore, it is recommended that the existing approved Written Scheme of Archaeological Investigation (by PCAS Archaeology dated July 2017) continues to apply to these additional areas of mineral extraction.

This is in order to mitigate the impact on the historic environment by preserving remains by record. This is in accordance with the requirements of the NPPF, paragraph 205.

In relation to impacts on designated assets, as far as the reduction in stand-offs around each of the listed buildings is concerned there is clearly a difference between the impact during the operation of the quarry and the long-term impact. The principle of mineral extraction at the site and around Rectory Farm Barn has been established for a long time and has been reflected in the Minerals and Waste Local Plan for Lincolnshire. Whilst there is likely to be some previously unforeseen impacts as a result of reducing the stand-off around the barn at Rectory Farm, the Historic Environment Team (HET) does not feel that that this sufficient to warrant being considered any greater harm to the heritage asset than the current permitted operations. Similarly, the HET do not feel the impact on the setting of Molecey's Mill will be any greater harm than existing. It is added that whilst Historic England and South Kesteven District Council (see comments later in the report) have raised concerns about potential additional hydrological impacts on the functionality and viability of the Molecey's Mill, given the extent of existing workings, this seems very unlikely to the HET although clearly their knowledge of hydrology in this area is limited. The HET do however consider the longer-term impacts arising from the mineral working could be re-visited as part of the revised restoration proposals put forward as part of these applications.

- (d) Highway and Lead Local Flood Authority (Lincolnshire County Council) (HLLFA) - do not object to either application. The HLLFA has commented that the proposal(s) would not generate any increase in existing HGV movements onto the local road network, although, it will extend the duration of vehicular movements for a period of five years. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The HLLFA has concluded that the proposal would not have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to either application.

- (e) Historic England - offers the following comments in relation to both applications (summarised):

S23/0102 - offers no specific advice/comments but has suggested that the views of the Councils own specialist conservation and archaeological advisers be sought.

S23/0103 - Historic England has concerns regarding direct physical impacts upon a resource of undesignated archaeological remains within the site,

however, suggests that the advice of the County Council's specialist archaeological advisers be sought and taken into account.

In relation to designated assets, Historic England has concerns regarding the impact of the proposals on the setting of the Barn at Rectory Farm (Grade II), and Molecey's Mill and The Granary (Grade II*). The latter two are both listed on the basis of them being of special historic and architectural interest - with Grade II* listed buildings comprising only 6% of listed buildings and so regarded as upper tier designations. Historic England advise that the Mineral Planning Authority (MPA) should consider the full breadth of impacts upon the significance of the listed buildings affording to that consideration of the great weight and special regard required by the National Planning Policy Framework and the 1990 Planning (Listed Buildings and Conservation) Areas Act. More specifically, the MPA should consider the nature of hydrological, visual and other experiential setting effects (severity and duration) upon the function and economic viability of the Grade II* Molecey's Mill (a listed water mill), as these bear directly upon its conservation. Ultimately, it will be for the MPA to critically assess the hydrological evidence presented by the applicant in respect of concerns raised by others regarding potential impacts on water flows around Molecey's Mill, the water course and the former Stanford canal outside the site. If consent is granted, would urge that monitoring be put in place in case of any unanticipated negative effects so that such effects can be promptly identified and remedial actions/alternative working methods put in place.

With regard to impacts on Rectory Farm Barn, Historic England disagree with the applicant's assessment that there would be no additional setting impact as a result of the removal of the actual (real) ground around the listed building and its reinstatement with other material to an approximation of its former state. However, the applicant does set out clearly the current state of the setting in the context of works already consented and underway and so whilst Historic England disagree with the applicant's assertion that there is no additional harm, this harm is fairly small in the context of the wider impacts already set in place. Therefore, whilst Historic England has concerns about the proposal(s), it will be for the MPA to weigh the additional harm against public benefits.

In summary, Historic Environment advise that the issues and safeguards outlined need to be addressed in order for the application to meet the requirements of paragraphs 194-205 of the NPPF. While determining the application the MPA should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The MPA should also bear in mind section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in

accordance with the development plan unless material considerations indicate otherwise.

- (f) Lincolnshire Wildlife Trust (LWT) - has only offered comments in relation to application S23/0103 and stated that it places a holding objection to this proposal until relevant and up to date ecological survey results can be provided.

LWT are of the view that updated ecological surveys should be carried out in support of this proposal and the applicant should not rely on the findings of the surveys that were carried out as part of the previous ROMP application in 2018. New surveys should therefore be carried out in order to provide support for the extended area of working now proposed.

LWT also expresses concern over the lack of a detailed restoration plan for the land now proposed to be included in the extended boundary of the site. The restoration plan should include details of how biodiversity net gain to a minimum of 10% will be achieved, as well as details of the management and monitoring plan for the site 30 years post development. In November 2021 the Environment Bill gained Royal Assent to become an Act, which mandates Biodiversity Net Gain to a minimum of 10% to be delivered. Although this does not become mandatory for planning applications until November 2023, it is expected that developments within this transition period should address the requirement. The additional mitigation document provided on the planning website is lacking in detail and so the LWT would like to see a detailed mitigation plan before this application is approved.

- (g) Natural England - has confirmed that it has no comments to offer on either proposal.
- (h) Lincolnshire Police - no objection to either application.
- (i) Ministry of Defence (Safeguarding) - has confirmed that the MoD has no safeguarding objections to either proposal.
- (j) Welland and Deepings Internal Drainage Board (IDB) - has confirmed that the proposed reduced stand-offs would bring the operations closer to IDB maintained drains although they would not be directly affected. The applicant is aware of the requirement to ensure access is provided and maintained for the IDB to access their drains and no objections are raised to either proposal.
- (k) Environment Agency (EA) - no objection to both applications.
- (l) Environmental Health Officer (South Kesteven District Council) - has commented that the site has an Environmental Permit and is regulated by the Environment Agency and therefore have no comments on either application.

The following bodies/persons have been notified/consulted on the applications but no comments or response had been received during the statutory consultation period and by the time this report was prepared:

- Local County Council Member, Councillor A Baxter
- Barholme and Stowe Parish Meeting
- Tallington Parish Council
- Market Deeping Town Council
- Ramblers Association (Lincolnshire South)
- Arboricultural Officer (Lincolnshire County Council)
- Public Health (Lincolnshire County Council).

18. The application has been publicised by notices posted at the site (24 January 2023) and in the local press (Lincolnshire Echo on 12 January 2023) and letters of notification were sent to the nearest neighbouring residents. A total of 30 representations have been received in response to both applications (15 representations in relation to each application) and the following summarises the main issues/objections/comments made:

- Concerned about 'planning creep' which seems to be the modus operandi of quarrying companies that apply for one permission and then subsequently and consistently change and add to it with subsequent applications. This is underhand and the continued amendments is worrying for all in the village as it causes uncertainty and anxiety. The community has suffered enough and no further extension should be permitted as the local community have a right to unpolluted air and a restored environment.
- There are concerns about the environmental deterioration including increased noise, dust for residents, loss of amenities, loss of good farming land, and loss of habitat for wildlife. Whilst mitigation measures are proposed to reduce the impact of operations, having lived and witnessed these 'mitigation' measures in practice, these do little as impacts as a result of dust, air and light pollution are rampant and go unchecked. Lights at the quarries are on late and consistently and the roads are continually covered in dust and muck.
- Concerns that the proposed reduction of the stand-off limit to 25m would set a very dangerous precedent in respect of what is an acceptable buffer. The separation distances afforded to sensitive receptors and in particular in respect of the proximity of operations to listed buildings and residential sites.
- LCC's own policy regarding on safeguarding minerals requires a buffer zone of 250 metres for any development so reducing the standoff as proposed would compromise that standard of protection for the local environment and community.
- The application is misleading as it states in places the proposed additional minerals would extend the life of the quarry by between 6-9 months whereas

in other sections this is cited as potentially being three years. This extension would only defer and prolong restoration of the site which is already well overdue.

- A hydrology report has been commissioned by a local resident to identify potential risks that could arise from proposed future workings in the area. This report suggests that dewatering has the potential to have massive effects on the water-table and on the stability of the surrounding land, rivers, streams and buildings and therefore risks having a severely harmful effect even with mitigation in place*.
- Concerns about the impact (both existing and proposed) that the quarrying operations have on Molecey's Mill which is a Grade II* Listed Building*. This property is a wedding and events venue as well as a residential property and the continued quarrying will have a multitude of effects on the building, residents and users of this building not least as a result of impacts on visual amenity, continued delays in restoration, traffic, dust, noise and the setting of the listed buildings.
- The need for minerals is appreciated but there are many other locations within Lincolnshire where these minerals are to be found. There have been quarries around West Deeping since the early 1940's and the West Deeping quarry opened in 1952. The cumulative effects of yet another extension to this quarry is a step too far and a burden on this local community which should be removed by now opting for other sites away from West Deeping. The local community has shouldered its fair share of cumulative quarry operations over the last 80 plus years and so other sites and locations should not be sought to meet any shortfalls in supply.

*Some of the representations received reference sites and that have been put forward by the applicant and operators for consideration as part of this current Minerals & Waste Local Plan Review. These sites include land lying to the south of the A1175 and east of West Deeping village as well as an existing allocated site within the currently adopted Minerals and Waste Local Plan (referred to as MS29-SL). Whilst these concerns are noted, no application has been made to work the MS29-SL and the sites being promoted as part of the Local Plan review are still under consideration and a decision on whether these sites will be taken forward to the next stage of the Plan has yet to be made. Given this, these comments and references to perceived potential impacts arising from these proposals are not relevant or material to consideration or acceptability of these proposals and so are given no weight in the determination of these applications.

District Council's Recommendations

19. South Kesteven District Council (SKDC) has stated that it has significant concerns and reservations about the impacts of the proposals and is of the opinion that further information and evidence is required to address the specific concerns and

issues they have raised. Whilst SKDC acknowledge that the principle of sand and gravel extraction on this site is established by the existing planning permissions and the quarry's allocation within the Lincolnshire Minerals and Waste Local Plan, these following specific concerns exist (summarised as follows):

- Impacts on Rectory Farm Barn (Grade II listed) - note that Historic England has expressed concerns about the impacts of a reduced stand-off distance to this heritage asset and advise that SKDC's own Conservation Officer has commented that a reduced stand-off distance of between 25-30m would cause harm to the setting, both physically and visually, of this designated heritage asset and so should not be supported on heritage grounds. SKDC are of the opinion that the proposal would result in less than substantial harm to the setting of Grade II Listed Rectory Farm Barn. Therefore, the identified harm should be weighed against the overall benefits of the development both in the heritage policy balance but also the overall planning balance, when the Mineral Planning Authority makes its decision.
- Impacts of Molecey's Mill (Grade II*listed) - having reviewed the information supporting the application, including the Hydrological and Hydrogeological Assessment, the submission fails to make any assessment of the potential impact of the development on the functionality of Molecey's Mill. Therefore, it is SKDC's opinion that there is insufficient information to demonstrate that the development, including the additional dewatering proposed, would not cause harm to the setting and significance of this asset. In the absence of evidence to the contrary, SKDC therefore advise that the Mineral Planning Authority adopts a worst-case approach to the assessment of the impact, and concludes that the proposals would also result in substantial harm to the setting of the Grade II* Mill. This potential harm should therefore be weighed into the heritage policy balance, as well as the overall planning balance, and in accordance with the primary legislation should be given significant weight and consideration.
- Impact on nature conservation sites and ecology - notes the comments of other consultees in particular Lincolnshire Wildlife Trust who has advised that updated ecological survey results, and further detail regarding the restoration proposals for the site which demonstrate how a minimum 10% biodiversity net gain will be achieved, should be provided. SKDC supports these concerns and suggests that there is currently insufficient information to demonstrate that the application proposals would accord with Paragraph 174 of the NPPF or that the proposals would not harm identified ecological assets. SKDC are of the opinion there is also insufficient evidence to demonstrate that the restoration proposals would achieve a biodiversity net gain.

In summary, SKDC acknowledge that the principle of sand and gravel extraction on this site has been established by the existing planning permission, and the site's allocation within the Lincolnshire Minerals and Waste Local Plan. Notwithstanding this, on the basis of the available information as part of the current submission,

SKDC has significant reservations about the current proposals for the following reasons:

- The application proposals would reduce the standoff distances from the Grade II Listed Rectory Farm Barn resulting in less than substantial harm to the setting, both physically and visually, of this designated heritage asset. This identified harm should be weighed against the public benefits by the decision-maker and will need to be attributed significant weight in accordance with the statutory provisions of the Act 1990.
- There is currently insufficient evidence to assess the potential impact of the development on the functionality and economic viability of the Grade II* Molecey's Mill waterwheel, including any potential impacts as a result of the additional dewatering of the application site. As such, SKDC would advise that the potential harm to this heritage asset should also be weighed in the overall planning balance.
- There is currently insufficient information to demonstrate that the application proposals would not give rise to any ecological issues, and similarly there is insufficient evidence to demonstrate that the proposed restoration scheme would achieve a biodiversity net gain.

Conclusions

20. Section 38(6) of the Planning & Compulsory Purchase Act 2004, states that all applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking and in fact confirms that proposed developments which conflict with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
21. The key issues to be considered in this case are:
 - the need and justification for extracting sand and gravel from this unallocated site; and
 - the environmental and amenity impacts associated with the development including landscape and visual impacts; noise and dust; transport and highways; ecology and biodiversity; cultural heritage and the water environment and cumulative impacts.

Need and justification for sand and gravel aggregate

22. The NPPF advises that Mineral Planning Authorities make provision for a landbank of at least seven years for sand and gravel. Policies M2 and M3 of the CSDMP reflect the NPPF by seeking to ensure that there is an adequate and steady supply

of sand and gravel to meet projected demands and that a landbank of at least seven years is maintained within each of the Production Areas. Policy M2 confirms that 42.66 million tonnes (Mt) of sand and gravel is required to meet projected demands up to 2031 and that 15.66 Mt of this would be required within the South Lincolnshire Production Area. In order to meet this demand, provision for the release of new sand and gravel reserves has been provided for in the Site Locations Document. This includes the allocation of three specific sites in the South Lincolnshire Production Area.

23. The land subject of these two Section 73 applications is not identified within the Site Locations document as a future area for mineral extraction, however, these areas lie within the planning permission boundary of the quarry and so would not result in a lateral extension of the overall footprint of the site. Nevertheless, the proposed areas do lie outside the currently permitted extraction limits of the quarry and would result in the release of currently unconsented reserves. Therefore, these currently unconsented mineral reserves need to be considered and assessed in the same way as they would for any other non-allocated site.
24. Policy M4 states that for non-allocated sites, permission will be granted where there is a proven need that cannot be met from the existing permitted reserve or there is a specific shortfall in the landbank of the relevant Production Area and either:
 - (i) the site forms an extension to an existing Active Mining Site; or
 - (ii) the site is located in the relevant Area of Search as shown on the Policies Map and will replace an existing Active Mining Site that is nearing exhaustion.
25. In terms of proven need, the latest LAA does not provide a breakdown of reserves available within each Production Area but does show that at the end of 2022 there were approx. 22.364 Mt of sand and gravel reserves available within the County equating an estimated landbank of 9.62 years (based on 10 year average sales). This is above the recommended minimum of seven years identified by the NPPF and Policy M3, however, the distribution of those reserves is not even with some Production Areas containing a higher proportion of these overall reserves than others.
26. Since December 2022, the Mineral Planning Authority has resolved to grant planning permission for the extraction of 1.25Mt of sand and gravel reserves from part of the allocated Baston No.2 extension site (reference: MS27-SL) and from underneath the associated Plant Site (planning applications references: S22/1610 and S22/1612). These decisions are pending the completion of a S106 Planning Obligation. More recently it has also been resolved to grant permission for the extraction of 30,000 tonnes of reserves from underneath the former readymix plant at the former Manor Pit Plant site (ref: S23/0903 issued 9 August 2023). These decisions post-date the data contained within the latest LAA and together

would add a further 1.28Mt of reserves to the landbank. However, Officers are aware that aggregate sales have continued to be high during 2022/23 and so notwithstanding the increase in reserves and landbank that will occur as a result of the above mentioned decisions, there will have also been a reduction in reserves as a result of sales during the intervening period. Therefore, whilst it is still likely that the actual landbank is above the seven year minimum advocated by the NPPF and Policy M3, this is a minimum and as a result should not be seen as a barrier to allowing the release of new reserves where this can be achieved in appropriate locations and with minimal environmental effects.

27. In this case, the reserves lying within the additional proposed extraction areas are not reserves that benefit from any existing planning permission and as such would constitute previously unconsented and unallocated reserves. Whilst the additional reserves released may not be required to meet an identified shortfall in the landbank (based on data available at the end of 2022), they are located within the permitted lateral limits of the quarry and would be worked in conjunction with the currently permitted extraction operations. The extraction operations would be relatively short-term and temporary in nature and extracting these reserves as part of the current operations would prevent this valuable resource from being otherwise unnecessarily sterilised. Once extracted the additional areas of working would be restored as part of the on-going restoration works and so could be assimilated into the wider landscape.
28. The NPPF confirms that great weight should be afforded to the benefits of mineral extraction and these additional reserves would make a positive contribution towards ensuring the County maintains a sufficient landbank of aggregate reserves within this specific Production Area. In principle at least, I am satisfied that the release of these currently unconsented reserves is acceptable and would accord with the objectives of Policies M2, M3 and M4 of the CSDMP and so should be afforded great weight in the planning balance. However, before it can be determined whether this proposal is acceptable overall, it is also necessary to also consider the environmental and amenity impacts that could arise from this proposal and the extent to which this proposal accords with all relevant Development Management Policies and Restoration Policies contained within the Development Plan. A consideration of each of these factors is set out in turn below.

Environmental and Amenity Impacts

Landscape and Visual Impacts

29. The NPPF, Policy DM3 and DM6 of the CSDMP, and Policy EN1 and DE1 of the SKLP all contain criteria that seek to protect, maintain, and enhance the landscape. In terms of development in the countryside, consideration must be given to the potential for material impact upon the landscape and visual amenity.

30. A Landscape and Visual Impact Assessment (LVIA) accompanied the previous ROMP and Extension applications (references: S19/0497 and S19/0486). This assessed the likely landscape effects of the mineral extraction operations and recommended mitigation measures to address any previous impacts which occurred as part of the existing planning permissions. The land subject of these applications lies within the existing planning permission boundaries of these two permissions and so has been assessed previously, although, an Addendum to the previous LVIA has been produced in support of these applications.
31. In terms of landscape impacts, the landscape character of the area has not changed from that previously assessed with the site being located within the 'The Fens' Landscape Character Area (LCA) - a working landscape primarily dominated by intense agriculture and sand and gravel extraction. These revised proposals would result in additional landscape effects when compared with the currently consented workings through the loss of additional areas of land and existing landscape planting areas. These include areas of rough grassland and a young woodland belt located east and north of the boundary to Lodge Farm (although under the currently permitted scheme part of this belt is permitted to be removed already). In terms of visual impacts, the existing operations were previously assessed as having potential medium and long term effects on the visual amenity of local residents and users of local roads and public rights of way due to changes in the appearance of the site during its operational and restoration phases. However, mitigation measures were built into the existing operations to minimise and mitigate any impacts to an acceptable level both in the short-term but also the longer-term through the restoration of the site.
32. The additional areas now proposed to be worked are all internal permitted boundaries of the quarry and so any additional impact on views and visual setting is largely limited to the immediate environs of the properties affected. The existing mitigation measures embedded and secured as part of the wider permitted quarrying operations include the use of site boundary screening bunds, retention of existing boundary planting and, in the longer-term, the use of new landscape planting as part of the restoration works. Additional mitigation measures have been embedded and proposed as part of these revised proposals. These include advance gap planting along the entire northern and eastern boundary hedge to Lodge Farm to strengthen the existing planting that exists in this location. Under these revised proposals it is proposed to remove the soil screening bunds that have been erected around the southern boundary of Rectory Farm and Crown Farm and replace these with a temporary 3m high straw bale barrier erected between the properties and the revised extraction boundaries of the quarry. The straw bale barrier would be much closer to the properties than the soil bunds currently consented and, although these would be moved as the operations advance, they would nevertheless still give rise to some new landscape and visual impacts and effects upon the setting of the Rectory Farm Barn which is a listed building and weighs against this proposal. These impacts would, however, be temporary and reversible and following completion of the extraction phases, the land would be restored to a condition that improves the currently approved restoration proposals

by removing the artificial, uniform circular islands currently consented. These improvements are a benefit and weigh in favour of the revised proposals and I ascribe these positive, moderate, weight in the planning balance.

33. Having taken into account the information presented within the application, I am satisfied that the overall landscape and visual effects arising from the extraction of mineral from the additional areas of land identified would be not be significant and therefore is acceptable. The extraction operations would be temporary in nature and carried out over a relatively short-timeframe with mitigation measures adopted to minimise these impacts to an acceptable level. The impacts arising from the extraction operations would be temporary, limited in duration, and following extraction, the land would be restored to a condition that assimilates well into the existing approved restoration proposals for the site. Therefore, I am satisfied that the revised proposals do accord with the objectives of the NPPF and Policies DM3 and DM6 of the CSDMP and Policies EN1 and DE1 of the SKLP.

Noise and Dust

34. A combination of the current stand-off distances, screening bunds, and planning conditions ensure that the occupiers of Lodge Farm, Rectory Farm, and Crown Farm are protected from exposure to unacceptable levels of noise. The planning conditions imposed on the existing planning permissions limit noise levels from normal operations to a maximum of 55dB LAeq (1 hour, free-field) and for temporary operations such as bund formation and soil stripping to a maximum of 70dB LAeq (1 hour, free-field). These limits are consistent with those set out in national planning guidance.
35. The proposed reduction in the stand-off distances has the potential to expose the occupiers of Lodge Farm, Crown Farm, and Rectory Farm to higher levels of noise. A noise impact assessment has therefore been carried out and submitted in support of this application which presents an assessment of the noise levels associated with the working of the additional areas now proposed and an alternative mitigation strategy to ensure that the noise levels at the three properties remain acceptable. The assessment includes the results of noise surveys that were carried out at all three of the properties to establish current/background noise levels and to extract source data for the noise produced by the extraction machinery.
36. Based upon the existing 100m stand-offs, and assuming a line of sight between the operating plant and properties, the noise assessment calculates that noise associated with the currently permitted operations would be 52dB,1hr which falls within the permitted 55dB LAeq,1hr limit as set by the current planning conditions. These calculations therefore indicate that the stand-off distances could be reduced to 75 metres without the requirement of any additional noise mitigation measures and still be compliant with the current conditions. However, under the current working scheme, mitigation measures include the construction and removal of bunds around these properties, and during these works plant and equipment is

permitted to operate in closer proximity to these properties for a temporary period exposing them to higher levels of noise (up to 70dB). As an alternative to the bunds (and noise associated with their construction and removal) it is proposed to replace these with temporary 3m high straw bale barriers which would be erected between the quarry boundary and the proposed new extraction limits. The barriers would be a minimum length of 25m and centred around the current phase of working. The bales could be installed and removed quickly with little disturbance and repositioned periodically as the extraction operations move around the properties. For Rectory Farm and Crown Farm it is anticipated that the straw bales would be placed approximately 10m from the property and for Lodge Farm, which is further from the quarry boundary, the bales would be placed along the quarry boundary, approximately 30m from the property. During extraction operations, the current excavator would be used when working approximately 30m from the properties with a smaller excavator (e.g. a Volvo EC220) being used when working closer than 30m as these generate lower levels of noise.

37. The noise assessment concludes that subject to the use of the straw bales, as proposed and appropriate plant, extraction could be carried out within 25 metres of Rectory Farm and Crown Farm and up to the boundary with Lodge Farm. The calculated noise levels experienced at Rectory Farm/Crown Farm would be 54.1 dB LAeq,T (for operations up to 30 metres using the current excavator) and 53.9 dB LAeq,T (for operations working within 25 metres using a smaller excavator) and 52.6 dB LAeq,T for Lodge Farm which are within the 55dB LAeq, 1 hr limit as specified by the current planning conditions. Noise monitoring would also be carried out periodically whilst working within the existing 100 metre stand-off area to ensure that noise levels attributable to the operations remain acceptable and to allow further measures to be implemented, if necessary.
38. With regard to dust, as with noise, the proposed reduction in the stand-off distances has the potential to expose the occupiers of Lodge Farm, Crown Farm and Rectory Farm to higher levels of dust as a consequence of the workings being closer to these properties. A number of measures are already adopted, and implemented, at the quarry in order to identify, mitigate, control, and monitor dust emissions from the workings. These measures are well-known, established, and effective techniques. The applicant states that these same measures and practices would continue to apply to any revised scheme of working and this would ensure that any impacts are minimised and/or further measures can be identified and implemented should issues be identified.
39. No objections or concerns have been raised by the Environmental Health Officer at SKDC regarding noise and dust and having reviewed the information contained within the application, and subject to suitable conditions, I am satisfied that the development would result in no greater harm than the existing permitted operations in relation to noise and dust impacts. I therefore conclude that the revised development continues to accord with the objectives of the NPPF, NPPG and Policies DM3 of the CSDMP and Policies EN4 and DE1 of the SKLP and, as the

impacts in respect of dust and noise are no worse, I ascribe these neutral weight in the overall planning balance.

Transport and Highways

40. There would be no change to the number or frequency of existing HGV traffic or hours affecting those movements as a consequence of these proposals. Mineral extracted from the additional working areas would be transported to the Plant Site via conveyor for processing in the same way as the currently consented operations. The current ROMP permission allows for extraction to take place until 21 February 2042 although as indicated previously, and based on current extraction rates, there is only estimated to be around three years of reserves remaining within the existing quarry. These additional reserves would therefore extend the life of the quarry for a period of around 12-18 months, however, this is not considered a significant amount of time and it is highly likely that the quarry would still be completed before the permitted end date as set by the ROMP permission.
41. Whilst objections and concerns have been raised by Langtoft Parish Council, as well as local residents, about the impacts of existing traffic on the local highway, no objection has been received from the Highways Officer (Lincolnshire County Council). The same controls and conditions imposed on the current permissions would continue to apply to any new permission issued and despite the reservations raised by third parties, Officers are satisfied that these same conditions and controls are reasonable, proportionate and enforceable in the event issues arise. Therefore, I am satisfied that the revised proposals would not give rise to any significant or greater impacts in terms of highway safety than the currently consented operations and, therefore, the development would continue to accord with the objectives of the NPPF, NPPG and Policies DM13 and DM14 of the CSDMP and Policy ID2 of the SKLP and so this attracts neutral weight in the planning balance.

Ecology, biodiversity and restoration

42. The land subject of these applications falls within the permission boundaries of the original ROMP and Extension permissions. A Phase 1 Extended habitat survey was carried out in support of those applications which considered the impacts of the proposed mineral extraction operations on habitats in and around the site and on individual species. This assessment concluded that all potential impacts upon habitats and individual species identified were acceptable or could be mitigated.
43. A copy of the same Phase 1 Extended habitat survey has been submitted in support of these applications and this confirms that the areas of land subject of these applications is largely comprised of rough grassland and ruderal/tall herby habitats and of low quality habitat, previously disturbed land or land used for soil storage. Whilst the survey was conducted a number of years ago, there have been no substantial changes to the land in the intervening period and extraction operations have continued to be carried out in close proximity to the areas now proposed to be affected. Given this I am satisfied that the findings of this survey can still be

relied upon in the determination of these applications and given the existing low habitat value, other than standard restrictions (e.g. restricting vegetation/site clearance works to outside bird breeding season (unless otherwise checked by a suitability qualified ecologist) and measures being adopted to ensure any trees/hedgerows to be retained in close proximity to affected areas), any impacts upon habitats and/or individual species would be minimal and/or could be mitigated.

44. In terms of restoration, the additional areas of land would be worked and restored in conjunction with the existing permitted operations. The restoration proposals for the additional areas of land do not fundamentally alter the existing and previously approved restoration scheme but instead focuses on ensuring that, upon restoration, the land ties into the wider site so as to provide an integrated and comprehensive restored landform. As indicated earlier in this report, the revised restoration proposals would amend the currently approved artificial and uniform circular islands around the three properties lying within the site and these improvements are a benefit and weigh in favour of the revised proposals. In terms of biodiversity, whilst LWT has made reference to the Environment Act 2021 and stated that there should be a 10% uplift in biodiversity net gain and 30 year monitoring and maintenance requirement secured as part of this proposal, these requirements are not due to be enacted until November 2023. Furthermore, in February 2023 the Government published its response to an earlier consultation on the forthcoming biodiversity net gain (BNG) regulations which would apply and set out how mandatory BNG would work for planning applications considered under the Town & Country Planning Act¹. This response confirmed that, subject to further engagement, the Government intends to only apply the requirement to secure a 10% BNG uplift to Section 73 applications relating to mineral sites where the original permission was granted after commencement of the mandatory requirement to secure BNG (currently to be implemented from November 2023). Given this position, whilst the views of LWT are noted, it is clear from the Governments response that it does not expect mineral operations subject of existing planning permissions to be mandated to secure a 10% BNG uplift over and above any existing approved restoration scheme.
45. Having given careful consideration to the proposals and views of LWT, I am satisfied that the ecological and conservation issues have been adequately assessed and that the restoration proposals for the additional areas of working are appropriate and acceptable and would ensure the land affected is restored in a timely manner to uses that reflect that approved for the wider quarry. I am satisfied that the revised proposals would not be at odds with the NPPF or objectives of Policies DM6, DM8, DM9, R1, R2 and R3 of the CSDMP or Policies EN1 and EN2 of the SKLP and so this weighs positively in favour of the revised proposals and attracts moderate weight in the planning balance.

¹ <https://www.gov.uk/government/consultations/consultation-on-biodiversity-net-gain-regulations-and-implementation/outcome/government-response-and-summary-of-responses>

Cultural Heritage

46. Central Government legislation and planning policy require the Local Planning Authority (LPA) to have special regard to the desirability of preserving a Listed Building or its setting or any special features of special architectural or historic interest which it possesses when determining any planning application. When considering the impact of any development on the significance of a designated heritage asset great weight should be given to its conservation. The more important the asset, the greater the weight should be given to its conservation and any harm or loss should require clear and convincing justification. The requirements and aims of Central Government policy are reflected at a local level through the provisions of Policy DM4 of the CSDMP and Policy EN6 of the SKLP.

Impacts on Designated Assets (e.g. Listed Buildings)

47. Concerns have been raised by Historic England and SKDC regarding the impact of these proposals on both Rectory Farm Barn and Molecey's Mill which are both listed buildings. The concerns raised are noted and it is accepted that there would be some previously unforeseen setting impacts on Rectory Farm Barn as a result of these proposals. During the extraction phase, the working of the additional areas of land has the potential to impact upon the setting of Rectory Farm Barn (a Grade II Listed Building) as it would bring the operations closer to the assets than currently consented. However, these impacts would be limited in duration and confined to land that is, in part, physically separated from the immediate setting of the barn by the presence of an existing, more modern, outbuilding. The extraction operations would be carried out using the same methods as those currently employed and would take place over a relatively short-timeframe meaning any impacts experienced would be short-term and temporary. Once the area has been worked out, the land would be restored. The existing approved restoration scheme creates 'circles' or 'islands' around the asset which, although approved, are an unnatural shape/feature that alters the long-term setting of Rectory Farm Barn already. Under the revised proposals the landform would be altered with planting carried out, although, the overall wider setting would remain essentially the same - e.g. restored quarry to low level agriculture and water features.
48. In respect of impacts on Molecey's Mill, whilst the concerns raised by third-parties, Historic England and SKDC, are noted, in my view the impacts arising from the revisions sought by these proposals will not result in any greater impact on this asset than those associated with the currently consented development. The extraction operations are no closer to this asset than currently permitted and the site would continue to be dewatered as it is currently. The proposed working and restoration works would be no closer to the Mill than they are currently and would be carried out in the same way as currently consented. No evidence has been provided which demonstrates or supports the concerns that the current operations have led to an impact on groundwater levels and flows in the area. The Environment Agency has not previously raised concerns about the current working or raised any objection to these revised proposals or suggested that further

evidence or monitoring is required. A condition attached to the wider ROMP permission already requires a scheme of groundwater monitoring to be carried out and this would cover the wider operations. As a result, whilst I note the request from Historic England that consideration be given to securing off-site monitoring as part of these revised proposals, I do not consider such a requirement justified or reasonable.

49. Having given careful consideration to the proposals and comments received, I agree that reducing the stand-offs as proposed by these two applications would give rise to some additional harm to the setting of Rectory Farm Barn. Whilst there are different views between the applicant and consultees about the extent of this harm, this is a matter of professional judgement. On balance, it is my view that the harm to the setting of Rectory Farm Barn from these revised proposals amounts to 'less than substantial harm' and affords it great weight, albeit these impacts are largely temporary and reversible. However, taking into account the great weight I have afforded to the benefits these proposals offer in respect of preventing the unnecessary sterilisation of an important mineral resource and the contribution the additional reserves offer in respect of ensuring an adequate and steady supply and sufficient landbank of aggregates reserves within this specific Production Area, I consider this harm to be balanced out by these wider public benefits and so the resultant harm attracts only a moderate amount of weight in the overall planning balance.

Impacts on Non-Designated Assets (e.g. Archaeology)

50. In respect of undesignated assets (e.g. buried archaeology), there is a high likelihood that similar remains to those found within the wider quarry could be found within proposed additional areas now proposed to be worked. The extraction of mineral from these areas would destroy any archaeological remains within these areas and so the County Council's Historic Environment Officer has recommended that the applicant be required to continue to implement the existing approved Written Scheme of Archaeological Investigation to the additional areas now proposed to be worked. This would mitigate the impact of the extended working proposals on the historic environment by requiring the preservation of any remains by record. This can be secured by ensuring the existing conditions and approved schemes attached to the existing planning permissions continue to apply to any new permission issued. Subject to this I am satisfied that the development would result in no greater harm to undesignated assets than the existing permitted operations.
51. Therefore, subject to the imposition of suitable planning conditions, I am satisfied that the impacts of this proposal on designated and undesignated assets is acceptable or can be appropriately mitigated and as such the proposals do accord with the objectives of the NPPF and Policies DM4 of the CSDMP and Policy EN6 of the SKLP.

Water Environment and Flood Risk

52. The NPPF and Policies DM2, DM15 and DM16 of the CSDMP and Policy EN5 of the SKLP seek to protect water resources and not contribute to flood risk
53. Dewatering already takes place within the quarry with waters being managed within the existing workings before being finally discharged at a controlled rate to the IDB managed Langtoft Drain. Previous assessments carried out as part of the ROMP and Extensions permissions have demonstrated that the existing operations do not impact upon the groundwater levels and flows outside of the site or give rise to increased flood risk issues as the water management regime for the quarry is self-contained. A condition attached to the existing ROMP permission also requires groundwater monitoring to be carried out during the restoration and after-care phases of development to ensure that water levels within the restored landform are maintained and to provide monitoring data to confirm the effectiveness of the water management regime in the longer-term.
54. Under these revised proposals, no changes are proposed to the method of working, and dewatering would continue to be carried out. Reducing the stand-off areas and expanding the area of dewatering does however have the potential to increase the distance over which drawdown effects are observed and increase the volumes of groundwater induced to flow towards the works (and thus dewatering rates). A Hydrogeological and Hydrological Impact Assessment (H&HIA) and Flood Risk Assessment (FRA) have therefore been prepared and submitted in support of these applications which determine the baseline conditions of the water environment at the site and surrounding area, identify the potential impacts of the site on the water environment, assess the magnitude of significance and impact, and derive the appropriate mitigation measures for any potential impact.
55. The H&HIA and FRA conclude that although the revised proposals would reduce the radius of the stand-off areas around the three properties, this would result in no significant impact upon groundwater levels and flows as a result of an expansion of the area of dewatering relative to existing, consented, conditions. The assessment states that there is no hydrogeological or hydrologically based reason that the revised method of working proposed cannot therefore proceed subject to the adoption and implementation of the recommended mitigation measures/planning controls.
56. As stated previously, objections and concerns have been raised regarding the potential impacts that the proposed revised workings could have upon the water environment and in particular flows within the nearby watercourses which are directly related to the function and economic viability of the Grade II* Molecey's Mill. One local resident has also commissioned a hydrological consultant to prepare a report looking at the potential risks that future working of sites, that have been promoted to the south of the A1175 as part of the current Minerals and Waste Local Plan Review, could have on the water environment. It is argued that this report supports concerns that the mineral workings pose a risk to the local

water environment, residents, buildings, and businesses. Officers have reviewed this report and it is noted that this refers to plans for potential future working that have been promoted to the south of the A1175 and are not specific to this proposal. This independent report also notes that the future extraction proposals are at the pre-planning stage and that should these enter planning or operation, it is the detail of those operations that will determine the risks that could arise. Factors influencing this would include, amongst others, whether the extraction is to be worked wet or dry, the phasing of extraction, and restoration proposals. This report is therefore not specific to the proposals before the Committee today and so is not relevant to the consideration of this application. In this case, the Environment Agency has reviewed the detail supporting this application, has not previously raised concerns about the current workings, and has not raised any objection to these revised proposals. No changes are proposed to the existing management and monitoring regimes that are carried out as part of the existing operations and these same controls and conditions would continue to apply to any revised operations. A condition attached the wider ROMP permission already requires a scheme of groundwater monitoring to be carried out during the restoration and aftercare phase and this requirement would continue to apply to any new permission issued.

57. Therefore, subject to suitable conditions, I am satisfied that the development would result in no greater harm than the existing permitted operations in relation to the water environment and would not give rise to any increased risk of flooding on or offsite. I therefore conclude that the revised development continues to accord with the objectives of the NPPF, NPPG, and Policies DM2, DM15 and DM16 of the CSDMP and Policy EN5 of the SKLP. As the impacts are no worse I ascribe these neutral weight in the overall planning balance.

Cumulative Impacts

58. Having taken into account all supporting documentation and comments received from consultees, it is considered that the proposed changes to the working and restoration schemes would not give rise to any significant adverse environmental or amenity impacts, either individually or when consideration in combination with each other. Any cumulative impacts arising from these proposals would be very localised to the site. Therefore, the proposals would meet the aims and objectives of the NPPF and Policy DM17 of the CSDMP.

Planning Balance and Final Conclusions

59. The proposed reduction to the existing stand-offs would allow extraction operations to take place within areas not currently permitted. The working of these areas would give access to additional reserves which would otherwise be required to remain in-situ and so would be sterilised following restoration of the quarry (as proposed). These reserves are an important mineral resource and if worked would contribute to ensuring a sufficient landbank of aggregate reserves is available within this specific Production Area.

60. Whilst objections and concerns have been raised by some parties, and there would be some inevitable impacts as a result of reducing the stand-off distances around the three properties, I am satisfied that any impacts would be largely short-term and temporary in nature and the impacts of which could be minimised by the mitigation measures embedded and proposed as part of the development. Post extraction the restoration and inclusion of these areas into the wider restoration proposals for the site would result in a restored landform that is an improvement over that currently approved and would be no more harmful to the long-term setting of the listed building than that currently consented.
61. I have afforded great weight to the benefits these revised proposals offer in respect of preventing the unnecessary sterilisation of an important mineral resource and the contribution the additional reserves offer in respect of ensuring an adequate and steady supply and sufficient landbank of aggregates reserves within this specific Production Area. The revised proposals would, however, result in less than substantial harm to the setting of Rectory Farm Barn and this is afforded moderate negative weight. There would also be some increased localised visual harm to the occupiers of the properties as a result of reducing the stand-off between those properties and the extraction areas and as a result of the erection of a straw bale barrier in closer proximity to those properties. However, these impacts would be temporary and only experienced for a relatively short-period of time and so when compared with the existing permitted operations are ascribed moderate negative weight.
62. Having considered the nature of the changes proposed, and given that the same existing conditions and controls would continue to apply and could be imposed on any new permission granted, I ascribe neutral weight to impacts in respect of dust and noise, traffic and transport, and the water environment.
63. Taking all the factors into account, I am satisfied that there are no adverse impacts of significant weight that would outweigh the benefits of these revised proposals and so these revisions are acceptable in planning terms and therefore planning permission should be granted.
64. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions, they result in the granting of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that decision notices for each application be issued with a comprehensive set of conditions which update and (where relevant) recites or deletes any conditions which were originally included and attached to the previous planning permissions.

Human Rights Implications

65. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining

whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted these decisions would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

It is recommended that:

- A. S23/0102 - planning permission be granted to vary condition 3 of planning permission S19/0486 subject to the revised and updated set of planning conditions set out in Appendix B; and
- B. S23/0103 - planning permission be granted to vary condition 2 of planning permission S19/0497 subject to the revised and updated set of planning conditions set out in Appendix C.

Informatives

Attention is drawn to:

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. 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.

Appendices

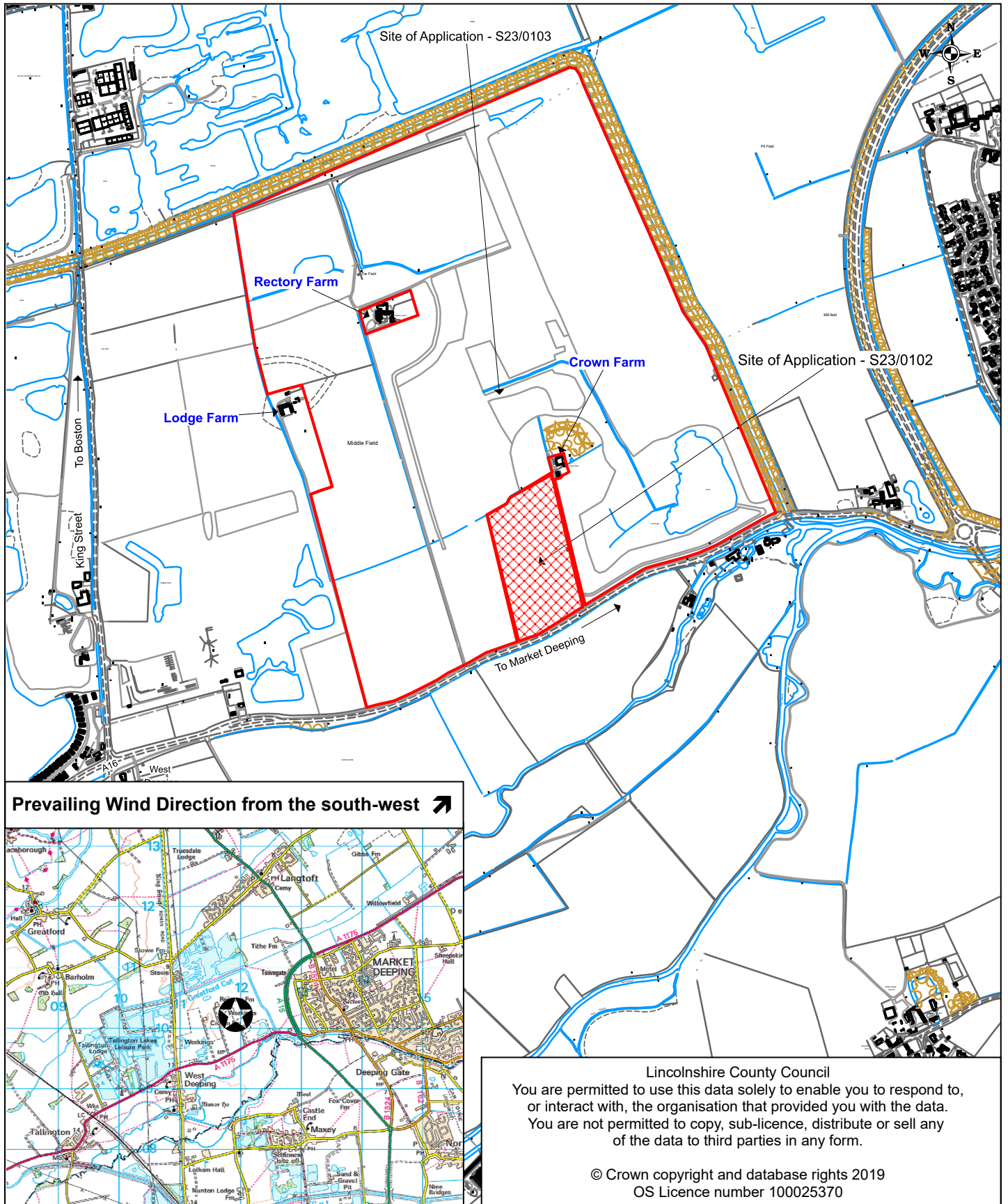
These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	Proposed conditions in relation to application S23/0102
Appendix C	Proposed conditions in relation to application S23/0103

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 Files S23/0102 & S23/0103	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
South Kesteven Local Plan (2020)	South Kesteven District Council's 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:
 West Deeping Quarry
 King Street
 West Deeping

Scale: 1:12,500

Description:
 S23/0102 - to vary condition 3 of planning permission S19/0486; and
 S23/0103 - to vary condition 2 of planning permission S19/0497

Appendix B

S23/0102 - to vary condition 3 of planning permission S19/0486 - to amend the mineral extraction boundary and reduce the standoff distance from Crown Farm

Definition and commencement

1. This permission relates to the site edged red on Drawing No. W23_LAN_002 – ‘Location Plan’ (hereafter referred to as ‘the Site’) for the progressive winning and working of sand and gravel and restoration of the Site.

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

Scope of the Permission

2. The development hereby permitted shall only be carried out in accordance with the submitted documents and drawings, unless modified by the conditions attached to this decision notice or details subsequently approved pursuant to those conditions, including:

Documents

Planning Application Form (date stamped received 23 January 2019) and Planning and Environmental Statement prepared by Heaton Planning Ltd dated January 2019 (date stamped received 23 January 2019) including all appendices and supporting technical assessments as amended by the Further Information submitted in response to the Regulation 25 Notice (date stamped received 5 July 2019) as amended by the information contained within the Planning Application Form (date stamped received 25 November 2022) and Planning and Environmental Considerations Statement (date stamped received 25 November 2022) including all technical appendices and supporting assessments referenced A to H (the PES).

Drawings

- W23_LAN_002 ‘Location Plan’ (date stamped received 25 November 2022)
- W23_LAN_026_E ‘Proposed Extraction Areas’ (date stamped received 25 November 2022)
- W23_LAN_027_E ‘Restoration Concept’ (date stamped received 25 November 2022)
- W23_LAN_028 ‘Areas Affected by S73 Application’ (date stamped received 15 December 2022)
- W23_LAN_29_E ‘Cross Sections’ (date stamped received 25 November 2022)
- W23_LAN_30_E ‘Development Stages’ (date stamped received 25 November 2022)
- W23_LAN_31_E ‘Additional Mitigation’ (date stamped received 25 November 2022).

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

3. There shall be no access or egress by Heavy Commercial Vehicles from the site using the field gate onto the A1175/Stamford Road for the duration of the development.

Reason: In the interest of highway safety.

Archaeology

4.
 - (a) All archaeological works including observation, mapping, assessment and recording shall be carried out in accordance with the specification contained within Technical Appendix G of the PES.
 - (b) The applicant shall notify the Mineral Planning Authority of the intention to commence at least fourteen days before the start of each phase of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without the prior consent of the Mineral Planning Authority.
 - (c) A report of the archaeologist's findings shall be submitted to the Mineral Planning Authority and the Historic Places Records Officer at Lincolnshire County Council in accordance with the approved scheme unless otherwise agreed in writing by the Mineral Planning Authority. The condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site.

Landscape and Ecology

5. The existing trees and shrubs around the boundary of the Site shall be retained except where provision for their removal has been made in the approved scheme of working and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority.
6. No site preparation works that 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.

Reason: To ensure that the existing boundary trees are retained throughout the development so as to help minimise the visual impact of the development, to secure the ecological mitigation measures and enhancements proposed as part of the

development and to avoid disturbance to birds during the breeding season in the interests of wildlife conservation.

Materials Handling Strategy

7. Nothing in this determination shall be construed as permitting the removal of soils and/or overburden and/or clay from the site.
8. The stripping, excavation, movement, storage, lifting and placement of topsoil, subsoil, clay and soil forming materials that may be encountered, shall only take place in accordance with the recommendations in Section 4 of the 'Soil Resources and Agricultural use and Quality of Land at West Deeping Quarry, Lincolnshire' (Technical Appendix H of the PES).
9. All materials excepting topsoil shall be stored to a height not exceeding 5 metres and shall not be located on restored land or land that has not been stripped of topsoil.

Reason: To preserve the quality of topsoil and protect the visual amenity of the surrounding area.

Hours of Operation

10. Unless otherwise agreed in writing with the Mineral Planning Authority no operations and activities authorised or required in association with this development, other than water pumping, shall be carried out except between the following hours:

Monday to Friday 07:00 to 17:00 hours;

Saturdays 07:00 to 12:00 hours; and

No operations shall be carried out on Sundays or Bank Holidays.

Noise and Dust

11. All dust prevention, control and management measures as set out in Chapter 10 of the PES shall be implemented in full for the duration of the operational/construction/restoration phases of the development.
12. Except for temporary operations (as referred to in Condition 14 below) noise levels as a result of any operation or item of plant and machinery operating within the site shall not exceed 55dB LAeq (1 hour, free-field) when measured at any noise sensitive property in the vicinity of the site.
13. For temporary operations, which includes soil stripping and bund construction and removal, noise levels shall not exceed 70 dB LAeq (1 hour free-field) when measured at any noise sensitive property in the vicinity of the site.

Complaints Procedures

14. In the event of a complaint relating to dust and/or noise being received by the operator or the Mineral Planning Authority, the programme of monitoring and complaints procedure (as set out in Technical Appendix D 'Supporting Statement in Respect of Noise and Dust' of the PES) shall be implemented in full and any further mitigation measures considered necessary identified and implemented. The results of the monitoring and details of any further mitigation measures implemented shall be recorded and retained at West Deeping Quarry for a period of three years and made available to the Mineral Planning Authority on request.

Reasons: To protect the amenities of the surrounding area.

The Water Environment

15. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, or shall be stored in an approved double skin proprietary tank/s. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/s and other containers 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.
16. Prior to commencement of extraction in Stage D, as illustrated in Drawing No: W23_LAN_030_E, a groundwater monitoring scheme shall first be submitted and approved in writing by the Mineral Planning Authority. The scheme shall provide for monitoring to be undertaken during the restoration and aftercare phases of the development and reflect the recommendations as set out in Technical Appendix E.1 'Hydrological and Hydrogeological Assessment' of the PES and provide for the following:
 - a) contain details of the location of all monitoring boreholes to be established;
 - b) provide for the carrying out of baseline surveys and levels;
 - c) identify triggers and measures to be adopted to ensure and maintain the water table level within the areas of the site restored to agriculture to no greater than 6 metres above ordnance datum; and
 - d) contain a timetable setting out the frequency for on-going monitoring and reporting of results to the Mineral Planning Authority for the duration of the development hereby permitted.

Following the approval of the scheme it shall be implemented in full and in accordance with the approved details.

Reason: In order to afford appropriate protection to the environment and to demonstrate that the water table is maintained in restored areas.

Restoration and Aftercare

17. Prior to commencement of mineral extraction in Stage D, as illustrated in Drawing No. W23_LAN_030_E, full details of a restoration scheme for the extension site shall be submitted and approved in writing by the Mineral Planning Authority. The restoration scheme shall include information on landform, locations and cross-section of the water body and drainage ditches and weirs together with native planting species, numbers, spacing and locations. The site shall be progressively restored in accordance with the approved scheme and completed in full within 12 months of the permanent cessation of mineral extraction. All planted trees, shrubs and hedgerows shall be maintained for a period of five years during which all losses shall be replaced in the following planting season.
18. Prior to commencement of mineral extraction in Stage D, as illustrated in Drawing No. W23_LAN_030_E, an aftercare scheme for the site shall be submitted to and approved in writing by the Mineral Planning Authority. For avoidance of doubt the submitted scheme shall provide the following details:
- The steps as may be necessary to bring the land to the required standard for use for agriculture, water management and nature conservation;
 - For the annual submission of a schedule of aftercare works to be undertaken in any calendar year from the commencement of the aftercare period; and
 - For the annual submission of a record of the works carried out in the previous year.

The approved scheme shall be implemented in full. Aftercare shall commence on the date cited in Condition 18 above of the completion and restoration.

19. In the event of permanent cessation of mineral extraction, a revised restoration scheme and programme aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Such a scheme shall be submitted within six months of cessation of extractive operations and implemented in full.

Reason: To ensure that the site is restored appropriately and at the earliest opportunity and that the restored land is subject to appropriate aftercare in the interests of agricultural land quality.

Appendix C

S23/0103 - to vary condition 2 of planning permission S19/0497 to amend the mineral extraction boundary and reduce the standoff distances from Rectory Farm, Crown Farm and The Lodge

Duration

1. The winning and working of minerals shall be limited to a period expiring on 21 February 2042.

Reason: To comply with the requirements of Section 72(5) and paragraph 1 of Part 1 of Schedule 5 to the Town and Country Planning Act 1990.

Scope of the Permission

2. The development hereby permitted shall only be carried out in accordance with the submitted documents and drawings, unless modified by the conditions attached to this decision notice or details subsequently approved pursuant to those conditions, including:

Documents

Planning Application Form (date stamped received 5 November 2018) and Planning and Environmental Statement prepared by Heaton Planning Ltd dated October 2018 (date stamped received 5 November 2018) including all appendices and supporting technical assessments as amended by the Further Information submitted in response to the Regulation 25 Notice (date stamped received 5 July 2019) as amended by the information contained within the Planning Application Form (date stamped received 25 November 2022) and Planning and Environmental Considerations Statement prepared by Heaton Planning Ltd (date stamped 25 November 2022) including all technical appendices and supporting assessments referenced A to H (the PES)

Drawings

- W23_LAN_001 ROMP 'Location Plan' (date stamped received 25 November 2022)
- W23_LAN_026_E 'Proposed Extraction Areas' (date stamped received 25 November 2022)
- W23_LAN_027_E 'Restoration Concept' (date stamped received 25 November 2022)
- W23_LAN_28 'Areas Affected by the S73 Application' (date stamped received 15 December 2022)
- W23_LAN_029_E 'Cross Sections' (date stamped received 25 November 2022)

- W23_LAN_030_E 'Development Stages' (date stamped received 25 November 2022)
- W23_LAN_031_E 'Additional Mitigation' (date stamped received 25 November 2022).

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved application details.

3. Nothing in this determination shall be construed as permitting the removal of soils and/or overburden and/or clay from the site.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure these materials remain on site for use for restoration purposes.

4. Nothing in this determination shall be construed as permitting the importation of materials (with the exception of silt from the existing lagoons at West Deeping Quarry Plant Site) for any purpose including achieving landscaping or restoration of the site.

Reason: For the avoidance of doubt.

Hours of Operation

5. No operations and activities authorised or required in association with this development, including HGVs accessing and egressing the quarry, shall be carried out except between the following hours:

Monday to Friday 07:00 to 17:00 hours;
Saturdays 07:00 to 12:00 hours; and
No operations shall be carried out on Sundays or Bank Holidays.

Reason: To protect the amenities of the surrounding area.

The Water Environment

6. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, or shall be stored in an approved double skin proprietary tank/s. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/s and other containers 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.
7. Prior to commencement of mineral extraction in Development Stage D, identified in Drawing No. W23_LAN_030_E, a groundwater monitoring scheme shall first be

submitted and approved in writing by the Mineral Planning Authority. The scheme shall provide for monitoring to be undertaken during the extraction, restoration and aftercare phases of the development and reflect the recommendations as set out in the Technical Appendix E.1 'Hydrological and Hydrogeological Assessment' of the ES and provide the following:

- a) contain details of the location of all monitoring boreholes to be established;
- b) provide for the carrying out of baseline surveys and levels;
- c) identify triggers and measures to be adopted to ensure and maintain the water table level within the areas of the site restored to agriculture to no greater than 6 metres above ordnance datum; and
- d) contain a timetable setting out the frequency for on-going monitoring and reporting of results to the Mineral Planning Authority for the duration of the development hereby permitted.

Following the approval of the scheme it shall be implemented in full and in accordance with the approved details.

Reason: In order to afford appropriate protection to the environment and to demonstrate that the water table is maintained in restored areas.

Landscape and Ecology

8. All existing trees, shrubs, hedges, walls and fences on and adjacent to the site boundary shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying and until the restoration of the whole site has been completed and the after-care period expired.

Reason: To ensure that these features are properly maintained and protected for the duration of the development and in the interest of visual amenity and landscape character.

9. No removal of hedgerows, trees, shrubs or vegetation shall take place between 1 March and 31 August inclusive, unless otherwise agreed in writing with the Mineral Planning Authority. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and where appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until the birds and any dependent young have vacated the area.

Reason: In the interest of the natural environment.

Archaeology

10. All archaeological works undertaken as part of the development shall be undertaken in accordance with the specification contained within Technical Appendix G of the PES.

Reason: In order to afford appropriate protection to the historic environment.

Dust Suppression

11. All dust prevention, control and management measures as set out in Chapter 10 of the PES shall be implemented in full for the duration of the operational/construction/restoration phases of the development.

Noise

12. Except for temporary operations (as referred to in Condition 13 below) noise levels as a result of any operation or item of plant and machinery operating within the site shall not exceed 55dB LAeq (1 hour, free-field) when measured at any noise sensitive property in the vicinity of the site.
13. For temporary operations, which includes soil stripping and bund construction and removal, noise levels shall not exceed 70 dB LAeq (1 hour, free-field) when measured at any noise sensitive property in the vicinity of the site.

Complaints Procedures

14. In the event of a complaint relating to dust and/or noise being received by the operator or the Mineral Planning Authority, the programme of monitoring and complaints procedure (as set out in Technical Appendix D 'Supporting Statement in Respect of Noise and Dust' of the PES) shall be implemented in full and any further mitigation measures considered necessary identified and implemented. The results of the monitoring and details of any further mitigation measures implemented shall be recorded and retained at West Deeping Quarry for a period of three years and made available to the Mineral Planning Authority on request.

Reason: To protect the amenities of the surrounding area.

Materials Handling Strategy

15. The stripping, excavation, movement, storage, lifting and placement of topsoil, subsoil, clay and soil forming materials that may be encountered shall only take place in accordance with the recommendations in Section 4 of the 'Soil Resources and Agricultural Use and Quality of Land at West Deeping Quarry, Lincolnshire' (Technical Appendix H of the PES).
16. All materials excepting topsoil shall be stored to a height not exceeding 5 metres and shall not be located on restored land or land that has not been stripped of topsoil.

Reason: To preserve the quality of topsoil and protect the visual amenity of the surrounding area.

Restoration and Aftercare

17. Prior to commencement of mineral extraction in Development Stage D, identified in Drawing No. W23_LAN_030_E, full details of a restoration scheme for the site illustrated in Drawing No. W23_LAN_027_E 'Restoration Concept' shall be submitted and approved in writing by the Mineral Planning Authority. The restoration scheme shall include information on landform, locations and cross-section of all water bodies and drainage ditches and weirs together with native planting species, numbers, spacing and locations. The site shall be progressively restored in accordance with the approved scheme and completed in full within 12 months of the permanent cessation of mineral extraction or 21 February 2042, whichever is sooner. All planted trees, shrubs and hedgerows shall be maintained for a period of five years during which all losses shall be replaced in the following planting season.
18. Prior to commencement of mineral extraction in Development Stage D, identified in Drawing No. W23_LAN_030_E, an aftercare scheme for the whole site shall be submitted to and approved in writing by the Mineral Planning Authority. For avoidance of doubt the submitted scheme shall provide the following details:
 - The steps as may be necessary to bring the land to the required standard for use for agriculture, water management and nature conservation;
 - For the annual submission of a schedule of aftercare works to be undertaken in any calendar year from the commencement of the aftercare period; and
 - For the annual submission of a record of the works carried out in the previous year.

The approval scheme shall be implemented in full. Aftercare shall commence on the date cited in Condition 17 above of the completion of restoration.

19. In the event of a permanent cessation of mineral extraction, a revised restoration scheme and programme aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. Such a scheme shall be submitted within six months of cessation of extractive operations and implemented in full.

Reason: To ensure that the site is restored appropriately and at the earliest opportunity and that the restored land is subject to appropriate aftercare in the interests of agricultural land quality.

Transport

20. All minerals shall only be transported to the King Street plant site using the overland field conveyor.
21. The total number of HGV movements per year associated with the importation of silt from the King Street plant site shall not exceed 100 movements.

22. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway.
23. Deleted - now subject of separate permission S22/1478

Reason: In the interest of highway safety and to ensure that the highway is clear of mud and extraneous deposits.