



County Offices
Newland
Lincoln
LN1 1YL

2 May 2019

Planning and Regulation Committee

A meeting of the Planning and Regulation Committee will be held on **Monday, 13 May 2019 at 10.30 am in Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely

A handwritten signature in cursive script that reads 'Debbie Barnes'.

Debbie Barnes OBE
Head of Paid Service

Membership of the Planning and Regulation Committee
(15 Members of the Council)

Councillors I G Fleetwood (Chairman), T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, N H Pepper, S P Roe, P A Skinner, H Spratt, M J Storer and C L Strange

**PLANNING AND REGULATION COMMITTEE AGENDA
MONDAY, 13 MAY 2019**

Item	Title	Pages
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 4 March 2019	5 - 10
4.	County Matter Applications	
4.1	To extract sand and gravel in order to create an agricultural irrigation reservoir (part retrospective) at Tithe Farm Pastures, Tithe Farm, Langtoft - SB Rice Ltd - S56/2453/17	11 - 48
4.2	To vary conditions attached to 12 different planning permissions to amend the hours of operation to allow for the cleaning of buildings and internally housed machinery between the hours of 1800 to 0700 Monday to Friday at Mid Uk Recycling Ltd, Caythorpe MRF, Heath Lane, Caythorpe, Grantham - JHG Planning Consultancy Ltd - S19/0292, 0382, 0383, 0385, 0386, 0388, 0396, 0398, 0406, 0408, 0409, 0442	49 - 90
5.	Other Reports	
5.1	For an extension to the existing quarry into 4ha of agricultural land at Dunston Quarry, B1188 Lincoln Road, Dunston, Lincoln - Hughes Craven Ltd - N26/0437/17	91 - 106

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Please note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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**PLANNING AND REGULATION
COMMITTEE
4 MARCH 2019**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs P Cooper, Mrs J E Killey, D McNally, Mrs A M Newton, Mrs M J Overton MBE, S P Roe, H Spratt, M J Storer and C L Strange

Officers in attendance:-

Jeanne Gibson (Programme Leader: Minor Works and Traffic), Marc Willis (Applications Team Leader), Rachel Wilson (Democratic Services Officer) and Mandy Withington (Solicitor)

82 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors N H Pepper and P A Skinner.

83 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interests at this point in the meeting.

**84 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 4 FEBRUARY 2019**

RESOLVED

That the minutes of the meeting held on 4 February 2019 be signed by the Chairman as a correct record.

85 TRAFFIC ITEMS

86 A1084 BRIGG TO CAISTOR, PROPOSED SPEED LIMIT ALTERATIONS

The Committee received a report in connection with a request to reduce the proposed 50mph speed limit through Grasby to be reduced to 40mph for the length of the road shown in Appendix B to the report.

The report detailed the background to the request, the existing conditions, proposals and the objections received.

Councillor C L Strange, made the following comments in relation to the proposal:

- It had been requested through objections received that the speed through the cross roads should be reduced to 40mph, ideally 30mph would be preferred but 40mph would be accepted.

A list of reasons for the proposed speed limit to be lowered had been submitted by Grasby Parish Council, which Councillor Strange reported as follows:

- Grasby was the only village that this road directly passed through
- Average mean speed was measured at 45mph and there was a history of accidents on the road.
- Being a rural county, the side roads were used regularly by agricultural vehicles. It was also noted that there was a very active primary school.
- In 2017 a petition was submitted to LCC on behalf of 400 residents.
- It was highlighted that Lincolnshire Highways did not put contour lines on maps, and it was reported that the cross roads had gradients of 1 in 4 and 1 in 5.

(Councillor C L Strange wished it to be noted at this point that he lived in Grasby)

- The junction had a very steep hill to pull out on which made visibility difficult, but it was possible to see well when coming from the other direction. This could be very dangerous when the road was wet or frosty.
- Councillor A H Turner MBE, local Division Member, had asked that this reduction went ahead, as it was felt way to proceed. The Parish Council was also supportive of this. There was a need to make this road safer.

Members were provided with the opportunity to comment and ask questions on the information contained within the report and some of the points during discussion included the following:

- It was a borderline case, but it was felt that the Committee should err on the side of caution when there was local support.
- The accident rate for this road was 38 which exceeded the required rate of 35.

On a motion by Councillor C L Strange, seconded by Councillor Mrs M J Overton MBE it was –

RESOLVED (Unanimous)

That a reduction in the proposed 50mph speed limit through Grasby crossroads, shown at appendix B to the report, be approved and that the necessary consultation process to bring this into effect be pursued.

87 B1201 STATION ROAD, NORTH THORESBY - REQUEST FOR A SPEED LIMIT REDUCTION

The Committee received a report in connection with a request for the reduction of the existing 30mph limit on the B1201 Station Road, North Thoresby, thus extending the current 30mph limit to the end of the densely populated area of Station Road, shown at Appendix and A and B of the report. Investigations had indicated that this site was a 'Borderline Case' as defined within the Council's Speed Limit Policy.

The report detailed the background to the request and the proposals.

The following statement from the local member Councillor C E H Marfleet was submitted and read out at the meeting:

"Good Morning Committee members. I fully support the recommendation to go to consultation on reducing the speed limit from 40mph to 30mph on Station Road, North Thoresby.

This is one of the entrances into the village which is densely populated. The villagers and Parish Council have seek to reduce the speed for some time for safety reasons and to slow the traffic entering the village, with drivers currently entering the village at higher speeds than the current limit of 40mph. I very much welcome this and ask the committee to support the recommendation. Thank you Hugo"

It was confirmed that the mean speed for the road was 36mph. It was also noted that there were around 100 speed limit requests to look at there were under consultation and investigation. It was hoped to get this one in approximately six months.

On a motion by Councillor I Fleetwood, seconded by Councillor D McNally, it was –

RESOLVED (unanimous)

That the Planning and Regulation Committee approve the reduction in speed limit proposed so that the necessary consultation process to bring this into effect may be pursued.

88 STAMFORD A1175 UFFINGTON ROAD, NEWSTEAD LANE AND MILL LANE - PROPOSED SPEED LIMITS

The Committee received a report in connection with objections received to the proposed new 30mph limit and extension, and new 50mph speed limit at Stamford A1175 Uffington Road, Newstead Lane and Mill Lane.

The report detailed the background, existing conditions, proposals, consultation and objections received. It was reported that three objections from residents had been received.

Comments made during consideration of the request included the following:

- There was agreement regarding the comment about the visibility of signs.
- It was noted that the 30mph section would be extended slightly, and one member commented that they would have preferred to it be extended further, but they would accept it.
- It was not realised that it was a 60mph road as a member had not travelled above 50mph as it was not safe to do so.
- One member commented that they had been lobbied on this for the last 12 years.
- It was confirmed that a response had not been received from Stamford Town Council.

PLANNING AND REGULATION COMMITTEE**4 MARCH 2019**

- It was queried there would be an issue with too many changes of speed limit, and whether there would be an advantage if it was 30mph over a longer stretch.
- In terms of whether the limit could be reduced to 40mph, members were advised that this would only be considered if it was a borderline case.
- It was commented that 50mph would act as a useful reduction from the 60mph to the 30mph. It was progress in the right direction.

On a motion by Councillor D Brailsford, seconded by Councillor I G Fleetwood, it was –

RESOLVED (unanimous)

That the Committee overrule the objections received and that Order as advertised be confirmed as proposed.

89 TRAFFIC REGULATION ORDERS – PROGRESS REVIEW

Consideration was given to a report which informed the Committee of the position on all current Traffic Regulation Orders and petitions received since the last report.

RESOLVED

That the report be received and the receipt of petitions be noted.

90 OTHER REPORTS**91 MONITORING OF OPERATIONS AT BISCATHORPE OIL EXPLORATION SITE**

The Committee received a report which set out the findings of inspection visits at the Biscathorpe oil exploration site carried out between 20 December 2018 and 13 February 2019.

Since the publication of the report an update had been received from Egdon about the success of operations at the site and Officers circulated a note summarising this to the Committee prior to the meeting. The following was reported to the Committee:

- Drilling on site had been completed and it had been found that the target reservoir rock was not as well developed as had been anticipated and the existing well was not commercially viable.
- The company was considering whether to have the seismic data remodelled to establish whether the drilling of a side track from the existing well would be viable. A decision on whether to 'plug, abandon & restore' the well or whether to apply for planning permission to drill a side track would be made by the company in the next three to six months.

- Demobilisation of the site had commenced and it was anticipated that the rig would be removed from site by Friday, 1 March 2019.
- It was expected that the site would be substantially cleared by 6 March 2019. The only remaining items would be the access track on the B1225, the drilling pad and the security fencing that surrounded the compound.
- A site monitoring visit would be carried out on 6 March 2019. Providing no issues were identified or complaints received following the visit, it was proposed that site monitoring would resume the standard regime of two site monitoring visits per financial year until the site was restored.

The Chairman thanked the enforcement/monitoring officer for their regular site visits and requested that this be passed on to the team.

On a motion by Councillor I G Fleetwood and seconded by Councillor Mrs M J Overton MBE, it was –

RESOLVED

That the comments of the report and update presented be noted.

The meeting closed at 11.05 am

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

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

Summary:

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

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

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

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

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

Recommendation:

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

Background

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



Reservoir granted by SKDC decision – S16/0835

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

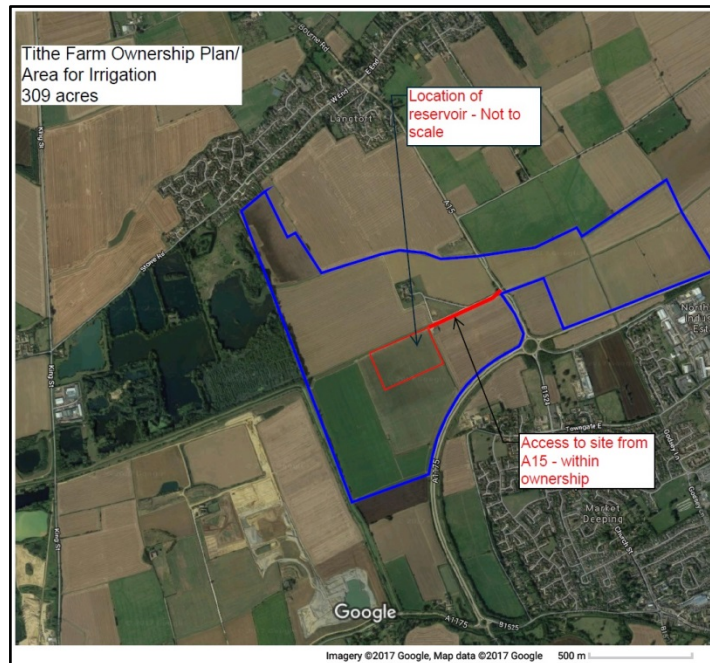


Proposed reservoir (soils stripped)

Need & Justification

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

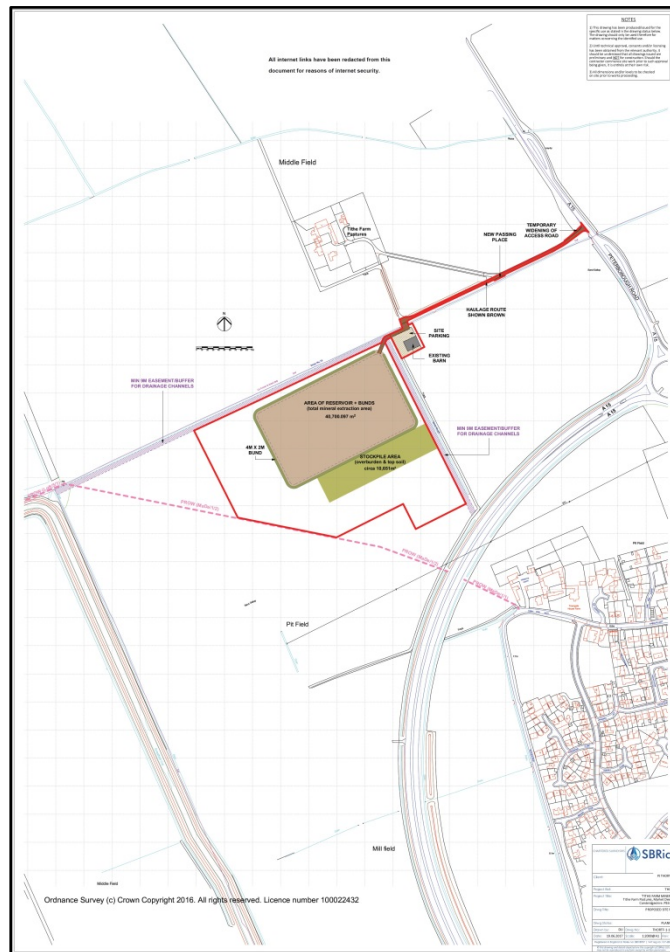
reservoir would be filled during the winter period by abstracting waters from Greatford Cut which lies approximately 500m to the south-west of the site. The Environment Agency has recently granted an abstraction licence for this very purpose. The reservoir would therefore ensure that there is sufficient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



Tithe Farm Ownership Plan

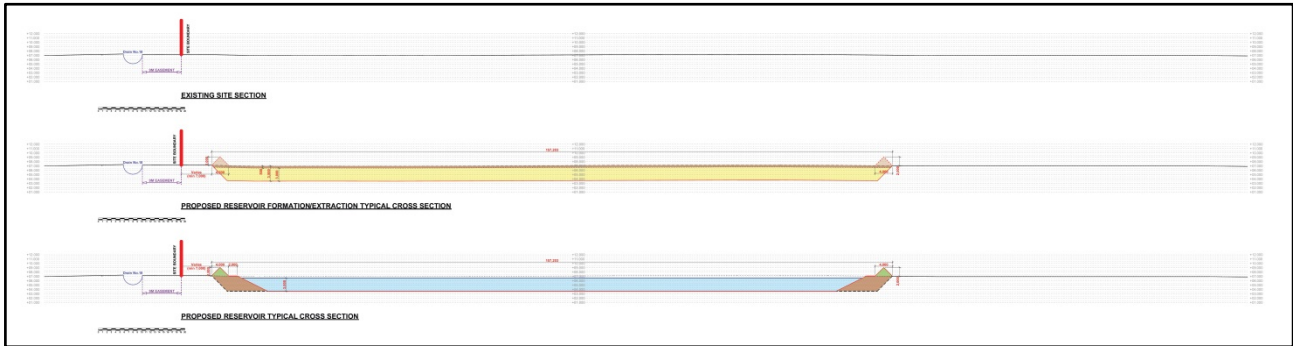
Proposed Reservoir

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



Proposed Site Plan

9. The reservoir would be excavated down to a depth of 3.5m below existing ground level with the overburden and soils generating around 20,350m³ of material. Some of the soils and overburden have already been stripped from the site and are currently being stockpiled in an area to the south-east of the site. The applicant proposes to strip the remainder of the overburden and soils from the extraction site and then extract the mineral from below the proposed boundary landscape bund down to the underlying Oxford Clay which would form the base of the reservoir and prevent the loss of stored water and, whilst groundwater levels are below the base level of the reservoir, ensure no impact on underlying groundwaters. Once the mineral has been extracted the void below the proposed bunds would be backfilled using the overburden and soils extracted and a 4m wide by 2m high bund constructed on top. The infilling of this void and construction of the bund would require around 21,000m³ of material and therefore utilise that stripped from the site. No surplus overburden or topsoil's would therefore be removed from the site. Once the bund has been constructed it would be grass seeded and then remain in place during the remainder of the construction phase and retained as part of the final irrigation reservoir.



Sections

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

Environmental Statement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Site and Surroundings

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



Tithe Farm Barn



Shared Access and Roadway



Shared Access and Roadway



Shared Access and Roadway

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

Main Planning Considerations

National Guidance

18. National Planning Policy Framework (NPPF) (February 2019) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Local Plan Context

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

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

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

- there is a proven agricultural justification for the reservoir; and
- the need can be met by an irrigation facility; and
- an abstraction licence has been granted by the Environment Agency; and
- the design is fit for purpose; and
- the environmental impacts of removing material off-site would be less than constructing an above ground facility; and
- the proposals accord with all relevant Development Management Policies set out in the Plan.

Policy DM1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) states that proposals for waste management developments should address the following:

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

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc).

Policy DM4 (Historic Environment) states that proposals that have the potential to affect heritage assets including features of historic or archaeological importance should be assessed and the potential impacts of the development upon those assets and their settings taking into account and details of any mitigation measures identified.

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

Policy DM8 (Nationally Designated Sites of Biodiversity and Geological Conservation Value) states that planning permission will be granted for developments on or affecting such sites (e.g. SSSI's and Ancient Woodland)

provided it can be demonstrated that the development, either individually or in combination with other developments, would not conflict with the conservation, management and enhancement of the site to have any other adverse impact on the site.

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

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

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

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

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

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

Policy R1 (Restoration and Aftercare) states the proposals must demonstrate that the restoration of mineral workings will be of high quality and carried out at the earliest opportunity and accompanied by detailed restoration and aftercare schemes.

Policy R2 (After-use) states that proposed after-uses should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character and the natural and historic environment of the area in which the site is located. After-uses should enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources, safeguard best and most versatile agricultural land and after-uses including agriculture, nature conservation, leisure recreation/sport and woodland. Where appropriate, the proposed restoration should provide improvements for public access to the countryside including access links to the surrounding green infrastructure.

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

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

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

Emerging Local Plan

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

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

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

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

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

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

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

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

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

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

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

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

Results of Consultation and Publicity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District Council's Observations / Recommendations

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

Conclusions

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

Need and agricultural justification for the reservoir

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

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

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

Design & benefits over an above ground facility

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

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

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

Environmental and amenity considerations and impacts

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

Historic Environment

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

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

Highway & Traffic

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

Agricultural Land

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

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

Impact on the open countryside

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

Public Rights of Way

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

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

Noise & Dust

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

Landscape & Visual

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

Ecology, hydrology & flood risk

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

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

Human Rights Implications

49. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

Overall Conclusions

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

RECOMMENDATIONS

It is recommended that:

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

Scope of permission

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

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

Approved Plans and Documents

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

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

Highway & Traffic

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

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

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

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

Hours of Operation

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

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

Soils

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

Noise and Dust

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

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

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

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

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

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

Informatives

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

Appendix

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

Background Papers

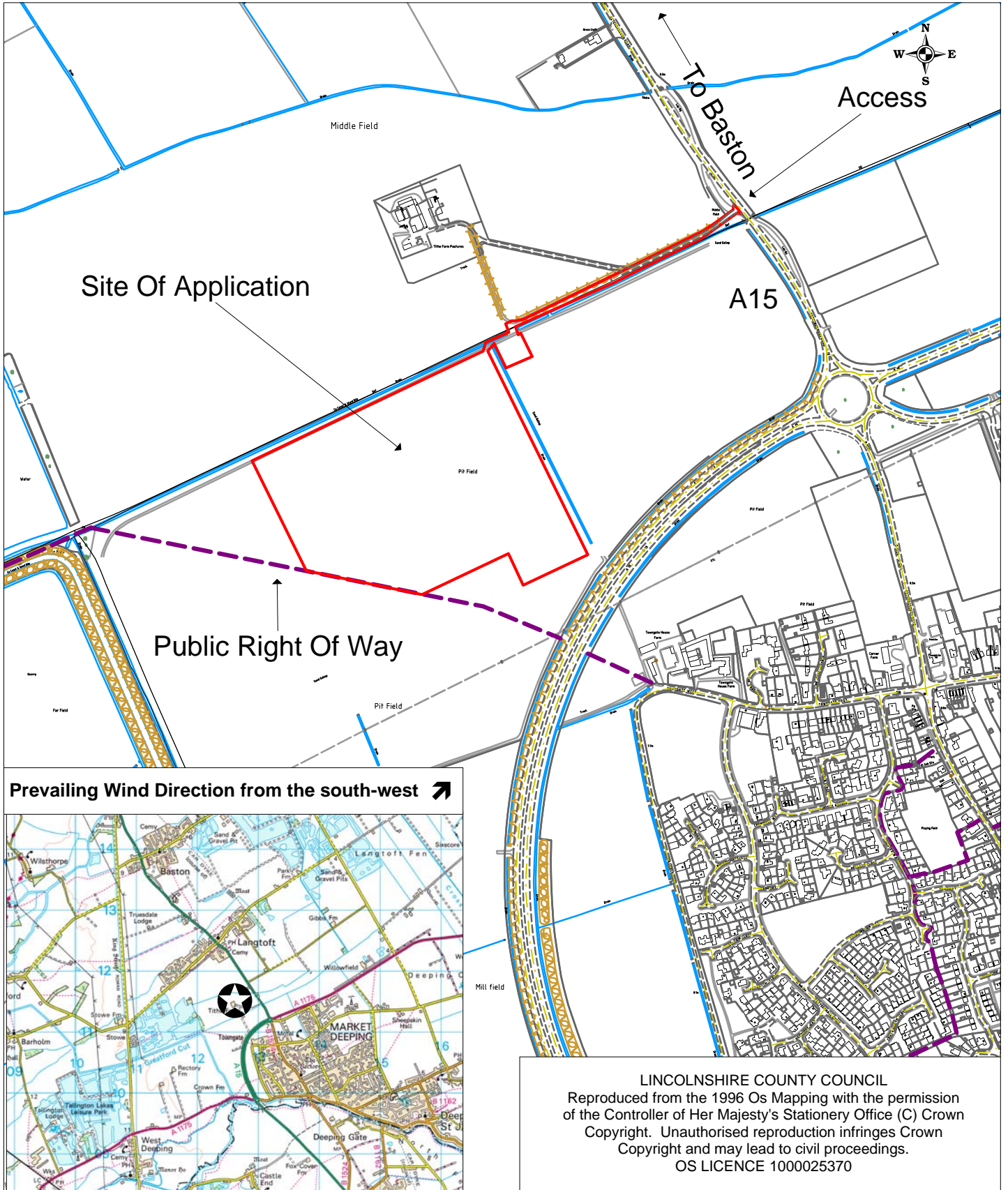
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

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

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

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 13 MAY 2019



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 OS LICENCE 1000025370

Location:
 Tithe Farm Pastures
 Tithe Farm
 Langtoft

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

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

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

Report to:	Planning and Regulation Committee
Date:	13 May 2019
Subject:	County Matter Applications – S19/0292, S19/0382, S19/0383, S19/0385, S19/0386, S19/0388, S19/0396, S19/0398, S19/0406, S19/0408, S19/0409 and S19/0442

Summary:

Planning permission is sought by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy) to vary conditions attached to 12 different planning permissions relating to Mid UK Recycling Ltd's Caythorpe Materials Recycling Facility, Heath Lane, Grantham, Caythorpe.

The variations all seek to amend the hours of operation condition(s) so as to allow for the cleaning of buildings and internally housed machinery between the hours of 1800 to 0700 Monday to Friday. The cleaning is required in order to conform with the sites Environmental Permit 'Fire Prevention Plan' and would be carried out overnight so as to minimise any disruption to the waste processing operations - which would continue to be carried out between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays.

The various permissions and conditions proposed to be amended are as follows:

- Condition 4 of permission S20/22/96 (as amended by subsequent permissions S06/1140, S04/0178/20, S08/0874 and S06/0243/20)
- Condition 4 of permission S00/0622/20 (as amended by planning permission S04/0177/20)
- Condition 3 of permission S20/1691/06
- Condition 6 of permission S20/0278/07
- Condition 5 of permission S20/1444/07
- Condition 5 of permission S20/1445/07
- Condition 5 of permission S20/0818/08
- Condition 5 of permission S20/1201/08
- Condition 3 of permission S20/2641/09
- Condition 2 of permission S20/1690/10
- Condition 3 of permission S20/2458/16
- Condition 2 of permission S20/1552/17

Recommendation:

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

Background

1. Planning permission was originally granted in 1998 for a waste transfer station including the refurbishment of an existing building at land off Heath Lane, Caythorpe. Since that time the site has had a complicated planning history including a number of further permissions from this Authority which has resulted in the development of the site into a Materials Recovery Facility (MRF). Although some waste handling operations have taken place in open areas of the site, over time a number of buildings have been erected which now cover the greater part of the facility.

The Application

2. Planning permission is sought by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy) to vary conditions attached to 12 different planning permissions relating to Mid UK Recycling Ltd's, Caythorpe Materials Recycling Facility, Heath Lane, Grantham, Caythorpe.
3. The variations all seek to amend the hours of operation condition(s) so as to allow for the cleaning of buildings and internally housed machinery between the hours of 1800 to 0700 Monday to Friday. The agent for the applicant (JHG Planning Consultancy) states that the cleaning is necessary in order to conform to the standards required by the sites Environmental Permit 'Fire Prevention Plan'. The cleaning would be carried out by a maximum of four operatives using one motorised platform lift so as to enable access to the eaves of the buildings. The cleaning would be carried out using hand held tools (i.e. brushes) and pressure washers and a skid steer would be used to remove dust and debris collected during the cleaning operations.
4. The various permissions and conditions proposed to be amended are as follows:
 - Condition 4 of permission S20/22/96 (as amended by subsequent permissions S06/1140, S04/0178/20, S08/0874 and S06/0243/20)
 - Condition 4 of permission S00/0622/20 (as amended by planning permission S04/0177/20)
 - Condition 3 of permission S20/1691/06
 - Condition 6 of permission S20/0278/07
 - Condition 5 of permission S20/1444/07
 - Condition 5 of permission S20/1445/07
 - Condition 5 of permission S20/0818/08
 - Condition 5 of permission S20/0120/08
 - Condition 3 of permission S20/2641/09

- Condition 2 of permission S20/1690/10
- Condition 3 of permission S20/2458/16
- Condition 2 of permission S20/1552/17

5. The conditions attached to each of the permissions differ slightly in their wording and some of the permissions allow HCVs to enter at earlier times to that permitted for the carrying out of the main waste activities and operations - which are restricted to between 0700 and 1800 hours Monday to Friday and 0700 and 1300 hours on Saturdays. The applicant is seeking to revise the condition(s) attached to each of these permissions so that they make clear what operations and activities are permitted to take place and has suggested the revised condition(s) could read as follows:

All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

*0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturday*

These restrictions do not apply to activities and light vehicular traffic associated with the cleaning and maintenance of machinery, which can be undertaken between 1800 to 0700 hours Monday to Friday.

No operations or activities shall be carried out on Sundays and Public or Bank Holidays'.

6. The application(s) are supported by a noise assessment carried out in accordance with British Standard 4142:2014. The assessment identified that a predicted noise level of 35 dBA LAeq,15minute between the hours of 1800 to 0700 would be experienced at the nearest residential properties in the locality as a consequence of these. This evaluation was based on a worst case scenario of all cleaning plant operating within the same time period and downwind weather conditions. This level of noise falls within acceptable limits taking into account the separation distances between the site and properties, the existing background noise levels and sound levels created by the plant and equipment to be used. The assessment therefore concludes that the operations could be carried out with negligible impacts from sound at the nearest noise sensitive receptors.
7. Finally, and for the avoidance of doubt, the proposed variation does not seek to operate the weighbridge, office and machinery nor permit access or egress to the site by HCV's carrying waste materials or segregated wastes. Additionally there would be no increase in the overall permitted tonnage of waste throughput at the site which is limited to 200,000 tonnes per year.

Site and Surroundings

8. The Mid UK Recycling Ltd MRF is located to the east of Caythorpe village separated by the A607 (between Lincoln and Grantham) with an access off

Caythorpe Heath Lane which runs east/west to the north of the site. Public Right of Way Cayt/1085/1 Footpath/Bridleway runs along Love Lane to the south of the boundary of the site. The site lies on the border of the Trent and Belvoir Vale and the Southern Lincolnshire Edge. The site is largely covered by linked buildings. There are a limited number of open areas used for skip storage, vehicle parking and processing of aggregate and glass.

9. The buildings are of varying heights between 9.0 metres and 12.0 metres to the ridge and the outer walls of these buildings provide screening from external views into the site. Between gaps in the building, the site has screening bunds planted with native species or mature trees and shrubs. The whole site is secured by a palisade fence.

Main Planning Considerations

National Guidance

10. National Planning Policy Framework (NPPF) (February 2019) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

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

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

Paragraphs 39 to 41 (Pre-application engagement and front-loading) - encourages parties to take advantage of the pre-application stage and to engage the local community, and where relevant, statutory and non-statutory consultees before submitting applications.

Paragraphs 47 & 48 (Determining applications) - states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

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

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 182 (Existing business facilities) - states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have significant adverse effect on new development in its vicinity then the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed.

Paragraph 183 - the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

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

11. National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational

and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to noise, traffic and access and potential for conflict with other land-use.

Local Plan Context

12. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policies of relevance in this case are as follows (summarised):

Policy DM3 (Quality of Life and Amenity) - states that planning permission will be granted, provided that it does not generate unacceptable adverse impacts arising from, Noise, Dust, Vibration, Odour, Litter, Emissions, Illumination, Visual intrusion, Run off to protected waters or Traffic to occupants of nearby dwellings and other sensitive receptors.

Policy DM17 (Cumulative Impacts) - states that planning permission will be granted where the cumulative impact would not result in significant adverse impacts, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

13. South Kesteven Core Strategy (2010) in line with NPPF, due weight should be given to relevant policies of the NPPF. The site is identified in the proposal maps as an existing waste management site. The following policies (summarised) are of relevance to this proposal:

Policy EN1 (Protection and Enhancement of the Character of the District) - identifies that the site lies on the border of the Trent and Belvoir Vale and the Southern Lincolnshire Edge and states that development must be appropriate to the character and other features of the landscape within which it is situated and contribute to its enhancement.

14. South Kesteven Proposed Submissions Local Plan (2011-2036) is an emerging plan and is at an advanced stage of preparation and was submitted to the Secretary of State (15 January 2019) for examination. As such any policies in the Plan should be given due weight in the determination of this application. The following emerging policies (summarised) are of relevance:

Policy EN4 (Pollution Control) - states that development on its own or cumulatively, will only be permitted if the potential adverse impacts can be mitigated to an acceptable level.

Policy DE1 (Promoting Good Design) – states that, amongst other matters, development proposals should ensure that there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime etc.

Results of Consultation and Publicity

15. a) Local County Council Member, Councillor A Maughan – commented that given the imposition of appropriate conditions the interests of local residents can be addressed stating that:
- **HGV / Traffic Movements** – the proposed planning conditions ensure that all current restrictions on HGV traffic entering and leaving the site remain in place. The only additional traffic to the site between the hours of 18:30 – 06:30 would be private vehicles owned by staff;
 - **Noise** – this will be conditioned to typical background noise (i.e A607 traffic) + 5db. The applicant's noise assessment determined 33db in a worst case scenario. In real terms, a washing machine operates at 40-80db, so this is unlikely to be heard by the nearest residential property 600m away. The applicant has stated in their planning statement the exact specification of the equipment they intend to use; the draft conditions require this equipment to be fitted with silencers to minimise noise; and
 - **Operations / Activities** – the conditions make clear that the only activities permitted would be cleaning and basic maintenance. The applicant would not be permitted to carry out waste processing or run machinery under any circumstances between the hours of 18:30 – 07:00. The applicant has also been clear the only operations they intend to carry out in these hours are those being requested in the planning statement.

In conclusion, I do not wish to object to these applications but acknowledge that there are a number of significant negative impacts resulting from this site being located in our rural community but can see the benefits that a cleaning programme would bring.

- b) Caythorpe and Frieston Parish Council – initially responded as follows:
- The Parish Council fully accepts the need for recycling but objects to the proposed amendments and references planning applications made in 2010 citing the reasons for refusal to allow waste recycling operations at night and states that to approve the proposed cleaning operations would set an undesirable precedent unless there is a sound basis for doing so. South Kesteven Policy EN1 requires appropriate restrictions placed upon them to ensure that the impact on the environment is minimised. It is disappointing that Mid UK have not engaged in communication with the Parish Council regarding this proposal. The Parish Council highlights a number of paragraphs taken from the submitted Planning Statement and questions why there are no systems of cleaning and maintenance already in place and cites the existence of anti-dust and dust extraction systems already operating at the site and questions their effectiveness. The Parish

Council speculates that the reason for wanting overnight cleaning as an opportunity to seek to increase the annual throughput of waste at the site beyond the approved limit of 200,000 tonnes and to extend the hours approved for the waste processing operation. In addition concern is expressed on the proposed removal of the Health and Safety provision of reversing alarms. Concern was also expressed that monitoring of night time noise levels could not be carried out by local government. The increasing activity at the site has reduced the residential amenity of the local community with those living closer to the site being particularly affected. The tranquillity and peace of the rural community will be further affected by the inevitable increase in HGV traffic, noise, dust and litter pollution if the expansion of working hours to allow cleaning and maintenance be permitted particularly in the evening, at weekend and Bank Holidays. The Parish Council does not consider that a condition could be applied that would be sufficiently precise or enforceable.

Subsequently the Parish made further comment as follows:

- Noise – the Council do not accept that the applicant could disable the beepers on the vehicles and meet the requirements of the Health and Safety Executive and as a consequence the use of the beepers would mean that the proposed operations could not remain below the stated night time levels of noise. Nor would those levels ensure that loud bangs and crashes would not for short periods exceed the limit;
- The Planning Statement does not fully explain where maintenance has to be carried out at night and correspondence between the site manager and the Parish Council has adequately explained the reasons;
- The Parish Council do not accept that adequate cleaning and maintenance can only be carried out at night and questions why a temporary permission cannot be granted to allow a thorough deep clean with regular cleaning being accommodated within the normal working hours;
- There are no guarantees that on completion of maintenance a machine will not be run to test that any issue was resolved;
- Confirmation is sought that the local authority are in a position to monitor the site;
- The Parish Council again questions the timing of these applications insofar as they coincide with local government elections and concern that the current LCC Planning Committee will not have members who were also in place at the time of the 2010 applications. The Parish Council requests that a committee site visit be undertaken; and
- It is considered that need for the Applicant to profit should be balanced against the rights of the local communities to enjoy their residential amenity.

- c) Carlton Scroop and Normanton on Cliffe Parish Council – all the conditions were placed, as stated "in the interest of the amenity of local residents". These interests have not diminished since placing of the condition(s) and, if valid at the time of the planning permission remain valid now.

The Parish Council is opposed to the variations as the supporting documentation proposes that the revised conditions states "*Restrictions do not apply to ACTIVITIES and VEHICULAR TRAFFIC associated with the cleaning and maintenance of machinery*". There is no mention of restriction "to within the site" and so the Council is opposed to the variation. Should LCC be minded to approve the applications however the Parish Council would like the words "within the site" to be added.

- d) Fulbeck Parish Council – have no comments.
- e) Environment Agency (EA) – has no objection to the applications however, a request has been made that an Informative be attached requiring the applicant to update their management system in relation to their Environmental Permit.
- f) Highways & Lead Flood Authority (Lincolnshire County Council) – has concluded that the proposed development is acceptable and accordingly, does not wish to object.

16. The following bodies/persons were consulted on the application on 12 September 2018 and re-consulted 26 September 2018 following amendments to the original description of the development. No comments or response had been received within the statutory consultation period or by the time this report was prepared:

South Kesteven District Council Environmental Health
Ministry of Defence (Safeguarding)
Lincolnshire Fire and Rescue
Public Health (Lincolnshire County Council)
Public Rights of Way Officer (Lincolnshire County Council)

The applications have been publicised by way of notices posted at the site and the junction of the A607 and Caythorpe Heath Lane (Old Lincoln Road) and in the press (advertised in the Lincolnshire Echo on 21 February 2019). Notification letters were also sent to the three nearest residential properties to the site.

17. A total of 15 response/comments have been received covering all applications from local households and an outline and summary of the objections and comments received is set out below:
- Unacceptable impacts by HGVs on the highway safety and structure;

- Unacceptable levels of noise including the use of reversing beepers on summer nights and using machinery outside;
- Unacceptable odour;
- Unacceptable litter deposited on verges and blown into gardens;
- Unacceptable dust;
- Unacceptable air pollution;
- Unacceptable light impacts from perimeter lighting;
- Unacceptable impacts in the open countryside and the environment;
- Unacceptable impacts on walkers, cyclists and horse riders on nearby road especially in the evening, weekends and bank holidays;
- The balance of need for the waste facility and impacts on neighbours has swung in favour of the operators;
- Not enough information provided describing the proposed activities at the site;
- Allowing cleaning outside of working hours will lead to increase in the amount of waste going through the site;
- There can be no way to police the site and this application will lead to 24/7 waste processing operations;
- No local people are employed at the site;
- The site has a history of fires and a burnt out building has not yet been replaced;
- The site has a history of night time alarms going off and waking people; and
- The applications in 2010 were refused and these should be again for the same reasons.

District Council's Recommendations

18. South Kesteven District Council has no objections to raise.

Conclusions

19. Planning permission is sought by Mid UK Recycling Ltd (Agent: JHG Planning Consultancy) to vary conditions attached to 12 different planning permissions relating to Mid UK Recycling Ltd's Caythorpe Materials Recycling Facility, Heath Lane, Grantham, Caythorpe.
20. The main issue to be considered in the determination of these applications is whether the proposed cleaning operations sought to be carried out during the night-time period could be undertaken without giving rise to any unacceptable adverse impacts on the amenity of nearby residents or the area as a consequence of increased noise and/or disturbance.
21. The MRF at Caythorpe Heath Lane has been long established and no alterations are proposed to the external appearance of the buildings or any other aspect of the site activities and operations. A number of representations have however raised concerns and objections about the site more generally including on the grounds of impacts on the highway and traffic, odour and lighting, etc. Whilst these are noted the changes to the

site and operations arising from this proposal are limited only to those which are necessary to aid the cleaning of the building and machinery. Therefore there would be no change to the buildings themselves or any proposed increase in external lighting or increased traffic to the site (other than light vehicles associated with the cleaning operatives).

22. The proposed variations are sought so as to permit the cleaning and maintenance of buildings and machinery outside the permitted waste processing working hours. The extended hours would permit a small number of operatives (four) to safely remove dust and other flammable materials from around the machines and the roof space of the buildings using hand held equipment such as brushes and pressure washers. To access high areas the operatives would use a motorised platform lift and the waste arising from the cleaning would be removed by a small skid steer vehicle. This work cannot be undertaken whilst the machinery is working and so is proposed to take place during the night-time so as to minimise disruption to the waste handling operations which take place during the daytime. Carrying out the cleaning operations would therefore allow the Materials Recycling Facility to run the waste processing operations to their maximum potential and ensure compliance with the sites Environmental Permit 'Fire Prevention Plan'.
23. Caythorpe and Frieston Parish Council has raised concerns that whilst the noise assessment has indicated noise from these activities would be low, there could be occasions when banging and crashing occurs. Whilst this is noted, the cleaning and maintenance works would be carried out using hand tools and are internal to the building. The noise assessment has evaluated the potential noise levels arising from the operations and concludes that these would be low. When taking into account the separation distance between the site and the nearest residential properties, any increase in noise (when experienced at the nearest residential properties) would fall within acceptable limits and so not have an adverse impact on the amenity of nearby residents. As a result there is no evidence to support the concerns that this proposal would have an unacceptable adverse impact as a result of noise. Notwithstanding this, in order to ensure that noise levels from the site are required to fall within acceptable limits, and to give confidence and assurance to local residents that any increased levels of noise could be monitored and enforced should breaches occur, it is recommended that a noise condition be attached to the permissions. Subject to the inclusion of this condition, the proposed amendment to the hours of operation from Monday evening to Friday morning (i.e. 1800 to 0700 hours) so as to allow cleaning and maintenance of buildings and machinery is therefore acceptable and would not conflict with the aims and objectives of Policy DM3 and of the CSDMP or compromise Policy EN1 of the South Kesteven Core Strategy and Policies EN4 and DE1 of the emerging South Kesteven Local Plan which seeks to protect amenity of residents and minimise the impacts on the surrounding landscape.
24. For avoidance of doubt this application does not seek to increase the annual throughput of waste at the site nor increase the operational hours for the

importing and processing of waste and exporting segregated materials and residual waste. As a consequence there are no significant cumulative effects when this proposal is considered in relation to the existing operations and therefore would not compromise Policy DM17 of the CSDMP.

25. Finally, comment has been made, in particular from Caythorpe and Frieston Parish Council, that notwithstanding the imposition of conditions to restrict the times of operations and the noise levels, that they do not consider the Planning Authority to be in a position to monitor the site adequately or enforce any breach that may occur. It should therefore be noted that Lincolnshire County Council retain a Planning Enforcement Team, who are tasked to implement the LCC Local Enforcement Plan (LEP) (August 2014). Currently the site at Caythorpe, in accordance with Section 2.0 of the LEP, receives two monitoring visits per month (unannounced) and that in the event of a complaint being received investigations would be carried out. The proposed revised conditions are considered to meet the six tests as set out in the NPPF and supporting Planning Practice Guidance, namely that it is necessary; relevant to planning and to the development to be permitted; enforceable; precise and; reasonable in all other respects.
26. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

RECOMMENDATIONS

I therefore recommend that:

- (A) Planning Permission (ref: S19/0382) be granted subject to the conditions as set out in Appendix A; and
- (B) Planning permission (ref: S19/0292) be granted subject to the conditions as set out in Appendix B.
- (C) Planning permission (ref: S19/0398) be granted subject to the conditions as set out in Appendix C.
- (D) Planning permission (ref: S19/0386) be granted subject to the conditions as set out in Appendix D.
- (E) Planning permission (ref: S19/0385) be granted subject to the conditions as set out in Appendix E.
- (F) Planning permission (ref: S19/0396) be granted subject to the conditions as set out in Appendix F.

- (G) Planning permission (ref: S19/0383) be granted subject to the conditions as set out in Appendix G.
- (H) Planning permission (ref: S19/0442) be granted subject to the conditions as set out in Appendix H.
- (I) Planning permission (ref: S19/0409) be granted subject to the conditions as set out in Appendix I.
- (J) Planning permission (ref: S19/0408) be granted subject to the conditions as set out in Appendix J.
- (K) Planning permission (ref: S19/0388) be granted subject to the conditions as set out in Appendix K.
- (L) Planning permission (ref: S19/0406) be granted subject to the conditions as set out in Appendix L.

Appendices

These are listed below and attached at the back of the report	
Appendix A	S19/0382 Conditions And Reasons
Appendix B	S19/0292 Conditions And Reasons
Appendix C	S19/0398 Conditions And Reasons
Appendix D	S19/0386 Conditions And Reasons
Appendix E	S19/0385 Conditions And Reasons
Appendix F	S19/0396 Conditions And Reasons
Appendix G	S19/0383 Conditions And Reasons
Appendix H	S19/0442 Conditions And Reasons
Appendix I	S19/0409 Conditions And Reasons
Appendix J	S19/0408 Conditions And Reasons
Appendix K	S19/0388 Conditions And Reasons
Appendix L	S19/0406 Conditions And Reasons
Appendix M	Committee Plan

Background Papers

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

Document title	Where the document can be viewed
Planning Application File	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2018) National Planning Policy Waste (2014)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Core Strategy and Development Management Plan (2017)	http://www.lincolnshire.gov.uk
South Kesteven Core Strategy (2010) and South Kesteven Proposed Submission Local Plan (2011-2036)	http://www.southkesteven.gov.uk
LCC Local Enforcement Plan	https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/planning-applications/planning-monitoring-and-enforcement/

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

S19/0382

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S.20/22/96 (as amended by planning permissions S04/0178/20 and S08/0874 and planning permission S06/0243/20, granted on appeal) has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. Only those materials included in waste categories attached to planning permission S.20/22/96 (as amended by planning permissions S04/0178/20 and S08/0874 and planning permission S06/0243/20, granted on appeal) shall be brought to the site (as shown within the red line boundary of Drawing No. 9565-01 "Site Layout Details").
3. No more than 200,000 tonnes per calendar year shall be brought to the Materials Recycling Facility. All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for a least two years and be available for inspection by the Waste Planning Authority on request.

Reason: For the avoidance of doubt and to correspond with the waste feedstock materials and quantities for which planning permission was applied for.

Hours of operations

4. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

5. Written notification of the date of commencement of cleaning and maintenance operations between 1800 and 0700 hours shall be sent to the Waste Planning Authority within seven days of such commencement.

Noise, Burning and Drainage

6. Noise levels shall not exceed background + 5 dBA ($L_{Aeq, 15\text{minute}}$) free field at any noise-sensitive property between 1800 to 0700 hours Monday to Friday.
7. Within three months of the date of this decision notice, a noise survey between the hours of 1800 to 0700 hours Monday to Friday shall be undertaken to determine the rating level of noise emitted from the cleaning operations hereby permitted, in accordance with BS4142:2014 as defined for night time activity in 3.5 of the Sharps Redmore Report Project No 1717589 date stamped received 06 February 2019. This shall be carried out at the boundary of the nearest residential sensitive receptor. The results of the survey shall be forwarded to the Waste Planning Authority for written approval within one month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within one month following their written approval by the Waste Planning Authority.
8. No burning of waste material shall take place within the red line boundary of Drawing No. 9565-01 "Site Layout Details".
9. All power driven equipment and machinery employed within the application site shall be fitted with effective silencers and maintained in accordance with the manufacturer's recommendations.
10. Foul drainage shall be discharged to the main foul sewer and surface water drainage shall be the existing drainage system to soakaway.
11. The storage of oils, fuel or chemicals including filling points, vents, gauges and sight glasses, shall be sited on impervious bases and bunded to ensure at least an equivalent capacity of 110% to ensure no discharge to any surface watercourse or groundwater.

Visual Amenity

12. External flood-lighting shall be maintained in accordance with details submitted pursuant to Condition 2 of planning permission S06/0243/20, granted on appeal dated 5 September 2006.
13. No machinery or skips stored in the areas hatched and cross hatched black on drawing number S/22/96/1 originally attached to planning permission S.20/22/96 shall exceed 4 metres in height above the ground level within the site.

Reason: To protect the amenity of the surrounding area.

Highway Safety

14. Access and egress shall be via the entrance identified on Drawing No. 9565-07 revision C date stamped received 25 February 1998 and shall be retained and maintained for the duration of the development.
15. All HCV traffic shall turn left when leaving the site.
16. The surface of the access and internal site roads shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.

Reason: In the interests of highway safety.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0292

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S00/0622/20 (as amended by planning permission S04/0177/20) has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. Only those materials included in waste categories attached to planning permission S00/0622/20 (as amended by planning S04/0177/20) shall be brought to the site (as shown within the red line boundary of Drawing No. D.629a Rev 001 "Existing Site Layout & Location Plan").
3. No more than 200,000 tonnes per calendar year shall be brought to the Materials Recycling Facility. All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for a least two years and be available for inspection by the Waste Planning Authority on request.

Reason: For the avoidance of doubt and to correspond with the waste feedstock materials and quantities for which planning permission was applied for.

Hours of operations

4. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:
0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

5. Written notification of the date of commencement of cleaning and maintenance operations between 1800 and 0700 hours shall be sent to the Waste Planning Authority within seven days of such commencement.

Noise, Burning and Drainage

6. Noise levels shall not exceed background + 5 dBA ($L_{Aeq, 15\text{minute}}$) free field at any noise-sensitive property between 1800 to 0700 hours Monday to Friday.
7. Within three months of the date of this decision notice, a noise survey between the hours of 1800 to 0700 hours Monday to Friday shall be undertaken to determine the rating level of noise emitted from the cleaning operations hereby permitted, in accordance with BS4142:2014 as defined for night time activity in 3.5 of the Sharps Redmore Report Project No 1717589 date stamped received 06 February 2019. This shall be carried out at the boundary of the nearest residential sensitive receptor. The results of the survey shall be forwarded to the Waste Planning Authority for written approval within one month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within one month following their written approval by the Waste Planning Authority.
8. No burning of waste material shall take place within the red line boundary of Drawing No. D.629a Rev 001 "Existing Site Layout & Location Plan".
9. All power driven equipment and machinery employed within the application site shall be fitted with effective silencers and maintained in accordance with the manufacturer's recommendations.
10. Surface water drainage shall be to the existing drainage system and to soakaway.

Visual Amenity

11. No external storage of materials shall exceed 4 metres in height above the ground level within the site.

Reason: To protect the amenity of the surrounding area.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0398

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S06/1691/20 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. Only those waste materials specified in the letter accompanying the application dated 3 October 2006 from the Mid UK Recycling Materials Facility (MRF) shall be brought to the application site identified on Drawing No F1653 – 01 "Proposal Drawing" for sorting and storage.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Hours of operations

3. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01

- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0386

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S07/0278/20 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the details contained in the submitted application and amended plans received on 28 March 2007 (Drawing No 0705/2D "Elevations") except as may be modified by other condition of this planning permission.
3. Only waste materials permitted within the Materials Recycling Facility (MRF) shall be brought to, sorted and stored within the building.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Amenity

4. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours, have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Hours of operations

5. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0385

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S07/1444/20 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the details contained in the submitted application and amended plans received on 11 September 2007 (Drawing No 0750/2 "Elevations") except as may be modified by other condition of this planning permission.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Amenity

3. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours, have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Hours of operations

4. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0396

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S07/1445/20 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the details contained in the submitted application and plans received on 23 August 2007 (Drawing No 0745/2A "Elevations") except as may be modified by other condition of this planning permission.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Amenity

3. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours, have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Hours of operations

4. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0383

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S08/0818/20 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the details contained in the submitted application and plans received on 17 May 2008 (Drawing No 0856/2 "Elevations/Sections" and Drawing No 0860/1 "Plans/Section/Elevations) except as may be modified by other condition of this planning permission.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Amenity

3. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours, have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Hours of operations

4. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0442

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S08/1201 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the details contained in the submitted application and plans received on 26 August 2008 (Drawing No 0881/2 "Block Plan") except as may be modified by other condition of this planning permission.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Amenity

3. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours, have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Hours of operations

4. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0409

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S20/2641/09 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the details contained in the submitted application and plans received on 13 October 2009 (Drawing Nos: 0881/1B 2 "Plans/Elevations/Section" and 0881/2B "Block Plan/Notes") except as may be modified by other condition of this planning permission.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Amenity

3. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours, have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Hours of operations

4. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01

- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0408

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S10/1690/CM has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the details contained in the submitted application and drawing F2094-01 received on 30 June 2010 except as may be modified by other condition of this planning permission.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Hours of operations

3. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01

- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0388

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S16/2458 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the following documents and plans, unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions:
 - Planning Application Form and Design & Access Statement (date stamped received 16 September 2016)
 - Drawing No. 151-M-3a – Site Plan proposed (date stamped received 19 September 2016)
 - Drawing No. 151-M-6a Elevations and Sections-proposed (date stamped received 28 September 2016)
 - Drawing No 151-M-4 Plan and West Elevation (part 1)-proposed (date stamped received 16 September 2016)
 - Drawing No 151-M-5 Plan and West Elevation (part 2)-proposed (date stamped 16 September 2016)

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Hours of operations

3. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

Reason: In the interests of general amenity.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.

S19/0406

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S17/1552 has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be retained in strict accordance with the following documents and plans, unless modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions:

- Planning Application Form date stamped received 29 June 2017;
- Design & Access Statement date stamped received 29 June 2017 ;
- Drawing No F2799 – 01A – 'Proposal Drawing' date stamped received 16 August 2017; and
- E-mail with photographs – 'Woodpad Netting' date stamped received 22 August 2017.

Reason: To ensure the development is retained in all respects in accordance with the approved details and that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

Hours of operations

3. All site operations and activities authorised or required in association with this development, including the accessing and egressing of vehicular traffic, shall only be carried out between the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1300 hours Saturdays

These restrictions do not apply to the cleaning and maintenance of machinery contained and wholly housed within buildings and associated vehicular traffic, which can be undertaken between the following hours:

1800 to 0700 hours Monday to Friday

No operations or activities shall be carried out on Sunday and Public or Bank Holidays.

4. No unprocessed wood materials shall be stored at a height greater than 5 metres above the finished surface level of the land subject of the application

and no processed wood materials shall be stored at a height greater than 3 metres above the finished surface level of the land subject of the application.

5. Between 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours Saturdays, the level of noise arising from the operations on the site shall not exceed 55dB (LAeq) (1 hour) freefield or background levels +10 dB (LAeq) (1 hour) freefield whichever is the lesser at any noise sensitive properties around the site.
6. Between 1800 to 0700 hours Monday to Friday, noise levels shall not exceed background + 5 dBA (LAeq, 15minute) free field at any noise-sensitive property.
7. No burning shall take place within the red line boundary of Drawing No. 9565-01 "Site Layout Details".
8. All power driven equipment and machinery employed within the application site shall be fitted with effective silencers and maintained in accordance with the manufacturer's recommendations.
9. Foul drainage shall be discharged to the main foul sewer and surface water drainage shall be the existing drainage system to soakaway.
10. The storage of oils, fuel or chemicals including filling points, vents, gauges and sight glasses, shall be sited on impervious bases and bunded to ensure at least an equivalent capacity of 110% to ensure no discharge to any surface watercourse or groundwater.

Visual Amenity

11. External flood-lighting shall be maintained in accordance with details submitted pursuant to Condition 2 of planning permission S06/0243/20, granted on appeal dated 5 September 2006.
12. No machinery or skips stored in the areas hatched and cross hatched black on drawing number S/22/96/1 originally attached to planning permission S.20/22/96 shall exceed 4 metres in height above the ground level within the site.

Reason: To protect the amenity of the surrounding area.

Highway Safety

13. Access and egress shall be via the entrance identified on Drawing No. 9565-07 revision C date stamped received 25 February 1998 and shall be retained and maintained for the duration of the development.
14. All HCV traffic shall turn left when leaving the site.

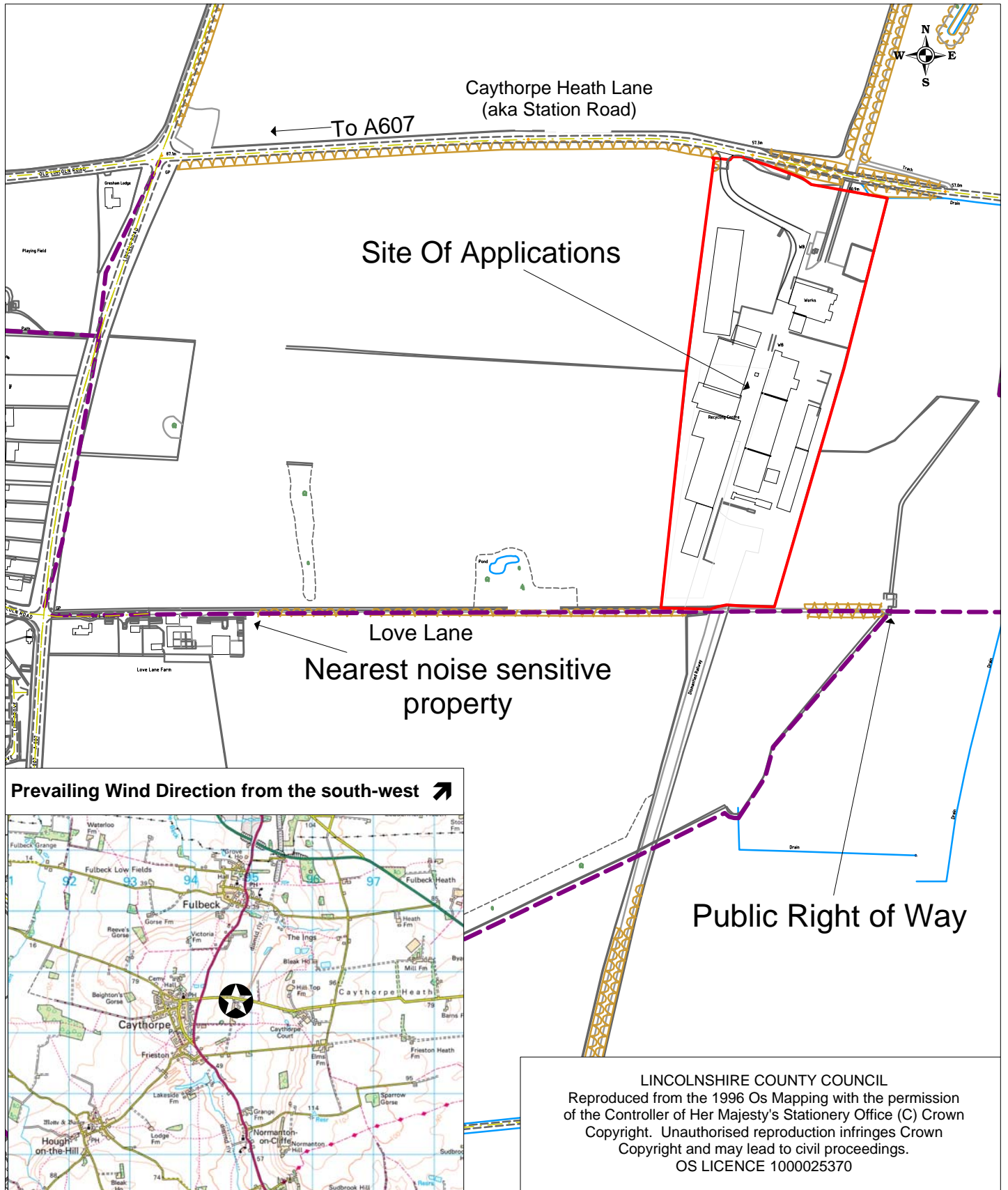
15. The surface of the access and internal site roads shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.

Reason: In the interests of highway safety.

Informatives

Attention is drawn to:

- i) Environment Agency – Letter dated 05 March 2019 Ref: AN/2019/128677/01/L01
- ii) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. 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.



Location:
 Mid Uk Recycling Ltd
 Heath Lane
 Caythorpe

Description:
 To vary conditions attached to 12 different planning permissions to amend the hours of operation to allow for the cleaning of buildings and internally housed machinery between the hours of 1800 to 0700 Monday to Friday.

Application Nos: S19/0292, 0382, 0383, 0385, 0386, 0388, 0396, 0398, 0406, 0408, 0409, 0442

Scale: 1:5000

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

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

Summary:

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

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

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

Recommendation:

That the decision of the Planning Inspectorate is noted.

The Proposal and Decision

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

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

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

RECOMMENDATIONS

That the contents of the report are noted.

Appendices

These are listed below and attached at the back of the report

Appendix A	Planning Inspectorate's Appeal Decision dated 1 April 2019
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Background Papers

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

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

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



Appeal Decision

Hearing Held on 12 March 2019

Site visit made on 12 March 2019

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

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

Decision date: 1st April 2019

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

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

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

Decision

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

Preliminary matters

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

¹ Document 3.

² Document 5.

³ Documents 6.1 and 6.2.

Main issues

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

Planning policy

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

Planning history

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

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

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

Reasons

Character, appearance and amenity

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

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

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

Need for and supply of limestone aggregate

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

⁴ Document 4.

- year. But the Hearing was advised that this quarry produces mainly high-quality building stone. No specific data was available to the Hearing about the split between building stone and aggregate production at the quarries that potentially could provide limestone aggregate for the Lincoln urban area. The LAA states that the overall sales and reserves include an average of 22% non-aggregates, but this is for all the quarries listed in Table 12, and there is nothing to indicate that this proportion applies to the 5 quarries at issue here.
23. There are clearly large reserves of limestone that could potentially supply the Lincoln market. However, the *Guidance* states that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. It adds that there are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank. These could include; significant future increases in demand that can be forecast with reasonable certainty; the location of the consented reserve is inappropriately located relative to the main market areas; the nature, type and qualities of the aggregate, such as its suitability for a particular use within a distinct and separate market; and known constraints on the availability of consented reserves that might limit output over the plan period.
24. Without an extension to Dunston Quarry the evidence indicates that limestone aggregate for the Lincoln market is likely to come from processing waste from quarries that mainly produce higher valued building stone, or from Metheringham and Longwood quarries, which are in the same ownership. The LAA states that the stone quarries may periodically produce significant quantities of aggregate. This is because stone quarry waste is usually dealt with on a campaign basis. There is no certainty about the quantity of aggregate produced from such waste, or when it might periodically be available to the Lincoln market. In addition, a large proportion of the aggregate potentially available to the local market is controlled by a single owner, which may have implications for how competitive the local market is at times. For these reasons, I do not consider that the existence of a large landbank here should rule out granting planning permission for what would be a relatively modest increase in reserves. I find that in the circumstances which apply here there is a local need for aggregate from the appeal site because of the contribution it would make to the local economy.

Other benefits

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

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

Other environmental considerations

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

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

Planning policy and planning balance

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

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

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

Other matters

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

Conditions

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

⁵ APP/Q2500/W/17/3172131.

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

Conclusions

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

John Woolcock
Inspector

APPEARANCES

FOR THE MINERAL PLANNING AUTHORITY:

Marc Willis Applications Team Leader

FOR THE APPELLANT:

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

DOCUMENTS SUBMITTED DURING AND AFTER THE CLOSE OF THE HEARING

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

SCHEDULE OF PLANS

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

SCHEDULE OF CONDITIONS (1-24)

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

- 4) The development hereby permitted shall cease, and the site shall be restored in accordance with Condition 22 of this permission, no later than 27 May 2025, or when the winning and working of limestone in the area edged blue on Drawing No.0736-1-3 has permanently ceased, whichever is the earlier.
 - 5) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule of Plans included in this decision, except where modified by conditions attached to this planning permission or details subsequently approved in writing by the Mineral Planning Authority pursuant to those conditions.
 - 6) No development shall take place until a detailed landscaping and aftercare scheme has first been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details to cover the following:
 - (a) Full details of the grass/tree/shrub/hedge planting to be carried out as part of the restoration works, which shall include details of the species, densities, heights and means of protection. The scheme shall include dense scrub planting around the retained pond.
 - (b) Details of the measures to be taken to manage existing hedgerows and/or shrubs and trees to be retained so that they provide additional natural screening to the extended quarry.
 - (c) A scheme of aftercare detailing the steps to be implemented to bring the restored quarry to the required standard for the uses as shown on Drawing No. 0736-1-8A.
- The aftercare period shall be five years. All restoration, landscaping and aftercare works shall be carried out and implemented in accordance with the approved details or any updated or revised details subsequently approved in writing by the Mineral Planning Authority in advance.
- 7) The site shall be progressively worked and restored in accordance with the phased programme as set out in Sections 5.4 and 6.3 of the Planning Statement, dated March 2017, and as shown on Drawing Nos. 0736-1-5 to 0736-1-9 (inclusive).
 - 8) The maximum depth of working shall be 27 metres AOD.
 - 9) Except as may otherwise be approved in writing by the Mineral Planning Authority in advance, the working and processing of minerals and their transportation from the site and all other associated activities at the site shall be restricted to between the following hours:
 - 07:00 to 17:00 hours Monday to Friday
 - 07:00 to 12:30 hours Saturdays
 - No operations shall be carried out on Sundays or Public Holidays.
 - 10) No topsoil, subsoil or overburden shall be removed from the site.
 - (a) Topsoil, subsoil or soil making material shall only be stripped and handled when they are in a dry and friable condition, and no movement of soils shall take place between the months of November and March (inclusive) unless otherwise approved in writing by the Mineral Planning Authority in advance.

- (b) The movement and handling of soils shall be in accordance with Sheet 1 (soils handling using excavators and dump trucks) and Sheet 15 (soils replacement with bulldozers and dump trucks) of the *Good practice guide for handling soils* published by the Ministry of Agriculture Fisheries and Food in April 2000 or any subsequent amending or replacement edition or guidance thereof.
 - (c) Topsoil and subsoils shall be stripped to their full depth and shall, where practicable, be immediately re-spread on those parts of the site where it is required in order to achieve the intended after-uses as shown on Drawing 0736-1-8A. If this immediate re-spreading is not practicable, the topsoil and subsoils shall be stored separately for subsequent reuse.
- 11) Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall not exceed 3 metres in height in the case of topsoil and 5 metres in height in the case of subsoils and soil making materials. Where soils are to be stored, any mounds should be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid the collection of water in surface undulations and shall not be subsequently moved or added to until required for restoration, unless otherwise approved in writing by the Mineral Planning Authority in advance.
 - 12) Access to and egress from the site shall only be by means of the existing access onto the B1188 as shown within the land edged blue on Drawing No. 0736-1-3.
 - 13) No HCV shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the public highway and no loaded HCV shall enter the public highway unsheeted.
 - 14) The surface of the access and internal site roads shall be maintained and kept clean and free of mud and other debris at all times for the duration of the development so as to prevent such materials being deposited on the public highway. Any deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.
 - 15) No site preparation works that would involve the destruction or removal of vegetation shall be undertaken during the months of March to August (inclusive), unless otherwise approved in writing by the Mineral Planning Authority in advance.
 - 16) (a) Except for temporary operations, noise levels as a result of the development hereby permitted, measured at a height of 1.5 metres above the ground level at the following identified noise sensitive locations, shall not exceed the limits set out below:

Noise sensitive location	Noise Limit ($L_{Aeq, 1-hour}$) free-field
The Lodge	52 dB
Old Station House	55 dB
East View	55 dB

(b) For temporary operations such as soil stripping, replacement and bund formation, the noise levels as a result of the development hereby permitted shall not exceed 70 dB $L_{Aeq, 1-hour}$ free-field at any of the identified noise sensitive locations in Condition 16(a). The dates of these occurrences shall be notified in writing to the Mineral Planning Authority

seven days prior to each event. Temporary operations which are likely to exceed the noise limits in Condition 16(a) shall be limited to a total of eight weeks in any 12-month period.

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