



County Offices  
Newland  
Lincoln  
LN1 1YL

2 February 2024

**Planning and Regulation Committee**

A meeting of the Planning and Regulation Committee will be held on **Monday, 12 February 2024 at 10.30 am in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL** for the transaction of business set out on the attached Agenda.

Yours sincerely



Debbie Barnes OBE  
Chief Executive

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

Councillors I G Fleetwood (Chairman), Mrs C L E Vernon (Vice-Chairman), P Ashleigh-Morris, T R Ashton, I D Carrington, A M Hall, M Hasan, N M Murray, Mrs S A J Nutman, Mrs M J Overton MBE, N H Pepper, R P H Reid, N Sear, P A Skinner and T J N Smith



**PLANNING AND REGULATION COMMITTEE AGENDA  
MONDAY, 12 FEBRUARY 2024**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
1.	Apologies/replacement members	
2.	Declarations of Members' Interests	
3.	Minutes of the previous meeting of the Planning and Regulation Committee held on 8 January 2024	5 - 8
4.	<b>TRAFFIC ITEMS</b>	
4.1	Grantham, Croft Drive - proposed waiting restrictions	9 - 18
4.2	A631 Market Rasen to Louth: Proposed Speed Limit Alterations	19 - 30
5.	<b>COUNTY MATTER APPLICATIONS</b>	
5.1	For a 1.97 ha south-eastern extension to the existing sand and gravel extraction operations with restoration to amenity/nature conservation at Land at CEMEX West Deeping Quarry, King Street, West Deeping - Cemex UK Operations Ltd - S23/2249	31 - 72
5.2	For change of use of agricultural land to be used for the storage and process of inert materials as part of an existing waste transfer station at Gainsborough Skip Hire, Laughton Lane, Morton - Gainsborough Skip Hire and Aggregates (Agent: ARQ design) - 147385	73 - 96

Democratic Services Officer Contact Details

Name: **Rachel Wilson**

Direct Dial **01522 552334**

E Mail Address [democraticservices@lincolnshire.gov.uk](mailto:democraticservices@lincolnshire.gov.uk)

**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

Contact details set out above.

Please note: This meeting will be broadcast live on the internet and access can be sought by accessing [Agenda for Planning and Regulation Committee on Monday, 12th February, 2024, 10.30 am \(moderngov.co.uk\)](#)

For more information about the Planning process and to view Planning decisions please click on the following link: [Planning Portal](#)

All papers for council meetings are available on:  
<https://www.lincolnshire.gov.uk/council-business/search-committee-records>



**PLANNING AND REGULATION COMMITTEE  
8 JANUARY 2024**

**PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)**

Councillors Mrs C L E Vernon (Vice-Chairman), P Ashleigh-Morris, T R Ashton, A M Hall, Mrs S A J Nutman, Mrs M J Overton MBE, N H Pepper, N Sear, P A Skinner and T J N Smith

Officers in attendance:-

Jeanne Gibson (Programme Leader: Minor Works and Traffic), Neil McBride (Head of Planning), Martha Rees (Solicitor), Mandi Robinson (Team Leader) and Rachel Wilson (Democratic Services Officer)

66 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor I D Carrington, M Hasan and R P H Reid.

67 DECLARATIONS OF MEMBERS' INTERESTS

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

68 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 4 DECEMBER 2023

RESOLVED

That the minutes of the meeting held on 4 December 2023 be signed by the Chairman as a correct record.

69 TRAFFIC ITEMS

70 SCRUB HILL, C613 (CONINGSBY AND WILDMORE) - PROPOSED 40MPH SPEED LIMIT

A report was received which invited the Committee to consider the outcome of an assessment of the existing 50mph speed limit through Scrub Hill. Investigations had indicated that this site may be considered as 'Borderline Case', as defined within the Council's Speed Limit Policy.

The Programme Leader – Traffic introduced the report and shared a presentation which detailed the area under consideration.

The Committee discussed the recommendation and whilst there was gratitude for the work which had been done on this, some members queried the need for this speed reduction and

**PLANNING AND REGULATION COMMITTEE  
8 JANUARY 2024**

queried whether there had been accidents on this stretch of road and noted the small amount of housing on the road. Officers advised that they were not aware of any accidents, however as this was a borderline case it was within the Committee's discretion whether to support the reduction in speed limit.

Committee members who were local to the area highlighted that this speed reduction would be welcomed by the residents and felt it would make a positive difference to the area.

On a motion by Councillor T R Ashton, and seconded by Councillor I G Fleetwood, it was

RESOLVED (10 in favour, 1 against)

That the Committee supported the reduction of the 50mph speed limit to 40mph at Scrub Hill, so that the necessary consultation process to bring it into effect may begin.

71 WESTON HILLS, BROADGATE JUNCTIONS WITH ST JOHN'S ROAD AND  
CARISBROOKE WAY - PROPOSED WAITING RESTRICTIONS

A report was received which invited the Committee to consider objections to waiting restrictions at Weston Hills, Broad Gate junctions with St John's Road and Carisbrooke Way.

The Programme Manager – Traffic introduced the report and shared a presentation which detailed the areas under consideration. Two objections had been received which cited concerns relating to the displacement of parking into the side streets, and also a request that the restrictions were extended further to cover the access of one of the objectors. It was the officers view that the small amount of restriction proposed would not result in significant displacement, and the request for a further extension would result in the loss of two parking spaces and would not be necessary in terms of maintaining visibility at the nearby junction.

On a motion by Councillor N H Pepper, seconded by Councillor T J N Smith, it was:

RESOLVED (unanimous)

That the objections be overruled so that Order, as advertised, may be introduced.

72 SLEAFORD, EAST GATE AND ASHFIELD ROAD - PROPOSED AMENDMENTS TO  
WAITING RESTRICTIONS

A report was received which invited the Committee to consider objections to proposed amendments to permit only parking bays and waiting restrictions in the vicinity of the William Alvey C of E School.

The Programme Manager – Traffic introduced the report and shared a presentation which detailed the areas under consideration. It was noted that six objections had been received and the majority of these were from permit holders and were detailed in the report.

Concerns raised by objectors included that the scheme would reduce the availability for residents' visitors who could access these bays, that the loss of car parks in the town would increase use of the bays.

The proposed amendments were discussed by the Committee and it was commented that officers had assessed the situation extremely well. However, some members commented that whilst they understood the pressures and recognised the problem there were concerns about whether sufficient alternative parking was available, as there were concerns that if there was not then people would park illegally. There were also concerns that there could be a pinch point at around 8am for those residents with permits.

On motion proposed by Councillor I G Fleetwood and seconded by Councillor P A Skinner, it was:

RESOLVED (8 in favour, 3 against 0 abstentions)

That the objections be overruled so that the Order, as advertised, may be introduced.

73 OTHER ITEMS

74 COMMONS ACT 2006 - APPLICATION TO REGISTER LAND AS A TOWN OR VILLAGE GREEN

A report was received which invited the Committee to consider and make a decision on an application to register land to the rear of Cherryholt Road, Stamford, usually known as "Cherryholt Meadows, also known as Gypsy Meadows and Priory Meadows", as a town or village green. This was advertised and an objection was received from Womble Bond Dickinson, the solicitor acting for the Objector (the freehold owner of the land). A non-statutory local inquiry was held by an independent inspector on 6, 7, 8 and 9 March 2023.

It was noted that land could only be registered as a town or village green if the applicant could prove that the land had been used as a town or village green (in accordance with the legislation) for at least 20 years.

The inspectors report had been received and in it, he recommended, in paragraph 92 that the Council refuse the application under Section 15(2) of the Commons Act 2006. A copy of the Inspector's findings and recommendations was attached at Appendix A to the report. The Inspector could only make recommendations, and it was for the County Council, as Commons registration Authority, to make the decision to accept or reject the applications taking into account the expert advice provided by the Inspector.

In order for land to be registered as a town or village green the applicant needed to demonstrate, on the balance of probabilities, that the following criteria had all been met:

- That the use was by "a significant number of the inhabitants" of a locality, or of a neighbourhood within the locality;

- That the inhabitants must have used the land for “lawful sports and Pastimes”;
- That the land had been used “as of right”
- That the land must’ve been used in this way for a period of at least 20 years.
- That the land continued to be used at the time of the application.

It was noted that the burden was on the Applicant to demonstrate that each element had been satisfied, and if one element was not satisfied, the application must be rejected as a matter of law.

During discussion of the application the following was noted:

- There was a need for all elements of the criteria to be satisfied and the view of the inspector was that they had not all be satisfied.
- Members commented it may have been useful to see the maps setting out the boundaries of the land. Officers advised that these were available, however they were extremely large documents and had been available at the public inquiry.
- Members commented that they were satisfied with the report and were grateful for the expert advice of the Inspector. It was very clear that the case had not been in this instance to grant the application.

On a motion by Councillor I G Fleetwood, and seconded by Councillor T J N Smith, it was:

RESOLVED (9 in favour, 0 against, 2 abstentions)

That the application to register the land to the rear of Cherryholt, Stamford, known as Cherryholt Meadows, as a town or village green be rejected on the grounds that the statutory criteria for registration under section 15 of the Commons Act 2006 have not been satisfied.

The meeting closed at 11.12 am





**Open Report on behalf of Andy Gutherson, Executive Director - Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>12 February 2024</b>
Subject:	<b>Grantham, Croft Drive - proposed waiting restrictions</b>

**Summary:**

This report considers an objection to waiting restrictions proposed at the above location, and a minor modification to those restrictions.

**Recommendation(s):**

That the Committee overrules the objection and approves the minor modification so that the Order, as advertised, may be introduced.

**Background**

Croft Drive is a cul de sac comprising 23 properties and a pedestrian access into a nearby primary school.

Some time ago concerns were raised by residents regarding on street parking associated with parents bringing children to and from school resulting in obstruction to traffic flow and driveways. Following the statutory consultation process, a traffic regulation order for a scheme to manage parking throughout the cul de sac via part time waiting restrictions was introduced early last year.

A further consultation process then took place late last year for additional 24 hour restrictions to be introduced opposite the driveway to No.1 Croft Drive to aid access in and out of this property. These were publicly advertised last October and are shown in light blue at Appendix B.

**Objection and comments**

Four objections have been received to the proposal. One resident objects on the basis that the restrictions imposed further into the cul de sac should be extended to cover the whole of the road. The other three objections are specific to the additional restrictions opposite No.1. These objectors have concerns regarding the loss of on street parking across

frontages to newly constructed properties on the south side of Croft Drive and they do not agree that they are required for the extent proposed.

The request for an extension to the restrictions is noted. However, the original scheme introduced restrictions only where obstruction resulted from parking, leaving two areas unrestricted where this would not be the case. Unrestricted lengths have been left at the western end as parking can be accommodated here without obstruction to accesses or traffic flow.

Following a site meeting and correspondence with all affected parties, a slight reduction to the additional restrictions opposite No.1 is now proposed in response to the concerns raised. The reduced length will be a part time restriction as opposed to the former proposal for double yellow lines, and is shown in purple at Appendix C.

The objectors and the resident at No.1 Croft Drive have confirmed their support for this change and we therefore seek approval for this minor modification from the Committee so that there is no requirement to re-advertise the scheme and the order can therefore be made operative.

### **Conclusion**

The restrictions proposed support those introduced previously following reports of issues with obstructive parking at school start and finish times. A minor modification to the former proposal is proposed to allay the concerns raised by the objectors. Should further issues arise at this location however, the area may be reviewed.

### **Consultation**

The following were consulted with regard to these proposals: Local Member, Grantham Chartered Trustees; South Kesteven District Council; Lincolnshire Police; EMAS; Lincolnshire Fire & Rescue; Road Haulage Association; Freight Transport Association; Stagecoach East Midlands; Confederation of Public Transport; Residents in the affected area.

The local Member is in support of the scheme. Following statutory consultation, the proposals were advertised until 16th November last year.

### **Risks and Impact Analysis**

None carried out.

### **Appendices**

These are listed below and attached at the back of the report	
Appendix A	General site location
Appendix B	Detail of original proposal
Appendix C	Detail of revised proposal

## Background Papers

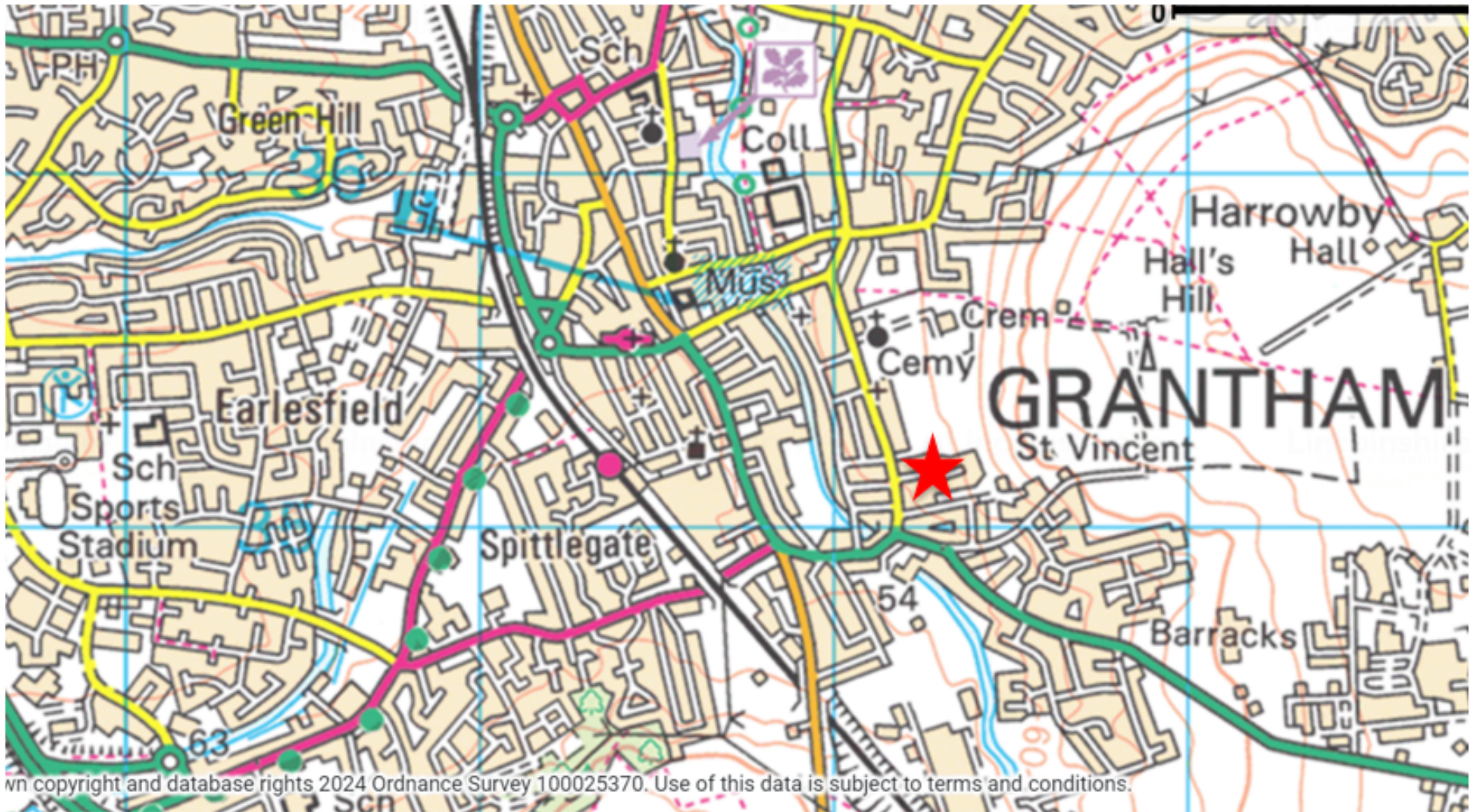
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Consultation documents and correspondence	Available on request

This report was written by Jeanne Gibson, who can be contacted on 01522 782070 or at [TRO@lincolnshire.gov.uk](mailto:TRO@lincolnshire.gov.uk)

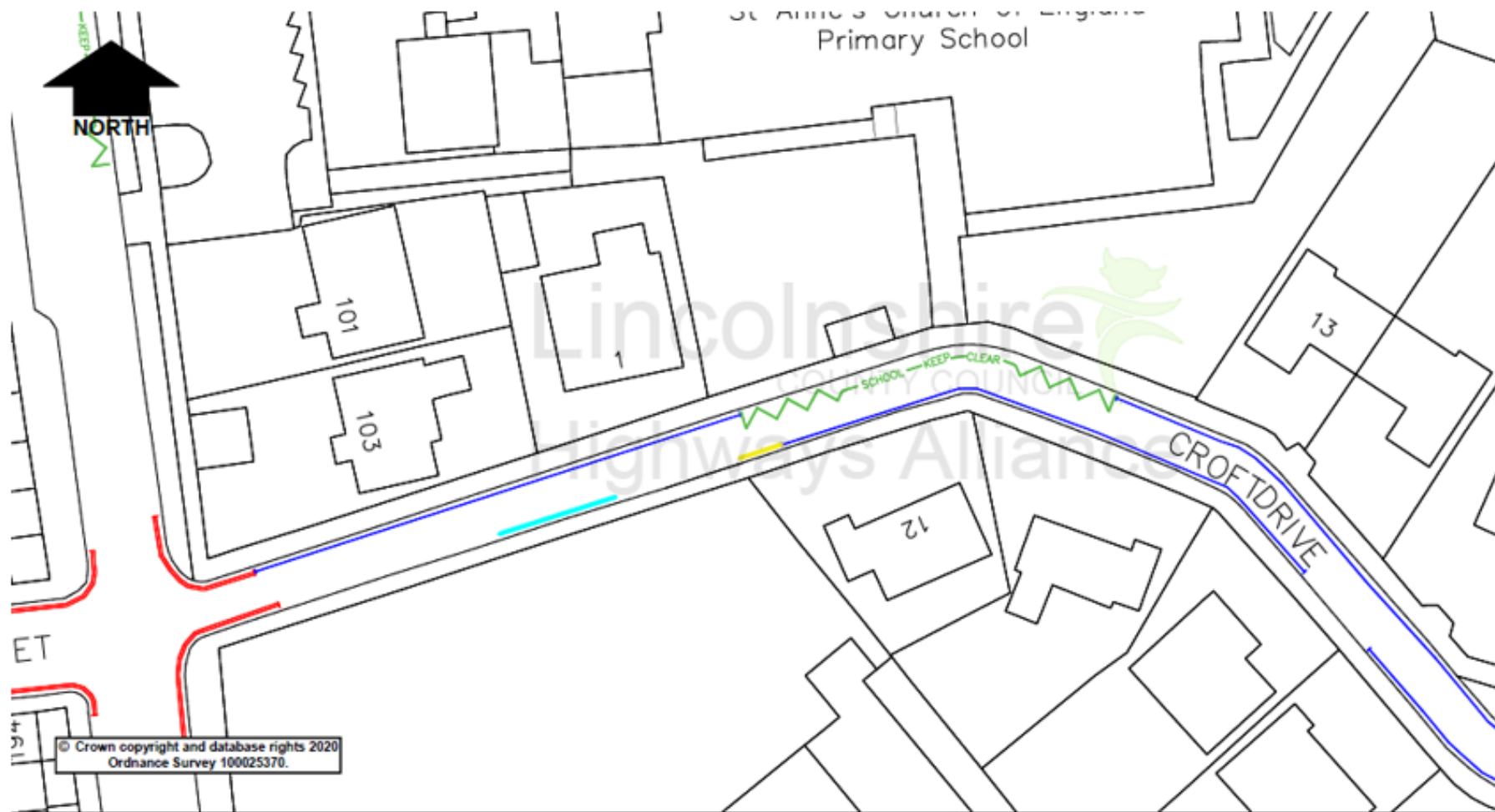
This page is intentionally left blank

Appendix A : General location - Grantham, Croft Drive – proposed minor modification to waiting restrictions



This page is intentionally left blank

Appendix B :Original proposal - Grantham, Croft Drive – proposed minor modification to waiting restrictions



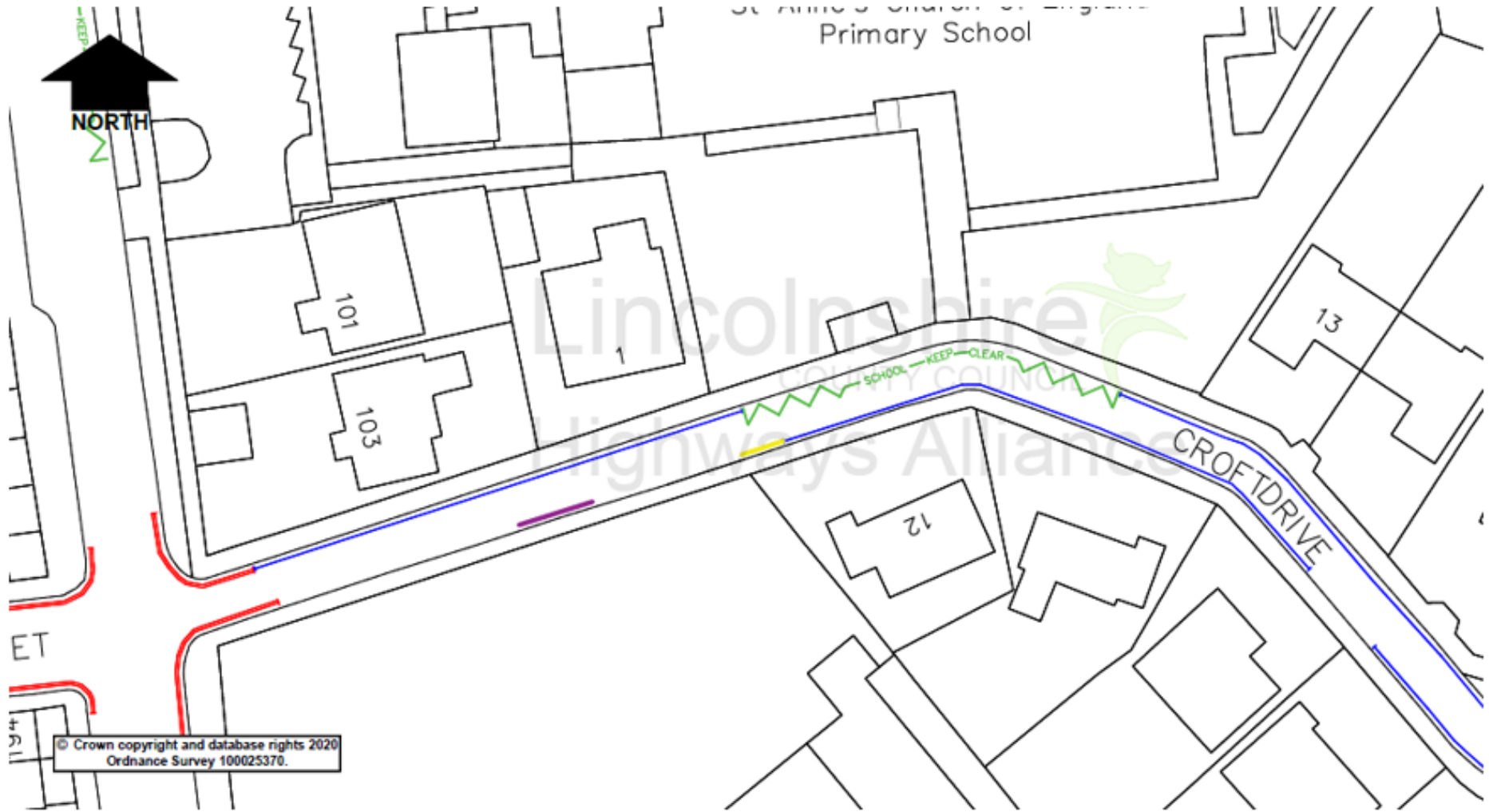
**Key:**

- Proposed revocation of "No waiting Mon - Fri 8am - 9.30am & 2pm - 4.30pm"
- Proposed "No Waiting at Any Time"
- Existing "No Waiting at Any Time"
- SCHOOL — KEEP — CLEAR — Existing "No Stopping Mon - Fri 8am - 4pm on entrance markings"
- Existing "No Waiting Mon - Fri 8am - 9.30am & 2pm - 4.30pm"

This page is intentionally left blank



# Appendix C : Revised proposal - Grantham, Croft Drive – proposed minor modification to waiting restrictions



**Key:**

- Proposed revocation of "No waiting Mon - Fri 8am - 9.30am & 2pm - 4.30pm"
- Proposed "No waiting Mon - Fri 8am - 9.30am & 2pm - 4.30pm"
- Existing "No Waiting at Any Time"
- SCHOOL—KEEP—CLEAR— Existing "No Stopping Mon - Fri 8am - 4pm on entrance markings"
- Existing "No Waiting Mon - Fri 8am - 9.30am & 2pm - 4.30pm"

This page is intentionally left blank



**Open Report on behalf of Andy Gutherson, Executive Director - Place**

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>12 February 2024</b>
Subject:	<b>A631 Market Rasen to Louth: Proposed Speed Limit Alterations</b>

**Summary:**

This report considers objections to the lengths of new 50mph and 40mph speed limits proposed along sections of the A631 as shown at Appendices B and C.

**Recommendation(s):**

That the Committee overrules the objections to the proposed speed limits, so that they may be made operative.

**Background**

In November 2016, the Secretary of State for Transport announced a new Safer Roads Fund of £175m. The Fund was specifically targeted at delivering highway improvements to reduce the number and severity of fatal and serious injury collisions on the 50 highest risk A class roads in the country, based on the Road Safety Foundation's analysis published in 2016.

Lincolnshire County Council submitted a bid to fund targeted route based improvements to the A631 between Market Rasen and Louth, where high numbers of reported injury collisions have occurred over a number of years. The bid was successful and the funding has been used for general road safety measures such as resurfacing works, speed camera installation, additional signage and road markings, lower speed limits and junction improvement.

The route is subject to the national speed limit except where it passes through a number of villages including North Willingham and South Elkington where a 40mph limit is currently in force and in Ludford where there is an existing 30mph speed limit.

**Proposals**

Analysis of the accident rate along this stretch of the A631 and mean speed of traffic indicates that the criteria in the speed limit policy are met for new 50mph limits to be introduced on sections between Market Rasen and North Willingham, North Willingham and Ludford, and on both approaches to South Elkington. A 40mph limit is proposed through the developed area further south to include the junction with the A157. These proposals are illustrated at Appendices B and C.

We have also taken the opportunity to extend the existing 30mph speed limit in line with policy on Willingham Road in Market Rasen (Appendix D) at the request of Market Rasen Town Council and the local Member.

Statutory consultation for these proposals took place last November and they were publicly advertised from 4<sup>th</sup> December until 29<sup>th</sup> January.

### **Objections**

Nine objections have been received to these proposals. Many objectors are concerned that the application of a 50mph limit over long sections of the A631 is unnecessary and inappropriate for the prevailing conditions, and that the reduction in general traffic speed may encourage an increase in overtaking manoeuvres resulting in more accidents. Journey times will be unreasonably extended, and congestion will result, increasing the impact on the environment. It is suggested that speed limit reduction should be targeted to specific points along the route and that the current proposal penalises all drivers rather than the few who speed regardless of any restriction. It is also mooted that the funding would be better spent on improvements to individual junctions along the route.

### **Comments**

The comments raised by objectors question the need for speed reduction along this rural route. Analysis of reported injury accidents demonstrates that since 2010 there have been 260 casualties, eight of which have resulted in a fatality. On this basis, use of the funding received to deliver a scheme which, as part of a package of measures, reduces traffic speed can be justified. Junctions along the route were assessed for potential improvements as part of the scheme and sufficient funding was available for works to be carried out at the intersection with the A157. Substantial lengths of speed limit reduction have been proposed as this is preferable in terms of encouraging consistent traffic speed reduction rather than introducing shorter sections where the limit changes frequently. This consistency will be enhanced by the installation of speed cameras at various points along the route between Market Rasen and Ludford.

### **Conclusion**

The aim of these proposals is to apply government funding to effectively enhance and support other measures designed to reduce risk to highway users along the A631. The route meets the criteria to justify this funding and it is anticipated that reducing the speed limits as proposed will contribute to a reduction in personal injury accidents, and as such, will contribute to the overall success of this accident reduction scheme.

### **Consultation**

The following have been consulted on these proposals: West Lindsey District Council; East Lindsey District Council; LRSP; Lincs Fire & Rescue; East Midlands Ambulance; Traffic Commissioners Office; Confederation of Passenger Transport; RHA; FTA; Stagecoach Buses; PC Coaches; Grayscroft Coaches; The Jockey Club (Market Rasen); Market Rasen Town Council; Louth Town Council; North Willingham Parish Council; Elkington Parish Council; Tealby Parish Council; Ludford Parish Council; Cllr S Bunney; Cllr H Marfleet

### a) Risks and Impact Analysis

None carried out

### Appendices

These are listed below and attached at the back of the report	
Appendix A	Overview of A631 route
Appendix B	Proposed 50mph speed limit (Market Rasen - Ludford)
Appendix C	Proposed 50mph speed limit (South Elkington)
Appendix D	Proposed 30mph speed limit extension (Market Rasen)

### Background Papers

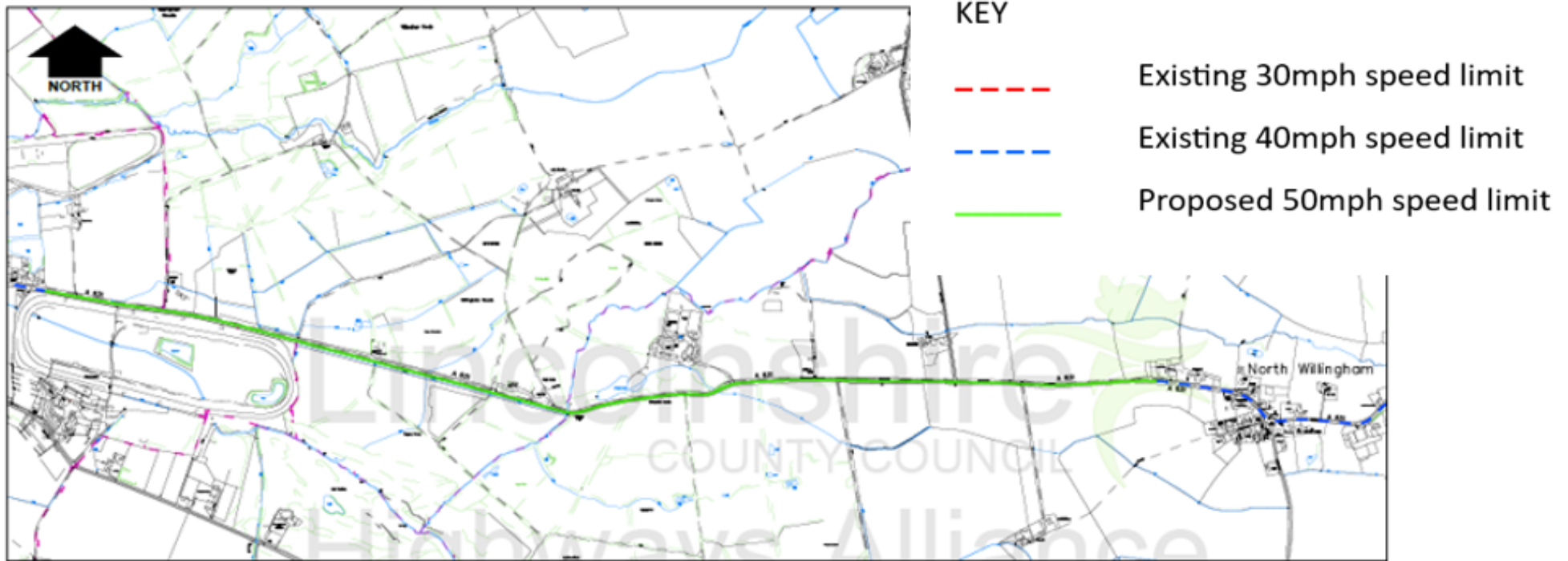
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Consultation documents; Correspondence; survey information	Available on request.

This report was written by Jeanne Gibson, who can be contacted on 01522 782070 or via [TRO@lincolnshire.gov.uk](mailto:TRO@lincolnshire.gov.uk).

This page is intentionally left blank

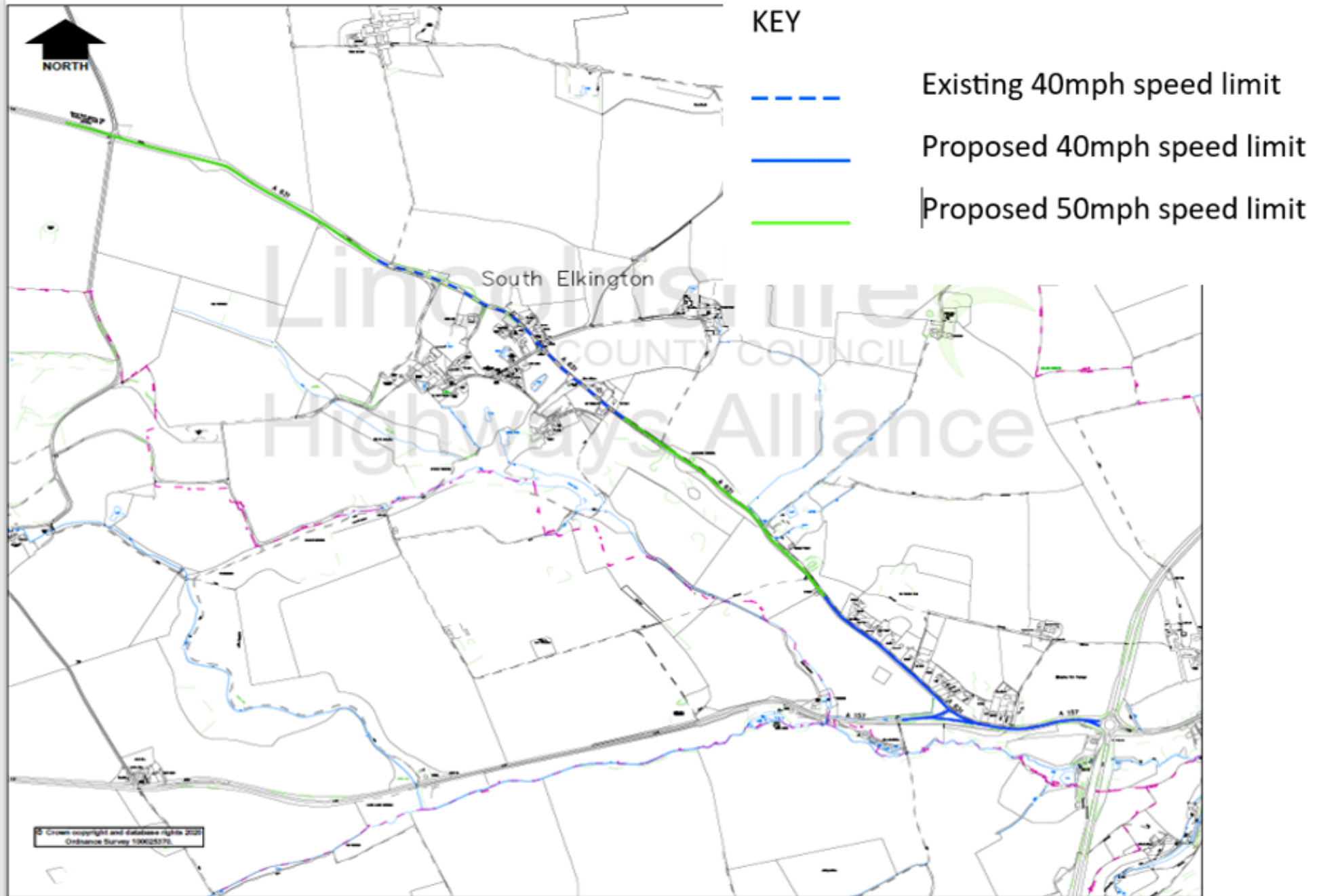
# APPENDIX B : A631 Market Rasen to Louth - Proposed Speed Limit Alterations



This page is intentionally left blank

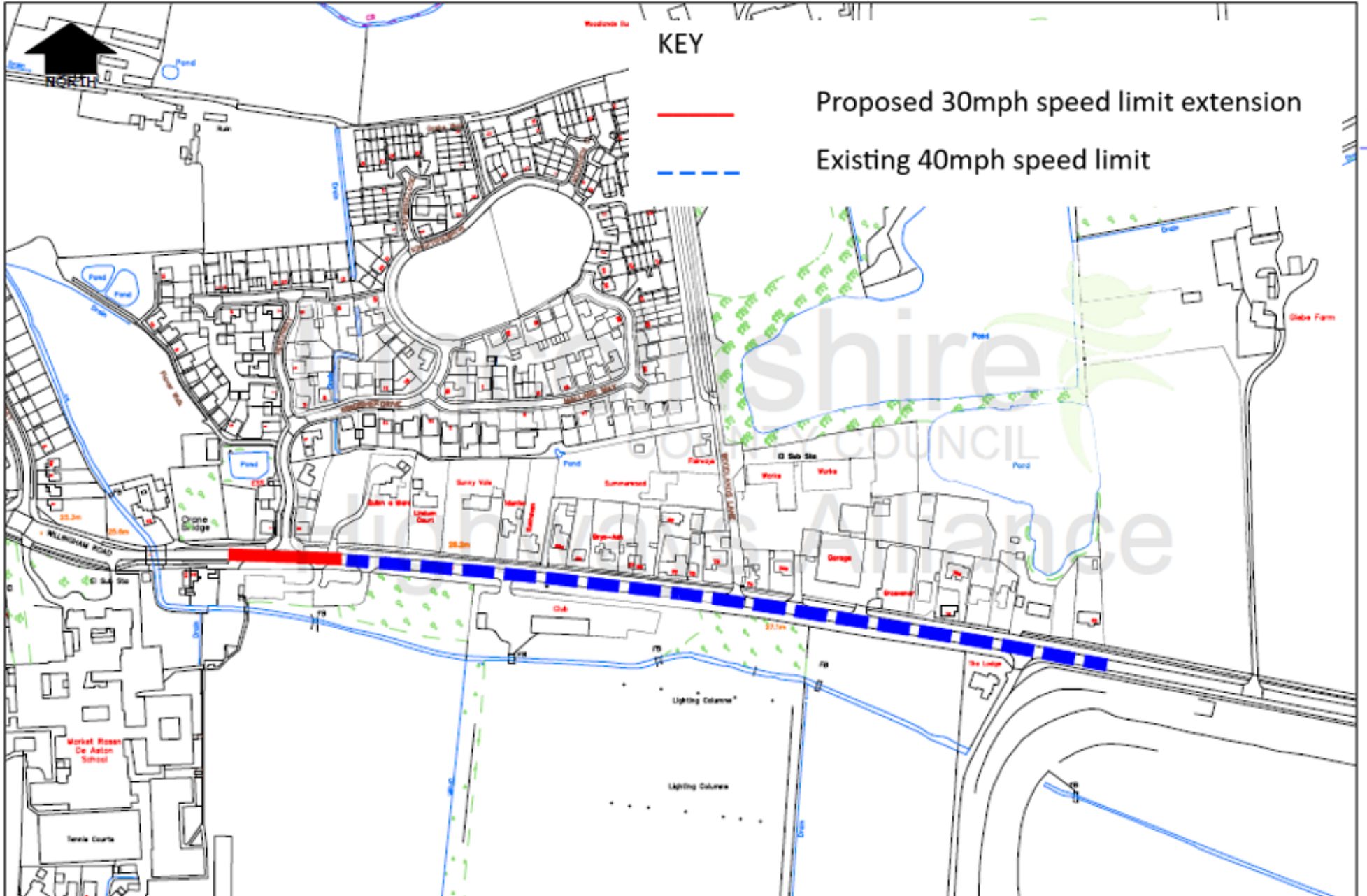


# APPENDIX C : A631 Market Rasen to Louth - Proposed Speed Limit Alterations



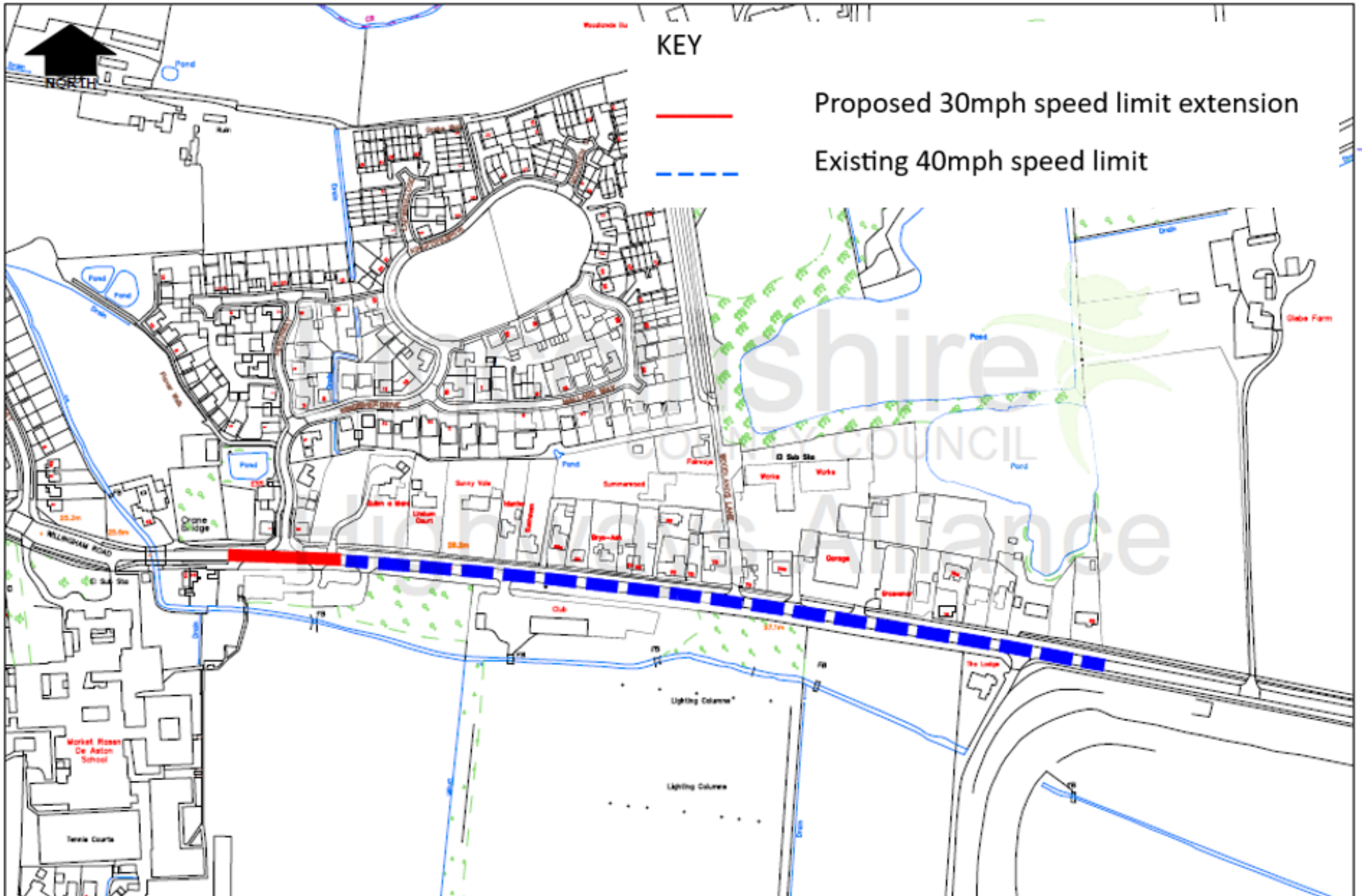
This page is intentionally left blank

# APPENDIX D : A631 Market Rasen to Louth - Proposed Speed Limit Alterations



This page is intentionally left blank

# APPENDIX D : A631 Market Rasen to Louth - Proposed Speed Limit Alterations



This page is intentionally left blank

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>12 February 2024</b>
Subject:	<b>County Matter Application – ref S23/2249</b>

**Summary:**

Planning permission is sought by Cemex UK Operations Ltd, for a 1.97 ha south-eastern extension to existing sand and gravel extraction operations with restoration to amenity/nature conservation at CEMEX West Deeping Quarry, King Street, West Deeping.

The proposed development would allow the removal of approximately 80,000 tonnes of sand and gravel which would extend the duration of the existing quarry by around 2-3 months.

The key issues to be considered in this case are the need and justification for the extraction of the mineral reserves and the principle of extracting sand and gravel from this site; the potential impacts (including cumulative impacts) arising from the development on the highways; water environment (surface and ground); historic setting; landscape; amenity impacts, including arising from fugitive emissions, on surrounding land-users and residential properties; the natural environment, and the potential for impacts on agricultural land as the land is Grade 3a and biodiversity net gain.

It is concluded that the principle of the extraction of sand and gravel is acceptable and would contribute to providing an adequate, steady supply of minerals. Mitigation measures are proposed, or are recommended to be secured through planning conditions, to ensure that any impacts are reduced and ameliorated to ensure that there would not be harmful impacts on the amenities of local residents and land users and would not give rise to unacceptable impacts.

**Recommendation:**

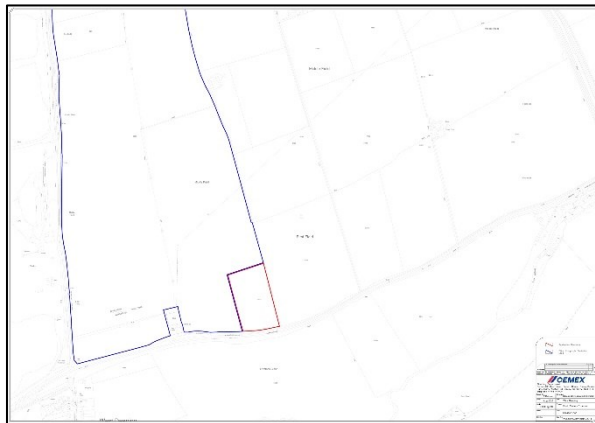
Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

## Background

1. West Deeping Quarry lies to the east of King Street and was first granted planning permission in 1997 (reference S81/1588/89). Since that time, subsequent amendments have been approved to the original planning permission as well as permissions for new and replacement ancillary facilities such as welfare and office units and the installation of a bagging plant. The most recent permissions were for the south-western extension, granted on 4 July 2022 S22/0756 and a section 73 application to accommodate the impact of the south-western extension restoration scheme on the larger quarry was also granted permission at the same time (reference S22/0757).
2. West Deeping (King Street) quarry is Cemex's principal site in South Lincolnshire Production Area and reserves within the current permitted working areas are reaching the latter phases of extraction. Cemex have therefore submitted an application that seeks permission for a small lateral extension to the southeast of the existing quarry. This report contains detail relating to this proposal, with a summary of the main issues raised by the application.

## The Application

3. This proposal would release approximately 80,000 tonnes of sand and gravel from a field which covers an area of 1.97 hectares lying to the south east of the current quarry. The land is currently in use as agricultural land and it is proposed to be worked as a small lateral extension to the current quarry with subsequent restoration to wetland and lowland meadow with woodland planting and species rich hedgerows.

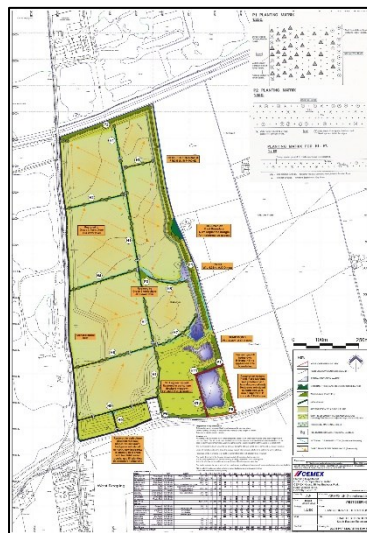


Location Plan

4. Visual screening and noise attenuation bunds would be created along the southern and eastern boundaries of the Site by temporarily utilising the topsoil and subsoil resources from stripping. The eastern bund would be 3m in height, comprising topsoil only, while the southern bund would be circa 5m in height comprising subsoils. A standoff of no less than 2m from the southern hedgerow would be adhered to.



5. The mineral extracted as an add on to Phase 11 of the existing quarry and would be extracted broadly north to south over a period of 2 months before extraction moves on to the final Phase 12 which comprises the processing and stocking area, bagging plant, site offices and welfare facilities, car parking and weighbridge. The mineral would be transported to the existing quarry Plant Site via an internal haul route and therefore there would be no need for HGVs to access/egress onto the publicly maintained highway over and above that already associated with the site.
6. Restoration of the worked-out area would closely follow the extraction programme to ensure timely and effective remediation of the land. The proposed restoration scheme allows for the creation of a large wetland feature, with reed margins and wet lowland meadow grassland fringes, supplemented with boundary woodland and reinstated, species-rich hedgerows along the western and northern perimeters.



Restoration Plan

7. The hours of operation for the proposed development would mirror those in place for the existing approved operations at West Deeping Quarry, namely 07:00 hours to 17:00 hours Monday to Friday, 07:00 hours to 12:00 hours on Saturdays, and no operations carried out on Sundays or Bank Holidays.

#### Supporting Information

8. The proposed development was previously subject to a screening opinion (Ref EIA/02/23). which concluded it was not EIA development. A Planning Statement and Appendices containing technical information and reports has nevertheless been provided in support of this application the findings of which are summarised below:

#### Outline Landscape and visual Impact Appraisal

9. The report sets the proposed development in context against the existing backdrop of extensive mineral extraction and restoration that is being carried out adjacent to

the site. These operations occupy almost all of the land to the north of the of the A1175 between King Street to the west and the Greatford Cut to the east. The broader surrounding landscape to the north and east is also characterised by restored quarry workings incorporating open waterbodies with mature peripheral vegetation that provide both nature conservation, leisure facilities including watersports and holiday accommodation. To the south the landscape is dominated by both arable and livestock farming with the settlement of West Deeping around 0.5km to the south west of the site.

10. The site itself forms the southeast corner of a block of land being worked and restored by the Cemex West Deeping King Street Quarry and it is proposed that this area will be assimilated into the overall restoration of the quarry with a nature conservation bias to create a waterbody with associated meadow grassland and woodland planting.
11. The potential for visual impact has been assessed to include the operational and post restoration phases of the development. The initial phase will incorporate the construction of temporary screening and acoustic bunds. These bunds whilst having an intrinsic visual impact, in conjunction with the existing hedges will ameliorate some of the visual impact from the bulk of the extractive operations. When restored the site will be assimilated into an extensive complex of wetlands, open water, reedbed and wet woodland, and an extensive area to be restored to agriculture at a lower level.
12. The report concludes that the site is not located within a landscape designated of national or local value. The proposal has a very small physical footprint and will be undertaken within a very short timescale, and the proposed restoration scheme will be complementary to the eventual landscape character of the restored consented mineral areas to the north-west and north-east.

#### Ecology: Extended Phase 1 Survey Report and Construction Environmental Management Plan

13. The findings of the Ecological Assessment undertaken at the application site has established that the general ecological and nature conservation value of the site is likely to be of, at most, local to district level biodiversity value.
14. The site does not include any statutory designated sites. There are two Special Areas of Conservation within 10km of the site Barnack Hills & Holes SAC 6km south west and Baston Fen SAC 7Km to the north. The Baston Fen SAC is encompassed by Baston and Thurlby Fens Site of Special Scientific Interest (SSSI) and Cross Drain (SSSI) lies 6.0 kilometres to the northeast. The nearest statutory ecological designation is SSSI's Langtoft Gravel Pits that lies approximately 1.2 kilometres to the north of the Greatford Cut drain.
15. Three further wildlife sites are in the local vicinity which include The River Welland and Bainton Pits, County Wildlife Sites are 0.3km and 2km to the south and

Deeping Mill Stream Local Wildlife Site 1km to the east. The Ecological Assessment concludes that the proposed development would not result in any direct adverse impact on any of these assets, although the site lies within the Langtoft Gravel Pits SSSI Impact Risk Zone and falls into the indicated risk category for mineral extraction and as such Natural England have been consulted on the proposed development.

16. Assessment of the existing arable land and associated hedgerows has concluded that the site is of generally low habitat value with some limited priority habitat potential for some of the hedges. Therefore, it is proposed replanting of some species rich hedgerows lost as a consequence of the development and enhancement of the remaining hedgerow to the south as part of the restoration proposals which would be beneficial to increase priority habitat and provide for commuting and foraging opportunities for a range of species.
17. The risk of impacting bats is considered to be low and the risk to disturbance may be minimised by only working during daylight hours within the bat active season (April to September inclusive); and turning off any additional Site lighting at night or using motion sensors within the active bat season.
18. For birds it is considered that any vegetation removal works (including hedgerow and cropland) should take place outside the breeding bird season which runs from March until August inclusive, in order to prevent any impacts upon nesting birds and any works outside of this period should be subject to a pre-clearance survey by a qualified Ecologist.
19. Overall it is concluded that the proposed development would not have an unacceptable impact on flora or fauna but whilst not identified at the time of the survey it is proposed that as there is habitat that may attract reptiles, amphibians and other mammals, suitable mitigation measures should be adopted to avoid any impacts on these species. To this end a Construction Environmental Management Plan has been provided which takes account of all relevant species and identifies the key construction activities, relevant ecological receptors and potential impacts and sets out detailed mitigation measures to be carried out in advance during and post development at the site.

#### Hydrogeology and flood risk

20. The report provides an assessment of the effects of the proposed development on hydrology, hydrogeology and flood risk. It reviews baseline hydrology for the application Site and surrounding area, assess the likely significant effects from the proposal based on the dewatering assessment during extraction, and makes recommendations for appropriate monitoring and mitigation, including a drainage strategy to manage and mitigate flood risks.

21. The proposals for the south-eastern extension represent a continuation of existing operations with the current water management system utilised and modified where necessary to accommodate the proposed extraction area.
22. During extraction, dewatering will be necessary to allow efficient recovery of the reserve, and any sediment within the water will be allowed to settle out in a void sump prior to being discharged to the existing clay-lined lagoon system. The water from this system is used to top-up the freshwater lagoon which is used for mineral processing. Excess water is discharged off site via the existing field drain network.
23. Groundwater sensitivity around the site has been assessed as low and the effects of dewatering for the short period of mineral extraction proposed is considered to be negligible. Post-restoration, dewatering will cease and groundwater levels will be allowed to recover to achieve their natural level, creating the restoration pond.
24. The site lies entirely in Flood Zone 1 on the Environment Agency's Flood Map for Planning and is therefore classified as low risk. A flood risk assessment has been carried out to consider the effects of potential flooding to and from the site taking into account any nearby sensitive receptors, climate change and potential fluvial and rainfall events.
25. The supporting documents conclude that the proposed development will have a negligible effect on water quality and flow. No significant effects are anticipated on any surrounding sites or receptors, and, in continuing with the current water management system of dewatering and discharge, the site is not exposed to flood risk nor will the development create a flood risk to external areas.

#### Archaeology and heritage

26. The nearest designated assets to the application site that could be impacted are the West Deeping Conservation Area and related Listed Buildings in its historic core. These have a high/very high significance, but it is considered they will be unaffected by the proposed development due to the intervening distance, vegetation and C20th development, resulting in no harm to their significance.
27. The application site lies within an area of substantial and significant historic landscape interest, containing a wide variety of heritage assets which span the Mesolithic/Neolithic to the later medieval/post medieval period. The King Street site contains important archaeology of major regional significance together with several elements of potential national importance and forms part of a much wider archaeological landscape encompassing the adjacent Crown Farm/ Rectory Farm mineral workings to the east operated by Breedon which has resulted in a substantial body of archaeological research evidencing the history of the West Deeping area.
28. Taking this previous work into account it is considered that the potential for archaeological significance of the application area has already been established.

and to this end a proposed Written Scheme of Investigation has been submitted with the application. This scheme sets out the basic planning and archaeological background to the site, objectives and principles, mitigation strategy, method and programming of works and general procedures which is in accordance with the scheme applied to the adjacent quarry area.

## Transport

29. The proposed development provides for an extension of the existing quarry operations for a period of around 2-3 months. This will require the existing transport related infrastructure and mitigation measures to be retained for this period. These measures include, minimising the effects of mud, dust, noise and vibration, appropriate sheeting and containment of HGV loads, regular damping down of internal access roads and, if necessary, the public highway outside the site entrance, maintenance of internal haul routes, and careful segregation of private cars and HGVs.
30. The Transport Assessment (TA) has established that at current rates of extraction, existing operations generate around 160 total daily HGV movements and about 10 staff vehicle movements using the site access via King Street and the West Deeping junction to access the A1175. The development proposals involve the continuation of sand and gravel extraction at the site and envisages that the total average annual rate of extraction and sales will remain much the same as for the existing quarry. The proposal to continue extraction at West Deeping Quarry will therefore not generate additional traffic using the local and wider highway network and a result will not impact on the operation of the network.
31. In relation to highway safety issues and the A1175, the accident analysis presented in the TA identified three accident clusters along this route along with two accidents which involved fatalities. The analysis however also confirmed that none of the serious accidents or those involving fatalities involved HGV's. This suggests that quarry traffic has not contributed to the accident record or compromised highway safety along the A1175 which will not experience an increase in quarry traffic as a proportion of background flows going forward.
32. It is therefore concluded that the proposed development would therefore have no significant impacts on highway safety or amenity.

## Noise

33. A noise assessment has been carried out to take account of the potential impact of the proposed development through noise generating activities.
34. The assessment considers the impact of noise from the proposals on the nearest noise sensitive properties, calculating predicted noise levels likely to be generated from the development at five locations in the vicinity of the development, namely

King Street (junction with A1175); The Lane, east of West Deeping village; Rectory Farm; Lodge farm; and Lodges, King Street .

35. The Equivalent Continuous Noise Level, LAeq, T, has been used to assess the potential impact from the development as it is the value of a continuous level that would have equivalent energy to the continuously varying noise over the specified period "T". This unit is recommended internationally for the description of environmental noise and is in general use. It is the chosen unit of BS 5228 for Construction and Open site noise; Planning Practice Guidance to the National Planning Policy Framework and BS 7445 for the Description and measurement of Environmental noise.
36. For the purposes of examining a reasonable worst case, the various mobile plant items have been assumed to operate at the closest practical position of the proposed extension to each dwelling. It has also been assumed that the "fixed" plant items work 100% of each hour.
37. In order to assess the noise levels for the proposed site operations, the contribution from each significant specific noise source has been evaluated separately and then combined together to give the overall noise level.
38. The activities that will take place on the site are:
  - Extraction of mineral using a 360° excavator;
  - Transportation of the extracted mineral to the existing plant site by dump truck;
  - Processing and stockpiling of the extracted mineral in the existing plant site area;
  - Operation of the bagging plant at the existing plant site area;
  - Transportation of processed mineral off site by road going HGVs.
39. No existing or proposed barriers are included in the site noise calculations.
40. A comparison of the calculated site noise levels at the nearest dwellings and the existing site noise limits of 55dB Laeq (1 hour, free-field) based upon a worst-case scenario for routine operations is shown in the following table.

Site Noise Calculation Receiver Location	Calculated Site Noise Level dB Laeq, 1 hour, free field	Site Noise Limit dB Laeq, 1 hr free field
1. Lodge Farm	44	55
2. Rectory Farm	41	
3. King Street (by Stamford Road) 50	50	
4. The Lane (off King Street) 43	43	
5. Lodges off King Street	54	

41. The results for temporary operations of for example topsoil and overburden stripping, bund formation and the final restoration processes carried out for a period of no more than 8 weeks in a 12 month period and required to conform to a noise limit of 70 dB Laeq, 1 hour, free field at dwellings are set out below:

Site Noise Calculation Receiver Location	Calculated Site Noise Level dB Laeq, 1 hour, free field	Site Noise Limit dB Laeq, 1 hr free field
1. Lodge Farm	44*	70
2. Rectory Farm	41*	
3. King Street (by Stamford Road) 50	66	
4. The Lane (off King Street) 43	43	
5. Lodges off King Street	64	

(\*) Where the calculated site noise level for temporary operations is less than that presented for routine operations, the higher figure is presented

42. The report has also assessed the cumulative impact of noise in conjunction with the adjacent Breedon Quarry and more distant operations within a 4km area and concludes there would be no significant cumulative impact. The proposed development would therefore conform with the requirements set out in Planning Practice Guidance and it is considered that the extension can be worked while keeping noise emissions to within environmentally acceptable limits.

#### Air Quality

43. An air quality assessment has been undertaken by the applicant against the requirements outlined in the Technical Guidance to the 2021 National Planning Policy Framework 'Assessing Environmental Impacts from Mineral Extraction – Dust Emissions', the Institute of Air Quality Management guidance on the Assessment of Mineral Dust Impacts and the Secretary of State Quarry Process Guidance Notes PG3/8.
44. The report highlights that the UK Environmental Permitting Regulations indicate that sand and gravel quarries are not required to hold environmental permits as the moisture content of the material excavated will ensure the risk of dust emission is 'trivial' and incapable of causing pollution. The Secretary of State Quarry Process Guidance Note PG3/8 (12)10 states that "the crushing, grinding, screening and grading of sand and gravel at quarries is not normally likely to result in the release into air of particulate matter except in a quantity which is trivial". Taking this into account the report highlights that quarrying has occurred at West Deeping for several years and there is no record of any significant dust problems or complaints.
45. The proposed extension will utilise the same processes and facilities as currently exists including retaining the existing shelter belts to the south of the site and

locating haul roads away from potentially dust sensitive receivers and modern sand and gravel sites utilise extensive dust containment and mitigation measures which are set out in the report.

46. The potential risk of dust related impacts on the closest dust sensitive receivers has been assessed and summarised from the report below with an overall risk rating derived for each receptor. The risk ratings have been derived from assessment of the following:

- the potential risk of dust emissions associated with the proposed activities;
- the distance from potential dust emission sources to dust sensitive receivers;
- the frequency of winds from potential dust emission sources to dust sensitive receivers.

<b>Identified Air Quality Impacts from Continued Operations at West Deeping</b>					
	Receptor	Meteorological Pathway	Dust Sensitivity	Dust Impact Risk	Magnitude of Effects
1	Windynook	Ineffective	High	Negligible Risk	Negligible Effect
2	Southbank Mobile Homes	Ineffective	High	Negligible Risk	Negligible Effect
3	Lodge Farm	Ineffective	High	Negligible Risk	Negligible Effect

47. As the potential dust impact risk for the site is 'negligible' and the identified nearest high sensitivity receptors have a moderately effective meteorological pathway, the highest classification of magnitude of effect is 'negligible'.

48. The report concludes that it is highly unlikely that any of the surrounding neighbouring activities will experience any increase in dust levels. In addition, the likelihood of any potential contributions to local air quality from the proposed activities are classed as negligible.

#### Land use and soils

49. The application is supported by an agricultural land classification soil resource assessment which sets out the methodology undertaken for the sampling assessment and classification of the soil resources within the site. This has established that the soils on the site are of good quality and comprising Best and Most Versatile Agricultural Land Classification subgrade 3a. Therefore, mineral planning policy recommends that BMV land be afforded a degree of protection from development to avoid losses or irreversible damage to the resource, and that proposals be directed towards lower quality land and to avoid irreversible impacts on BMV land where possible. The policy objective of avoidance of BMV land will not be achieved and impact of the development is set out in the table below:



<b>West Deeping South East Extension Proposed restoration land use</b>		
<b>Land use</b>	<b>Site Area (ha)</b>	<b>Soils required</b>
Conservation grassland retained	0.62	Yes
<b>Extraction area</b>		
Conservation grassland- restored	0.29	Yes
Aquatic Margins	0.13	Yes
Wetland	0.86	No
<b>Total extraction area</b>	<b>1.90</b>	-

50. The report identifies that as a consequence of wetland and marginal planting in the restoration phases, there will be a loss of 0.99 ha of agricultural land of ALC subgrade 3a quality. The remaining 0.91 ha of land impacted will be returned to use as lowland grassland with soil profiles of an equivalent, or slightly improved, status when compared to the existing. To mitigate the potential loss, it is proposed that the remaining soils are utilised in the restoration of the broader quarry site and to improve the soil profile of the restored agricultural land.
51. In addition, the report sets out recommendations for the stripping, storage, handling and placement of soils to ensure they are managed in accordance with best practice namely the Institute of Quarrying “Good Practice Guide” for Handling Soils in Mineral Workings (July 2021).

#### Cumulative impact

52. The applicant sets out that both national and local planning policy and guidance requires that the planning authority take into account the potential for cumulative impacts from development and that there should not be significant adverse impacts on the environment or the amenity of a local area as a consequence.
53. Cemex, West Deeping Quarry is located immediately adjacent to Breedon’s Quarry, the extraction area of which lies to the east and product moved from the extraction area by conveyor, is exported via an entrance onto King Street located 120m to the north of the Cemex’s main entrance. Planning permission (application reference S20/1351/ACKAAC for a quarry at Greatford, granted in 2021, is yet to be implemented and this will produce around 3.0 million tonnes of sand and Gravel. A further extraction site is located at Tithe Farm to the east of the Greatford Cut (application reference S56/2453/17) for the extraction of sand and gravel to construct an agricultural irrigation reservoir.
54. As part of the technical assessments accompanying the application, the potential cumulative impacts associated with this proposal together with other developments in close proximity, including impacts in terms of noise, air quality, traffic and visual impacts, have been addressed. However, either due to separation distance, timing, and/or the very short term nature of the proposed development at West Deeping and the limited level of impacts arising from it, none of the chapters have identified any significant cumulative impacts.

55. Therefore, it is not considered that the proposal will result in any significant adverse cumulative impacts that would be harmful to the environment or amenity. As a result, the proposed southern extension to West Deeping Quarry is compliant with the relevant policies of the Development Plan and National Planning Practice Guidance in this regard.

#### Climate Change

56. The proposed development allows for the most efficient method of recovery of mineral from the extension area, given that the resultant mineral can be processed in close proximity to the extraction zone, utilising the existing plant infrastructure already in place at West Deeping, prior to product dispatch. In terms of restoration and aftercare, the schemes for both the proposed extension area and the wider site are providing additional, better connected habitats which increase biodiversity, through hedgerow and tree planting, and lowland meadow restoration, all of which will contribute to mitigating the effects of climate change.
57. Predictions of future climate change in the UK suggest that short duration, high intensity rainfall events and periods of long duration rainfall will become more frequent. As such, an allowance for climate change has been included in the flood risk and drainage calculations, as set out in the Flood Risk Assessment. The calculations indicate that there will not be any adverse impact on flood risk either to the site, or from the site on nearby receptors. Additionally, the proposed restoration will provide significant buffering capacity in terms of being able to accommodate excess runoff arising from storm conditions.
58. As a company, CEMEX use fuel efficient, modern vehicles which are on average under five years old and are constantly being replaced in order to ensure the operation of modern, clean and fuel-efficient vehicles. Over 20% of the current fleet meets Euro IV emissions standards or higher, with the majority of the remaining fleet exceeding Euro III standards.
59. In summary, the application demonstrates that account has been taken of the effects of climate change, as referenced in each topic chapter of the Environmental Statement. Where possible, ways to minimise the impacts during the course of the development have been addressed. Overall, it is considered that the development will have a positive impact on climate change, by creating additional water storage attenuation capacity, planting and biodiversity benefits following restoration.

#### Site and Surroundings

60. Cemex's existing West Deeping (King Street) Quarry covers an area of 51.4 hectares and is located east of and adjacent to King Street, approximately 1 kilometre north of the centre of West Deeping village in the south of Lincolnshire. The nearest residential property (Lodge Farm) lies adjacent to the eastern boundary of the quarry. To the south and west of the plant site and silt lagoon is a

Western Power sub-station which will be bounded to the east by the haul route into the proposed new southern extension. The site is at varying stages of operations with areas to the east and north already undergoing restoration and aftercare, incorporating an area of archaeological importance to be preserved in situ.

61. The northern boundary of the quarry is defined by the Greatford Cut drain, The southern and western boundaries of the site run parallel with the A1175 and King Street, with a post and rail fence delineating the eastern boundary. The site is screened from external views through the placement of soil bunds to the perimeter of the site inside native species hedgerows. The quarry lies within the National Landscape Character Area – Kesteven Uplands.
62. The proposed south east extension lies north of the A1175 and is the last remaining pocket of farmland to be subject to mineral extraction, bounded by the existing quarry workings to the north and west and to the east by the access track to Lodge Farm with Rectory Farm beyond which is part of the Breedon West Deeping Quarry and also subject of sand and gravel extraction.



View looking north west from the Lodge Farm access

63. There are Scheduled Monuments within 2 kilometres of the site being at Maxey Castle 1.6km to the southeast and Barholm to the northwest. A number of Listed Building lie within 1 kilometre of the site the nearest being Grade II listed Boundary Markers, the nearest is 260m to the east opposite the entrance to Rectory Farm and another 560m to the west at the West Deeping Village cross roads on the A1175. There are also listed buildings within West Deeping Village at 650m and the Grade 11 Molecy,s Mill lies around 1km to the east.
64. No Public Rights of Way cross or abut the site and the site lies within Flood Zone 1. The nearest statutory ecological designation is SSSI's Langtoft Gravel Pits that lies approximately 1.2 kilometres to the north of the Greatford Cut drain. Barnack Hills & Holes Special Area of Conservation (SAC) lies 6Km south west and Baston Fen

(SAC) lies more than 7 kilometres to the northeast. The Baston Fen SAC is encompassed by Baston and Thurlby Fens Site of Special Scientific Interest (SSSI), Cross Drain lies 6.0 kilometres to the northeast.

## Main Planning Considerations

### Planning Policy Context

65. The National Planning Policy Framework (December 2023) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraph 7 to 12 (Sustainable development) – states that there is a presumption in favour of sustainable development. Sustainable comprises of three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These objectives are economic, social and environmental.

Paragraph 47 & 48 (Determining applications) – planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible. Local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).

Paragraphs 114 to 117 (Promoting sustainable transport) – states that when considering development proposals, amongst other things, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119-128 (Making effective use of land) – local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

Paragraph 165 to 179 (Planning and flood risk) – When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and decisions should ensure that the development is appropriately flood resistant and resilient.

Paragraph 180 (Conserving and Enhancing the Natural Environment) – amongst other things, decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.

Paragraph 185 to 188 (Habitats and Biodiversity)- states, the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraphs 189 to 194 (Ground conditions and pollution) – state that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Ensuring development appropriate for its location by taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts. The focus should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

Paragraphs 195, 200, 203 to 214 (Conserving and enhancing the historic environment) – state that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations

Paragraph 215 to 223 (Facilitating the sustainable use of minerals) – It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Great weight should be given to the benefits of mineral extraction, including to the economy, whilst ensuring that development does not have unacceptable adverse impacts on the natural and historic environment and also ensuring that there are no unacceptable local adverse impacts and with restoration and aftercare carried out at the earliest opportunity.

Paragraph 219 (Maintaining Supply) – Minerals planning authorities should plan for a steady and adequate supply of aggregates based on a based on a rolling average of 10 years' sales data and other relevant local information and by making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans. Authorities should use landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction. Authorities should also be maintaining landbanks of at least

seven years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised.

Planning Practice Guidance - in addition to the NPPF, in March 2014 the Government published a series of web based National Planning Policy Guidance notes (NPPGs). Planning Practice Guidance 'Minerals' – sets out the overall requirements for minerals sites, including the need to ensure a steady supply of minerals; the need to ensure the information provided in support of an application is sufficient to enable the environmental impacts to be assessed and that sites are restored at the earliest opportunity to high environmental standards.

Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies 2016 (CSDMP) – this document was formally adopted on 1 June 2016 and as an adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy M2 (Providing for an Adequate Supply of Sand and Gravel) – states that the County Council will ensure a steady and adequate supply of sand and gravel for aggregate purposes. There are three Production Areas and the South Lincolnshire Production Area has a target to produce 15.66 million tonnes during the plan period of 2014 – 2031.

Policy M3 (Landbank of Sand and Gravel) – states that to ensure a steady and adequate supply of sand and gravel for aggregate purposes, the County Council will seek to maintain a landbank of permitted reserves of sand and gravel of a least seven years within each of the Production Areas.

Policy M4 (Proposals for Sand and Gravel Extraction) – states that for sites not allocated in the Site Locations Document, planning permission will be granted for sand and gravel extraction for aggregate purposes where the site is required to meet:

- a proven need that cannot be met from the existing permitted reserve; or
- a specific shortfall in the landbank of the relevant Production Area and either:
  - i) forms an extension to an existing Active Mining Site; or
  - ii) Is located in the relevant Area of Search as shown on the Policies Map (Figure 5) and will replace an existing Active Mining Site that is nearing exhaustion.

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

Policy DM2 (Climate Change) – states that proposals for minerals and waste management developments should address the following matters where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.
- Minerals – encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new/enhanced biodiversity levels/habitats as part of the restoration proposals to provide carbon sinks and/or better connected ecological networks, and; encourage the most efficient use of primary minerals.

Policy 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. Planning permission will be granted for minerals and waste development where heritage assets, and their settings, are conserved and, where possible enhanced and where adverse impacts are identified planning permission will only be granted provided that:

- the proposals cannot reasonably be located on an alternative site to avoid harm, and;
- the harmful aspects can be satisfactorily mitigated; or
- there are exceptional overriding reasons which outweigh the need to safeguard the significance of heritage assets which would be harmed.

Policy DM6 (Impact on Landscape and Townscape) – states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10-year maintenance period. Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

Policy DM7 (Internationally Designated Sites of Biodiversity Conservation Value) – requires that proposals for mineral and waste development that are likely to have significant effects on internationally important wildlife sites can be delivered without adverse effect on the integrity of any SAC, SPA or Ramsar site.

Policy DM8 (Nationally Designated Site of Biodiversity and Geological Conservation Value) – states that any harmful aspects of minerals operations can be satisfactorily mitigated so as not to adversely impact on SSSI's.

Policy DM9 (Local Sites of Nature Conservation Value) – states that planning permissions should ensure any adverse effects are adequately mitigated or, as a last resort compensated for, with proposal resulting in a net-gain in biodiversity through the creation of new priority habitat in excess of that lost.

Policy DM11 (Soil) – states that proposals should protect, and wherever possible, enhance soils and will only be permitted where there is an overriding need for the development, no suitable alternative site of lower agricultural quality, the land can be restored to its previous agricultural quality or better, or other beneficial after uses consistent with other sustainability considerations.

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 DM13 (Sustainable Transport Movements) – states that proposals for minerals development should seek to maximise where possible the use of the most sustainable transport option.

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.

Policy R3 (Restoration of Sand and Gravel Operations within Areas of Search) – advises that sand and gravel operations (other than those involving best and most versatile agricultural land that would be restored back to agricultural land of comparable quality) should have regard to the landscape scale objectives of the area and specific to South Lincolnshire (West Deeping/Langtoft) area these include the creation of wet fenland habitat or enhancement of existing wetland habitats.

The Lincolnshire Minerals and Waste Local Plan Site Locations document (2017) was formally adopted on in December 2017 and as an adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policy of relevance in this case is as follows (summarised):

Policy SL1 (Mineral Site Allocations) – states that a steady and adequate supply of sand and gravel for aggregate purposes, in accordance with Policy M2 of the Core Strategy and Development Management Policies document, will be provided through the continued provision of sand and gravel from the remaining permitted reserves at existing sites and also the identified allocated sites. The proposal site is not identified as an allocated site.

South Kesteven District Council Local Plan - 2011 to 2036 (SKLP) – as an adopted document, the policies contained therein should be given great weight in the

determination of planning applications. The key policies of relevance in this case are as follows:

**Policy E8 (Other Employment Proposals)** – states that other employment proposals in locations not covered by the above policies will be supported, provided there is a clear demonstration that:

- a. there are no suitable or appropriate sites or buildings within allocated sites or the built up area of existing settlements;
- b. there is no significant adverse impact on the character and appearance of the area and the amenity of neighbouring uses;
- c. there is no significant impact on the local highway network;
- d. there is no significant likely adverse impact on the viability of delivering any allocated employment site.

**Policy SD1 (Principles of Sustainable Development in South Kesteven)** – Requires that development proposals in South Kesteven will be expected to minimise the impact on climate change and contribute towards creating a strong, stable and more diverse economy.

**Policy EN1 (Protection and Enhancement of the Character of the District)** – 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 features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

**Policy EN2 (Protecting Biodiversity and Geodiversity)** – states that the Council working in partnership with all relevant stakeholders will facilitate the conservation, enhancement and promotion of the District's biodiversity and geological interest of the natural environment. This includes seeking to enhance ecological networks and seeking to deliver a net gain on all proposals, where possible. Proposals that are likely to have a significant impact on sites designated internationally, nationally or locally for their biodiversity and geodiversity importance, species populations and habitats identified in the Lincolnshire Biodiversity Action Plan, Geodiversity Strategy and the Natural Environment and Rural Communities (NERC) Act 2006 will only be permitted in exceptional circumstances ...

**Policy EN3 (Green Infrastructure)** – states that the Council will maintain and improve the green infrastructure network in the District by enhancing, creating and managing green space within and around settlements that are well connected to each other and the wider countryside. Development proposals should ensure that existing and new green infrastructure is considered and integrated into the scheme design, taking opportunities to enrich biodiversity habitats, enable greater connectivity and provide sustainable access for all. 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 should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water.

Policy EN5 (Water Environment and Flood Risk Management) – directs that development should be located in the lowest areas of flood risk, in accordance with the South Kesteven Strategic Flood Risk Assessment (SFRA). Where this is not possible the sequential approach to development will be applied. Where the requirements of the sequential test are met, the exception test will be applied, where necessary. A Flood Risk Assessment (FRA) will be required for all development in Flood Zones 2 and 3 and for sites greater than 1 hectare in Flood Zone 1, and where a development site is located in an area known to have experienced flood problems from any flood source, including critical drainage.

Policy EN6 (The Historic Environment) – states that the Council will seek to protect and enhance heritage assets and their settings in keeping with the policies in the National Planning Policy Framework. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm.

Policy DE1 (Promoting Good Quality Design) – states that to ensure high quality design is achieved throughout the District, all development proposals will be expected to:

- a. Make a positive contribution to the local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape/townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area;
- b. 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 and have regard to features that minimise crime and the fear of crime; and
- c. Provide sufficient private amenity space, suitable to the type and amount of development proposed.

Development proposals should seek to:

- d. Retain and incorporate important on-site features, such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancement into the development;
- e. Provide well designed hard and soft landscaping; and
- f. Effectively incorporate onsite infrastructure, such as flood mitigation systems or green infrastructure, as appropriate.

Policy ID2 (Transport and Strategic Transport Infrastructure) – states amongst other things that development will not severely impact on the safety and movement of traffic on the highway network or that any such impacts can be mitigated through appropriate improvements, including the provision of new or improved highway infrastructure

#### Emerging Local Plan

Lincolnshire Minerals and Waste Local Plan Review – work has begun on replacing the current Lincolnshire Minerals & Waste Local Plan with an ‘Issues and Options’ paper and ‘Call for Sites’ consultation having been carried out. Given the review is at an early stage of preparation and no draft policies or preferred allocated sites have yet been identified, this document and any sites currently put forward in response to the ‘call for sites’ carry no weight in the determination of this application.

#### Other relevant information

The Lincolnshire Local Aggregates Assessment (LAA) dated July 2023 contains the most recent published data on aggregate sales and reserves available within the County at the end of December 2022. The latest LAA shows that at the end of 2022 there were approximately 22.364 Mt of sand and gravel reserves available within the County equating an estimated landbank of 9.62 years (based on 10-year average sales). This is above the recommended minimum of seven years identified by the NPPF however the distribution of those reserves is not even with some Production Areas containing a higher proportion of these overall reserves than others.

#### Results of Consultation and Publicity

66. (a) South Kesteven District Council – No Objection. However they would wish to ensure that the impact of the proposal on the following matters are fully assessed and appropriately mitigated where necessary if planning permission is to be granted:- Highway safety and capacity, noise, impact on the setting of a neighbouring listed building, archaeology, landscape impact, ecology, air quality and dust, and impact on residential amenity including in neighbouring villages; West Deeping and Baston.
- (b) West Deeping Parish Council (summarised) – The West Deeping community have endured mineral extraction for over 70 years and through “planning creep” and continued moving of the goalposts for the community, this has destroyed the trust in those that we elected to look after us.
- South Lincolnshire’s preferred ‘area of search’ for sand and gravel extraction covers some 85 sq km of which only about 11 sq km has so far been subject to mineral extraction. Some of this already far too close to people’s lives. Yet the quarry companies and the minerals and waste team

have recently had you believe that the only place to extract this mineral is 25m from someone's home. There are vast deposits of sand and gravel in the ground in the area of search which aren't yet another knife to the heart of the West Deeping Community. To have you believe otherwise is patently untrue.

- This application as has been shown in other similar ones recently, shows a complete disregard of Lincolnshire County Council's own policies, especially Policy DM17 Cumulative Impacts and Policy DM3 Quality of life and Amenity. It is our contention that the MPA is deliberately steering councillors away from the severity of the cumulative impacts in order to fulfil their landbank supply targets or in this instance to cover the fact that a proper assessment has not been done and isn't being done correctly. There has been no Cumulative Impact assessment provided by Cemex or Breedon in respect of their recent and current planning applications. LCC has a duty to ensure that their policies are considered. This is a systemic and repeated omission.
  - The Parish Council is of the opinion that references to the potential impacts or significance of future proposals for minerals working in the West Deeping Area (i.e. proposed allocations in the Updated Minerals and Waste Local Plan) are relevant and a material consideration to the current application and so should be taken into account as this is well founded within planning law. To not do so is either an ignorance of the planning policies or a deliberate attempt to divert due process. It is the Parish Councils contention that previous decisions on similar recent applications and the reports and the information that they are based on did not adequately assess the cumulative impact of the multitude of sites working successively and concurrently around West Deeping.
  - The Parish response goes on to set out what they consider is an appropriate methodology and should be included in a cumulative assessment with reference to recent case law and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended). They strongly object to this application as there has been no cumulative impact assessment provided by Cemex taking into account the combined activities from the existing Breedon and Cemex sites, the existing cement plant at Tallington, and all of the other existing and planned quarrying activities in the area including the proposed MS29-SL, SG17 and SG11 sites.
- (c) Deeping St James Parish Council – Would like to reiterate the objection comments supplied by West Deeping Parish Council on 26 January 2023.
- (d) Environment Agency (EA) – No Comments. Requested that informative comments be attached to any decision issued.

- (e) Welland and Deepings Internal Drainage Board – Notes the existing Environmental Permit PRNNF/18805 will be utilised to cater for water displaced by this proposal with no increase in the permitted rate or volume .
- (f) Historic Places (Lincolnshire County Council) – This application is for land adjacent to the existing King Street Quarry. The previous quarry site has been the subject of an extensive campaign of archaeological investigation. On the basis of this evidence, the applicant has submitted a WSI for further archaeological recording measures based on an extrapolation of evidence from the earlier work. Content with the proposed WSI and this can be secured by condition on the planning permission, should it be granted.
- (g) Highway and Lead Local Flood Authority (Lincolnshire County Council) – No Objections subject to condition.

In respect of Highway Safety/capacity, it is not anticipated that, as a result of the proposed development, HGV movements will be increased. All existing and future quarry traffic will route south from the access to the A1175. Therefore, it is not considered that the proposals will result in an unacceptable impact on highway safety.

Flood risk and drainage, do not consider that this proposal would increase flood risk in the immediate vicinity of the site subject to the imposition of a planning condition to secure a Construction Management Plan and Method Statement indicating measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. The condition shall include:

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;#
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material; and
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

- (h) Lincolnshire Police – No Objection.
- (i) Ministry of Defence (Safeguarding) – No Objection.
- (j) Natural England – No Objection.

- (k) Lincolnshire Wildlife Trust – Generally, the restoration plans of the south-eastern section of the quarry is satisfactory and appropriate for the natural ecology of the area. We wish to highlight that use of herbicides should only be used where other alternatives are not viable.
- (l) Historic England – We suggest that you seek the views of your specialist conservation and archaeological advisers.
- (m) National Grid – identified assets in proximity to the proposal sites and requested an informative be attached to any decisions issued.
- (n) Cadent Gas- identified assets in proximity to the proposal sites and requested an informative be attached to any decisions issued.

The following bodies/persons were consulted on the application. No response or comments had been received within the statutory consultation period or by the time this report was prepared:

Local County Council Member, Councillor A Baxter  
 Tallington Parish Council (adjacent)  
 Barholm and Stow Parish Council (adjacent)  
 Market Deeping Town Council (adjacent)  
 Langtoft Parish Council (adjacent)  
 Environmental Health Officer (South Kesteven District Council)  
 Public Health – (Lincolnshire County Council)  
 Health and Safety Executive

67. The application has been publicised by notices posted at the site on 6 December 2023, on social media (facebook) on 4 December 2023 and in the local press (Lincolnshire Echo) on 7 December 2023 and letters of notification were sent to the nearest neighbouring residents. A total of 17 representations have been received in response to the application. The following summarises the main issues/objections/comments made:

- Concerned by series of invasive, stealth planning applications and the combined “mission creep” and the cumulative impact and effect on the quality of life following the 7<sup>th</sup> application in 7 years.
- That the listed buildings and fenland landscape are being blighted by the landscape created by mineral working.
- There are concerns about encroachment onto West Deeping Village with existing and prolonged environmental deterioration following 70 years of minerals activity, including increased noise, dust for residents, loss of habitat for wildlife and the potential for quarry workings to increase flooding.

- Whilst mitigation measures are proposed to reduce the impact of operations, there are concerns there will not be adequate monitoring and enforcement of potential impacts and vehicle movements and of operations carried outside of permitted hours at 7am.
- Concern over additional HGV movements on the A15 and at the Waterside Junction used by elderly drivers. Increased vehicle movements on the A1175, with the safety risk to other road users already at an unacceptable level as evidenced by the many recent incidents on this road. The proposed new quarry will further increase this unacceptable level of safety risk.

## Conclusions

68. Section 38(6) of the Planning & Compulsory Purchase Act 2004, states that all applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking and in fact confirms that proposed developments which conflict with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
69. The proposed development would constitute an extension to an existing sand and gravel quarry with restoration wetland habitat and species rich meadow with woodland planting.
70. The key issues to be considered in this case are:
- the need and justification for new mineral reserves and the principle of extracting sand and gravel from this unallocated site; and
  - the environmental and amenity impacts associated with the development including flood risk and drainage; highways and traffic; landscape; nature conservation and biodiversity net gain; historic environment considerations; and including amenity impacts on local residents, in particular traffic, noise, dust and visual impacts given the developments proximity.

## Need and justification for sand and gravel aggregate

71. The NPPF advises that Mineral Planning Authorities make provision for a landbank of at least seven years for sand and gravel and Policies M2 and M3 of the CSDMP reflect this policy by seeking to ensure that there is an adequate and steady supply of sand and gravel to meet projected demands and that a landbank of at least seven years is maintained within each of the Production Areas. Policy M2 confirms that 42.66 million tonnes (Mt) of sand and gravel is required to meet projected demands up to 2031 and that 15.66 Mt of this would be required within the South Lincolnshire Production Area. In order to meet this demand provision for the release of new sand and gravel reserves has been provided for in the Site Locations



Document and this includes the allocation of three specific sites in the South Lincolnshire Production Area.

72. The land subject to this application, is not Identified within the Site Locations document as a future area for mineral extraction and would result in the release of currently unconsented reserves. Therefore, this application will need to be considered and assessed as development proposed for a non-allocated site and therefore Policy M4 of the CSDMP is key.

Policy M4 states that sites not allocated in the Site Locations Document will be granted planning permission for aggregate purposes provided that, in the case a of an extension to an existing quarry, there is a proven need that cannot be met from the existing permitted reserve; or a specific shortfall in the landbank of the relevant Production Area and either:

- (i) forms an extension to an existing Active Mining Site; or
- (ii) is located in the relevant Area of Search as shown on the Policies Map (Figure 5) and will replace an existing Active Mining Site that is nearing exhaustion.

73. The Lincolnshire Local Aggregates Assessment (LAA) dated July 2023 contains the most recent published data on aggregate sales and reserves within the County. In terms of proven need, the latest LAA does not provide a breakdown of reserves available within each Production Area but does show that at the end of 2022 there were approximately 22.364 Mt of sand and gravel reserves available within the County equating an estimated landbank of 9.62 years (based on 10 year average sales). This is above the recommended minimum of seven years identified by the NPPF and Policy M3, however, the distribution of those reserves is not even with some Production Areas containing a higher proportion of these overall reserves than others.
74. Since December 2022, the Mineral Planning Authority has resolved to grant planning permission for the extraction of 1.25Mt of sand and gravel reserves from part of the allocated Baston No.2 extension site (reference: MS27-SL) and from underneath the associated Plant Site (planning applications references: S22/1610 and S22/1612). These decisions are pending the completion of a S106 Planning Obligation. More recently it has also been resolved to grant permission for the extraction of 30,000 tonnes of reserves from underneath the former readymix plant at the former Manor Pit Plant site (ref: S23/0903 issued 9 August 2023) and a further 200,000 tonnes from the West Deeping (Breedon) Quarry by reducing the stand off distances from Rectory Farm and Crown Farm and to reduce the stand off from the quarry boundary and Lodge Farm (planning application references S23/0102 and S23/0103) .
75. These decisions post-date the data contained within the latest LAA and together would add a further 1.3Mt of reserves to the landbank. However, Officers are aware that aggregate sales have continued to be high during 2022/23 and so notwithstanding the increase in reserves and landbank that will occur as a result of

the above-mentioned decisions, there will have also been a reduction in reserves as a result of sales during the intervening period. Taking this into account and whilst it is still likely that the actual landbank is above the seven-year minimum advocated by the NPPF and Policy M3, this is a minimum and as a result should not be seen as a barrier to allowing the release of new reserves where this can be achieved in appropriate locations and with minimal environmental effects.

76. In this case, the reserves lying within the additional proposed extraction area are not reserves that benefit from any existing planning permission and as such would constitute previously unconsented and unallocated reserves. Whilst the additional reserves released may not be required to meet an identified shortfall in the landbank (based on data available at the end of 2022) the proposed extension area is a small, logical extension to Cemex's West Deeping Quarry. The site would be excavated as an extension to Phase 11 to the current working of the adjoining existing quarry and utilise the existing Plant Site and infrastructure. Following extraction, the extension area would be incorporated into the overall progressive restoration programme for the quarry with the creation of a new waterbody, lowland meadow and woodland planting with native species rich hedgerows.
77. The NPPF confirms that great weight should be afforded to the benefits of mineral extraction and these additional reserves would make a positive contribution towards ensuring the County maintains a sufficient landbank of aggregate reserves. The resource contained within this parcel of land would arguably not be viable for extraction as a future stand-alone operation. The extraction operations would be temporary in nature and extracting these reserves as part of the current quarry operations would prevent this valuable resource from being otherwise unnecessarily sterilised. Once extracted the additional areas of working would be restored as part of the on-going restoration works and so could provide beneficial and biodiverse habitat that is appropriately assimilated into the wider landscape.
78. In principle therefore, I am satisfied that the release of these currently unconsented reserves is acceptable and would accord with the objectives of Policies M2, M3 and M4 of the CSDMP and so should be afforded great weight in the planning balance. However, before it can be determined whether this proposal is acceptable, it is also necessary to also consider the environmental and amenity impacts that could arise from this proposal and the extent to which this proposal accords with all relevant Development Management Policies and Restoration Policies contained within the Development Plan. A consideration of each of these factors is set out in turn below.

#### Environmental and Amenity Impacts

##### Dust/Air Quality and Noise

79. A number of objections and concerns have been raised by local residents in respect of the potential for this development to have a negative impact on local amenity.

80. Taking these matters into account, the application was supported by a number of technical assessments and reports relating to the potential adverse impacts of the proposal and include mitigation measures to ameliorate any effects arising from the development on both the environment and neighbouring land users.
81. Examples of measures to be adopted and implemented as part of the development include:
- restricting hours of operation to between 07:00 to 17:00 hours Monday to Friday; 07:00 to 12:00 hours Saturday with no operations Sundays, Bank and Public Holidays;
  - setting noise limits that ensure noise levels experienced at the nearest noise sensitive receptors do not exceed the recommended limits as set out in the Planning Practice Guidance;
  - adoption of good site management and best practices measures to minimise and reduce the potential for fugitive dust from the site.

The mitigation measures identified and embedded into the working proposals and to be adopted and incorporated as part of the development are established and effective good site management practices and these, would ensure that the amenities of nearby residential properties and land-users would not be significantly adversely affected.

82. No objections have been received from the Environmental Health Officer, District Council or Environment Agency. I am therefore satisfied that the development would be acceptable in relation to noise, dust and air quality and so accord with the objectives of the NPPF, NPPG and Policy DM3 of the CSDMP and Policies E8, DE1 and EN4 of the SKLP that seek to ensure employment proposals do not give rise to adverse impacts through appropriate pollution control and the design of development.

#### Water Environment and Flood Risk

83. The application was supported by Hydrogeological, Hydrological and Flood Risk (FRA) Assessments. The excavations would be carried out in line with the existing quarry using de-watering, with drainage of the whole quarry including extension to a series of ditches, settlement, clean water and balancing ponds. The final discharge being to an adjacent watercourse in line with the requirements of an existing Discharge Permit issued by the Environment Agency.
84. Lincolnshire County Council as Lead Flood authority in respect of flood risk and drainage, do not consider that this proposal would increase flood risk in the immediate vicinity of the site, but this is subject to the imposition of a planning condition (set out above) that would need to be satisfied before development is commenced, to secure a Construction Management Plan and Method Statement indicating measures to mitigate both the adverse impacts of vehicle activity and

the means to manage the drainage of the site during the construction stage of the permitted development.

85. In respect of this requirement, it must be taken into account that the proposed development will not operate in isolation but is a minor element of the larger West Deeping Quarry operation. The applicants supporting Flood Risk Assessment has indicated that the extraction site will not create any surface water run off or impact upon drainage infrastructure as it will be dewatered and managed as part of the approved drainage and water management system already approved for the broader site and would not give rise to flooding outside of the application boundary. The Environment Agency and the Welland and Deepings Internal Drainage Board have not raised objections to the proposal.
86. I consider that the limited potential impacts from surface water runoff and flood risk from this proposal will be adequately mitigated by the controls placed upon the broader quarry infrastructure and do not consider that imposing a planning permission to control these elements would meet the required tests under Paragraph 55 of the NPPF. I consequently do not propose to attach the proposed condition to the development.
87. It is therefore considered that subject to general conditions, the development would be acceptable and would not give rise to adverse impacts on the environment including water environment, flood risk or to any nearby residents. This would accord with the aims and objectives of the NPPF, NPPG and Policies DM2, DM3, DM15, DM16 and R3 of the CSDMP and would not conflict with or compromise Policies E8, EN1, EN4, EN5 and DE1 of the SKLP.

#### Transport and Highways

88. The Transport Assessment provided evidence of the potential for impacts arising from the proposed operations and the applicant has indicated that the HGV traffic from the site would be a continuation of the current quarry output and not exceed that already permitted. The Highways Officer has confirmed that they do not consider the proposal will result in an unacceptable impact on highway, but as set out above, this is subject to the approval of a Construction Management Plan and Method Statement setting out measures to mitigate any adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the development.
89. Notwithstanding this requirement the area proposed for mineral extraction will not have direct access onto the public highway and none of the operations set out within the criteria to be controlled by the condition will be carried out within the permission area, so do not apply to the proposed development. These operations will be facilitated by the associated quarry infrastructure and all of these elements are already approved and controlled by conditions and S106 legal agreement on the extant quarry planning permission. Therefore, I do not consider that imposing a planning permission to control these operations would meet the required tests

under Paragraph 55 of the NPPF and consequently do not propose to impose the proposed condition on any permission granted.

90. Subject to necessary conditions and to reiterate existing conditions on the broader quarry such as hours of work etc, the proposal would meet the aims and objectives of the NPPF, NPPG and Policies DM13 and DM14 of the CSDMP and would not conflict or compromise Policy E8 of the SKLP that seeks Employment proposals that do not give rise to adverse impact on the highway network or highway safety.

#### Ecology, Landscape, Soils and Restoration

91. The applications is supported by an Extended Phase 1 Survey Report ; Construction Environmental Management Plan (Ecology) (CEMP); Agricultural Land Classification Soil Resource Assessment; Restoration proposals, Aftercare Plan; and an Outline Landscape and Visual Impact Appraisal (LVIA).
92. The LVIA concluded that the site is not located within a landscape designated for national or local value. The revised proposal has a very small physical footprint and will be undertaken within a very short timescale, and the proposed restoration scheme will be complementary to the eventual landscape character of the restored consented mineral areas to the north-west and north-east.
93. The Extended Phase 1 Survey Report concluded that the proposed development would not have an unacceptable impact on flora or fauna but whilst not identified at the time of the survey it is proposed that as there is habitat that may attract reptiles, amphibians and other mammals, suitable mitigation measures should be adopted to avoid any impacts on these species. The accompanying CEMP which takes account of the Ecological Survey findings, identifies the key construction activities, relevant ecological receptors and potential impacts, sets out detailed mitigation measures to be carried out in advance during and post development at the site. The Plan provides a comprehensive mitigation programme to ensure that the operations at West Deeping Quarry would not have adverse impacts on wildlife (including protected species), retained habitats in and around the quarry including maintaining stand-off from perimeter planting to protect roots.
94. As a consequence of wetland creation, the proposed extension would result in the loss of 0.99Ha of ALC Grade 3A Best and Most Versatile Agricultural Land. Although only a modest area of loss it is proposed that to both mitigate and safeguard the long term potential of BMV soil resources, the remaining soils are recovered and utilised in the restoration of the broader quarry site to improve the soil profile of the adjacent low level agricultural land which on balance would accord with the aspirations of Policies DM11 and DM12.
95. The creation of an area of wetland would serve as a drainage sump for the adjacent restored land, provided for by natural ingress of water. Peripheral areas of wet grassland and lowland meadow will be fringed by species rich hedges and mixed woodland planting to create a continuous ecological corridor to link with the

broader Quarry restoration. A detailed aftercare plan submitted with the application will ensure successful establishment of a high-quality and biodiverse wetland and terrestrial habitat.

96. It is concluded that the development would not give rise to adverse impacts on the natural environment including designated and non-designated sites of wildlife interest. Therefore, subject to conditions the proposed development would meet the aims and objectives of the NPPF, NPPG and Policies DM2, DM3, DM6, DM7, DM8, DM9, DM11, DM12, R1, R2 and R3 of the CSDMP and would not conflict with or compromise Policies SP5, E8, EN1, EN2, EN3, EN6 and DE1 that requires employment proposals do not adversely impact on the landscape of the district and where possible seek to enhance the natural environment through good design.

#### Historic Environment

97. The application site lies within an area of substantial and significant historic landscape interest, containing a wide variety of heritage assets which span the Mesolithic/Neolithic to the later medieval/post medieval period with the broader quarry and adjacent workings subject to ongoing archaeological schemes of investigation. With the archaeological potential of the proposed site already inferred by the results of investigations into the adjoining land, the applicant has provided an Archaeological Written Scheme of Investigation (WSI) relating to the proposed southeast extension. This document has been drafted in accordance with the recommendation of the Historic Places Manager of Lincolnshire County Council to whom Historic England have in their response deferred judgement on this matter.
98. It is considered that subject to a condition securing the WSI the proposed extraction and amendments to the working of the existing quarry would be consistent with the aims and objective of the NPPF and Policy DM4 of the SDMP and would not compromise or conflict with Policy EN1 of the SKLP which seeks to protect the historic character of the district.

#### Cumulative Impacts

99. West Deeping Parish Council and some of the representations received have criticised and made reference to the potential impact of sites that have been put forward by the applicant and operators for consideration as part of this current Minerals & Waste Local Plan Review. These sites include land lying to the south of the A1175 and east of West Deeping village as well as an existing allocated site within the currently adopted Minerals and Waste Local Plan (referred to as MS29-SL). The Parish Council in particular has stated that they feel the potential cumulative impacts of allocated future workings needs to be taken not account in the determination of planning applications that are before the Committee both previously but also in respect of this application. It is argued that failure to do so is contrary to planning law and the EIA Regulations.

100. The Parish Council's comments are noted however this proposal has been deemed not to constitute EIA development and as a result the EIA Regulations do not apply in this case. Notwithstanding this, Policy DM17 of the CSDMP does require the cumulative impacts of development to be taken into account and this includes the impact of multiple impacts from an individual site and/or from a number of sites in the locality. In this case whilst this proposal is not EIA development the applicant has nevertheless carried out and submitted a number of assessments which have considered the impacts of individual aspects of the development such as noise, dust, hydrology, etc. In all cases these assessments have identified measures that reflect those already adopted and implemented as part of the existing operations which have or can continue to be adopted and implemented as part of this proposal. I am therefore satisfied that subject to suitable conditions any impacts arising from the various aspects of this proposal are capable of being controlled and/or minimised to an acceptable level.
101. In respect of potential impacts as a result of other sites in the locality, whilst there is an allocation for a new site within the Local Plan (i.e. MS29-SL), no planning application has been made to work this site and as no detailed information or proposals about how these sites are proposed to be worked at this stage. With regard to future sites that are currently being promoted as part of the Local Plan review, these are still under consideration and a decision on whether these sites will be taken forward to the next stage of the Plan has yet to be made. In light of this it is not possible or necessary for Officers to assess the potential cumulative impacts arising from these potential future proposals and so whilst the Parish Council disagree, as has correctly been advised by Officers previously, the comments and references made regarding perceived potential impacts arising from these proposals are not relevant or material to consideration of the acceptability of this proposal and so are given no weight in the determination of this application. In terms of potential in combination cumulative impacts as a result of other operational sites in the locality, as stated above, measures have been identified and would be adopted as part of this development which reflect existing measures, practices and controls imposed on the current site. I am therefore satisfied that subject to the continuation of these same measures, which can be secured through condition, the proposed development would not give rise to any significant adverse environmental or amenity impacts, either individually or when considered in combination with other operations nearby. Any impacts would be very localised to the site and that taking account that the proposal is time limited, any perceived cumulative impacts from extending the duration of quarrying activity would be short lived. Consequently, the proposal would meet the aims and objectives of the NPPF and Policy DM17 of the CSDMP.

#### Human Rights Implications

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

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

## RECOMMENDATIONS

It is recommended that planning permission S23/2249 be granted subject to the planning conditions set out below:

### Commencement and Duration

1. The development hereby permitted shall be begun 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.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The winning and working of minerals and restoration land forming of the site must be completed not later than the expiration of the period of 9 months beginning with the date of commencement.

*Reason: To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended) and to ensure that the development is completed in accordance with the approved details and to ensure the Mineral Planning Authority can monitor the progress of operations to ensure the duration and any impacts associated with those activities are time-limited, temporary and accord with those identified and assessed at the time planning permission for these works was granted.*

### Approved Documents and Plans

3. The development hereby permitted shall only be carried out in accordance with the following documents and drawings, unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions:

#### Documents:

- Planning Application Form and Covering Letter (received 13 October 2023)
- Planning Statement and Appendices 4 to 12 (received 13 October 2023)

#### Plans/Drawings:



- Drawing No. 23-08/P7/WSTDEEPING/1A – ‘Location Plan’(received 06 November 2023)
- Drawing No. 23-01 P1 / 1425 4 / 10 Rev A, Final Restoration: South-Eastern Extension (received 09 January 2024)
- Drawing No. 22 – 01 – 1291 REV A, Mineral Extraction (received 06 November 2023)
- Drawing No. Draw-21-11-1194-006 Phase 11A (received 18 January 2024)

*Reason: To ensure the development is carried out in accordance with the details contained within the application.*

#### Archaeology

4. (a) The development shall be carried out subject to archaeological mitigation in strict adherence to the Planning Statement Appendix 7.1 South East Extension, Cemex Quarry, West Deeping (King Street) Lincolnshire Written Scheme of Investigation (Project Design Specification) for Archaeological Strip, Map and Sample (received 13 October 2023).
- (b) The applicant will notify the Mineral Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.
- (c) A report of the archaeologist’s findings shall be submitted to the Mineral Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council in accordance with the approved scheme unless otherwise agreed in writing by the Mineral Planning Authority. This part of the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

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

#### Transport and access

5. No Vehicular access to the site from the A1175 or the Lodge Farm access track shall be created or used for the duration of this development.
6. All sand and gravel shall be transported to the adjacent West Deeping Quarry site prior to export.

*Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or*

*downstream of, the permitted development during construction.*

#### Soil and materials handling

7. The site shall be worked and soils stored in accordance with the details as shown on Drawing No 22 – 01 – 1291 REV A, Mineral Extraction (received 06 November 2023).
8. All soils shall be handled in accordance with ‘Good Practice Guide for Handling Soils in Mineral Workings, Institute of Quarrying, 2021’ and Section 5.16 to 5.51 of the Planning Statement Appendix 12 Agricultural Land Classification Soil Resource Assessment (received 13 October 2023) shall be implemented in full for the duration of the development.
9. 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 October and March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority.

*Reason: To ensure the development is carried out in accordance with the details contained within the application and that soils are retained and maintained to ensure restoration of Best and Most Versatile Agricultural Land.*

10. Only on-site derived mineral wastes, overburden and soils shall be used in the site restoration. Nothing in this decision shall be construed as permitting the use of imported materials to achieve site screening, site restoration or for any other purpose.

*Reason: To prevent the importation of material to aid the restoration of the site as this lies outside the scope of the development hereby permitted.*

11. Stockpiles of ‘as raised’ sand and gravel shall not exceed 5 metres in height above surrounding ground level. No processing of sand and gravel shall take place at any time on the site.

*Reason: To ensure that the stockpiles in the southern extraction area do not give rise to external adverse visual impacts.*

12. All sand and gravel shall be transported to the adjacent West Deeping Quarry site prior to export.

*Reason: To ensure the development is carried out in accordance with the details contained within the application.*

## Hours of Operation

13. Other than in an emergency, no operations and activities authorised or required in association with this development, including the entry and egress of quarry traffic, shall take place except between the following hours:

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

07:00 hours to 12:00 hours Saturday;

and no such operations or activities shall be carried out on Sundays, Public or Bank Holidays.

*Reason: To minimise potential impacts and disturbance from the operations on local residents and the surrounding areas.*

## Noise Controls

14. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use effective silencers and white noise reversing devices.
15. Except for temporary operations, noise levels as a result of any operation or item of plant and machinery operating within the site shall not exceed 55dB(A) LAeq, 1 hour free field when measured at any noise sensitive property identified in the Planning Statement Appendix 10: Cemex West Deeping Quarry SE Extension – Noise Assessment, received 13<sup>th</sup> October 2023.
16. For temporary operations, such as soil stripping, replacement and bund formation, the noise level at any noise sensitive locations identified in the Planning Statement Appendix 10: Cemex West Deeping Quarry SE Extension – Noise Assessment, received 13<sup>th</sup> October 2023, shall not exceed 70dB(A) LAeq, 1 hour free field. Temporary operations shall be limited to a total of eight weeks in any twelve month period.
17. In the event of a substantiated complaint being notified to the operator by the Mineral Planning Authority relating to noise arising as a result of the operations undertaken at the site, the operator shall carry out a noise survey to establish whether or not the relevant permitted noise levels are being breached. The results of the noise survey, along with details of any additional mitigation measures to be implemented to address and remedy any identified breaches, shall be submitted for the attention of the Mineral Planning Authority. Any additional measures identified as part of the survey shall be implemented and thereafter maintained for the duration of the development.

*Reason: To minimise potential impacts and disturbance to amenity from the operations on local residents and the surrounding areas as a result of noise.*

## Dust and pollution management

18. All dust mitigation measures as set out in the “Existing West Deeping Dust Management Scheme” incorporated into the Planning Statement, Appendix 11 (received 13<sup>th</sup> October 2023) shall be implemented in full for the duration of the development.

*Reason: To ensure that local amenity is protected from fugitive dust emissions.*

## Ecology

19. All operations including site preparation works shall be carried out in accordance with the Planning Statement Appendix 6.2 Construction Environmental Management Plan: Ecology (received 13 October 2023)

*Reason: To ensure the interests of wildlife amenity and wildlife conservation.*

## Water Environment and Pollution Control

20. Excavation shall be limited to soils and sand and gravel. No basal clay shall be exported from the site.

*Reason: For avoidance of doubt as to the scope of the permission and maximum depth of extraction.*

21. No facilities for the storage of oils, fuels or chemicals shall be sited within the site.

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

22. There shall be no discharge of foul or contaminated drainage from the site into either the ground water or any surface waters, whether direct or via soakaway.

*Reason: To prevent and minimise the risk of pollution to watercourses and groundwater.*

## External Lighting

23. No fixed lighting, including security lighting, shall be erected, or installed within the permission area until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure that the lighting is designed to minimize the potential nuisance of light spillage outside of the site. The lighting shall thereafter be erected, installed, and operated in accordance with the approved details.

*Reason: To minimise the potential nuisance and disturbances to the local wildlife and the surrounding area.*

## Existing Planting Restoration and Aftercare

24. The existing trees, hedgerows and shrubs around the boundary of the Site shall be retained except where provision for their removal has been made and approved in the scheme of working or details are approved subject to conditions attached elsewhere to this planning permission. Any vegetation removed without the prior written consent of the Mineral Planning Authority or which dies, becomes severely damaged or diseased as a result of operations permitted by this permission, shall be replaced with trees or shrubs of such size and species as may be specified by the Mineral Planning Authority in the planting season immediately following such occurrence.
25. A root protection stand-off distance of 2.0 meters shall be implemented in accordance with Section 7.7 of the Planning Statement' (received 13 October 2023) between the southern hedgerow and all boundary trees and hedgerows that are to be retained as part of the development.

*Reason: To ensure that the existing boundary trees and hedgerows are retained throughout the development so as to help minimise the visual impact of the development and in the interests of amenity and wildlife conservation.*

26. All restoration including planting and seeding shall be carried out within 24 months of the commencement of development and in accordance with Drawing No. 23-01 P1 / 1425 4 / 10 Rev A, Final Restoration: South-Eastern Extension (received 09 January 2024) and Planning Statement Appendices 4.1 to 4.5 (received 13 October 2023). Any planting which dies, becomes severely damaged or diseased within the five years of being planted shall be replaced in the planting season immediately following such occurrence.
27. Restoration and planting aftercare, shall be carried out for a period of five years in accordance with the details set out in Planning Statement Appendix 4.1 Aftercare Management Plan (received 13 October 2023) with an annual report detailing aftercare carried out in the previous 12 months and the programme of works scheduled for the following 12 months to be submitted to the Mineral Planning Authority on an annual basis.

*Reason: To ensure that the Best and Most Versatile Agricultural Land and biodiversity gain habitats created are established and remain healthy.*

## Informatives

Attention is drawn to:

- (i) National Grid letter reference: 31886858 dated 18 December 2023;
- (ii) Cadent Gas LSBUD reference: 31886858;

- (iii) Environment Agency letter reference: AN/2023/135084/01-L01 dated 12 December 2023;
- (iv) Natural England letter reference: 460536 dated 20 December 2023;
- (v) In dealing with this application the Mineral 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.

## Appendices

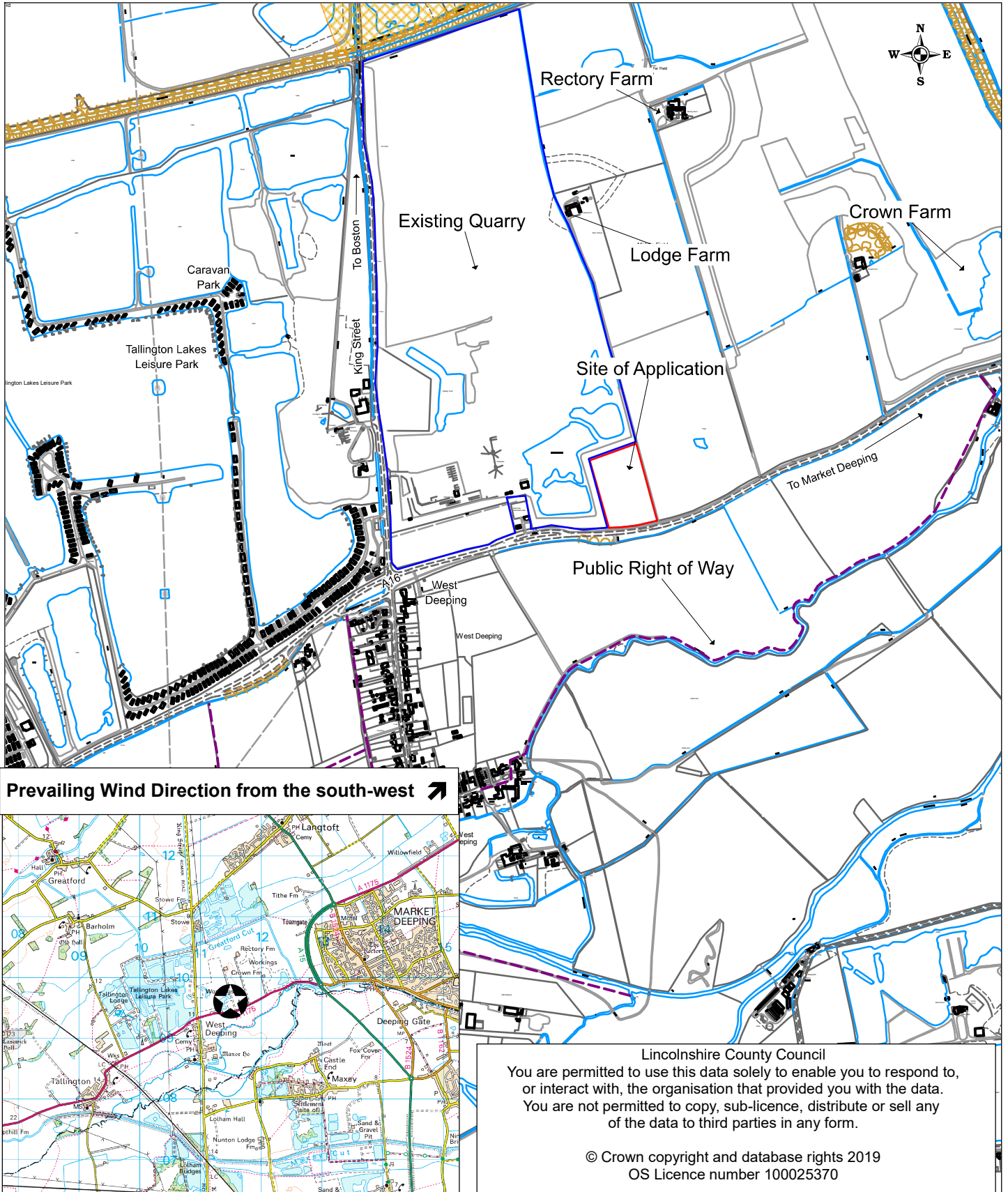
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## 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 S23/2249	Lincolnshire County Council's website <a href="https://lincolnshire.planning-register.co.uk/">https://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2023)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policy document (2016) and Site Locations Document (2017)  Lincolnshire Local Aggregates Assessment (2023)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Local Plan (2020)	South Kesteven District Council's website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

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



**Location:**  
 CEMEX West Deeping Quarry  
 King Street  
 West Deeping

**Application No:** S23/2249  
**Scale:** 1:12,000

**Description:**  
 For a 1.97 ha south-eastern extension to the existing sand and gravel extraction operations with restoration to amenity/nature conservation



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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>12 February 2024</b>
Subject:	<b>County Matter Application - 147385</b>

**Summary:**

Planning permission is sought by Gainsborough Skip Hire and Aggregates (Agent: ARQ design) for change of use of agricultural land to be used for the storage and process of inert materials as part of an existing waste transfer station at Gainsborough Skip Hire, Laughton Lane, Morton.

**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.

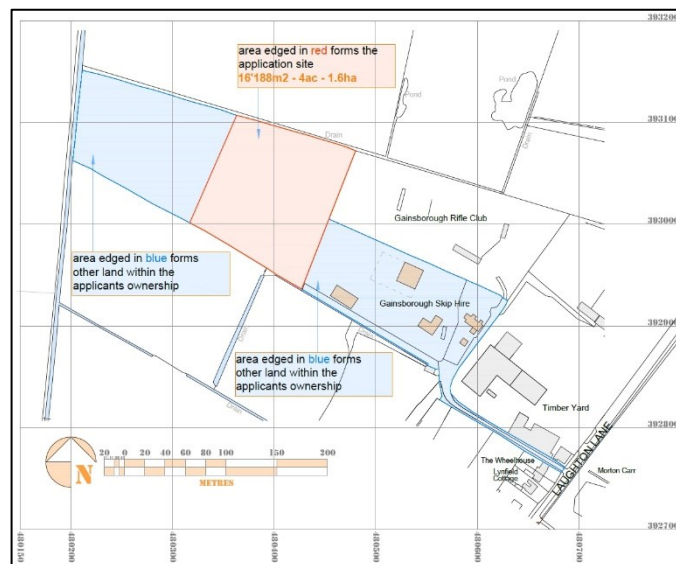
## Background

1. Anecdotal evidence suggests that the site, now known as Gainsborough Skip Hire, has an historical association with waste management, having been used as an overspill area when the site was previously operated by the local authority in the 1960s, and possibly before this. The first waste related planning permissions in the 1970s and early 1980s resulted in the site being developed as a vehicle scrap yard.
2. In 1991 planning permission was granted (ref: W64/673/91) to formalise the use of the site as a waste transfer compound. Conditions imposed on this permission restricted the waste types to inert and semi-inert waste only. In 2004 a further planning permission was granted (ref: W/132/04) to extend a shed at the site. Further planning permissions granted are summarised as follows:
3. W64/132305/14 – permission to vary Condition 2 of W64/0673/91 which authorised the storage mounds of demolition rubble and hard core to be increased from 2m to 3.5m in height.

4. W64/135110/16 - to replace the existing household waste processing unit with a larger unit to accommodate the increase in household waste arriving at the site. The work on this unit started in 2019, but the building is still under construction as the applicant can only erect part of the approved building due to the amount of inert material that is being brought in restricting space.
5. In May 2022 the applicant sent a pre-application request (ref: PAD00084) to the Waste Planning Authority proposing an extension to the existing site of 2.6 hectares. This would have resulted in an increase in area of almost one and a half times the size of the existing site and was considered to be a large extension within a countryside location. At that time no evidence had been submitted to demonstrate that the proposal met any of the exceptions as set out in the Lincolnshire Minerals and Waste Local Plan - primarily that there is a need for the expansion and that the site would be well located to the arisings of any such need/waste that it would manage. The response to the applicant was that the proposal would therefore be unlikely to receive Officer support. Having reviewed the Officer response to that request the applicant has revised the original proposals and submitted a planning application for this revised proposal which is also supported by information aimed at demonstrating and addressing the issues raised previously. This report contains details of this revised proposal.

#### The Application

6. Planning permission is sought for a change of use of agricultural land to be used for the storage and process of inert materials as part of an existing waste transfer station at Gainsborough Skip Hire, Laughton Lane, Morton.

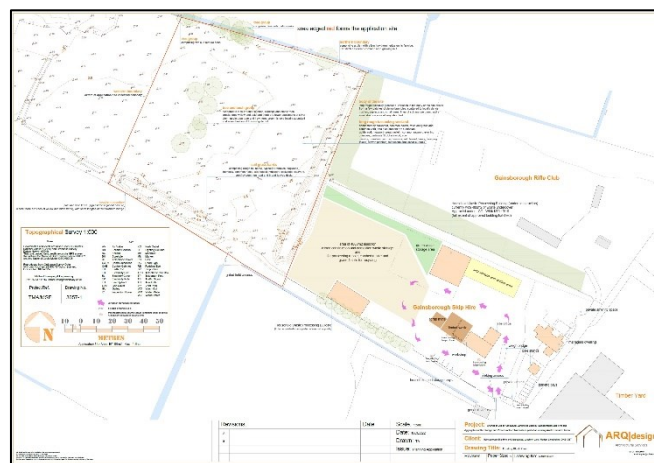


Location Plan

7. The extension area would be approx. 1.6 hectares in size and located to the rear of the existing site which is approx. 1.5 hectares in size. The proposed extension area has therefore been reduced from a 2.6 hectare plot which the applicant had

originally put forward as part of the pre-application advice request. Whilst the proposed extension areas footprint covers 1.6 hectares, the actual area that would be under waste management use would be less as the applicant proposes to construct a bund around the site and there would a significant stand-off distance between the site boundary and the start of the bund.

8. The site currently handles a total of around 9,000 tonnes of waste per annum which comprises of a mixture of household wastes; green wastes; wood and timber; scrap metal and inert construction, demolition and excavation wastes (e.g. soils, brick, concrete, rubbles). The volumes of waste stored on site at any one time varies for each waste stream but the applicant states these do not exceed 4010 tonnes for inert materials, 40 tonnes for metals and 320 tonnes for household wastes. In addition to the existing planning permission the site operates under an Environment Agency Waste Management License which allows for a maximum of 25,000 tonnes per annum to be accepted at the site.



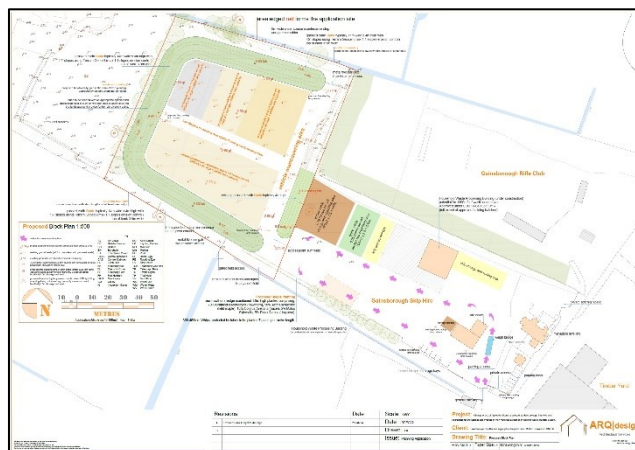
Existing Block Plan

9. The applicant states that Gainsborough Skip Hire has been operating for approximately 40 years and the size of the site is now constraining current operations. The main purpose of the proposed extension therefore is to create more space to carry out the existing operations and to help reorganize the site to enable more efficient working practices. In the short to medium term, the proposed extension would allow waste materials stored within the site to be relocated which would then enable the applicant to complete construction of the new household waste unit subject of permission W64/135110/16. Household waste is and must be managed undercover to comply with the Environment Agency's Permit and so without the completion of the unit the site cannot properly accommodate household waste as permitted. In the longer term, a larger site would also enable the applicant to expand the business and accommodate greater volumes of waste should demand increase. The applicant notes that the population of Gainsborough has increased from approximately 18,000 (1991 census) to 23,000 (2021 census) and this figure will rise further with the large residential development located off Foxby Hill nearing completion of its first phase. There are also other larger residential developments permitted around the town

which will undoubtedly lead to further construction and household waste in the near future. There has also been a large increase in the amount of fly tipping in and around the Gainsborough area in recent years and the applicant submits that the lack of a local facility in the area that can accept larger quantities of inert materials could be a contributing factor to this. Therefore, whilst there is no intention to increase the overall volume of materials accepted at the site at this stage, a larger site would ensure that there is sufficient capacity within the site to allow for this should demand increase in the future.

### Proposed Site Layout

10. The proposed extension area would be surrounded by an earth bund and between the bund and the site boundary there would be a green strip which would be approximately 8m wide at its widest point on the northern boundary; 7.5m on the southern boundary and approximately 3m wide on the western boundary. The applicant had originally proposed that the bund be 6m high however following concerns raised by Officers that this would itself be an intrusive and significant feature, the applicant has confirmed their intention that this would now be to 4m high. The bund would extend 14m with a 45 degree angle slope and the top of the bund would be 2m wide. It would be seeded and there would be tree planting along the western boundary.
  
11. Internal to the bunded area the site would be divided into specific sections for the storage of different waste types. The northern section would be for processed rubble, crushed rubble, and grade 1 soils. The southern section would store mixed construction and demolition waste. A mobile crushing and screening plant would be sited in the area. Access into the area would be in the southern corner of the site, where it joins into the existing site, and a dedicated vehicle manoeuvring area would be along the eastern boundary.
  
12. There would be three free standing lighting columns which would be situated in the far northeastern corner, the southwestern corner and centrally along the western boundary. All three columns would be positioned inside the bunded area.



Proposed Block Plan

## Hours of Operation and Traffic Movements

13. The permitted site operating hours are 0800 to 1700 hours Monday to Friday and 0800 to 1200 hours on a Saturday. Waste material typically arrives at the site in two streams – mixed household waste and inert material. There are no restrictions on vehicular movements at the current site and generally wastes arrive in skips which vary between 20-40 per day. Once the waste has been picked and sorted any waste for energy is sent to the energy from waste incinerator. Inert material comes to site either via small local builders or larger companies who use transits, car trailers or HGVs which can be up to eight wheelers. The numbers vary between 10-40 per day, depending on the time of year, and outgoings of recycled material is around 10-20 per day. The application states that this is variable, and in the winter, it can be 25 entering and leaving, and in summer it can be as high as 50-60 per day. The applicant has approximately 250 skips and covers a 25 km radius and contends that whilst this is sufficient to serve the area in the short to medium term, the number of residential developments either under construction or with planning permission it is expected that demand will increase.
14. The applicant states that the number of vehicles is not expected to increase in the short term as the extension would primarily allow reorganisation within the site. In fact, there could even potentially be a reduction in the number of vehicle movements initially as more space would allow wastes to be bulk transported off site rather than removed in smaller and more frequent loads due to the need to create more space within the site. More space would also facilitate a more manageable working yard, allowing for a better turnaround of the waste streams and less risk of cross contamination.

## Minerals Assessment

15. The site falls within a Sand and Gravel Minerals Safeguarding Area and so the applicant has submitted information as part of the application (a Minerals Assessment) which seeks to address the requirements of Policy M11 of the Minerals & Waste Local Plan and demonstrate that this proposal would not jeopardise or conflict with the aims and objectives of this policy.
16. The applicant states that the site is situated within a superficial sand and gravel area and, as it is landlocked in all directions, it would be highly unlikely a company would pursue extraction close to an area with residential dwellings and established buildings, when there are areas suitable for extraction to the north towards Blyton and beyond. As a result, it is argued the loss of this land within a safeguarding area would not undermine or conflict with the purpose or objectives of the safeguarding policy.

## Other Supporting Documents

17. The following documents were submitted in support of the application and the findings of these documents are summarised as follows:

Archaeological Assessment  
Ecology and Protected Species Survey  
Flood Risk Assessment  
Transport Statement

Archaeological Desk- Based Assessment

18. The proposed development site is in an area that has been developed in recent decades as a mixed industrial/leisure activity hub, with a scattering of private houses along Laughton Lane. There are few known archaeological monuments in the vicinity, which include cropmarks of a probable Roman Villa approximately 1km to the north of the site. The assessment concludes that there is negligible potential for prehistoric, Saxon, medieval and modern date within the site. The potential for Roman archaeology cannot be entirely discounted due to the presence of the cropmark complex to the north, indicating a Roman presence in the area, although the likelihood is very small.
19. The majority of the boundaries would remain unchanged with one being removed to allow for the yard expansion, but this boundary is now represented by the existing bund rather than an historic hedgerow and therefore this will not impact the archaeological record.

Ecology and Protected Species Survey

20. The site is essentially long rough tussocky grassland, with scattered patches of dense brambles, bushes, saplings and sub-mature trees predominantly along one part of the northern boundary. The site has no statutory nature conservation designation and the nearest statutory nature conservation sites are Owlet Plantation Local Nature Reserve which is approximately 2.8km northeast of the site and Mother Drain Misterton Site of Special Scientific Interest (SSSI), the closest part of which is 2.4km to the northwest and within the impact risk zone of the SSSI.
21. Other than the small, shaded ditch along the northern boundary there are no open water habitats, and the ditch is not considered to have the right conditions to support water voles and otters. There was no evidence of barn owls and conditions are not considered to be suitable, no birds' nests were seen and recorded birds at the time of the survey were kestrel, blackbird and mallard. Similarly, there was no evidence of reptiles and the habitat for reptiles is considered to be unsuitable, as they require habitat variation which is not considered to be adequate at the site. The site has no scope to support roosting bats.
22. The proposed development would require the site to be cleared and hard surfaced and bunds created along the west, north and south sides. There would however be a standoff of approximately 10m from the site boundaries to the start of the bunds, which would mean that existing habitats features on the southern and

northern boundaries would be retained. The new bunds could be planted with trees and shrubs to create habitat.

23. There are no constraints related to habitats at this site and the sites most mature trees, which are the oaks along the northern boundary would be retained in the stand-off area. The nearest statutory nature conservation site would not be affected as it is at quite some distance and separated by extensive areas of farmland. Although the site is within the Impact Risk Zones for the nearby SSSI, the development is of small scale and at a distance that is not considered to have an adverse impact. Any vegetation clearance should take place outside of the nesting season and reasonable avoidance measure mitigation is recommended in relation to reptiles and hedgehogs.

#### Flood Risk Assessment

24. The proposed development site is in Flood Zone 3 and is not at significant flood risk and would not increase flood risk to others. The site is at high residual risk of flooding from fluvial sources, due to a breach in defences, but at a low risk of flooding from other sources including pluvial, groundwater, existing sewers and the failure of a large-raised reservoir. The proposed use for the site is classed as 'less vulnerable' and therefore no further flood mitigation is proposed.

#### Transport Statement

25. Vehicles to and from the site typically take the route along Laughton Lane to join Walkerith Road and then through Morton to join the junction of Blyton Road and Morton Road to go south through Gainsborough.
- The operator currently has approximately 250 skips and between 20 and 40 enter and exit the site per day. It is not expected that the proposed extension would result in an increase in skip related movements.
  - The number of vehicles coming to and leaving the site in association with inert material varies according to the season, with 25 in and out during the winter and in the summer it can be as high as 50-60. It is not expected that there would be an increase in movements associated with inert material, and better management would result in less need to move material as frequently as required currently.
  - Household waste is ultimately sent to the waste for energy plant and it is not expected that vehicle movements associated with this waste stream would increase over the current 5-10 times per week.
  - Timber waste movements are currently 5 to 10 times per week and are not expected to increase as a result of the proposed extension.
26. The number of vehicles entering and leaving the site has increased over the years and is reflective of the growing population of Gainsborough and the surrounding area. The proposal is not expected to generate additional vehicle movements,

over and above present numbers, and there are no highway or transport reasons as to why planning permission should not be granted.

#### Site and Surroundings

27. Gainsborough Skip Hire is located approximately 1km north of the centre of Morton, a village that is physically linked with the outskirts of Gainsborough. Laughton Lane has pockets of residential houses and access tracks leading to farms. Gainsborough Skips is located to the rear of a timber yard, the site is substantially screened from Laughton Lane by the buildings and stocked yards of industrial units, and views from the southeast are screened by an Equestrian Centre. The southern boundary is defined by a hedge and a row of mature evergreen trees. The western boundary, which is the rear of the site, is a vegetated bund, it is approximately 3.5 metres high and provides some screening from the west. To the north of the site is a shooting range which is separated from the site by a screen and soil bunds. The site backs onto open countryside and agricultural fields.
28. The existing site is approximately 1.5 hectares, and the weighbridge and site office are in the southern portion of the site and the main sorting shed is midway in the site, flush with the northeastern boundary. The site entrance is 180m to the west of Laughton Lane and access to the site is via a hard surfaced access track shared by a storage business and the equestrian centre. The nearest residential property, that is not connected to the business, is adjacent to the private access track and fronts onto Laughton Lane.
29. The application site is a low grade agricultural rectangular shaped field that adjoins the existing site on its eastern boundary, it is currently separated by the bund. The southern boundary is partly post and wire fence against adjacent pasture, with lines of willow and birch trees. The northern boundary is a ditch with a low hawthorn hedge on the far side, and the western boundary is undefined and runs into a further area of rough grassland.
30. The application site can be accessed either by a dedicated access track, which runs immediately adjacent to both the southern boundary of the existing site, or through the main recycling yard, over an existing embankment. The site is overlain by sandy soil, which is considered to be unsuitable for agricultural use.

#### Main Planning Considerations

##### Planning Policy Context

31. The National Planning Policy Framework (December 2023) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:



Paragraph 11 - plans and decisions should apply a presumption in favour of sustainable development. Proposals that accord with an up-to-date development plan should be approved without delay and where there are no relevant development plan policies granting permission unless NPPF policies provide a clear reason for refusal or any adverse impacts of doing so would outweigh the benefits when assessed against the policies in the Framework.

Paragraph 38 - Local planning Authorities should approach decisions in a positive and creative way, using the full range of planning tools available to secure developments that will improve the economic, social, and environmental conditions of the area. Sustainable development should be approved where possible.

Paragraph 47 - Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 55 and 56 - Consideration should be given to whether unacceptable development could be made acceptable through the use of conditions or planning obligations.

Paragraph 85 - Policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity.

Paragraph 88 - Supporting a prosperous rural economy- states that policies and decisions should enable sustainable growth and expansion of all types of business in rural areas.

Paragraph 114 - Highway impacts when considering applications, appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access can be achieved, any significant impacts can be effectively mitigated.

Paragraph 115 - Development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.

Paragraph 131 and 135 - Achieving good design, which is a key aspect of sustainable development and creates better places in which to live and work.

Paragraph 180 - Conserving and enhancing the natural environment- planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity and minimising impacts on and providing net gains for biodiversity.

Paragraph 186 - if development would result in significant harm to biodiversity, then planning permission should be refused.

Paragraph 189 -191 - planning policies and decisions should ensure that the site is suitable considering ground conditions, including contamination. The site should be appropriate for its location considering the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from development.

Paragraph 194 - planning regulations and pollution control – planning policies and decisions are concerned with the acceptability or otherwise of a proposed use on the land. The control of processes or emissions is subject to separate pollution control regimes, where these apply.

National Planning Policy for Waste (October 2014) - the government is seeking a more sustainable and efficient approach to resource and management and identifies positive planning as playing a pivotal role in achieving this. Waste Planning Authorities should consider the likely impact on the local environment and on amenity, against the criteria set out in Appendix B- Locational Criteria. Of relevance to this application are considerations relating to landscape and visual impact and potential land use conflict.

Lincolnshire Minerals and Waste Local Plan 2016 (LMWLP) - the following policies are of relevance to this application:

Policy M11 - Safeguarding of Mineral Resources  
Policy W3 - Spatial Strategy for New Waste Facilities  
Policy W4 - Locational Criteria for New Waste Facilities in and around main urban areas  
Policy DM1 - Presumption in favour of sustainable development  
Policy DM2 - Climate Change  
Policy DM3 - Quality of life and amenity  
Policy DM6 - Impact on Landscape and Townscape  
Policy DM13 - Sustainable Transport Movements  
Policy DM15 - Flooding and Flood Risk  
Policy DM17 - Cumulative Impacts

Central Lincolnshire Local Plan 2023 (CLLP) - the following policies are of relevance to this application:

Policy S1 - The Spatial Strategy and Settlement Hierarchy  
Policy S5 - Development in the Countryside  
Policy S34 - Non-designated Employment Proposals in the Countryside  
Policy S53 - Design and Amenity  
Policy S60 - Protecting Biodiversity and Geodiversity  
Policy S61 - Biodiversity Opportunity and Delivering Measurable Net Gains

Morton Neighbourhood Plan (2019-2036) (MNP) - the site is situated within an area described as Laughton Lane and Rural Area (north). There are seven objectives in the Plan and the following objectives are relevant to this application:

Objective 1 - Acknowledging the considerable constraint of Environment Agency flood risk requirements, limited new development will help to meet local needs and aspirations.

Objective 6 - Local business and employment will be supported where concerns on environmental impact, local character and traffic can be addressed.

The Policies that are set out in the MNP that are of relevance to this application are:

Policy MNP 1 - Sustainable Development Principles

Policy MNP 2 - Flood Risk

Policy MNP 5 - Local Character and the Design of New Development

Policy MNP 6 - Key Views

Policy MNP 12 - Local Employment and Business

#### Results of Consultation and Publicity

32. (a) Morton Parish Council – comment that Policies MNP6 and MNP12 are relevant to this proposal and that they would like to see the proposed screening bund put in place at the earliest opportunity and preferably before any other site work commences. The Parish has also stated that a condition should be imposed to show that the level of traffic travelling through the village and using the existing rural lanes is managed and being kept to a minimum, with data being kept on how many vehicles are accessing the site.
- (b) Environment Agency (EA) – have no objection to the application and do not wish to comment further.
- (c) Historic Places (Lincolnshire County Council) – agree with the conclusions of the archaeological desk-based assessment that the potential to impact upon archaeological remains is negligible and therefore no further archaeological input is required. Similarly, there would be a negligible impact on the built historic environment.
- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has commented that the proposed extension would be to allow improved organisation within the site and would not increase vehicular movements currently associated with the site. The site is currently served via Laughton Lane which is in good condition and suitable to continue to serve the site and the existing access is suitable to accommodate an expansion. Therefore, it is not considered that the proposed development would have an unacceptable impact on highway safety or a severe residual cumulative impact on the local

highway network or increase surface water flood risk and therefore have no objection.

The application would not have an unacceptable impact in terms of surface water flood risk and would not increase flood risk in the immediate vicinity of the site.

- (f) Ministry of Defence (Safeguarding) – has confirmed that the proposed development falls outside of its Statutory Safeguarding Areas and therefore has no concerns with this proposal.

The following organisations and individuals were consulted on 27 September 2023 but had not responded within the statutory consultation period or at the time this report was prepared:

Local County Council Member Councillor Perraton-Williams  
Morton by Gainsborough Parish Council  
Natural England  
Lincolnshire Wildlife Trust  
LCC Trees Officer

33. The application has been publicised by notices posted at the site (4 October 2023) and in the local press (Lincolnshire Echo on 5 October 2023). Letters of notification were also sent to the nearest neighbouring residents. 22 representations have been received as a result of this publicity, 20 of which support the application and 2 which object.

A summary of the comments contained within the 20 representations received in support of the application are summarised below:

- There is a general lack of capacity both at the site and within the local area and on occasion the business hasn't been able to accept any additional loads.
- The application would create jobs in the local area and would help other local businesses.
- There would be a reduction in carbon footprint, as more material could be stored and processed locally.
- The site is a good position as it can be suitably screened and the land itself has sandy soil which is no good for agriculture.
- The site is well run and there have been no issues in its 50 years of operation.
- Several representations give testament to the applicant's good character.

A summary of the comments contained within the 2 letters of objection are summarised as follows:

- The land is Green Belt land and there are concerns for wildlife.
- It is not a suitable site for waste management and should be in an industrial area.

- Laughton lane is not suitable for large vehicles.
- Concerns about potential noise, dust and litter.
- The site is undisturbed and has become a haven for wildlife and a number of bird species have been seen at the site include, amongst others, tree sparrow, greenfinch, willow warbler, whitethroat, blackcap and blackbird. Some of which are red and amber listed, which means they are in danger and at risk.
- Other species which breed and over winter in the adjacent land, ponds include lapwing, oystercatchers and Little Owl.
- Reference is made to the State of Nature Report (September 2023), which highlights that one in six species are at risk of extinction in Britain.
- Distressing that the ecological report advocates the destruction of habitat used by birds during the non-breeding season to prevent birds breeding the following year.
- Concerns about continual loss of green belt, farmland and these sorts of developments should be restricted to brownfield sites.

#### District Council's Recommendation

34. West Lindsey District Council (WLDC) has commented that it notes local residents and a number of consultees have been consulted and that the site appears overgrown, has the potential to be of ecological value, lies within Flood Zone 3 and access to the site is immediately north of neighbouring residents. WLDC has no objection to make subject to the above matters and all other material considerations being considered and found to be acceptable and not having undue adverse impacts on the overall amenity of the area.

#### Conclusions

35. The application is seeking planning permission for an extension to the existing Gainsborough Skip Hire Waste Management site. The application is seeking a change of use of agricultural land to land located to the rear of the existing site so that it can be used to store and process inert waste materials. As discussed, the proposal to extend the area is not seeking to change the types of materials or principally proposed to increase the quantity of material coming into the site and instead is sought to allow for improved organisation of the site to enable more efficient working practices.

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

- Whether the site would be a suitable location;
- Visual and amenity issues;
- Ecological impacts;
- Transport and vehicular movements.

#### Site Location

36. The proposal would result in an extension to a long-established waste facility and at 1.6 hectares in size would result in a doubling of the current size of the existing facility. The proposed extension site is located on land which is identified as Open Countryside in the Central Lincolnshire Local Plan (CLLP). Policies S1, S5 and S34 of the of the CLLP set out the development hierarchy and identify what types of development would be acceptable in the open countryside. The general thrust of these policies is to direct development to the existing urban areas and to protect countryside settings.
37. Policy S1 sets out Countryside settings as areas where development should be directed away from unless specific exceptions apply. These exceptions include other relevant policies in the Local Plan, including Policy S5. It also states the relevance of policies in a neighbourhood plan, and whether the development is minerals or waste development and in accordance with separate Minerals and Waste Local Development Documents as factors to be considered.
38. Policy S5 of the CLLP addresses development in the Countryside and Part E states that proposals for non-residential development will be supported provided four criteria are met:
- The rural location of the enterprise is justifiable to maintain or enhance the rural economy or it is near to existing established businesses or natural features.
  - The location is suitable in terms of accessibility.
  - It would not conflict with neighbouring uses.
  - It is of a size and scale commensurate with the proposed use and rural character of the location.

Taking each of the above into account, it is considered that by virtue of the proposed extension being adjacent to the existing established waste facility, it would comply with the first criterion. The site would be accessed from the existing access off Laughton Lane, which has previously been considered to be acceptable for the existing operations and furthermore it is not anticipated that vehicular movements would increase as a result of the proposal but could potentially reduce.

39. The development would be adjacent to the existing waste management site and is located in a pocket of other commercial and semi-industrial uses, and for these reasons it is considered that it would not conflict with the surrounding uses and would be of a size and scale that would be compatible with the specific features of this location. In summary, it is considered that it would meet the requirements of Policy S5 and therefore it would not be contrary to Policy S1.
40. Policy S34 states that non-designated employment proposals in the countryside will, amongst other exceptions, be limited to the expansion of an existing employment use and that provided it would be consistent in scale with its rural location; would not adversely affect existing local community services and

facilities; would be compatible with the landscape setting and not harm any protected natural sites, both designated and non-designated and; it would not impact unacceptably on the local and or strategic highway network.

41. The requirements of Policy S34 are similar to those set out under S5 and for the reasons set out above it is considered that the development would comply with Policy S34. In summary, it is considered that the proposal would not be contrary to the policy requirements of the Central Lincolnshire Local Plan.
42. In assessing the application against the policies in the LMWLP, Policy W1 addresses the future requirements for new waste facilities in the County, which are identified through the Site Locations document. The proposed site is not within an identified location and consideration must be given to Policy W3 and Policy W4 which set out the criteria for new waste facilities as well as extensions to existing facilities, both within identified areas and outside of these areas.
43. Policy W3 of the LMWLP seeks to direct new and extended waste management facilities to the main urban areas which includes Gainsborough. Large extensions to existing facilities, outside of the built up and main urban areas, can also be supported where they:
  - meet an identified waste management need;
  - are well located to the arisings of the waste it would manage;
  - are on or close to an A class road; and
  - where it meets the criteria of Policy W4.

Taking each of these criteria in turn:

- **Need** – The application has highlighted the challenges of effectively operating on the existing site, and whilst the application is not seeking to increase the quantity of material coming into the site, the size of the site and the supply of existing material mean that loads are sometimes turned away and material is being exported off site in half loaded trucks, in order to make space for other material coming in. The confines of the site also result in plant and operatives having difficulty accessing certain areas of the site and having to go over waste to reach them. The need for the additional area is in effect a need for the site to adequately manage the current situation.

The application and representations received during consultation have highlighted the lack of nearby waste facilities and this, combined with the increase in population of Gainsborough and the surrounding area demonstrates a need for a facility of this type, with sufficient capacity, in the area.

- **Proximity to waste arisings and location** – The existing site serves Gainsborough and the surrounding area, and it is considered that evidence to

support this is already in existence by virtue of the existing customer base . I am therefore satisfied that this element of the Policy has been met.

- **Sites proximity to an A Class Road** – It is accepted that the site itself is not on an A Class Road with the nearest being the A159 which is approximately 1km from the site. However, the current routes to and from the site are along Laughton Road and through Morton until the junction with the A159. The proposed extension would not alter the existing routes taken by traffic associated with the site and whilst there is the potential for traffic to increase in the future should the volumes of waste handled increased due to demand, the primary purpose of the extension is to create more space to allow more efficient working, rather than increasing quantities. In this case, I am therefore satisfied that the whilst the site is not directly accessed of a A class road it is located sufficiently close to one and given traffic using the site already use this route then this development is acceptable in terms of its broad location whilst not entirely complying with this particular criterion.
- **Policy W4 criteria** – Policy W4 expands upon Policy W3 and supports the development of large extensions to existing waste facilities outside of urban areas provided they are located on the following types of site/land:
  - previously developed and/or contaminated land; or
  - existing or planned industrial/employment land and buildings; or
  - land already in waste management use; or
  - sites allocated in the Site Locations Document.

Although the land immediately adjoins an existing waste management site, it is an agricultural field and so not currently in waste management use. It is also not allocated in the Site Locations Document as a site suitable for waste management uses and is not planned employment land or buildings. The proposed extension site does not therefore meet any of the criteria set out under Policy W4 in terms of being one of the types of land suitable for such proposals. However, the failure to comply with the criteria of a single policy does not mean that the development is unacceptable and instead consideration needs to be given to how the proposal conforms or otherwise with other policies contained within the Local Plan(s) when considered as a whole. A proposal that therefore is in considered to be general conformity with the policies contained within the Development Plan can still be supported in certain cases. It is therefore necessary to also take into account other considerations such as those detailed below.

#### Visual and Landscape Impacts

44. The site is an irregular shaped rectangular field located directly to the rear of an existing waste management site. The existing site is set back from its access with Laughton Lane and is significantly screened in all directions, by virtue of the position of the existing buildings and businesses that surround it, the established



belt of trees on the southern boundary and the bund at the rear of the site which forms the western boundary of the application site. The significant screening and position of the existing site, means that the proposed extension would also be significantly screened.

45. A 4m high bund is now proposed around the extension area which would limit views on all sides and planting would be incorporated which would soften the development. It is considered that the creation of a bund would have the effect of 'pushing out' the existing bund which defines the existing site and would make the development look less of a significant change. There would be mobile plant, but no buildings are proposed on the site and the height of the bund would screen the activities. For these reasons it is considered that the application would not be contrary to Policies DM3 and DM6 of the LMWLP Policy S53 of the CLLP and Policy MNP5 and MNP6 of the Morton Neighbourhood Plan all of which seek to protect the landscape and views into it and visual amenity.

#### Ecological Impacts

46. The site would be located on agricultural land, which although not in agricultural use, is an undisturbed area of land which supports a combination of semi mature trees, hedgerow, shrubs and flora. The findings of the ecological report submitted with the application was that there is no evidence of significant wildlife habitat or significant species or colonies.
47. An objection received through the consultation process stated that the site supported a range of birds, some of which are on the amber and red alert list and that the report under recorded and undervalued bird life at the site. The applicant responded that the details of the objection are a list of birds recorded on and near the site, made from many and frequent visits to the site, over the course of a year. The more often a site is visited, the more information is collected, particularly for animals, and it is not reasonable to make comparisons between the site surveys.
48. It is not considered relevant that certain birds were recorded as breeding and wintering on adjacent land, since this is open farmland, which is a different habitat to the site. The ecology report identified that areas of certain habitats would be lost to the development and that these habitats are common and widespread types, which are found elsewhere in the local area and further afield, and not unique, which means that the bird life associated with them is also common and widespread. The assessment of importance of a habitat is based on various factors, including how rare or common it is, essentially it is a value judgment on the significance of the habitat in site, local, regional and national terms, and the same would be true for the bird community of a site. Therefore, other sites with trees, scrub and rough grass would be expected to have the same bird community as the development site. Some of the birds noted in the objection letter are on the BoCC Red and Amber lists, but they are common in Lincolnshire (e.g. yellowhammer, song thrush, tree sparrow, dunnoek, reed bunting).

49. The recommendation to clear trees and shrubs outside of the breeding season, such that active birds' nests are not lost, is standard ecology practice and is a much better approach than clearing vegetation during the bird breeding season under supervision, since even with supervision and searches for active nests, it cannot always be guaranteed that no active nests would be lost.
50. It should be noted that the development retains the existing trees and shrubs which occur on the site's northern and southern boundaries, and this includes the oak trees which are the most mature. Also, the development proposes to plant a line of trees along the western edge of the site, which in time would provide habitat for birds and it would link the northern boundary to the southern. It is proposed to sow the screening bunds with wildflower seed, which would produce a diverse grassland.
51. The development would result in a margin of approximately 8m between the boundary of the site and the start of the bund which would be left undisturbed. It is also proposed to incorporate planting within the margins of the site and to sow the bund. A condition of any planning permission could be to incorporate biodiversity net gain and a requirement for the site to be cleared outside of the bird nesting season. If these were to be included it is considered that the development would accord with Policies S60 and S61 of the CLLP which seek to protect and enhance biodiversity.

#### Highways and Traffic

52. A Traffic Assessment was submitted in support of the application, the main findings of which were that it is not expected that there would be any issues related to highway safety and there would be no increase in vehicular traffic. The development could even result in a reduction in vehicular traffic as an increase in space would allow waste to be stored for longer and would facilitate trucks to leave the site at capacity, rather than half-filled, as sometimes currently happens.
53. The Highways Officer is satisfied that vehicular movements would not increase and that the Laughton Lane is in good condition, and it is considered that in relation to highways and traffic issues the application would not contravene Policies DM3 or DM14 of the LMWLP. These policies respectively seek to protect local amenity from any adverse impacts related to traffic, and to ensure that there would not be any unacceptable impacts on the highway or highway safety because of the development.

#### Final Conclusions

54. The application is seeking permission for an extension to an established waste management facility. The application site is in a countryside setting but, as has been discussed, it would meet the exceptions of Policies S1, S5 and S34 of the CLLP which address development proposals in the countryside. In relation to the relevant waste management policies in the LMWLP, whilst the proposed extension

site would not accord with Policy W4, in this case it is considered that the application can be allowed as the purpose of the development would be to allow for more efficient and ultimately more sustainable methods of operation whilst continuing to operate for an identified and established need within the area.

#### Human Rights Implications

55. The Committee's role is to consider and assess the effects that the proposal will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

<b>RECOMMENDATIONS</b>
------------------------

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

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 (received 8 September 2023)
- Supporting Planning Statement incorporating Design and Access Statement and Minerals Assessment (received 8 September 2023)
- Archaeological Desk Based Assessment (received 8 September 2023)
- Ecology and Protected Species Survey & Further Information (received 8 September 2023 and 13 December 2023)
- Flood Risk Assessment (received 8 September 2023)
- Transport Assessment (received 8 September 2023)
- Drawing No. ARQ/1199/01 Location Plan (received 8 September 2023)
- Drawing No. ARQ/1199/02 Existing Block Plan (received 8 September 2023)

- Drawing No. ARQ/1199/03 Rev A Proposed Block Plan (received 29 January 2024)
- Drawing No. ARQ/1199/04 Rev B Site Cross Sections and Proposed Grass Bank Details (received 29 January 2024)

3. Prior to the site first being brought into use, details of a landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. Such a scheme shall include details of the numbers, species, heights on planting and positions of the trees, shrubs and other landscaping and details of the five-year maintenance and aftercare programme to be adopted. The approved scheme shall be carried out in its entirety in the first available planting season following confirmation of the written approval from the Waste Planning Authority and any plants which die, are removed or become seriously damaged or diseased within the five-year aftercare period shall be replaced in the next planting season with others of a similar size and species.

*Reason: To ensure the screening proposed as part of the development is acceptable in the interests of the amenity of the area.*

4. No waste materials shall be stored or stacked on the site to a height exceeding 3.5 metres.

*Reason: In the interests of the amenities of the open countryside and amenity of local residents.*

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 hours of 08:00 – 17:00 Monday to Friday and 08:00-12:00 on Saturdays. No operations or activities shall be carried out on Sundays or Public or Bank Holidays.

*Reason: In the interests of general amenity of the area.*

6. The surface of the access and internal site roads shall be 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: 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.*

7. No soil stripping or vegetation clearance works shall be undertaken between March and September inclusive unless otherwise agreed in writing with the Waste Planning Authority. If these works cannot be undertaken outside this time, the land affected should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No

work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

*Reason: To protect the breeding bird population.*

8. Details of the free standing columns shall be submitted to and approved in writing by the Waste Planning Authority prior to the site being first brought into operational use.

*Reason: To protect the amenity of the area.*

#### Informatives

Attention is drawn to:

- (i) 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 seeking further information to address issues identified. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

## Appendix

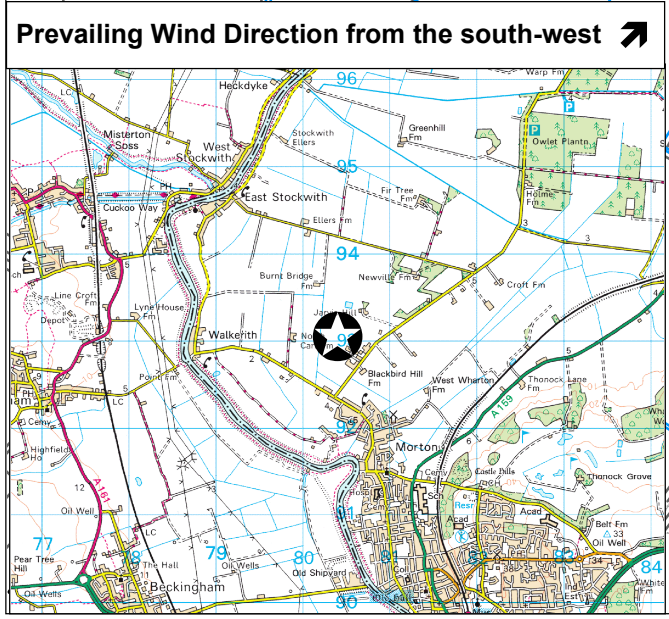
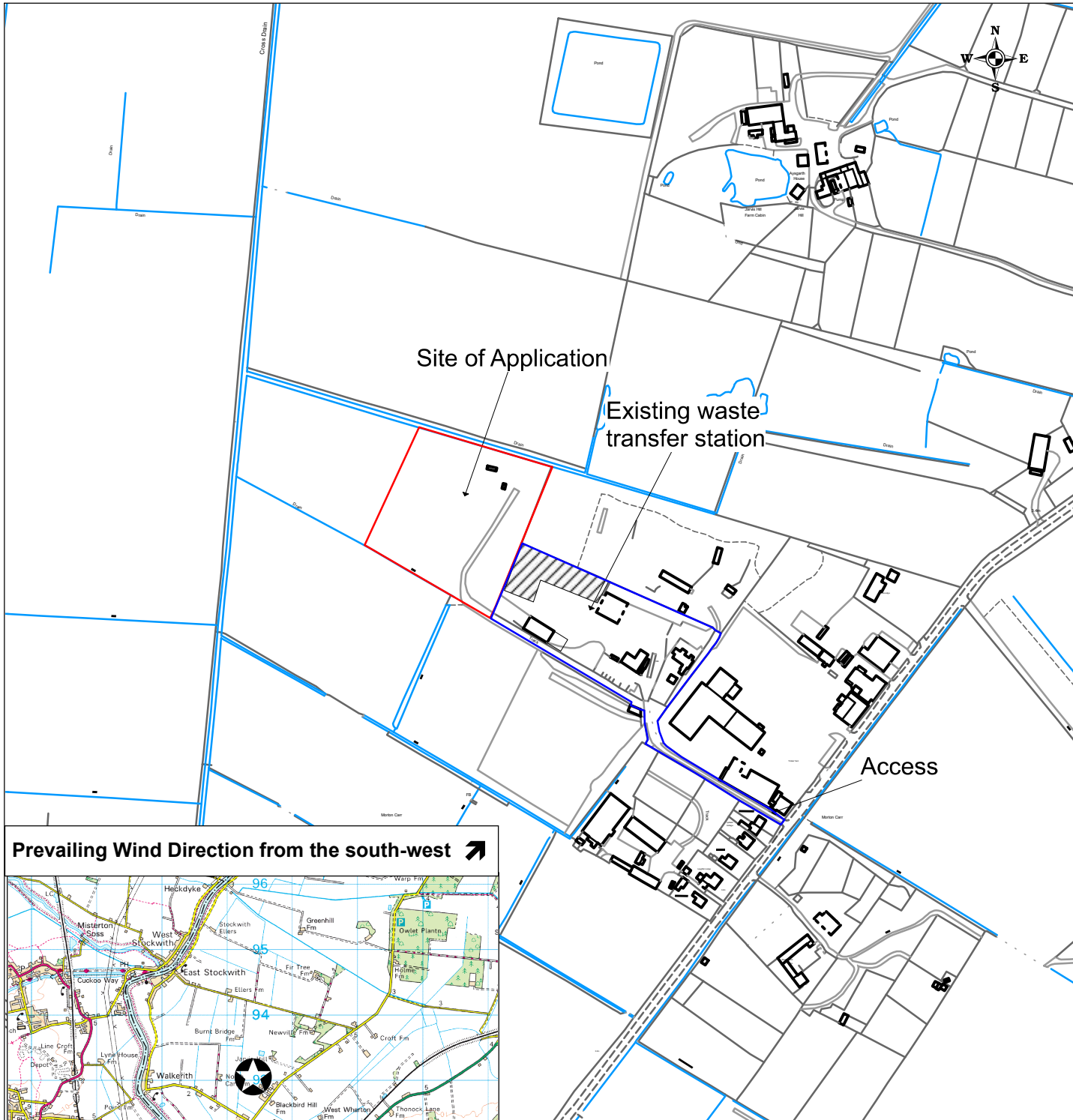
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## 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 147385	Lincolnshire County Council's website <a href="https://lincolnshire.planning-register.co.uk/">https://lincolnshire.planning-register.co.uk/</a>
National Planning Policy Framework (2021)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
Central Lincolnshire Local Plan (2023)	West Lindsey District Council's website <a href="http://www.west-lindsey.gov.uk">www.west-lindsey.gov.uk</a>

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



Lincolnshire County Council  
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.  
 You are not permitted to copy, sub-licence, distribute or sell any of the data to third parties in any form.

© Crown copyright and database rights 2019  
 OS Licence number 100025370

<p><b>Location:</b>                  Gainsborough Skip Hire                  Laughton Lane                  Morton</p> <p><b>Application No:</b> 147385  <b>Scale:</b> 1:5000</p>	<p><b>Description:</b>                  For change of use of agricultural land to be used for the storage and process of inert materials as part of an existing waste transfer station</p>
<p><b>Page 95</b></p>	

This page is intentionally left blank