

**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	6 June 2016
Subject:	County Matter Application – (E)S176/189/0443/16

Summary:

An application has been made by Aggregate Industries UK Limited to vary conditions 4(a) and 23 of planning permission (E)S189/1353/99, as amended by planning permission (E)S176/1876/03 in order to allow an additional five metre wide strip of land adjacent to the west of the current extraction area to be worked for mineral at Woodhall Spa Quarry, Tattershall Thorpe. This would reduce the stand-off distance to the Old River Bain by 5 metres and run for a length of approximately 720 metres. It would release between 50,000 and 75,000 tonnes of sand and gravel which would be worked over a three to six month period.

The key issues in this case are the impacts of the proposed development on the Old River Bain and potential pollution associated with the neighbouring landfill site. In addition, landscape and visual impacts, nature conservation and the historic environment need to be considered.

An Environmental Statement was submitted with this application which considered the issues of river bank stability and contamination. Clarification was also submitted during the course of processing the application to address concerns raised by the Environment Agency.

Overall, it is concluded that the proposed development represents a minor extension to the working area of the existing extraction operation at Woodhall Spa Quarry. Subject to the works being undertaken in strict accordance with the submitted information and drawings, it would not have detrimental impacts in relation to flood risk and the water environment, contamination, landscape and visual impacts, nature conservation or the historic environment.

Recommendation:

That planning permission be granted subject to a number of conditions and the applicant entering into a s.106 planning obligation.

Background

1. Woodhall Spa Quarry (also known as Kirkby on Bain Quarry) is a long established sand and gravel quarry. The first formal planning permission relating to the extraction of sand and gravel from the site dates from 1974 (reference E/1149/74). Since then there have been numerous planning permissions for extensions to the extraction area, north, south, east and west of the original quarry. At the meeting of the Committee on 11 April 2016, it was resolved to grant planning permission for east and west extensions to the quarry (reference (E)S176/0840/15), subject to a number of conditions and the applicant entering a s.106 planning obligation. Discussions regarding the s.106 planning obligation are ongoing at the time of writing this report.
2. The site is currently being worked under planning permission reference (E)S189/176/1353/99, as amended by planning permission (E)S176/1876/03, to the east of the existing processing plant site and on an area known as Ann Pasture, to the south west of the processing plant site, under planning permission (E)S176/1067/06.
3. In September 2013, planning permission was granted for the installation of a mobile construction and demolition recycling plant in order to process up to 20,000 tonnes of material imported into the Woodhall Spa Quarry site annually (planning permission reference (E)S176/1307/13).

The Application

4. Planning permission is sought by Aggregate Industries UK Limited to vary conditions 4(a) and 23 of planning permission (E)S189/1353/99, as amended by planning permission (E)S176/1876/03, in order to allow an additional 5 metre wide strip of land adjacent to the west of the current extraction area to be worked for mineral at Woodhall Spa Quarry, Tattershall Thorpe. This would reduce the stand-off distance to the Old River Bain by 5 metres and run for a length of approximately 720 metres. It would release between 50,000 and 75,000 tonnes of sand and gravel which would be worked over a three to six month period.



5. At present, condition 4(a) states:

"The site shall be worked in accordance with the amended details received by the Mineral Planning Authority on 5 July 2000 (as amended by Part (b) of this condition) and to the phased programme shown on Plan Ref. Nos. WS/MSE/1228-1/1a to WS/MSE/1228-3/2a unless otherwise agreed in writing with the Director of Highways and Planning.

"Reason: To ensure that the development is carried out in accordance with the application as approved."

and condition 23 states:

"Prior to the commencement of development the written approval of the Director of Highways and Planning shall be obtained for a scheme setting out the mitigation measures to be taken to prevent the operations causing instability of the banks of the Old River Bain and the Horncastle Canal. The scheme shall thereafter be implemented as approved.

"Reason: To minimise the risk of the development causing instability of the banks of the Old River Bain and the Horncastle Canal."

Environmental Statement

6. An Environmental Statement (ES) was submitted with this application (received 15 February 2016) following a screening opinion issued on 20 October 2015. The ES is relatively limited in its scope due to the nature of the proposed development and contains the following information:

Chapter 1: Introduction sets out the background to the application and provides details of the applicant. It states that permission is sought to enable the extraction of minerals to take place to within 5 metres of the toe of the bank sitting directly adjacent to the River Bain. The proposal would allow the recovery of an additional 50,000 to 75,000 tonnes of material and would not cause any adverse impact to the integrity or stability of the wedge of material which will be left to support the watercourse.

It sets out that the ES has specifically focussed on two issues:

- the structural integrity of the new final slope to be developed after extraction has taken place to ensure that the adjoining River Bain remains unaffected; and
- the potential for pollution to take place from a former landfill site situated west of the River Bain.

Chapter 2: Site Description states that Woodhall Spa Quarry is located approximately 4.5km south-east of Woodhall Spa. It is situated within the Lower Bain valley where the extraction of the local Fen Edge sand and gravel deposits have been the areas dominant activity for many years. In the immediate vicinity of the site are both operational and former gravel pits which have been restored for recreational and biodiversity conservation purposes. The entrance to the site is off Tattershall Road, 2.2km south of Kirkby on Bain and 2.5km north of Coningsby.

The area to which this application relates is described as a thin linear feature adjoining the River Bain (5 metres by 720 metres) with the existing Woodhall Spa Quarry eastern extraction area lying directly to the east of this. The existing quarry has an operational processing plant site including the wash plant, stocking areas and an aggregates bagging operation. A conveyor system currently transports mineral extracted from the eastern area to the processing plant site through a tunnel under the road. There are also extraction areas to the west.

The landscape surrounding the area is diverse and characterised predominantly by its location within a largely flat river terrace, rich in sand and gravel resources, at the confluence of the Old River Bain and River Witham. Extraction of sand and gravel is the dominant activity in the area.

The villages of Kirkby on Bain, Coningsby and Tattershall Thorpe are in the immediately surrounding area. RAF Coningsby aircraft base is a predominant feature of this area.

There are five Sites of Special Scientific Interest (SSSI) within 2.5km of the site, with the closest being Kirkby Moor SSSI 1.4km north. There are fifteen areas identified as ancient woodland scattered around the quarry and two locally designated nature conservation sites within 2.5km. A scheduled monument lies 0.5km south of the western area of the quarry and there are seven listed buildings within 1km of the quarry.

This chapter also provides a brief planning history of the quarry.

Chapter 3: Alternatives states that given the nature of the proposed development, the applicant has not considered it relevant to have regard to other existing quarries or locations capable of producing products of comparable quality as this specifically relates to an extension of the current working area.

The applicant has undertaken a comprehensive review of the options for developing the quarry in the short and long terms and the submitted application represents the only option available whereby a modest amount of mineral is released allowing the business to continue for a further three to six months. In relation to the do nothing scenario, it is stated that it would be necessary to close and restore the site, whereas there is a need for the release of new reserves.

Chapter 4: Risk of Contamination considers the potential for the proposed development to cause environmental impacts through draw down of pollutants from the former landfill site, which lies adjacent to the application area, as a consequence of extraction operations taking place closer to this landfill site. The assessment is based on information obtained from analysis of water samples secured from a series of boreholes which were constructed in 2003 around the landfill site, factoring in the local geological, hydrogeological and hydrological regimes.

Groundwater monitoring took place in January 2004 and December 2015. In 2004, no trace of any contaminants was detected in any of the boreholes installed during 2003 or in the waters of the Old River Bain that flows alongside the landfill site. However, contaminants were detected in a pre-existing borehole north of the landfill site but it is stated that this has been ascribed to the individual borehole having been tampered with. In 2015, the boreholes were re-sampled and no traces of any contaminants were detected.

As such, it is concluded that the removal of mineral from the existing standoff to the Old River Bain would not give rise to any additional risk of pollution occurring.

Chapter 5: Risk of Old River Bain's Bank Failure considers the potential for the proposed development to cause environmental impacts through a breach of the barrier to be left between the limit of extraction and the adjoining Old River Bain. Any failure of the bank would cause an inrush of water to occur with the water collecting in the adjoining active extraction operation. The assessment is based on information obtained from published geological maps and data, information obtained from a series of investigatory boreholes and on-site observation of the material and slope forming the existing protective bank.

It is assumed that due to the granular nature of the superficial deposits in the area, the Old River Bain is in hydraulic continuity with the surrounding land.

The margin of unworked mineral is currently approximately 13.5 metres wide and is proposed to be reduced to 8.5 metres. The existing slope of the bank is approximately 42° between the extraction area and the Old River Bain on which a conveyor is situated. Once the additional mineral is extracted, a shallower slope of 36° is proposed in order to provide a more stable slope. In order to ensure that this slope remains in a geotechnical stable state, a regime of inspections would be instigated immediately after mineral extraction and bank regrading has been concluded.

It is concluded that the overall structural integrity of the western bank of the Old River Bain would not be compromised even if working is allowed to take place up to within 8.5 metres of the Old River Bain.

The ES was accompanied by two Technical Appendices:

- Contamination Risk Assessment; and
- Extraction Bank Stabilisation Design.

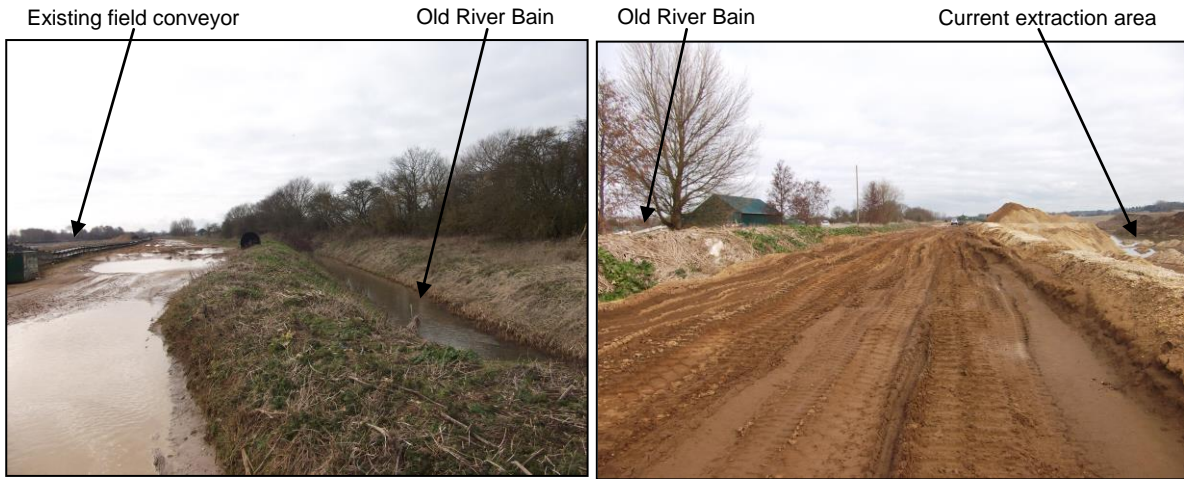
Further to a meeting between the applicant, Environment Agency officers and the case officer on 28 April 2016, further clarification and plans were submitted to address concerns raised by the Environment Agency in relation to the ability of the Environment Agency to deploy its machinery for maintaining the Old River Bain on the proposed reduced standoff bank and the basis of the calculations in the geotechnical report regarding bank stability.

In addition, on 5 May 2016 a monitoring of contamination scheme was submitted in response to the comments made by East Lindsey District Council's Environmental Health Officer which would make provision for a 12 month monitoring period.

Site and Surroundings

7. Woodhall Spa Quarry (also known as Kirkby on Bain Quarry) is located off Tattershall Road which connects the villages of Kirkby on Bain to the north with Coningsby to the south. To the west is the village of Tattershall Thorpe.

8. Existing quarrying operations are currently taking place to the east and west of Tattershall Road, although the reserves in these areas are almost exhausted. The area of the site to which this application relates is along the western most part of the eastern extraction area, immediately adjacent to the Old River Bain. To the west of the Old River Bain is a former landfill site.



Photograph 1: Proposed extension area looking south

Photograph 2: Proposed extension area looking north



Photograph 3: Existing slope into current extraction area

9. 750 metres to the south west of the area to which this application relates is a scheduled monument. Whilst there are no listed buildings within 1km of this part of the site, there are a number of listed buildings within the surrounding area.
10. There are four nationally designated Sites of Special Scientific Interest (SSSIs) within 2.5km of the area to which this application relates, with Fulsby Wood SSSI, Troy Wood SSSI and Tattershall Carrs SSSI being within 1.5km of the site. In addition to this there are also a number of locally designated nature conservation sites within 2.5km of the application site, including Kirkby on Bain Pit SNCI, Kirkby on Bain Pits LWS and Kirkby on Bain Gravel Pits Local Geological Site. It should be noted that there are further nationally and locally designated nature conservation sites within 2.5km of the overall quarry.

Main Planning Considerations

National Guidance

11. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:
 - paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of land and buildings;
 - paragraphs 99 to 103 seek to ensure that flood risk is not increased as a result of development, either on site or off site, and directs development to those areas with the lowest risk of flooding wherever possible;
 - paragraph 109 seeks to contribute to and enhance the natural and local environment, including through the prevention of pollution;
 - paragraph 118 seeks to conserve and enhance biodiversity and gives protection to Sites of Special Scientific Interest;
 - paragraph 120 seeks to protect general amenities and prevent pollution;
 - paragraph 121 states that consideration should be given to whether a site is suitable for its new use taking into account pollution from previous uses;
 - paragraph 123 seeks to prevent adverse impacts as a result of noise pollution;
 - paragraph 128 requires that the significance of heritage assets is taken into consideration, including any impacts on their setting;
 - paragraph 142 recognises the importance of mineral reserves and the need to make best use of them;
 - paragraph 144 sets out a series of criteria to be taken into account when determining applications for minerals development, including ensuring that there are no unacceptable adverse impacts on the natural and historic environment and human health and that the cumulative effects from multiple individual sites are taken into account; ensure that any

unavoidable noise, dust and particle emissions are controlled and mitigated; and states that restoration and aftercare of minerals sites should be achieved at the earliest opportunity and to a high standard; and

- paragraph 215 states that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. This is of relevance in relation to the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies and the East Lindsey Local Plan.

12. In addition to the NPPF, in March 2014 the Government published the web-based National Planning Policy Guidance (NPPG). The NPPG also sets out the overall requirements for minerals sites, including in relation to environmental impacts such as noise and dust and the requirement for the restoration and aftercare of minerals sites at the earliest opportunity and to a high quality.

Local Plan Context

13. The Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (adopted 1 June 2016) forms part of the development plan in relation to these applications. The policies of most relevance in this plan are:

Policy M2: Providing for an Adequate Supply of Sand and Gravel sets out three production areas and the quantity of sand and gravel provision within each area over the plan period, giving priority to extensions to existing active mining sites.

Policy M3: Landbank of Sand and Gravel states that the County Council will seek to maintain a landbank of permitted reserved of sand and gravel of at least 7 years within each production area.

Policy M4: Proposals for Sand and Gravel Extraction relates to the sites to be allocated in the forthcoming Sites Locations development plan document.

Policy DM1: Presumption in Favour of Sustainable Development states that the County Council will adopt a positive approach that reflects the presumption in favour of sustainable development.

Policy DM2: Climate Change states that minerals developments should encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new and enhanced biodiversity levels and habitats as part of restoration proposals and encourage the most efficient use of primary minerals.

Policy DM3: Quality of Life and Amenity states that permission will be granted for development provided that it does not generate unacceptable

adverse impacts arising from a wide list of matters, including noise, dust, visual intrusion and traffic to occupants of nearby dwellings and other sensitive receptors.

Policy DM4: Historic Environment requires proposals to be accompanied by an assessment of the significance of heritage assets where appropriate, including an assessment of the potential impacts. It aims to conserve and enhance heritage assets where possible.

Policy DM6: Impact on Landscape and Townscape sets out the requirement for development to have due regard to likely impacts on landscape and townscape and the provisions for design, landscaping, planting and screening. Considerable weight is to be given to the conservation of valued landscapes.

Policy DM8: Nationally Designated Site of Biodiversity and Geological Conservation Value states that Sites of Special Scientific Interest will be safeguarded from inappropriate development and the need to ensure development does not conflict with the conservation, management and enhancement of such sites.

Policy DM9: Local Sites of Biodiversity Conservation Value seeks to protect local biodiversity sites from significant adverse impacts.

Policy DM10: Local Sites of Geological Conservation Value seeks to protect local geodiversity sites from significant adverse impacts.

Policy DM13: Sustainable Transport Movements seeks to minimise road based transport and maximise where possible, the use of the most sustainable transport option.

Policy DM14: Transport by Road requires development involving transport by road to ensure that the highway is of an appropriate standard for the traffic generated; there is acceptable site access and highway capacity; and a suitable travel plan is in place.

Policy DM15: Flooding and Flood Risk states that development must demonstrate that it will not increase the risk of flooding both on site and in the surrounding area and that wherever possible it would reduce the risk of flooding both during operations and following the completion of operations.

Policy DM16: Water Resources states that planning permission will be granted where it would not have an unacceptable impact on surface or ground waters and that due regard is given to water conservation and efficiency.

Policy DM17: Cumulative Impacts seeks to ensure that the cumulative impacts of development would not have significant adverse impacts on the environment of an area or on the amenity of a local community.

Policy R1: Restoration and Aftercare requires proposals to demonstrate that restoration will be of high quality and carried out at the earliest opportunity. It states what information is expected to be provided with applications to demonstrate appropriate restoration and aftercare.

Policy R2: After-use states that the proposed after-use of sites should not be detrimental to the local economy and conserves, and where possible, enhances the landscape character and natural and historic environment of the area in which the site is located. Net gains in nature conservation and in particular, biodiversity, are sought.

Policy R3: Restoration of Sand and Gravel Operations within Proposed Areas of Search states that restoration proposals within Areas of Search should have regard to the landscape scale objectives of the area and should reflect the priority of creation of wet woodland and heathland and acid grassland habitats together with reedbed in areas of high water table within the Central Lincolnshire area.

14. East Lindsey Local Plan (1999, saved policies 2007) also forms part of the development plan in relation to this application. The policies of relevance in this case are:

Policy A4: Protection of General Amenities states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5: Quality and Design of Development seeks to ensure that development improves the quality of the environment.

Policy ENV3: Foul and Surface Water Disposal requires appropriate surface water drainage schemes to be provided.

Policy ENV19: Local Sites of Nature Conservation Importance seeks to protect locally important nature conservation sites and ensure any harm is minimised.

Policy ENV20: Protection of Habitats seeks to protect important habitats.

Results of Consultation and Publicity

15. (a) Local County Council Member, Councillor Mair – consulted on 26 February 2016 but no response received at the time of writing this report.
- (b) Tattershall with Thorpe Parish Council – no objections.
- (c) Tumby Parish Council – consulted on 26 February 2016 but no response received at the time of writing this report.

- (d) Environment Agency – initially raised objections in relation to flood risk management and raise concerns that the cross section of the Old River Bain is not representative of the actual size. Considers that the calculations for slope stability and therefore the integrity of the watercourse is based on general assumptions and request the applicant enters into discussions regarding the proposals. Concerns regarding a breach of flood defences which could cause flooding of the site and downstream.

No objections in relation to ground water and contaminated land.

Following receipt of further clarification and information from the applicant, the Environment Agency was reconsulted on 3 May 2016 and responded to state no objection provided the works are carried out as per Drawing WS-QD-28-04-16. TCW Tumbly Area Cross Sections dated April 2016.

- (e) Canal and River Trust – the application site is located 4km north of the River Witham, which is the nearest waterway owned or operated by the Trust. The former Horncastle Canal passes 300 metres east of the site but it appears the proposal would not affect it. Comment that aware that the potential restoration of the Horncastle Canal to navigable status has been considered in the past and although not aware of any current active restoration proposals, request consideration is given to whether there are any risks that this proposal would make future restoration any more problematic to achieve than at present.
- (f) Natural England – this application is in close proximity to Tattershall Carrs, Troy Wood, Fulsby Wood and Kirkby Moor Sites of Special Scientific Interest (SSSIs). Satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, would not damage or destroy the interest features for which the sites have been notified. Therefore advise that the SSSIs don't represent a constraint in determining this application.

The local planning authority should consider local issues and national biodiversity priority habitats and species. Refer to the use of standing advice in relation to protected species and encourage biodiversity enhancements wherever possible.

- (g) Lincolnshire Wildlife Trust – consulted on 26 February 2016 but no response received at the time of writing this report.
- (h) Highways (Lincolnshire County Council) – consulted on 26 February 2016 but no response received at the time of writing this report.
- (i) Historic England – advice relates to the potential impacts on the significance the nationally important scheduled monument of the small multivallate hillfort 340 metres south east of North Road Farm derives from its setting. Any archaeological remains relating to historic activity,

whether broadly contemporaneous with the hillfort or not, in the area of the additional proposed extraction have the potential to make a positive contribution to the scheduled monument's significance. Aware from own records of evidence for human activity (including prehistoric and later periods) in the area surrounding the River Bain. Therefore highlight the importance of ensuring that any archaeological mitigation strategy for dealing with this loss of archaeological evidence is appropriately detailed, and recommend the planning authority is guided by the advice of your specialist archaeological advisor.

Refer to advice in the NPPF regarding ensuring appropriate consideration is given to assessing the impacts on heritage assets and their settings and the positive contribution they can make to sustainable communities.

- (j) Historic Environment Officer (Lincolnshire County Council) – unclear regarding impact on archaeology but as long as the appropriate archaeological work has been undertaken in advance there would be no alteration to the archaeological recommendation.
- (k) Environmental Health Officer (East Lindsey District Council) – concerns regarding the migration of contamination from the adjacent tar lagoons along the Old River Bain. The information submitted with the application is not conclusive. A reduction in the unworked mineral margin area increases the risk of contamination and to measure the impacts, recommends that the applicant monitors the site for a minimum of 12 consecutive months and this should be a requirement by planning condition.

Reconsulted on 9 May 2016 in relation to a contamination monitoring scheme which was submitted by the applicant and responded to state that this addressed the issues raised and should be the subject of a suitably worded condition.

- (l) Ministry of Defence (Safeguarding) – consulted on 26 February 2016 but no response received at the time of writing this report.
 - (m) Anglian Water Services – consulted on 26 February 2016 but no response received at the time of writing this report.
 - (n) National Planning Casework Unit – notified on 26 February 2016.
16. The application was advertised in the Horncastle News on 2 March 2016 and through the display of a site notice. No representations have been received as a result of this publicity.

District Council's Recommendations

17. East Lindsey District Council raised no objections to the application.

Conclusions

18. Planning permission is sought for the variation of conditions 4(a) and 23 of planning permission (E)S189/1353/99, as amended by planning permission (E)S176/1876/03 in order to allow an additional 5 metre wide strip of land adjacent to the west of the current extraction area to be worked for mineral at Woodhall Spa Quarry, Tattershall Thorpe. This would reduce the stand-off distance to the Old River Bain by 5 metres and run for a length of approximately 720 metres. It would release between 50,000 and 75,000 tonnes of sand and gravel which would be worked over a three to six month period.
19. The principle of extracting sand and gravel at this site was accepted when the original planning permission ((E)S189/1353/99) was granted in April 2003. The current application seeks to vary conditions of the original planning permission (as subsequently amended), to enable a further area within the original red line boundary to be used for mineral extraction but it does not extend the original quarry site as a whole. The proposed extension of the extraction area is relatively small and would not conflict with the provisions of Policy M2 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document, which states that there is a presumption in favour of extensions to existing quarries.
20. Given that the only changes to the original application relate to the increase of the extraction area to include a parcel of land 5 metres wide by 720 metres long, there would be no impact of the development in terms of highways, impacts on amenities of nearby residential properties in the surrounding villages or in relation to noise and dust impacts. The quarry is proposed to be operated in the manner in which it is at present and with the same controls. The operating hours of the quarry are proposed to be as is currently the case and whilst the operations may extend for a further three to six months, no end date was put on the original planning permission so the impacts of this would be negligible, particularly in light of the Committee resolution to grant planning permission for an extension to the quarry (subject to the applicant entering a s.106 agreement) which would extend the life of this quarry by approximately 14 years.
21. There are however, a number of issues which need to be considered in relation to this application, as set out below.

Flood Risk and the Water Environment

22. The NPPF, Policy DM15 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document and Policy ENV3 of the East Lindsey Local Plan seek to ensure that development does not increase flood risk on or off site. One of the key issues to be considered in relation to this application is the potential risk to the stability of the bank of the Old River Bain and hence flood risk impacts.

23. The submitted documents refer to two different sets of figures in relation to the existing and proposed distances between the extraction area and the Old River Bain. In the general information submitted with the application, it is stated that the proposed development would reduce the stand-off distance from the Old River Bain from approximately 10 metres to approximately 5 metres. However, the ES refers to the existing stand-off being approximately 13.5 metres and the proposed stand-off being 8.5 metres. Whilst there appears to be a discrepancy, both sets of figures are correct but the shorter distances do not include the existing 3.5 metre bund immediately adjacent to the Old River Bain which is the original ground level and an area where no mineral operations are permitted to take place. For clarity, the proposed final stand off from the Old River Bain would be at least 8.5 metres in width and it is on this basis that the revised bank has been designed and assessed.
24. The technical assessment which forms part of the submitted ES considers the reduced stand-off distance to the Old River Bain and the change in slope profile from 42° to 36°. It raises no problems with the reduction in stand-off distance and concludes that the shallower slope would provide greater stability than the currently approved slope. The Environment Agency raised objections to the proposed development due to uncertainties regarding the calculations in the technical assessment, as it was considered that these were based on generalities rather than the specifics of this case. Following a meeting between the applicant, Environment Agency officers and the case officer on 28 April 2016, further clarification information has been submitted and the Environment Agency has confirmed that they no longer have an objection to the development, provided it is carried out in accordance with the submitted drawings.
25. The Environment Agency also raised concerns which related to the access they require to the river for maintenance purposes. The additional information confirms that a stand-off distance of at least 5 metres in width would be maintained and as such the Environment Agency would be able to deploy equipment to carry out river maintenance works. Following receipt of this additional information, the Environment Agency confirmed it has no objections to the development.
26. Overall, it is concluded that provided the development is carried out in accordance with the submitted information and drawings, it would not have detrimental impacts in relation to flood risk and the water environment.

Contamination

27. The NPPF seeks to ensure that new development does not result in pollution and is not adversely affected by pollution arising from previous land uses. The application site lies adjacent to the eastern bank of the Old River Bain and the western bank of the river is adjacent to a former landfill site.
28. The ES contains a Contamination Risk Assessment which considers the potential impacts of working minerals in closer proximity to the former landfill

site. This states that the former landfill site is regarded as “potentially contaminated land” by the Environment Agency. The Contamination Risk Assessment uses information gleaned from boreholes installed in 2003 and groundwater monitoring undertaken in January 2004 and December 2015. With the exception of one borehole sample from a borehole installed prior to 2003 considered in the 2004 monitoring (the results from which were considered to be an anomaly), groundwater contamination was not encountered in 2004 or 2015.

29. The Environment Agency has raised no objections to the proposed development in relation to groundwater or contamination. East Lindsey District Council’s Environmental Health Officer (EHO) has however, raised concerns regarding contamination from the former landfill site and has requested that although mineral extraction is only proposed to take place for between three and six months, the reduction in distance between the extraction site and the former landfill site increases the risk of contamination and therefore monitoring of the site should take place for at least 12 months. The EHO has recommended that this be imposed by condition if planning permission is granted. On 5 May 2016 the applicant submitted a monitoring programme in response to the EHO’s comments. The EHO has been consulted on this and has confirmed that the scheme adequately addresses the issues raised and therefore a condition should be imposed requiring this scheme to be implemented. Provided that the recommended condition is imposed, it is concluded that contamination risk would be adequately dealt with and the development would be acceptable.

Landscape and Visual Impact

30. The application site lies within the open countryside, as defined in the East Lindsey Local Plan, between the settlements of Kirkby on Bain, Coningsby and Tattershall Thorpe. Policy DM6 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document and Policy A5 of the East Lindsey Local Plan seeks to ensure that development does not have a detrimental impact on the surrounding environment and aims to improve the quality of the environment.
31. The area to which this application relates is a very small piece of land within the context of a large quarry site. The impacts of the addition 5 metre wide by 720 metres long strip of land being worked for mineral would be imperceptible from outside the site itself. As such, it would not have adverse landscape or visual impacts on the surrounding area.

Nature Conservation

32. The NPPF, Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document Policies DM8, DM9 and DM10 and East Lindsey Local Plan Policies ENV19 and ENV20 seek to protect the natural environment.

33. Whilst there are four nationally designated Sites of Special Scientific Interest (SSSIs) within 2.5km of the application site, with three being located approximately 1.5km from the area to which this application relates, the impacts of the proposed extension of mineral working area would not have a detrimental impact on these nationally designated nature conservation sites nor on any of the locally designated nature conservation sites within the vicinity.
34. Natural England has confirmed that the SSSIs do not represent a constraint to the determination of this application.

Historic Environment

35. The NPPF and Policy DM4 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document seek to protect the historic environment. In addition to this, s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving Listed Buildings and their setting.
36. Whilst there are no listed buildings within 1km of the area to which this application relates, there are 17 listed buildings within 2km of this part of the site. Given the size and context of the proposed extension of the mineral working area in this case there would be no impacts on the settings of any of these listed buildings.
37. In addition to this, there is a scheduled small multivallate hillfort dating from the Iron Age approximately 750 metres to the south-west of the area to which this application relates. The potential for archaeology associated with the extended area of working, which may be of relevance to the setting of this scheduled monument, has been considered in accordance with the advice of Historic England and the County Council's Historic Environment Officer. Condition 28 of planning permission (E)S189/176/1353/99 required the specification for further archaeological works set out in a report titled "Archaeological Scheme of Works", dated October 2002, to be implemented in full. The advice of the Historic Environment Officer is that if planning permission is granted it should be subject to the continued implementation of this strategy to cover the proposed extension area. This would ensure any archaeology is appropriately dealt with.
38. Provided that the recommended condition is imposed, the proposed development would not have adverse impacts in relation to the historic environment.

Other issues

39. The planning permission to which this application relates is subject to a s.106 agreement. A summary of the provisions of this s.106 agreement is set out below:

- ensure that all sand and gravel extracted and removed from the application site is initially taken to the existing processing plant for processing or stockpiling for onward sale;
 - vehicle routeing;
 - preventing the flooding of land within the application site except for such parts that are due to be restored to water bodies in accordance with an approved scheme and facilitate the agricultural or other after-use of that land by carrying out drainage operations;
 - to maintain the clay seal of any peripheral embankments;
 - ensure that all water discharged from any part of the application site is settled before it is permitted to enter any watercourse, culvert, pipe or drainage channel and no residual sludge to be permitted to enter any watercourse or drainage channel;
 - take all practicable steps to ensure that there is no pollution of any such watercourse arising out of or caused by the drainage operations referred to; and
 - allowing the hedge located along the western boundary of Tattershall Road to reach a height of 2 metres and thereafter be maintained at that height.
40. In order to ensure that the provisions of this s.106 agreement are carried forward if planning permission is granted in this case, it is recommended that the applicant should enter a s.106 agreement in relation to this application. The applicant has expressed a willingness to do so and discussions have taken place regarding the content of such agreement.
41. Given that a s.73 planning permission is a wholly new planning permission, and in order to ensure that this quarry is worked appropriately, it is recommended that the original conditions of planning permission (E)S189/176/1353/99, as amended by (E)S176/187603 are updated to reflect the current situation, including reference to any schemes approved in accordance with the original conditions and where the original conditions are no longer necessary, they are not imposed on any new permission granted.

Overall Conclusions

42. Overall, it is concluded that the proposed development represents a minor extension to the working area of the existing extraction operation at Woodhall Spa Quarry. Subject to the works being undertaken in strict accordance with the submitted information and drawings, it would not have detrimental impacts in relation to flood risk and the water environment, contamination, landscape and visual impacts, nature conservation or the historic environment. It is recommended that all of those conditions which exist on the extant planning permission and are still of relevance to this application are carried forward and updated where necessary and that the applicant be required to enter into a s.106 planning obligation to ensure that the existing provisions secured through this mechanism are applied to the planning permission if granted in this case.

RECOMMENDATIONS

It is recommended that:

- (a) The applicant be invited to enter into a Section 106 Planning Obligation in relation to:
- ensure that all sand and gravel extracted and removed from the application site is initially taken to the existing processing plant for processing or stockpiling for onward sale;
 - vehicle routeing;
 - preventing the flooding of land within the application site except for such parts that are due to be restored to water bodies in accordance with an approved scheme and facilitate the agricultural or other after-use of that land by carrying out drainage operations;
 - to maintain the clay seal of any peripheral embankments;
 - ensure that all water discharged from any part of the application site is settled before it is permitted to enter any watercourse, culvert, pipe or drainage channel and no residual sludge to be permitted to enter any watercourse or drainage channel;
 - take all practicable steps to ensure that there is no pollution of any such watercourse arising out of or caused by the drainage operations referred to; and
 - allowing the hedge located along the western boundary of Tattershall Road to reach a height of 2 metres and thereafter be maintained at that height.
- (b) Subject to the conclusion of Planning Obligation in (a) above, the Executive Director, Environment and Economy be authorised to grant planning permission subject to the conditions listed below; and
- (c) This report forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which requires the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:
- content of decision and any conditions attached to it;
 - main reasons and considerations on which decision is based;
 - including if relevant, information about the participation of the public;
 - a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
 - information recording the right to challenge the validity of the decision and procedure for doing so.

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.
2. No topsoil, subsoil or overburden shall be removed from the site other than for temporary storage within the area permitted by planning permission reference (E)S189/1248/00.
3. No material shall be imported to achieve the restoration of the site.
4. The site shall be worked in strict accordance with the details received by the Mineral Planning Authority on 5 July 2000 in relation to planning permission reference (E)S189/176/1353/99, as amended by the details approved in planning permission reference (E)S176/187603 and as amended by the details submitted in relation to the planning permission hereby granted, including the following drawings:
 - WoodhallspaQDP-17-12-12.tcw "Proposed revised working method, Tumby area" (received 19 June 2015);
 - WS-QD-28-04-16.TCW "Tumby Area Cross Section Lines" (received 3 May 2016); and
 - WS-QD-28-04-16.TCW "Tumby Area Cross Sections" (received 3 May 2016).
5. All sand and gravel removed from the site shall be transported by conveyor to the No. 3 Plant Site in accordance with details received by the Mineral Planning Authority on 23 April 2002 pursuant to application reference number (E)S189/176/1353/99.
6. Stockpiles shall only be created in strict accordance with the details approved by letter dated 12 May 2003, pursuant to conditions 5 and 6 of planning permission reference (E)S189/176/1353/99.
7. Except with the prior written approval of the Mineral Planning Authority no operations (other than for essential maintenance) for the winning and working of sand and gravel or of site restoration shall be carried out other than between the following times:

07:00 hours to 18:00 hours Monday to Friday
07:00 hours to 12:00 hours Saturday

and no such operations shall be carried out on Sundays, Public or Bank Holidays.
8. The existing trees, bushes and hedgerows located on the perimeter of the site shall be retained and shall not be felled, lopped, topped or removed other than in accordance with the approved scheme of working without prior written consent of the Mineral Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming

seriously diseased as a result of operations permitted by this planning permission shall be replaced with trees or bushes of the same size and species in the planting season immediately following any such occurrences.

9. The landscaping of the site shall be implemented and maintained in accordance with the details approved by letter dated 12 May 2003, pursuant to condition 11 of planning permission reference (E)S189/176/1353/99.
10. All vehicles associated with the development authorised by this planning permission shall only enter and exit the site via the haul routes shown on Plan Reference Nos. WS/MSE/1228-1/1a to WS/MSE/1228-3/2a, as approved under planning permission reference (E)S189/176/1353/99, other than movements to the approved soil storage area.
11. All commercial vehicles travelling to and from the applicant's land as identified on Plan Reference No. WS/MSE/1228-04a shall observe the route set out in the details received by the Mineral Planning Authority on 26 September 2002, as approved under planning permission reference (E)S189/176/1353/99.
12. The wheel cleaning equipment installed pursuant to condition 11 of planning permission (E)S94/1316/95 shall be retained for the duration of the development and no commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
13. The access roads on either side of Kirkby Lane shall be maintained in a good state of repair and kept clean of mud and other debris.
14. No vehicles shall cross Kirkby Lane unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
15. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers.
16. All pumps employed on the site shall be housed in acoustic enclosures in accordance with the details approved by letter dated 12 May 2003, pursuant to condition 16 of planning permission reference (E)S189/176/1353/99.
17. All vehicles in use within the site shall be fitted, and use, with audible reversing alarms in accordance with the details approved by letter dated 12 May 2003, pursuant to condition 17 of planning permission reference (E)S189/176/1353/99.
18. Except during periods of soil stripping and reinstatement the level of noise arising from the operations on the site shall not exceed 55 dB(LAeq) (1 hour) freefield or background levels +10 dB(LAeq) (1 hour) freefield whichever is the lesser at the noise sensitive locations identified in report number OH4936 contained in Appendix F of the Environmental Statement

submitted pursuant to planning permission reference (E)S189/176/1353/99. During the periods of soil stripping and replacement noise levels arising from such operations shall not exceed 70 dB(LAeq) (1 hour) freefield at the noise sensitive properties and shall not exceed a total of 8 weeks in any 12 month period.

19. Dust suppression measures shall be implemented at all times for the duration of the development in accordance with the details approved by letter dated 12 May 2003, pursuant to condition 19 of planning permission reference (E)S189/176/1353/99.
20. Any fuel, oil, lubricant and other potential pollutants shall be handled on site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.
21. The scheme of contamination monitoring received on 5 May 2016 shall be implemented in full commencing on the date on which the operations authorised by this planning permission are commenced. The results of the contamination monitoring shall be submitted to the Mineral Planning Authority and East Lindsey District Council's Environmental Health Officer on a monthly basis for a period of twelve months from the date on which the operations authorised by this planning permission are commenced.
22. The scheme approved by letter dated 12 May 2003 pursuant to condition 23 of planning permission reference (E)S189/176/1353/99 to protect the banks of the Old River Bain and the Horncastle Canal shall be implemented in full, except as amended by the details submitted in relation to the planning permission hereby granted, including the following drawings:
 - WoodhallspaQDP-17-12-12.tcw "Proposed revised working method, Tumby area" (received 19 June 2015);
 - WS-QD-28-04-16.TCW "Tumby Area Cross Section Lines" (received 3 May 2016); and
 - WS-QD-28-04-16.TCW "Tumby Area Cross Sections" (received 3 May 2016).

The amended details shall be implemented in full.

23. Prior to the commencement of the development authorised by this planning permission a scheme for the restoration of the site shall be submitted and approved in writing by the Mineral Planning Authority. The scheme shall be principally based on the restoration details (including the landform) as shown on Plan Ref. No. WS/MSE/1228-3/2b (submitted pursuant to planning permission (E)S189/176/1353/99) except that provision shall be made to enhance the nature conservation value of the northern part of the

site. The site shall thereafter be restored in accordance with the approved scheme.

24. The aftercare scheme shall be implemented in full in accordance with the details approved by letter dated 12 May 2003, pursuant to condition 25 of planning permission reference (E)S189/176/1353/99.
25. The scheme of archaeological investigation approved under condition 28 of planning permission reference (E)S189/176/1353/99 shall be implemented in full in relation to the operations authorised by this planning permission.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that resources are available for the restoration of the site.
3. For the avoidance of doubt as to the scope of the permission.
- 4 & 5 To ensure that the development is carried out in accordance with the application as approved and for the avoidance of doubt.
6. To protect the amenity of the area from visually intrusive stockpiles.
- 7, 15, 16, 17, 18 & 19
To protect the amenities of the area.
- 8 & 9 In the interests of amenity and wildlife conservation.
10. To ensure that the development is carried out in accordance with the application as approved and in the interests of highways safety and to protect the amenity of the local area.
- 11, 12, 13 & 14
In the interests of highway safety and to prevent mud and dust getting on the road.
- 20 & 21
To minimise the risk of pollution of watercourses and the groundwater.
22. To minimise the risk of development causing instability of the banks of the Old River Bain and the Horncastle Canal.
23. To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial use.
24. To ensure that the land is brought to a standard required for agricultural use.

25. To ensure that adequate archaeological investigation and recording is undertaken during the course of the development.

Informatives

Attention is drawn to the following:

- (a) in dealing with the application the County Planning Authority has worked with the applicant in a positive and proactive manner by processing 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 and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework; and
- (b) the validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

Appendices

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

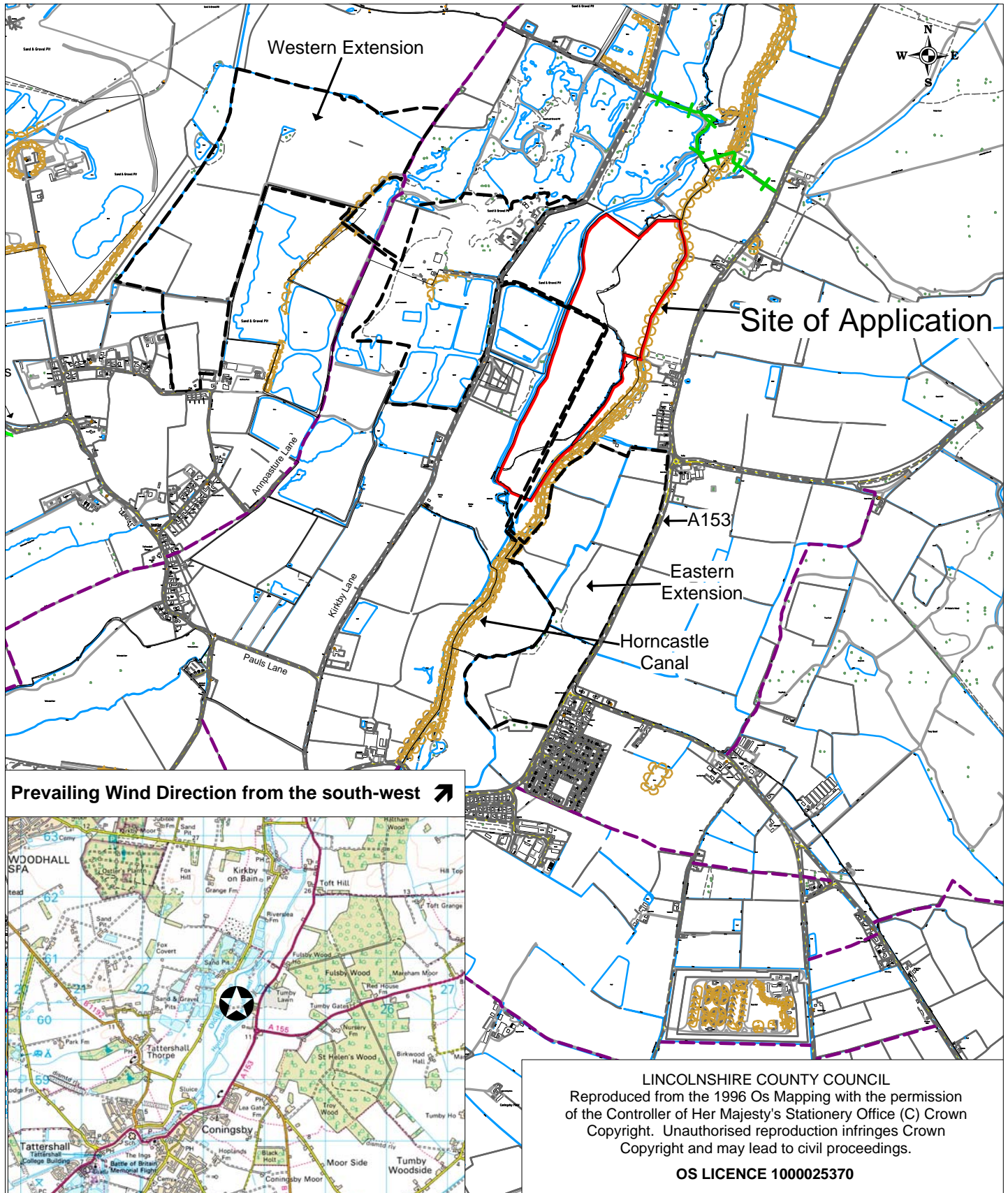
Background Papers

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 (E)S176/189/0443/16	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance – National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
East Lindsey Local Plan (1999, saved policies 2007)	East Lindsey District Council website www.e-lindsey.gov.uk

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LINCOLNSHIRE COUNTY COUNCIL
PLANNING AND REGULATION COMMITTEE 6 JUNE 2016



Location:
 Woodhall Spa Quarry
 Tattershall Thorpe

Description:
 Section 73 application to vary conditions 4(a) and 23
 of planning permission (E)S189/1353/99, as amended
 by planning permission (E)S176/1876/03

Application No: (E)S176/189/0443/16
Scale: 1:20 000

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