

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>4 July 2016</b>
Subject:	<b>County Matter Application - N26/0434/16</b>

**Summary:**

Planning permission is sought by Len Kirk Plant Hire Ltd (Agent: Hughes Craven Ltd) to use land for the recycling of construction, demolition and excavation wastes at Dunston Quarry, B1188 Lincoln Road, Dunston.

The proposed development would process up to 75,000 tonnes of waste annually. The key issue to be considered in relation to this application is the principle of new waste development in this location.

**Recommendation:**

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

**Background**

1. Dunston Quarry is an active limestone quarry with a long established planning history, commencing pre-1948. The extant planning permission for quarrying activities at the site was granted on 27 May 2010. This application (reference: N26/0523/09) sought to extend the quarry, regularise existing activities and carry out reduced level restoration to limestone grassland.
2. In addition to the main mineral extraction operations, planning permission has also previously been granted for the recycling of construction, demolition and excavation wastes. The first permission was granted in February 2008 (reference: N26/0036/08) which was subsequently varied in April 2012 when planning permission was granted which allowed the recycling operations to take place until 2025 (reference: N26/0144/12). A further permission was granted 2012 which extended the area of the recycling facility (reference: N26/0152/12). Conditions attached to both of these consents required the applicant to repair/improve the quarry entrance by no later than 1 February 2016 in accordance with a scheme that had to first be agreed by the Mineral Planning Authority. No such repair/improvement scheme was however submitted or approved and

consequently these two planning permissions have now lapsed as the pre-development conditions had not been complied with within the required time period.

### The Application

3. Planning permission is sought to use land for the recycling of construction, demolition and excavation wastes at Dunston Quarry, B1188 Lincoln Road, Dunston, Lincolnshire (Plan 1). The proposed development is similar to the previous recycling operations, although it is now proposed to relocate the recycling operations away from the north of the void, in order to allow the final extraction of mineral in that area, to be followed by early restoration of that area of the quarry. In addition the revised footprint would allow internal haul distances to be minimised.
4. The throughput of imported materials which would be 75,000 tonnes per year, a significant proportion of which are transported from the applicants (Len Kirk Plant Hire Ltd) site on Whisby Road, Lincoln. The life of the recycling operations would be linked to the life of the limestone quarry which is identified as 2025 by planning permission ref: N26/0523/09. The level of transport movements would be consistent with those servicing the lapsed consents. Like the previous recycling operations, the SSSI geological feature, which relates to part of the southern face of the quarry, would not be impacted upon by the proposed recycling operations.



1: Site Plan

## Environmental Impacts

5. The proposed working hours would continue to be in line with those of the quarry operations, with these being as follows:

07:00 to 17:00 Monday to Friday; and  
07:00 to 12:30 on Saturdays;

With no working on Sundays, Bank or Public Holidays.

6. In addition it is proposed that the quarry entrance and access route from the B1188 would be improved and a scheme has been submitted with the application which would address the issues relating to standing water on this access route and the drainage of surface water from the publicly maintained road (Photograph 1). The intervening roadside verge (designated as a Local Wildlife Site 'Dunston Sleaford Road Verges') would not be impacted and drainage ditches would be dug along both sides of the access road (with a sub-surface connecting pipe) to allow drainage to a sump located to the west of the quarry gates. The access road would be re-surfaced to create a profile to allow all surface water to drain to the proposed peripheral drainage ditches. The overall height of the access road would remain below that of the B1188 to prevent surface water draining onto the public highway.



Photograph 1: Drainage issues at the entrance of Dunston Quarry B1188

7. The recycling operations would not increase the current level of noise at the site and given the existing bund and the heights of stockpiles being restricted to 5.0 metres there would be no increased visual impact over and above that which had previously been considered acceptable. Dust from the recycling operation would also be managed in accordance with the Dust Action Plan submitted with this application and all HCVs leaving the site would be required to use the existing wheel wash facility (Photograph 2).



Photograph 2: Dunston Quarry Wheel Wash

#### Site and Surroundings

8. Dunston Quarry is located approximately 16 kilometres south east of the city of Lincoln, on the eastern edge of Dunston Heath, north west of the village of Dunston and south west of the village of Nocton. The eastern boundary of the quarry abuts the B1188 Lincoln Road with the Lincoln – Sleaford railway line beyond; to the north, south and west lies open agricultural land. On the eastern side of the B1188 immediately to the south of the quarry is an industrial complex occupying the site of the former railway station. A 2.5m bund has been constructed to run the length of the quarry's eastern boundary, screening it from the B1188 Lincoln Road.
9. The site of the previously permitted construction, demolition and excavation waste recycling facility is within the quarry void and is located to the south of the quarry adjacent to the B1188 Lincoln Road, next to the site entrance, office and weighbridge facilities. Overall the area covered by the recycling operations equates to 3.9 hectares. Due to the presence of the bund the application site would not be visible from the road or the surrounding area except for very limited views near the site access. The nearest residential property is located on the opposite side of the B1188, opposite the existing access road but it is not considered that this property would be significantly affected by this proposal. This property is approximately 100m from the site.

## Main Planning Considerations

### National Guidance

10. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 14 – Presumption in favour of sustainable development;

Paragraph 17 – Core planning principals;

Paragraph 109 – Prevention of pollution;

Paragraph 120 – Protect general amenities;

Paragraph 122 – Acceptable use of the land;

Paragraphs 186 and 187 - Pre-application advice on the development and by processing the application efficiently

Paragraph 215 – Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. This is of relevance to the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) and the North Kesteven Local Plan 2007; and

Paragraph 216 - emerging local plans, in this instance the Dunston Neighbourhood Plan and the Proposed Submission Draft Central Lincolnshire Local Plan.

11. In addition to the NPPF, in March 2014 the Government published the web-based Planning Policy Guidance (PPG), which directs decision makers to consider Lincolnshire County Councils Site Allocations, which is at an early stage and whilst the guidance is given in relation to unallocated sites in this instance this document is not a material consideration.
12. National Planning Policy for Waste (NPPW) (October 2014) - requires that in the determination of planning applications consideration is given to the impact of the waste development on the surrounding area, pushing waste up the Waste Hierarchy and contains a set of locational criteria against which proposals for new waste development should be assessed, including protection of water quality and flood risk management, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, odour and noise.

### Local Plan Context

13. Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) (June 2016) - the following policies are of most relevance to this proposal:

Policy M1 (Recycled and Secondary Aggregates) states that planning permission will be granted for recycling/reprocessing of materials for use as secondary or recycled aggregates in appropriate locations as specified in Policy W4, provided that proposals accord with all relevant Development Plan Policies set out in the Plan.

Policy W1 (Future requirements for new waste facilities) directs the County Council, through the Sites Allocation document, to identify locations for a range of new or extended waste management facilities within Lincolnshire, where these are necessary to meet the predicted capacity gaps for waste arisings in the County.

Policy W3 (Spatial Strategy for New Waste Facilities) states that Proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the following main urban areas as indicated on the key diagram subject to the criteria of Policy W4:

- Lincoln;
- Boston;
- Grantham;
- Spalding;
- Bourne;
- Gainsborough;
- Louth;
- Skegness;
- Sleaford; and
- Stamford.

Proposals for new waste facilities, outside the above areas will only be permitted where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting (see Policy W5);
- the treatment of waste water and sewage (see Policy W9);
- landfilling of waste (see Policy W6);
- small scale waste facilities (see Policy W7).

Proposals for large extensions to existing facilities, outside of the above areas will only be permitted where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the waste it would manage and are on or close to an A class road and meet the criteria of Policy W4.

Policy W4 (Locational Criteria for New Waste Facilities) identifies the type of land suitable for the purpose in and around main urban areas.

Proposals for new waste facilities, including extensions to existing waste facilities, in and around the main urban areas set out in Policy W3 will be permitted provided that they would be located on:

- 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; or
- in the case of biological treatment the land identified in Policy W5.

Proposals for the recycling of construction and demolition waste and/or the production of recycled aggregates in and around the main urban areas set out in Policy W3 will also be permitted at existing Active Mining Sites.

In the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in Policy W3, proposals will be permitted where they can demonstrate they have met the above criteria. Small scale facilities that are not in and around the main urban areas will be considered under Policy W7.

Proposals must accord with all relevant Development Management Policies set out in the Plan.

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

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

- Minerals and Waste – Locations which reduce distances travelled by HCVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.

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 arising.

Policy DM6 (Impact on Landscape) – 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.

Policy DM8 (Nationally Designated Sites of Biodiversity and Geological Conservation Value) seeks to safeguard SSSI's, National Nature Reserves and irreplaceable habitats from inappropriate minerals and waste development.

Policy DM9 (Local Sites of Biodiversity Conservation Value) states that planning permission will be granted for minerals and waste development

affecting sites, provided that it can be demonstrated that the development would not have any significant adverse impacts on the site.

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 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.

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

14. North Kesteven Local Plan (2007) - as confirmed by the NPPF, due weight should be given to relevant policies within the plan according to their degree of consistency with the policies of the NPPF. The following policies are of most relevance to this proposal:

Policy C2 (Development in the countryside) support development proposals within the countryside which would maintain or enhance the environmental, economic and social value of the countryside protect and enhance the character of the countryside; that cannot be located within or adjacent to settlements and; do not attract or generate a large number of journeys.

Policy C5 (Effects upon amenities) supports proposals which would not adversely affect the amenities enjoyed by other land users to an unacceptable degree.

15. Central Lincolnshire Local Plan (Proposed Submission Draft – April 2016) – this plan will eventually replace the current Local Plans for the City of Lincoln, West Lindsey and North Kesteven District Councils. Public consultation on the Proposed Submission Local Plan closed 26 May 2016. Given its stage of preparation, in line with paragraph 216 of the NPPF, the policies contained within this document currently carry little weight in the determination of planning applications, the key draft policies that are of relevance in this case are as follows:

Policy LP1 (Presumption in Favour of Sustainable Development) emphasises the need to take a positive approach in the presumption in favour of sustainable development contained in the NPPF where there are no identifiable adverse impacts.

Policy LP17 (Landscape, Townscape and Views) seeks to protect and enhance the intrinsic value of our landscape.



Policy LP21 (Biodiversity and Geodiversity) seeks to direct all development proposals protect, manage and enhance statutory and non-statutory designated sites by minimising impacts.

Policy LP26 (Design and Amenity) requires developments to demonstrate how amenity of neighbouring residents and land users have been considered.

Policy LP55 (Development in Hamlets and the Countryside) Part E Non-residential development which specifies criteria that should be addressed to allow support including proximity to existing established business, would not conflict with neighbouring uses and size and scale commensurate with the proposed use.

16. Dunston Neighbourhood Plan (Pre-submission stage) completed consultation on 6 June 2016. Given its stage of preparation, in line with paragraph 216 of the NPPF, the policies contained within this document currently carry little weight in the determination of planning applications. The key draft policies that are of relevance in this case are as follows:

Policy 1 (Appropriate Locations for Development) this identifies Dunston Quarry as being outside and not on the edge of the village curtilage and therefore permitted only if b) the development can be carried out without detracting from the landscape character and ecological value of the open countryside within the Parish.

#### Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor Mrs M Overton - provided the following comment in respect of Heath Road:
- 'This is an intensification of use on a road that will not be adequately repaired. Thus planning conditions are needed to control size of operation, dust, wheelwash, bunding, road repair and routing'.
- (b) Dunston Parish Council - has commented that there should be a ban to traffic using Dunston Heath Lane and that a drain at the quarry entrance needs to be sorted out to avoid flooding. Speed limits on the highway must also be adhered to along with the need for a wheelwash. Finally, they have commented that a weight limit restriction should be instigated.
- (c) Environment Agency (EA) - no objection but has provided an advisory in respect of the operators Environmental Permit which can be appropriately drawn to the attention of the applicant by way of an Informative.
- (d) Public Rights of Way Officer (Lincolnshire County Council) - stated that there are no recorded Public Rights of Way affecting the site and has no observations to make.

- (e) Highway & Lead Local Flood Authority - does not wish to object to this planning application. The Highway Authority welcomes the proposed improvement to the first section of the access road, from its junction with the B1188, and would also welcome the opportunity to discuss with the applicant the possibility of connecting some drainage grips in the roadside verge into the new drainage ditch which is to be excavated alongside the quarry's access road. As a consequence it is requested that an Informative be attached to any decision granted which advises the applicant to submit details of any proposed works relating to the access road should these take place within the public highway.

In response to the comments made by Dunston Parish Council regarding Dunston Heath Road, the Highways Officer concurs that the use of this road should be avoided by inappropriate vehicles but has advised that to introduce a weight restriction would be a matter for the Area Highways Team. In terms of speed limits, the enforcement of these is a matter for the Police.

- (f) Lincolnshire Wildlife Trust - acknowledged that the proposed development would not impact on the SSSI 'Dunston Quarry' Local Geological Site or the proposals to restore the site to calcareous grassland. However, concerns are expressed with regard to the excavation of drainage ditches along the access road in proximity to the designated Local Wildlife Site 'Dunston Sleaford Road Verges' and therefore it is recommended that any land-take for drainage improvements is minimised and the verges be protected during the proposed works.
- (g) Health and Safety Executive - identified the site being within the Outer Zone of Impact on High or Intermediate gas apparatus and did not advise against development.

18. The following authorities and organisations were notified/consulted on 13 April 2016 but no comments/response had been received at the time of preparing this report:

Nocton Parish Council  
Environmental Health Officer (North Kesteven District Council)  
Ministry of Defence (Safeguarding)  
Campaign for Rural England.

19. The application has been publicised by notice posted at the site and in the local press (Lincolnshire Echo on 21 April 2016) and letters of notification were also sent to the three nearest neighbouring residents. No comments or observations had been received within the statutory publicity/notification period or at the time of preparing this report.

## District Council's Recommendations

20. North Kesteven District Council stated that they raise no objections subject to conditions being attached, relating to the scheme of works to improve the access, be approved and implemented.

## Conclusions

21. This application seeks planning permission to re-establish the previously consented CD&E recycling operations within Dunston Quarry. The proposed recycling facility would be wholly sited within the void at the base of the quarry and the total area of the proposed development would be 3.9 hectares. The facility would also have an annual throughput of 75,000 tonnes per annum.
22. The main issue to be considered in the determination of this application is whether the waste recycling facility in this location is appropriate in planning policy terms.

## Waste Planning Policy Context

23. The proposed recycling operations themselves would recover materials from CD&E wastes which would enable them to be re-used in other infrastructure and construction projects. The recovery and re-use of such materials therefore not only reduces the overall quantity of wastes that may otherwise go to landfill but also helps to reduce the demand for the extraction of primary or new virgin minerals. The recycling operations do therefore represent a sustainable waste management practice and would help to move the management of wastes up the waste hierarchy. Consequently, the proposed development is in line with the principles and objectives of the NPPF and Policy W1 of the CSDMP and also meets the criteria set out in the NPPW and CSDMP Policies DM1 and DM2.
24. Policy W1 of the CSDMP supports the development of waste management facilities where these are necessary to meet an identified capacity gap for wastes arising in the County. In the case of aggregate and CD&E recycling facilities, there is currently an adequate number of facilities/capacity available to meet the identified waste needs/demands up to the year 2025, however, beyond this date this capacity is predicted to reduce<sup>1</sup>. Although the facility at Dunston Quarry will be included within the existing treatment capacity and therefore should these operations cease there would be an equivalent reduction in this capacity, according to Table 9 of the CSDMP there would still be a surplus of capacity to meet current and predicted waste demands/needs at least up to 2020. Consequently, whilst there will be a need to secure new facilities or increased capacity in order to address a potential capacity gap in the future (and this may be earlier than the year 2025) new sites or existing operations will only be supported in appropriate locations and where they are capable of being operated without giving rise

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<sup>1</sup> Table 9 of the CSDMP (June 2016)

to any unacceptable adverse environmental or amenity impacts. As a result, all proposals will need to accord with the spatial and locational criteria set out in Policies W3 and W4 of the CSDMP.

### Location

25. Policy W3 of the CSDMP supports the establishment of waste management facilities in and around the main urban areas and states that only certain types of facility will be granted outside of these such as small-scale facilities and composting and anaerobic digestion plants. Extensions to existing facilities located outside of main urban areas can also be supported where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the waste it would manage and are on or close to an A class road. Policy W4 identifies the types of sites/locations considered suitable for waste management uses in and around main urban areas and such suitable sites include land already in waste management use and in the case of CD&E facilities also includes Active Mining Sites. Policy M1 of the CSDMP also encourages the establishment of recycled and secondary aggregates facilities where they meet the locational criteria set out in Policy W4.
26. Dunston Quarry is located approximately 16 kilometres south-east of Lincoln and has direct access onto the B1188 and is not within a settlement which is on an A class road that directly connects into one of the main urban areas. As a result, the quarry is not considered to fall within the definition of 'in and around a main urban area' and cannot be considered a small-scale facility given the annual throughput being promoted by the applicant (e.g. 75,000 tonnes per annum). Similarly this proposal cannot be considered an extension to an existing facility located outside the main urban areas as there is no valid planning permission in place which currently covers the recycling operations (as this has now lapsed). Consequently the establishment of a facility of this size and scale does not accord with the spatial strategy advocated by Policy W3.
27. Notwithstanding the above, whilst the types of sites/locations considered suitable for CD&E facilities as set out in Policy W4 includes land already in waste management use as well as Active Mining Sites, again the recycling operations are currently unauthorised and so their existence cannot be afforded any weight in favour or support of this proposal. Furthermore, although Dunston Quarry is an Active Mining Site, as it does not fall within the definition of 'in and around a main urban area' required by Policy W3, it consequently also fails to comply with the locational strategy advocated by Policy W4.

### Final Conclusions

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

29. Whilst the processing and screening of CD&E wastes is accepted as being a sustainable waste management practice, planning permission for new waste management facilities will only be supported and granted where they meet an identified waste management need and are well located to the arisings of the waste they would manage having regard to the spatial and locational strategy as promoted by Policies W3 and W4.
30. In this case whilst the recycling operations have benefited from planning consent in the past and it is accepted that these have previously and could be undertaken without giving rise to any significant adverse environmental and amenity impacts, as the planning permission covering those operations has now lapsed this application needs to be considered against the policies now forming the Development Plan. The stricter approach taken by the CSDMP which was adopted on 1 June 2016 seeks to concentrate the establishment of new waste treatment facilities to locations in and around main urban areas. For the reasons cited above, the siting of this facility would no longer accord with the spatial and locational strategies now being promoted by Policies W3 and W4.

## **RECOMMENDATIONS**

That planning permission be refused for the following reasons:

1. Dunston Quarry is not located in and around a main urban area as it lies outside the defined settlement boundary of Lincoln and is not located directly adjacent to the edge of it. The quarry is also not located within a settlement which is on an A class road that directly connects into Lincoln or other main urban area and the proposed recycling operations are not small-scale or an extension to an existing facility as there is no valid planning permission in place which currently covers the recycling operations.

The establishment of a facility of this size and scale does not therefore accord with the spatial strategy advocated by Policy W3 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (June 2016).

2. Policy W4 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (June 2016) identifies the types of sites/locations considered suitable for waste management uses and also states that these must be located in and around main urban areas. Although Dunston Quarry is an Active Mining Site and has previously benefited from planning consent for the carrying out of a waste management use, the planning permission which related to that waste management use has lapsed and in any case the quarry is not located in and around a main urban area as required by Policy W3. Consequently, the proposed development also fails to comply with the locational criteria of Policy W4 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (June 2016).

## Informatives

Attention is drawn to:

- (i) In dealing with this application the Mineral 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.

## **Appendix**

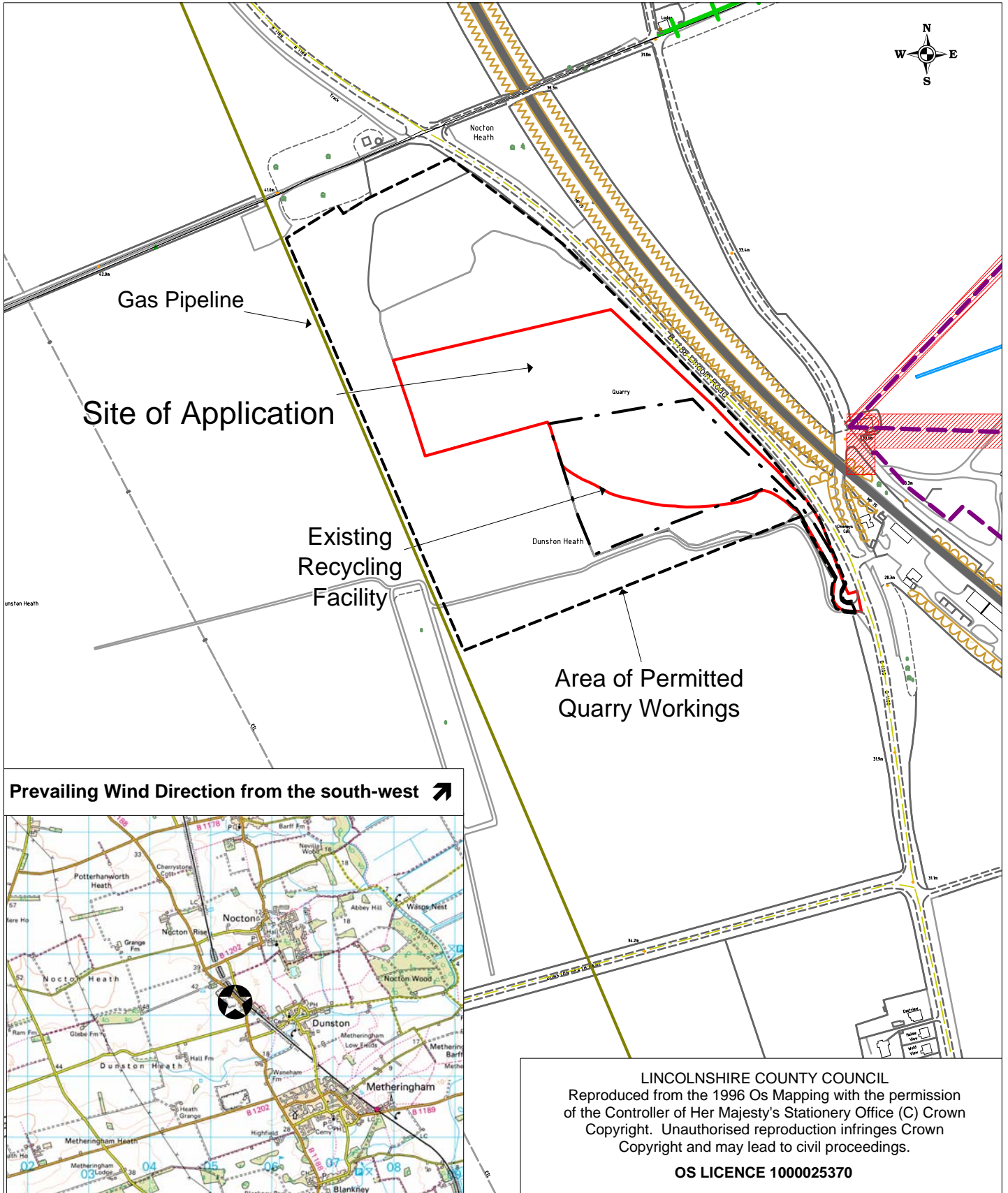
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

## 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 Files N26/0434/16 N26/0152/12 N26/0523/09	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012) Planning Policy Guidance (2014) National Planning Policy for Waste (2014)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016)	Lincolnshire County Council's Website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
North Kesteven Local Plan (2007) Dunston Neighbourhood Plan (2016) Central Lincolnshire Local Plan (Proposed Submission Draft – April 2016)	North Kesteven District Council's Website <a href="http://www.n-kesteven.gov.uk">www.n-kesteven.gov.uk</a>  Central Lincolnshire's Website <a href="http://www.central-lincs.org.uk">www.central-lincs.org.uk</a>

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**Location:**  
 Dunston Quarry  
 B1188 Lincoln Road  
 Dunston

**Application No:** N26/0434/16  
**Scale:** 1:5000

**Description:**  
 To use land for the recycling of construction,  
 demolition and excavation wastes