Lincolnshire COUNTY COUNCIL Working for a better future

Regulatory and Other Committee

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

Report to:	**Planning and Regulation Committee**
Date:	**3 October 2016**
Subject:	**County Matter Application - S26/1611/15**

Summary:

Planning permission is sought by Mick George Limited for the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site on land located off Gorse Lane, Denton, Grantham.

The application is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and an Environmental Statement has been submitted which assesses the potential impacts of the proposed development along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.

This is a very complex proposal which raises a number of significant issues which need to be carefully considered. The main key issues are considered to be:

- the need and justification for the new mineral reserves and proposed landfilling operations;
- an assessment of the main impacts associated with the current proposals; and
- whether the current proposals (including the applicants offer to rescind their interest in those parts of the wider Denton ironstone consent under their control) offer an environmental benefit which outweigh the impacts associated with this proposal such that the development can be supported.

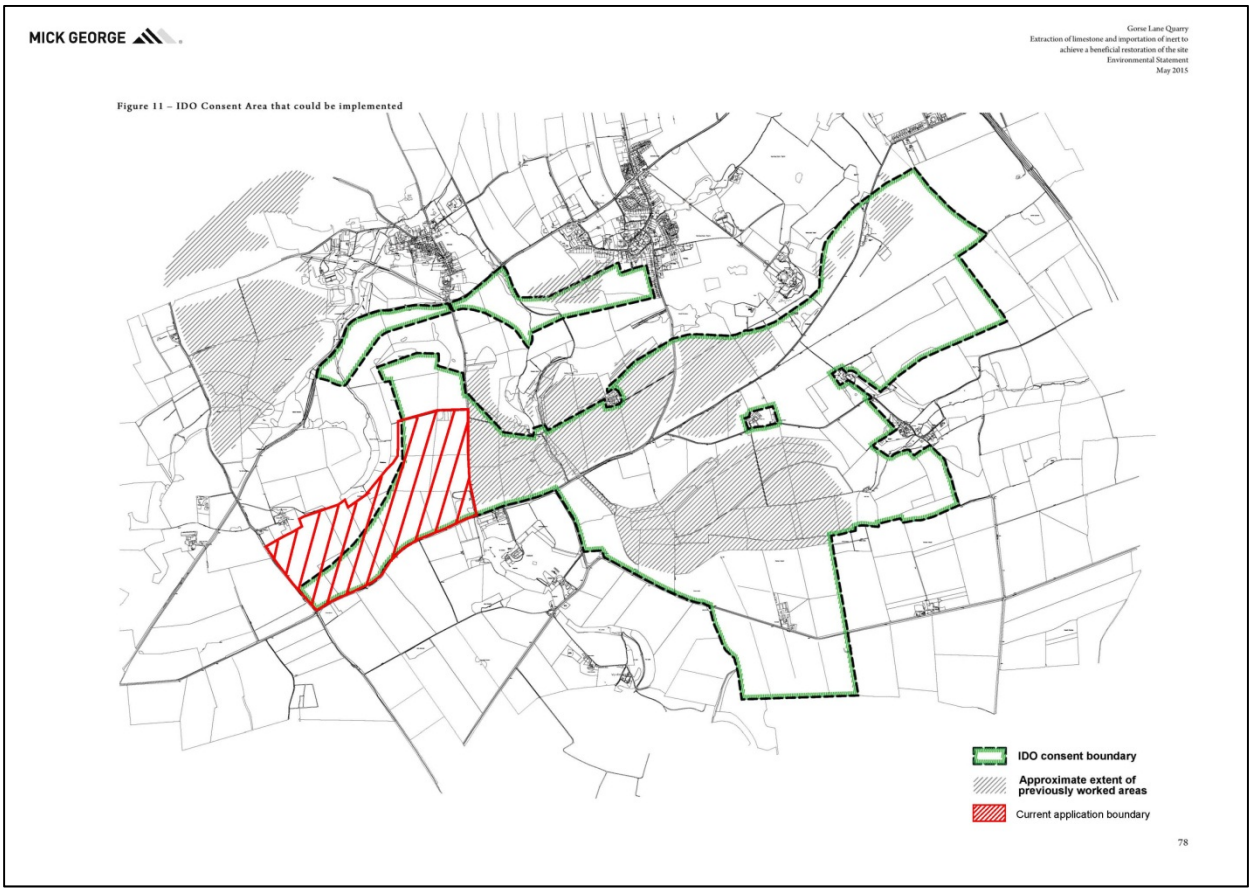
Recommendation:

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. On the 31 January 1955 the Minister of Housing and Local Government granted a permission for the winning and working of minerals and to carry out ancillary operations and calcining on land identified as falling within Denton, Harlaxton, Wyville, Stroxton and Great Ponton. This permission

(hereafter referred to as the 'Denton ironstone consent') allows not only the winning and working of ironstone but also the overlying limestone and covers an area of land extending over approximately 900 hectares. It is understood that minerals were extracted across sectors of the consented area until the mid-1970's and although areas of the original permitted area have been worked out and restored, extensive areas of mineral remain within the wider Denton ironstone consent area and therefore are capable of being worked.



IDO Consent Area that could be implemented

2. Under the provisions of Schedule 13 of the Environment Act 1995, the Denton ironstone consent (along with 10 other ironstone consent areas) were included on the First List of Mineral Sites which identified all mineral sites within the County where the predominant mineral permission(s) were granted after 21 July 1948 and before 22 February 1982. The First List provides for the review and updating of mineral sites and classified the status of those sites listed as being either 'active' or 'dormant'. The Denton ironstone consent area (reference: MR/D/19) was registered as a dormant site which means that whilst there is an extant planning permission in place no minerals development may lawfully be carried out until an application for a new scheme of modern planning conditions (an 'Initial Review') has been submitted to and approved by the Minerals Planning Authority (MPA). There is no time limit for making an Initial Review application with respect to a dormant site and consequently an application for new conditions can be made at any time.

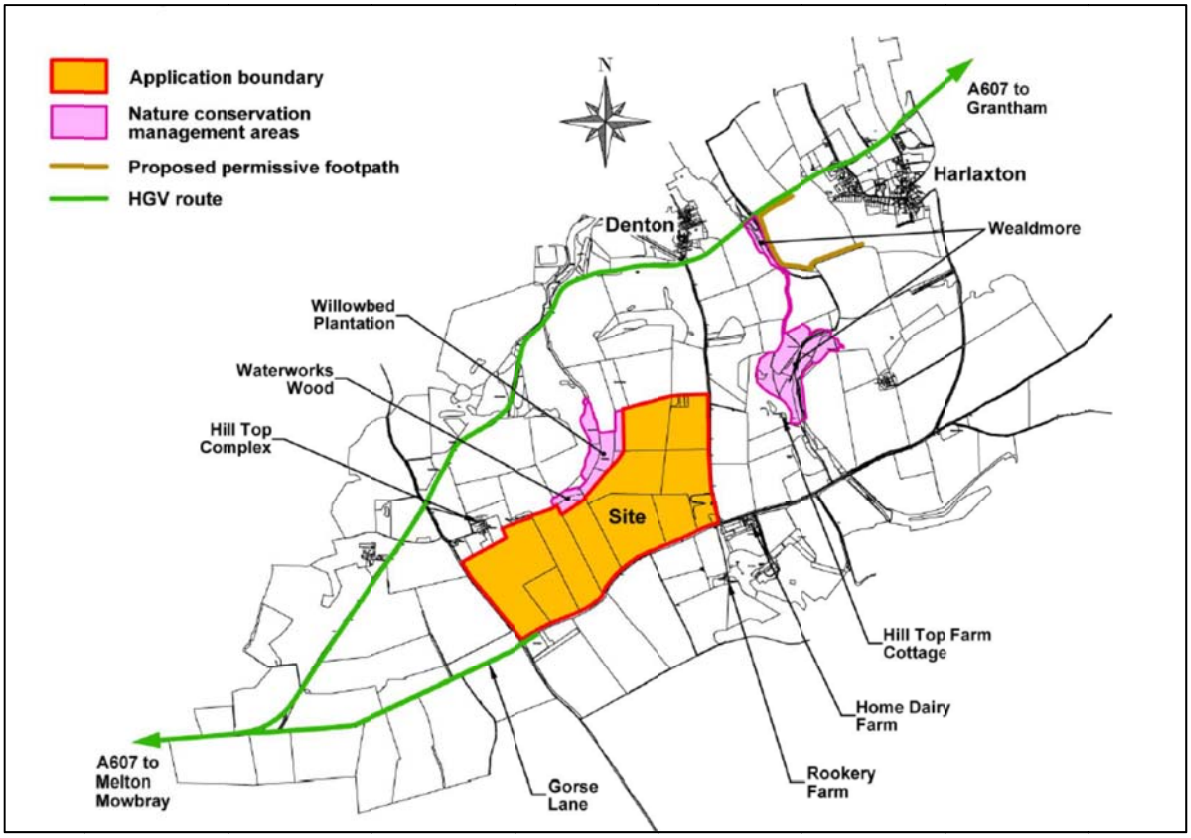
3. In March 2012 the landowner indicated that it was their intention to re-activate the dormant Denton ironstone consent and to submit an Initial Review application under the provisions of Schedule 13 of the Environment Act 1995. A request for a Scoping Opinion from the MPA was subsequently sought to determine the extent and nature of the information that should be provided within an Environmental Impact Assessment which would support any such application. In October 2012 the Secretary of State provided a response to this request.

4. Following the issuing of the Scoping Opinion response, the applicant has stated that consideration was given to the implications of re-activating the extant Denton ironstone consent and the potential impacts upon the communities of Hungerton, Wyville, Harlaxton, Denton, Stroxton and Great Ponton. Consequently, rather than progress the Initial Review of the Denton ironstone consent, the applicant has decided instead to seek a wholly new planning permission for the progressive winning and working of limestone and subsequent restoration of land using imported inert materials relating to an area of land covering 103.9 hectares to the south of Denton. The land subject of this application includes land which forms part of the extant Denton ironstone consent area but also land which lies outside the boundaries of the extant permission.

5. This report provides a summary of the proposals and development subject of that application.

The Application

6. Planning permission is sought by Mick George Limited for the the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site on land located off Gorse Lane, Denton, Grantham. The application site covers an area of approximately 103.9 hectares and is located approximately 3.8km from the south-western edge of Grantham, 800m south of the entrance to the village of Denton, 1.5km to the south-west of the village of Harlaxton and 1.5km to the north-west of the village of Wyville. The land subject of the application lies wholly within the administrative boundary of Lincolnshire but does lie on the border with Leicestershire.



Site Location Plan

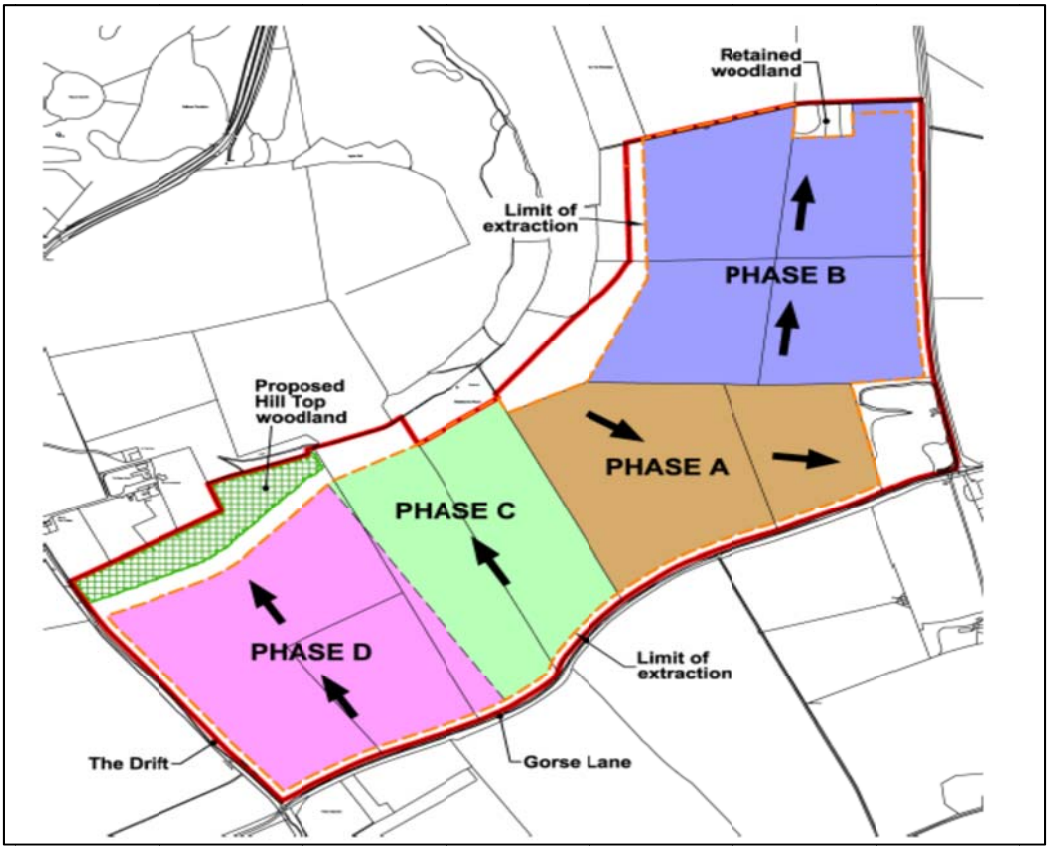
7. The proposed extraction area extends to around 84.6 hectares and would release approximately 5,900,000 tonnes of limestone. The vast majority of this reserve would comprise of limestone aggregate although it is estimated that approximately 1,900,000 tonnes would be of a higher quality/grade (i.e. non-frost susceptible Type 1) which is suitable for use in highway and construction projects. Non-frost susceptible Type 1 limestone aggregate is not typically produced by other limestone quarries within the County and as such materials are currently imported from sites within places such as Derbyshire and Peterborough. Secondary aggregates from the recycling of construction and demolition wastes can also produce Type 1 aggregate. In addition to the limestone aggregate, it is envisaged that approximately 200-300,000 tonnes of building stone would also be recoverable from the site some of which would be higher quality dimension stone as well as stone which would be more suitable as walling and tumbled building stone. It is estimated that over the life of the quarry the annual throughput would be around 200,000 tonnes per annum and therefore would take around 30 years to complete.

8. The application estimates that approximately 1,700,000 tonnes of quarry waste (e.g. unsaleable fine grained materials, overburden, etc) would be generated by the development and these, along within imported fill materials, would be used to restore the site back to near its original ground levels. Over the life of the quarry the volume of imported materials required is envisaged to be around 2,135,000m^3 (between approx. 3,202,500 and 3,416,000 tonnes) which would be imported at an approximate rate of

100,000m^3 (approx. 150-160,000 tonnes) per annum. The majority of the imported wastes are proposed to have already been screened and processed at source and therefore capable of being directly deposited into the worked out phases of the quarry and thus allow the progressive restoration of the site. However, it is envisaged that approximately 10% of the materials brought to the site would be available to produce recycled aggregate and therefore approximately 15-16,000 tonnes of the imported wastes would be processed to produce recycled aggregate and exported off-site for use elsewhere.

Phasing Operations

9. The site would be worked in a phased manner in a sequence of four broad phases (Phases A, B, C and D) which themselves comprise of several smaller 'sub-phases'. The phasing and scheme of working plans have been designed to minimise the area of active operations at any one time and, in order to minimise the need to stockpile and handle soils unnecessarily, it is proposed that topsoils and subsoils stripped from subsequent phases of working would be directly placed onto earlier phases ensuring that these areas are capable of being restored progressively and are quickly put back into use. It is envisaged that at any one time 87 hectares of the total 103.9 hectares site would be in productive agricultural use or restored to provide alternative habitats.



Simplified Phasing Plan

10. A summary of each of the proposed phases is given below.

Phase A – this phase is broadly central to the site and once the initial 'box cut' area has been exhausted workings would progress in a south-easterly direction. This phase is broken down into a series of smaller 'sub-phases' (A1 to A9) which would each be worked out and then progressively restored as the operations advance. The mineral would be worked out using excavators and dumpers typical of those used in quarries elsewhere within the County. A mineral processing area/site office complex would be constructed in the south-western corner of this phase which would contain crushers and screeners used to process the mineral. The plant site area would be retained within this phase until it is relocated to a new position during Phase C. It is envisaged that it would take approximately 5.5 years to extract the reserves from within Phase A (assuming an anticipated production rate of 200,000 tonnes per annum).

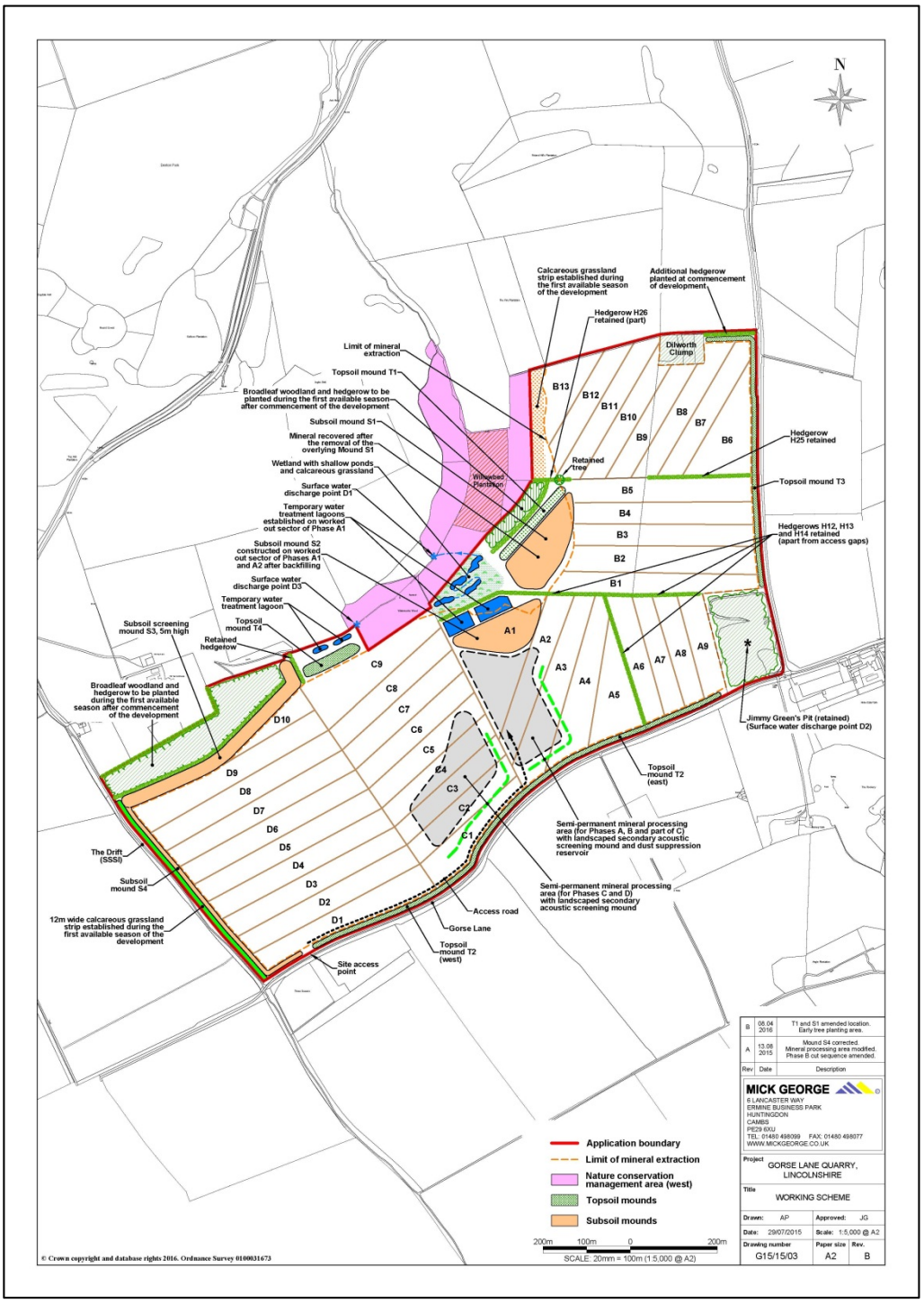
Phase B – following mineral extraction within Phase A, extraction operations would progress into Phase B which comprises of land situated between Willowbed Plantation (to the west) and Stony Track which runs parallel to the application sites eastern boundary. Again this phase is broken down into a series of smaller 'sub-phases' (B1 to B13) which would each be worked out and then progressively restored as the operations advance. During 'sub-phases' B1 to B5 the extraction operations would continue in a northerly direction whereas during 'sub phases' B6 to B13 this would shift to a south-east to north-westerly direction. It is envisaged that it would take approximately six to seven years to extract the reserves from within Phase B (assuming an anticipated production rate of 200,000 tonnes per annum).

Phase C – this phase is located to the west of Phase A and would again be worked in a series of 'sub phases' (C1 to C9) and would be worked in a generally northerly direction with subsequent progressive restoration. Once sufficient space has been created within this phase the mineral processing plant and site office complex that had been retained within Phase A would be relocated to a new position within the southern end of this phase. It is envisaged that it would take seven years to extract the reserves from within this phase.

Phase D – this phase is the final and largest area proposed to be worked and is located at the western end of the application site and therefore would be closest to The Drift SSSI which adjoins the site. The operations would advance in a northerly direction again this phase is broken down into a series of smaller 'sub-phases' (D1 to D10) which would each be worked out and then progressively restored as the operations advance. It is envisaged that it would take 12 years to extract the reserves from within this phase.

11. In order to limit potential impacts upon The Drift SSSI a 25m stand-off would be provided between the boundary of the SSSI and the proposed mineral extraction boundary. During the earlier phases of the development, this stand-off area would be created by planting two 12m wide areas of grassland which would be separated by a 1m wide drainage ditch. The land

nearest to the SSSI would be planted to create calcareous grassland whilst the land on the other side of the ditch (which would provide physical separation between these areas) would be planted to create an area of conservation grassland. During the working of Phase D, a subsoil bund (10m wide by 2m high) would be constructed upon the conservation grassland which would provide a physical barrier between the mineral operations and the SSSI. Following the completion of the extraction operations the bund would be removed with the drainage ditch and land being restored to create a permanent 25m wide area of calcareous grassland.

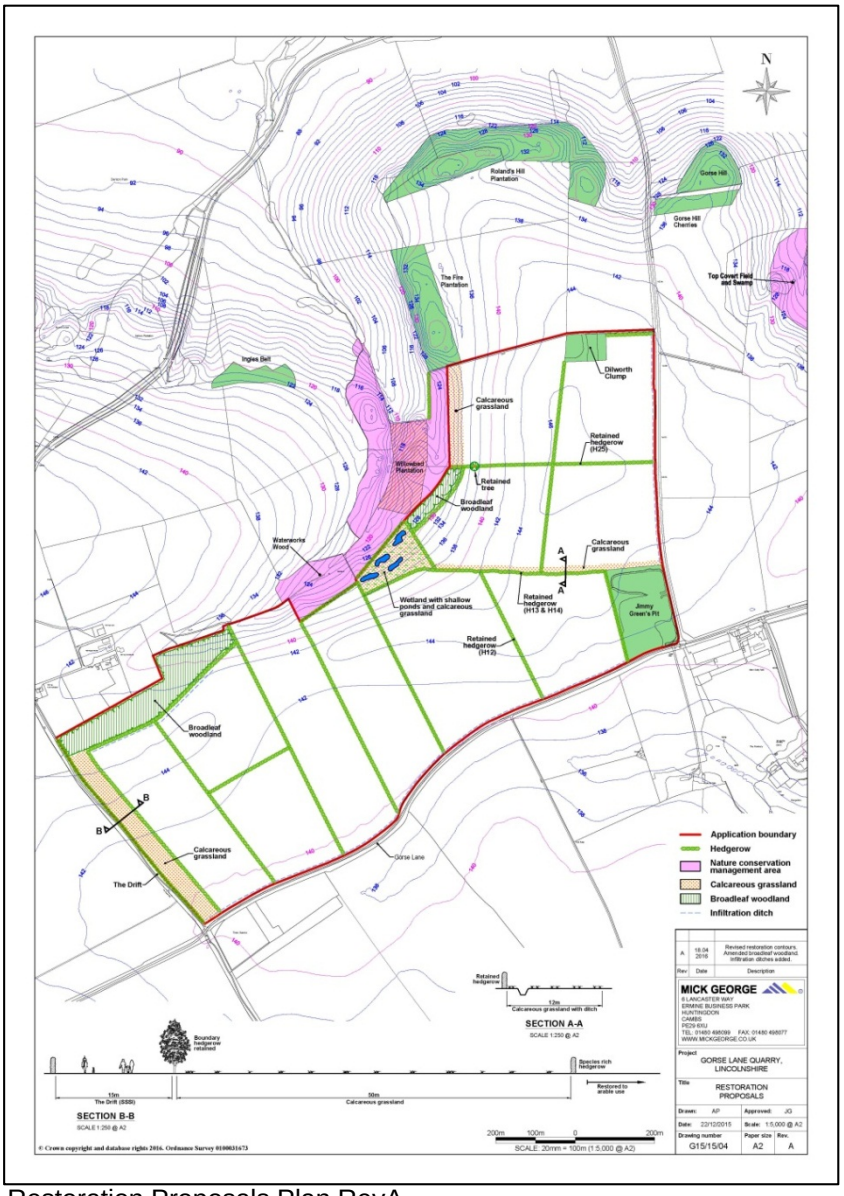


Phasing Plan - Working Scheme Rev.B

Restoration

12. The site is proposed to be progressively restored back to near original land levels through the use of on-site soils, overburden and unsaleable mineral fines as well as imported inert wastes. The restoration scheme contained within the application proposes to reinstate the majority of the land back to arable uses although the scheme also includes proposals to create new and improved habitats and wildlife corridors through the provision of high quality hedgerows, calcareous grasslands, broadleaved woodland blocks and wetlands. A progressive five year aftercare programme would also be implemented in order to monitor, manage and ensure the successful establishment of the newly created and restored habitats. It is stated that the restoration and aftercare proposals would contribute and enhance the natural and local environment and provide benefits to the eco-system including net gains in biodiversity.

13. Further details of the proposed development including the restoration scheme are given within the summary of the Environmental Statement section of this report (below).



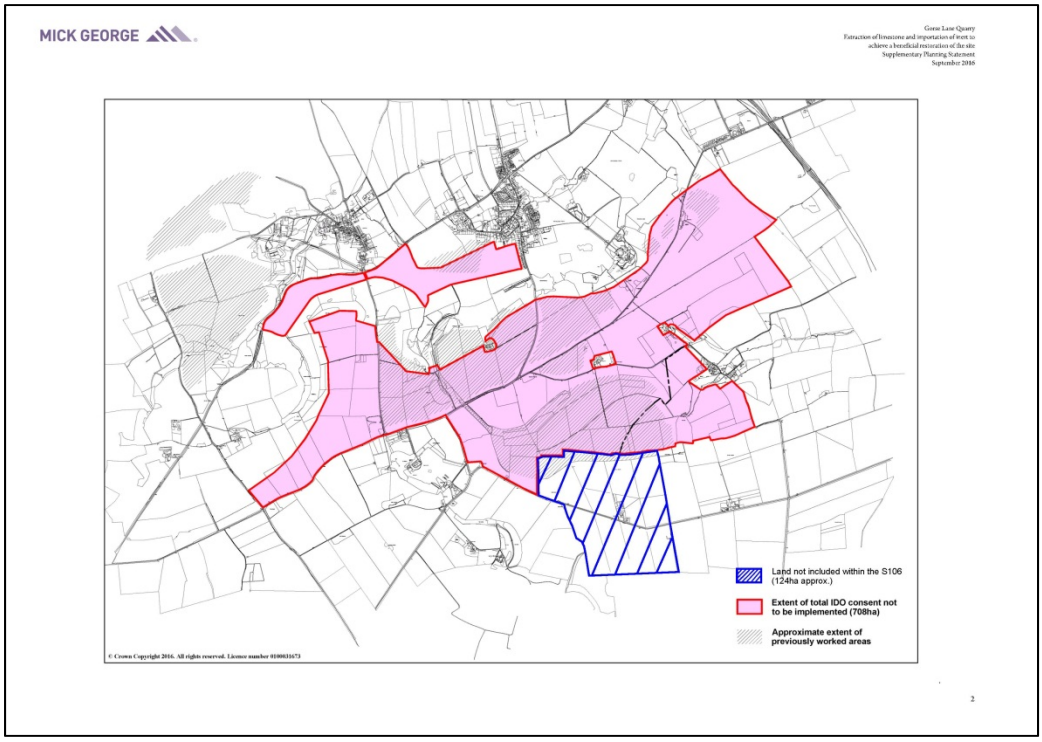
Restoration Proposals Plan RevA

Rescinding of part of the extant Denton ironstone consent

14. As stated earlier, part of the land subject of this application also forms part of the wider Denton ironstone consent area. Consequently an extant planning permission exists which allows the extraction of minerals from that area of land subject first to the submission and approval of a new scheme of conditions as part of an Initial Review application. However, rather than progress the Initial Review of the Denton ironstone consent, the applicant has instead decided to seek a wholly new planning permission which not only includes land which forms part of the Denton ironstone consent area but also land which lies outside the boundaries of that permission.

15. If planning permission were to be granted for this proposal, the applicant has confirmed that the landowner along with another interested party would be willing to formally give up their rights to carry out mineral extraction on land under their direct control which forms part of the much larger Denton ironstone consent area. The land covered by the whole of the Denton ironstone consent extends to over 900 hectares and the land which is proposed to conceded/offered up as a swap for permission to work the land subject of this application extends to around 708 hectares. If permission was to be granted for the current proposals then the landowner and applicant have confirmed that these rights would be rescinded by way of a legally binding S106 Planning Obligation. The applicant has submitted a draft version of such a Planning Obligation which confirms this intended commitment.

16. Alternatively, if planning consent is not granted for this application then the applicant has stated that it is their intention to re-activate the wider Denton ironstone consent via an Initial Review application. An Initial Review application and scheme of conditions cannot be refused and therefore the applicant states that it is against the background of the potential re-activation and implementation of that consent that the environmental impacts of this proposal should be assessed. It is therefore stated that the implementation of the extant Denton ironstone consent is a material consideration in the planning balance.



Denton ironstone consent area and land proposed as part of a S106 Agreement

Environmental Statement

17. The application is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the 'EIA Regulations'). An Environmental Statement (ES) has therefore been submitted in support of the application which comprises of three volumes. Volume I consists of a 'Written Statement and Plans' whilst Volumes II and III contain the individual technical assessments and reports that have been conducted and which identify the potential impacts arising from the development and the mitigation measures that are proposed to be implemented in order to avoid, reduce and, if possible, remedy any significant adverse impacts.

In accordance with Regulation 22 of the EIA Regulations further information (hereafter referred to as 'Further Information') was submitted to support, and in some cases replace, that which was contained within the original ES. The Further Information is presented as Volume IV (received 21 April 2016) and contains further details relating to the mineral quality and quantity, details of the recycling operations, revised phasing plans, further hydrological and hydrogeological information, updated assessments in respect of the potential impacts on Belvoir Castle, the nearby Drift SSSI and recently designated Ancient Woodland (i.e. Waterbed Plantation) and comments in respect to the feasibility of an alternative restoration strategy which does not require the use of imported wastes.

18. The original ES (Volumes I to III) along with the Further Information (Volume IV) are considered to meet the requirements of the EIA Regulations 2011 and the contents can be summarised as follows:

Volume I

Non-technical Summary – this document contains an overview of the main findings of the ES in an easily understandable and accessible format.

Chapter 1: Introduction – this chapter sets out the background and planning history leading to this planning application, a description of the applicants company, a brief summary of the proposal along with a description of the methodologies adopted for undertaking the various technical appraisals contained within the ES along with a statement of the pre-application public and stakeholder engagement/consultation exercises undertaken.

Chapter 2: Sustainable Development and Biodiversity – this chapter describes how the proposed development is considered to comply with the principles of sustainable development and how the development would make a contribution to the local environment through a sympathetically designed restoration scheme and through the provision of biodiversity gains and enhancements. These specific biodiversity gains and enhancements include proposals to manage over 27 hectares of land off-site from the proposed quarry as part of a Nature Conservation Management Plan. The proposed formal management of this land would secure areas of calcareous grassland and increase broadleaved woodland which the applicant states would have a lasting positive gain for biodiversity and the local environment.

Chapter 3: Site & Environs – this chapter describes the general location of the proposal site and contains extracts taken from the various detailed technical assessments that have been undertaken as part the ES (contained within Volumes II and III of the ES) which describe the site and the wider environment in terms of its landscape character, existing background noise environment, features of ecological interest, the local highway network, the hydrological/hydrogeological regime, archaeological context and nature and quality of the soils lying within the site.

A description of the underlying geology is also given which states that the area comprises of the Lincolnshire Limestone Formation (limestone) which is underlain by the Grantham Formation (clay, silt and sand) and Northampton Sand Formation (sandy ironstone). The ES states that there is estimated to be some 5,900,000 tonnes of recoverable limestone aggregate within the site of which an estimated 1,900,000 tonnes are cited as being non-frost susceptible Type 1 aggregate which is not produced by other limestone quarries within the County. In addition to the aggregate materials it is estimated that an additional 200,000 to 300,000 tonnes of building stone could be extracted from the site. It is estimated that approximately 1,700,000 m^3 of quarry waste (e.g. overburden and unsaleable stone and/or fines) would be generated which would be used to aid the restoration of the site. In addition to the overburden and unsaleable fines, around 2,135,000m^3 (between approx. 3,202,500 and 3,416,000 tonnes) of imported inert materials would also be imported and deposited within site to

aid the restoration and this would equate to an approximate input rate of 100,000m^3 (approx. 150-160,000 tonnes) per annum.

Chapter 4: Proposed Development – this chapter contains a description of the proposed development including details of the proposed means of access, phasing programme and scheme of working, soil handling and management practices, details of proposed plant and equipment, HGV movements, hours of operation along with an overview of the proposed means of surface water management and dust suppression system. This chapter also confirms that a wheelwash and floodlighting would be operated within the site although floodlighting would be restricted to around the mobile plant site area only and only operated during the winter months be downward facing in order to minimise any light spillage.

Phasing Programme: this section confirms that the site would be worked in a phased manner and contains details of the proposed phasing plans and scheme of working. The original plans have been slightly modified as part of the Further Information but continue to propose that the site be worked in a sequence of 4 broad phases (Phases A, B, C and D. Further details of each of these phases have already been given above.

Plant and Equipment: this section confirms that given the structure of the underlying limestone blasting would not be required and instead the mineral would be worked out using excavators and dumpers typical of those used in quarries elsewhere within the County. The mineral would be transported from working phases using dump trucks and processed using crushers and screeners within a dedicated plant site area. As described previously, the plant site area would initially be located within Phase A before being relocated to a new position within Phase C as the operations advance. Processed mineral would be loaded and transported off site in HCV's which would pass over a weighbridge and wheelwash facility before travelling along a surfaced internal haul/access road (initially 600m in length during the working within Phases A and B and 350m in length when working in Phases C and D) before entering the public highway.

Highways and Traffic: it is anticipated that the site would produce around 200,000 tonnes of limestone per annum which equates to around 4,000 tonnes per week or 730 tonnes per day on average. Products would be exported using articulated HCVs and four axle trucks (20 tonne payloads) and it is estimated that these would typically be in the order of five articulated HCVs and 30 four axle trucks per day. Building stone would be periodically removed using flatbed HCVs which could equate to up to 10 loads per week. It is anticipated that imported fill materials would be returned to the site by HCVs exporting the mineral (i.e. backloaded) and therefore the traffic movements associated with this are captured within the above numbers, however, the assessment undertaken also allows for a potential additional five loads (10 movements) per day associated solely with this activity.

Access to the site would be gained via an entrance that would be created along Gorse Lane and which the applicant states would be designed in an asymmetrical configuration in order to ensure all traffic is forced to exit the site in a westerly direction back towards the A607 junction. In addition to these physical works the applicant proposes that the routeing of traffic could also be restricted via a voluntary routeing restriction which would ensure that all HCV traffic travels westwards and thus does not travel along Gorse Lane back towards Grantham. In addition to these measures, the application proposes that the section of Gorse Lane between the site access point and the junction with the A607 be widened along its entire length. These works would result in the direct loss of $32m^2$ of the roadside verge where Gorse Lane crosses the boundary of the Drift SSSI. All works proposed would be undertaken within the highway boundary (within Leicestershire and Lincolnshire) and would be secured and completed as part of a Section 278 Agreement with each party.

Hours of Operation: the proposed hours of operation for the quarry would be between 07:00 and 18:00 hours (Monday to Friday) and 07:00 and 13:00 hours (Saturday) with no operations on Sundays or Public/Bank Holidays. As there are no dwellings located between the sites proposed access point and the A607 it is proposed that loaded HCVs would be permitted to leave the site from 06:00 hours (Monday to Friday) and it is stated that any noise arising from the movement of such vehicles would fall within acceptable levels (i.e. 42 dBA LAeq 1 hour).

Dust Management: this section confirms that a dust management scheme would be implemented and this would ensure that measures are taken to minimise and control dust emissions arising from the development. Details of such a scheme are proposed to be agreed by way of a planning condition but examples of possible measures and practices that could be adopted include the use of a water bowser, road sweepers, sheeting of HCVs, etc.

Surface Water Management: a series of interlinked water treatment ponds would be constructed as part of the development and used to ensure that any silts or suspended solids within waters pumped and derived from within the base of the quarry are managed prior to them being discharged in a controlled manner. A series of infiltration ditches would also be constructed around the site which lead to Jimmy Green's Wood and further ensure that the optimal recharge of groundwater is achieved.

Finally, a third minor discharge point (Point D3) would be established to the north of Phase C where reeds would treat surface water that will not naturally flow into discharge point D1 although this would only be required for a limited period.

Chapter 5: Design Statement & Restoration Scheme – this chapter states that the final restoration proposals for the site have been developed to be consistent with the objectives of the National Planning Policy Framework and provide for the progressive restoration of the land to an acceptable

landform and after-uses which are consistent with the surrounding land use context and character.

The ES states that the restoration proposals for the site (along with the proposed off-site Nature Conservation Management Plan areas) would contribute to and enhance the natural and local environment and provide benefits to the eco-system including net gains in biodiversity. Notwithstanding the proposal to reinstate the majority of the land to arable uses, these biodiversity gains would be provided through the creation of new and improved habitats and wildlife corridors including the creation of high quality hedgerows, calcareous grasslands, broadleaved woodland blocks and wetlands. A progressive five year aftercare programme would be implemented in order to monitor, manage and ensure the successful establishment of the newly created and restored habitats. Annual updates and review meetings with the MPA would be held in order to review the progress of operations undertaken in previous year's operations as well as to discuss proposals for the forthcoming year.

The two Nature Conservation Management Plan areas are located outside the proposal site but are under the direct control and same ownership as the proposal site. These two areas comprise of a mixture of woodland, grassland and wetland habitats which in total cover an area of over 27 hectares – Wealdmore Covert and Brook (17.34 ha) and Waterworks Wood and Willowbank Plantation (9.8 ha). The management and maintenance of these areas would commence during the first year of mineral extraction operations within the proposal site and would be reviewed on a rolling five year programme until the extraction operations cease – i.e. estimated 30 years.

Finally, the ES states that there are limited opportunities for the creation of additional Public Rights of Way within the application site and as such the landowner proposes to instead create a footpath route across other land within their control over which permissive rights for members of the public would be granted. This new permissive footpath would extend 1.2km and provide a circular walk around land that is located to the west of Harlaxton village and adjoins the western boundary of the northern-most extent of the proposed Nature Conservation Management Plan area. This permissive footpath would also provide linkages to existing Definitive Public Rights of Way which run west and south of Harlaxton (No. Harl/1/2 and Harl/4/2).

The applicant states that the management of the Nature Conservation Management Plan areas and creation of the permissive footpath would be secured by way of a S106 Planning Obligation. A draft version of such a Planning Obligation has been submitted by the applicant which confirms their intention to deliver upon this commitment.

Chapter 6: Socio Economic Impact – this chapter considers the potential impacts the development may have on the social and economic lives of local communities.

The ES states that the mineral products industry is a key component of the economy both nationally and locally and makes a significant contribution to the wider economy. The construction industry (which is a major customer for mineral products) accounts for 5% of Greater Lincolnshire's employment and the proposed quarry would produce materials which can be used in infrastructure and building projects undertaken in a wide market area surrounding the site and therefore support the economic growth of these areas.

The ES estimates that the proposed quarry itself would contribute to the local economy through a range of means including: £2.4 million on capital expenditure and investment at the start of the project (e.g. civils, plant and equipment and infrastructure); £1.83 million annual spend on services (e.g. maintenance, vehicle running costs, fuel, utilities); £1.07 million annual wage bill and the creation of 31 full-time employees; £1.6 million annual tax contribution (e.g. VAT, Business Rates, Aggregates Levy, Vehicle Excise Duty).

The project would also provide social benefits to local communities through the provision of a new permissive public right of way to the west of Harlaxton and allow access by local wildlife interest groups to the Wealdmore Brook which would be one of the proposed Nature Conservation Management Plan areas. The applicant also operates a Community Trust Fund whereby local charities, voluntary or community groups within a five mile radius of the site would be eligible to make applications for grant funding to support projects which provide tangible community benefits. Examples of such projects include village greens, playgrounds and facilities, nature reserves, etc.

Chapter 7: Market Need Appraisal – this chapter contains a summary of a Market Needs Appraisal (contained within Volume I) which provides a review of the current and emerging waste planning policy and the findings of a market appraisal which was undertaken to determine whether there is a need for inert landfill capacity within the County and also whether sufficient inert material would be available to restore the site. The assessment looked at the existing capacities available, predicted capacity thought the plan period and likely sources of inert waste materials. This market needs appraisal was prepared in March 2015 and therefore is based upon information available at that time and also the then Pre-submission draft version of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document (CSDMP). The CSDMP was considered during the Examination in Public in October 2015 and subsequently amended and formally adopted in June 2016.

Having taken into account the predicted waste arisings, existing inert landfill capacity and potential reduction in capacity as a consequence of some existing sites closing due to restoration or planning permissions expiring during the plan period, the assessment concludes that even though recycling rates may increase in the future there would still be a shortfall in inert landfill capacity to dispose of the volume of inert waste generated within the County which could not be recycled. The assessment notes that

the consideration has only been given to inert waste arisings derived within Lincolnshire, however, it is stated that inert wastes are typically sourced from within a 20 mile radius of the applicants sites and therefore the market area for these waste arisings could also potentially include sites and markets within Melton Mowbray, Newark and Nottingham.

Chapter 8: Alternatives and Cumulative Impact - this chapter sets out the potential alternatives to the proposed development that the applicant has considered in carrying out the EIA. The main alternatives identified and an outline of the reasons given as to why each of these alternatives has been discounted is summarised below:

(i). Implementing the extant Denton ironstone consent - although the implementation of this permission remains an alternative, having considered the views expressed locally the applicant has chosen to formulate the current proposals and develop a much smaller area of land where the environmental impacts are considered to be significantly less.

(ii) Not importing inert materials for restoration – if no materials were to be imported then the applicant states that the proposal site would have to be restored to a low level and this would have serious adverse impacts upon agricultural land quality, hydrology and hydrogeology and result in the creation of an unnatural landscape feature.

It is stated that if materials are not imported to aid restoration the site would have to be restored to a low profile with steep slopes and therefore the vast majority of the site, which is currently classified as being 'best and most versatile' agricultural land, would not be capable of reinstatement. The lack of imported materials and a lower restoration profile would also impact upon the local hydrology and hydrogeology as all drainage would have to be channelled to the north which would divert existing flows away from the south and the springs which feed the Wyville Brook. This would therefore result in a change in hydrological conditions and adversely affect land further to the south. Finally, if materials are not able to be imported to the site this would also result in the creation of an unnatural landform which would be contrary to the landscape character of the area.

(iii) Revised sequence of working – it is stated that the direction and scheme of working have been carefully considered and revised from those initially considered in order to minimise the impact of the development on nearby residents. Initially it had been proposed to work the site in a westerly direction however following discussions with the local residents within the Hill Top Farm Complex which overlooks the site, this was revised to reflect those as contained within the application which would see the operations commence within a central location before heading east and north-east. The applicant states that this revised method of working is not ideal for optimal working but would allow the proposed tree planting belt which is planned between

the Hill Top Farm complex and the latter phases of the site to mature and thus minimise any impacts upon those properties.

(iv) Alternative screening for the Hill Top Farm complex properties – it is stated that initially consideration had been given to the construction of a 5m high screening mound immediately to the south of the properties within the Hill Top Farm Complex. This mound would have had a 1:10 slope down to the proposed and be grass seeded to form a shallow, semi-permanent hill which would provide both visual and acoustic screening.

Following discussions with local residents of the Hill Top Farm Complex this proposed method of screening was revised to include the proposed planting of a woodland belt between the properties and the site from the outset. By the time the workings approach this area the trees would have matured and therefore provide a more suitable visual screen and the soil mound would instead now be constructed on the site side of this woodland in order to provide an acoustic barrier.

Cumulative Impacts: this section considers the potential for cumulative effects on the environment and amenity of local communities which can arise from multiple impacts associated with this development and/or due to simultaneous or successive quarrying operations in the locality.

In the case of this proposal, there are no other operational quarries in the immediate vicinity of the site with the nearest being Great Ponton Quarry which is located to the east of the A1 and is approximately 6km to the east and of the proposal site. The land to the east of the proposal site has previously been worked for ironstone although those operations ceased in the 1970's and the land has generally been restored. Given the distance and intervening topography and land-uses between the proposal site and Great Ponton Quarry there is no intervisibility between these sites and therefore the ES concludes that there is no potential for cumulative landscape or ecological impacts. Similarly, the routes to be used by HCV's to gain access to these two quarries are separate and consequently the ES concludes that there is also no potential for cumulative impacts in respect of traffic.

Chapter 9: Environmental Considerations – this chapter provides a summary of the impacts of the development on different elements of the environment. Detailed technical assessments relating to each of these elements support this chapter (contained within Volumes II & III).

9.2 - Landscape & Visual Impact – a Landscape & Visual Impact Assessment (LVIA) has been conducted (contained within Volume II) which confirms that the implementation and operation of the proposals would give rise to temporary direct and indirect landscape impacts resulting from alterations to the landscape. A supplementary report has also been submitted as part of the Further Information (contained within Volume IV) which considers the potential impacts of the development specifically upon

Belvoir Castle which is located approximately 5km to the north-west of the proposal site.

The LVIA recognises that the mineral extraction operations would result in a change in the landform and result in the temporary loss of landscape features such as large arable fields and field boundary hedgerows. Studies and field surveys undertaken as part of the LVIA indicate that the significant visual effects of the proposed development would be highly localised and states that to a very large extent views of the quarrying operation would be screened due to local topography and the presence of boundary hedgerows which vary in height and density and provide screening or a filtering effect of views. To the north-west, north, east and south-east local woodland supplements the hedgerows and provide further screening and given the topography and position of the quarry there would be no inter-visibility between the quarry and local villages.

The only residential receptors with views of the site are identified as being the dwellings associated with Hill Top Farm located to the north-east of the site. In order to reduce the visual impact of the operations on these properties it is proposed to carry out advanced tree planting and construct a 5m high bund in an area of land situated between these properties and the proposed extraction operations proposed within Phase D. Phase D would not be worked until around year 20 of the development and therefore this woodland would by then be mature and help to screen views. Other mitigation measures have also been developed as part of the proposals which the LVIA states would reduce the visual impacts of the development from other locations including Belvoir Castle and these include the use of temporary landscape bunds along site boundaries, the progressive infilling of the site using imported wastes in order to restore and bring the site back to near existing levels, replacement tree and hedgerow planting as part of the progressive restoration scheme and additional broadleaf woodland planting along the boundary of the site with the adjacent Willowbed Plantation (Ancient Woodland).

The LVIA concludes that whilst there would be some temporary landscape and visual effects arising from the proposals, these effects would be temporary and experienced at site level or in the sites immediate vicinity. When considered against the wider landscape context and valued receptors within that context, on balance these landscape and visual effects are stated as being environmentally acceptable.

9.3 - Hydrology & Hydrogeology - a Hydrogeological Impact Assessment has been conducted (contained within Volume II) which describes the existing hydrological and hydrogeological situation and considers the potential impacts of the development upon surface and groundwater resources. In response to comments and representations received during the initial round of consultation on the proposals, the applicant also subsequently installed additional borehole wells around the site in order to monitor water levels within the limestone and underlying ironstone horizons. The locations of these boreholes were agreed in consultation with the

Environment Agency and water levels were monitored on a weekly basis between September 2015 and March 2016. The aim of this additional monitoring was to obtain a fuller understanding of the groundwater regime and to improve the conceptual model that had been used in identifying and assessing the potential impacts of the development. A supplementary report which contains the findings and results of this additional borehole monitoring along with a review of the original Hydrogeological Impact Assessment was submitted as part of the Further Information (contained within Volume IV).

The assessments conclude that whilst the Lincolnshire Limestone (limestone) that is present across the site is classed as a principal aquifer it is largely unsaturated and considered to be essentially unproductive within the proposal site. Groundwater potential is therefore limited to the underlying Northampton Sands (sandy ironstone) with the intervening Grantham Formation (clay, silt and sands) providing a restriction to groundwater flow. Geological mapping indicates that the majority of springs and watercourses surrounding the site appear to coincide with areas where the Northampton Sands Formation outcrops and are therefore fed from the flow of groundwaters within this horizon. However, there is one spring to the south east of the site (referred to as Hungerton Spring) which occurs where the Lincolnshire Limestone outcrops and that this spring coincides with central geological fault features which may provide a preferential flowpath within the Lincolnshire Limestone for groundwaters in the event that incident rainfall is sufficient to induce flows within the Lincolnshire Limestone horizon. The latest assessment undertaken confirms that there is water in the base of the Lincolnshire Limestone horizon which is perched above the underlying Grantham Formation and this is collected in fissures, joints and beds as a result of incident rainfall but that there is no permanent saturated storage zone such that de-watering of the site would be required during mineral extraction operations. The assessments therefore conclude that the Hungerton Spring is ephemeral.

It is consequently concluded that the extraction of limestone from the majority of the site is unlikely to impact on the baseflow volume or quality of ground and surface water flowing south from Gorse Lane. It is stated that the existing groundwater flow regime can be replicated using post-restoration contouring which mimics the existing topographic highs and also directing and allowing surface water runoff during both the operation and restoration of the site to recharge the limestone via soakaways and infiltration ditches which would be constructed in appropriate locations around the site.

9.4 - Air Quality - an Air Quality and Dust Assessment has been conducted (contained within Volume III) which considers the potential impacts of the development on existing air quality as well as identifying the potential sources of dust and possible dust control measures.

In terms of air quality, the assessment concludes that the traffic movements associated with this development (approx. 40-45 trips or 80-90 two way

movements) would fall below the levels which are likely to increase nitrogen oxide levels (NO_2) and therefore not have a significant impact on local air quality.

In terms of dust, the assessment considered the potential dust receptors within 500m of the proposed operations in terms of site preparation and restoration works, mineral excavation and backfill and mineral processing and handling. The assessment confirms that mineral excavation would not take place within at least 25m of The Drift SSSI or within 200m of any residential receptor and mineral processing operations would not take place within at least 500m of any residential receptor or The Drift SSSI. The assessment identifies a series of dust suppression and operational practices that could be adopted and implemented as part of a site-specific Dust Action Plan.

This section concludes that the development would be unlikely to cause adverse air quality impacts and that any dust arising from the operations could be controlled to ensure that unacceptable fugitive dust impacts are not caused to any nearby residential receptor or The Drift SSSI.

9.5 - Noise - a noise assessment has been conducted (contained within Volume II) which considers the potential impacts of the operations on the surrounding area and nearby sensitive receptors. The assessment confirms that existing background noise levels were recorded at representative locations around the site including at and/or close to the residential properties within the Hill Top Farm complex, close to the south-eastern corner of the site in order to assess potential impacts on Rookery Farm and Home Dairy Farm as well as within the village of Denton. The potential impacts upon users of The Drift SSSI/Viking Way which is a Public Right of Way have also been assessed.

The assessment takes into account the guidance and advice on the control of noise from mineral extraction operations as contained within the National Planning Policy Framework and relevant supporting Planning Practice Guidance entitled 'Minerals'. The assessment states that the current guidance advises that Public Rights of Way (i.e. The Drift SSSI/Viking Way) are not normally considered to be noise sensitive receptors and therefore the noise criteria and thresholds applied when considering impacts on dwellings is not normally applicable. However, consideration has still be given to the potential impacts of the development on users of The Drift SSSI/Viking Way and reference has therefore been given to previous Mineral Planning Guidance (contained within MPG11 which was replaced in 2005) which had suggested a noise level of 65 dB LAeq 1 hour was an appropriate limit and therefore has been applied in this instance.

The assessment predicts the potential noise levels arising from both normal operations and temporary activities and considers these in terms of their compliance with the acceptable levels specified within the above guidance.

In respect of temporary operations (e.g. soil stripping, bund construction), the worst case predicted levels for all locations would fall below the 70 dB(A) maximum level cited within the guidance. In the case of the Hill Top Farm Complex the estimated level is cited as being around 51 dB(A) and in the vicinity of Home Dairy Farm and Rookery Farm the cited level would be around 46 dB(A). For The Drift SSSI/Viking Way during Phases A and B the operations would be some 800m to the east and therefore noise levels would principally be associated with the processing operations with noise levels being predicted to be 18 to 23 dB(A) below the acceptable criteria level. As operations advance into Phases C and D, a subsoil bund would be constructed alongside the western boundary of the site and the noise levels associated within the normal operations would remain 10 dB below the 65 dB LAeq 1 hour limit. For normal operations, the predicted noise levels are similarly predicted to fall below the 55 dB(A) maximum level cited within the current planning practice guidance by between 2 and 8dB.

This section consequently concludes that with the implementation of appropriate mitigation and control measures (as proposed within the scheme – e.g. bunds, stand-offs and positioning of equipment, etc), noise levels associated with the development would fall within acceptable limits and therefore would not have a significant adverse impact on the nearby residents or other nearby land-uses.

9.6 - Highways - a Transport Assessment (TA) has been carried out (contained within Volume II) which considers the potential impacts of the development on the local highway network. The TA indicates that the development would generate around 40 HCV trips (80 two-way movements) per day which on average equates to around three trips (six two-way movements) per hour. The TA has, however, considered a higher maximum figure as a worse-case scenario and also takes into account accident records in order to determine whether there are any specific safety issues which would be exacerbated by the proposed development. The results indicate that there would not be any significant impact on the function or safety of the highway network as a result of this proposal. The TA also confirms that access to the site would be gained via an entrance that would be created along Gorse Lane and which the applicant states would be designed in an asymmetrical configuration in order to ensure all traffic is forced to exit the site in a westerly direction back towards the A607 junction. After travelling along Gorse Lane, the majority of HCV traffic is expected to then travel via the A607 to the A1 where it will travel north and south to suit market demands at the time. The applicant has proposed that the routeing of traffic could also be restricted via a voluntary routeing restriction (secured as part of a S106 Planning Obligation) which would ensure that all HCV traffic travels westwards and thus does not travel along Gorse Lane back towards Grantham or through the local villages. A draft version of a Planning Obligation has been submitted by the applicant which confirms their intention to deliver upon this commitment. In addition to the routeing restriction and upgrade of the existing access, the application also proposes that the section of Gorse Lane between the site access point and the junction with the A607 be widened along its entire length. These works

would result in the direct loss of part of the existing verge where it falls within the boundary of the Drift SSSI. All works proposed would be undertaken within the highway boundary (within Leicestershire and Lincolnshire) and would be secured and completed as part of a Section 278 Agreement with each party.

The TA concludes that the development would be acceptable in highways and transport terms.

9.7 - Nature Conservation – an Ecological Assessment has been carried out (contained within Volume II) which contains the results of an Extended Phase 1 Habitat and Protected Species Surveys of the proposal site. Supplementary ecological reports have also been submitted as part of the Further Information (contained within Volume IV) which consider the potential impacts of the road widening/improvement works proposed along Gorse Lane upon The Drift SSSI and the roadside verges as these would be directly impacted upon and sections of these lost to accommodate the proposed works.

The ecological assessments confirm that there are no nature conservation sites of international importance located within 5km of the site (e.g. Special Areas of Conservation, Special Protection Areas & RAMSAR sites). There are however sites of national nature conservation value immediately adjacent to the site which includes The Drift Site of Special Scientific Interest and Willowbed Plantation which has recently been designated as an area of Ancient Woodland. There are also a number of non-statutory sites of nature conservation value (e.g. Local Wildlife Sites (LWS), Sites of Nature Conservation Importance (SNCI)) within 1km of the site which are primarily comprise of roadside verges which comprise of neutral and limestone grassland.

The assessments conclude that the mineral extraction site does not contain any designated sites of nature conservation value and largely comprises of large arable fields separated by hedgerows which are assessed as being generally of limited value. The various species surveys undertaken have not identified any evidence of bats, badgers, amphibians, reptiles (inc. great crested newts) within the proposal site itself and as the arable fields are intensively managed and of an open and exposed nature, they offer poor quality habitat overall and only sub-optimal foraging and commuting habitat for most species. The site does however support a number of breeding birds some of which are notable farmland bird species which are in decline although the habitat (e.g. intensively farmed fields) are a common feature of the surrounding landscape and so alternatives exist and also the operations would be phased so as to minimise the total land within operation at any one time thus minimising the loss and therefore impact on such species.

A series of mitigation and compensation measures are proposed as part of the development to minimise and off-set any adverse impacts which include (inter alia):

- the implementation of a drainage strategy to ensure that there are no significant alterations to the hydrology of The Drift SSSI and implementation of a stand-off distance between the proposed mineral extraction working area the SSSI;
- progressive working and restoration of the site in order to minimise the loss of landscape;
- implementation of a Dust Action Plan to control fugitive emissions and impacts on the nearby Drift SSSI;
- timing of any site clearance and soil stripping operations to avoid bird nesting/breeding season and minimising the use of artificial lights so as to reduce impacts on foraging bats;
- retention of an existing veteran tree within the site and any retained trees and hedgerows to be afforded suitable protection during construction activities;
- implementation of a conservation-led management plan for two areas of land located off-site which in total cover an area of 27 hectares. The management of these areas would maintain and promote the creation of habitats including wet marshland, woodland and semi-improved grassland which would provide opportunities for a range of fauna and secure wider bio-diversity benefits;
- creation of new habitats including calcareous grassland and the planting of new species rich hedgerows and broadleaved trees as part of the restoration proposals.

9.8 - Archaeology - an archaeological evaluation has been completed (contained within Volume III) which comprises of a desk-based assessment, phased geophysical survey and subsequent programme of trial trenching where a total of 35 targeted trenches were excavated and evaluated.

The assessments confirmed that there is a Roman Villa and bathhouse less than 400m to the east of the site and that Gorse Lane itself follows the line of a minor Roman road which probably gave access to the villa. Roman settlement remains have also been identified immediately to the north of the site and the results of the trial trenching programme confirmed that the majority of the features encountered (e.g. extraction pits, enclosures, boundaries and trackways) dated to the middle/late Iron Age. A single lime kiln, of probable Roman date was also revealed in the far south-west corner of the site.

An assessment of the impact of the proposals upon designated heritage assessments has also been conducted which confirms that there is potential for indirect visual impacts upon the Grade II Listed properties within the Hill Top Farm Complex however these would be mitigated by the carrying out of the advanced tree planting proposals within the land between these properties and the site. The main impact on non-designated heritage assets (e.g. archaeology) would come through the removal of the historic landscape however the assessments undertaken have revealed that the assets are of local importance and not of national or regional importance. Nevertheless it is proposed that a programme of archaeological work (e.g. strip, map and record) be carried out as part of the excavation works which

would not only allow for a full record and better understanding of these assets to be made but would also add to the understanding of the previously recorded assets which surround the site.

9.9 – Soils – a soils assessment has been undertaken (contained within Volume II) which identifies the existing soil resources available and highlights that the majority of the soils within the site are classed as being Grade 3a and therefore 'best and most versatile'.

Soils are to be retained and incorporated as part of the proposals and therefore would be stripped, handled and stored in accordance with best practice techniques in order to ensure that they are not damaged. The assessment identifies that there would be around 350,000m^3 of soil within the site which would be sufficient to for a 350mm thick soil resource over the restored landform however, it is recommended that the thickness of the soil profile be 1.2m thick and therefore there would be a shortfall of 850mm or 850,000m^3 over the total restored site area. The assessment recommends that this shortfall be met using discarded limestone processing wastes and this would provide a suitable substrate which would extend the rooting depth beneath the soils profile and enable the land to be restored back to Grade 3a agricultural quality.

Chapter 10: Heads of Terms – as part of the proposals the applicant has offered to undertake works and give commitments on land outside the planning application boundary and consequently proposes that these matters be secured by way of a legally binding Section 106 (S106) planning obligation/agreement. The original ES set out the broad terms/matters to be included within any such agreement which included a restriction on HCV routeing, securing and committing the applicant and landowner to the management of two nature conservation areas (approx. 27 ha), securing the creation of a permissive footpath and establishment of a liaison forum. As part of this agreement the applicant also offers to rescind that part of the extant ministerial ironstone consent insofar as it relates to land within the control of the applicant/landowner. The area of land covers approximately 614.4 hectares and includes area that have not previously been worked out but also areas of previously works land which it is stated could potentially be re-extracted in order to recover previously discarded mineral.

The applicant has subsequently submitted a draft copy of a S106 legal agreement (received 8 August 2016) which reaffirms their commitment and intention to provide the above in the event that planning permission is to be granted.

Chapter 11: Summary and Conclusions – this chapter draws together the issues discussed in the previous chapters and concludes that the proposed development can be worked and progressively restored in a phased manner and operated to high environmental standards to ensure there is no material harm to local amenity or local conservation interests.

Volumes II & III – these volumes contain copies of various technical assessments and reports which are included as Annexures to the main ES and the contents of which are summarised and form the basis of the contents of Volume I. The various annexures and reports are as follows:

Annexure 1: Landscape & Visual Impact Assessment
Annexure 2: Soil Resources Assessment
Annexure 3: Noise Assessment
Annexure 4: Transport Assessment
Annexure 5: Ecological Assessment
Annexure 6: Hydrological Impact Assessment
Annexure 7: Archaeological Evaluation Report
Annexure 8: Air Quality & Dust Assessment
Annexure 9: Market Appraisal (Inert wastes arisings and available landfill capacity)
Annexure 10: Copies of the extant Denton Ironstone Consent

Volume IV – this volume contains the 'Further Information' that was submitted pursuant to Regulation 22 of the EIA Regulations and contains further details relating to the mineral quality and quantity, details of the recycling operations, revised phasing plans, further hydrological and hydrogeological information, updated assessments in respect of the potential impacts on Belvoir Castle, The Drift SSSI and Waterbed Plantation Ancient Woodland.

Site and Surroundings

19. The application site covers an area of approximately 103.9 hectares and is located approximately 3.8km from the south-western edge of Grantham, 800m south of the entrance to the village of Denton, 1.5km to the south-west of the village of Harlaxton and 1.5km to the north-west of the village of Wyville. The site comprises several arable fields with close cropped internal hedgerows some of which have been removed to enlarge field sizes. The site is bound by mature hedgerows and woodland with The Drift Site of Special Scientific Interest (SSSI) and part of the Viking Way immediately adjoining the site along its south-western boundary and the Willowbed Plantation (Ancient Woodland) which adjoins the sites north-western boundary.

20. The northern boundary of the site is varied as it follows the field boundaries along the shoulder of the scarp slope. This boundary generally comprises of low managed hedgerows with sections of post and mesh fencing and in the north-eastern corner lies a small copse of mature trees known as Dilworth Clump which would be retained as part of the development. The eastern boundary of the site is defined by a mature hedgerow which is maintained at a height of around 2m and borders Stony Track which is a road running between the village of Denton and Gorse Lane.

21. In the south-eastern corner of the site lies a rectangular block of woodland known as Jimmy Green's Wood which also hides a small disused limestone

quarry and again would be retained as part of the development. The sites southern boundary runs parallel to Gorse Lane and is marked by an overgrown hedgerow which is dense in places but gappy in others and generally is around 3m in height. There are a number of mature trees within this hedgerow with the greatest proportion being located more towards the west.

22. The western boundary of the site is also marked by a native hedgerow which contains some gaps and is maintained at around 2.5m in height. This hedgerow separates the site from the adjoining The Drift SSSI which is an unmade track which runs alongside the south-western boundary of the site and which is designated as a SSSI due to the value of the limestone grassland. The Viking Way, a long distance route from the Humber to Lincoln, follows The Drift SSSI as it runs past the site. The Drift SSSI also marks the administrative boundary between Lincolnshire and Leicestershire.

23. The nearest dwellings to the site are located towards the north-western corner of the site and are a mixture of traditional farmhouses and barn conversions known referred to as the Hill Top Farm complex. The Hill Top Farmhouse and some of the associated barns are Grade II Listed. The paddocks associated with these properties provide separation between the application site boundary and these properties (approx. 100m) and this distance would be increased to approx. 200m as the proposed extraction boundary within Phase D would be set back further. The other nearest properties/dwellings to the site are located to the south of Gorse Lane beyond Jimmy Green's Wood which is located in the south-eastern corner of the site. These are Home Farm Dairy (approx. 90m), Rookery Farm (approx. 350m south) and Hungerton Hall and its associated stables which are also Grade II Listed (approx. 390m to the south-east).

24. Finally, access to the site would be provided by upgrading an existing field access onto Gorse Lane approximately 100m to the east of The Drift SSSI. The access would be constructed in an asymmetrical configuration in order to force all traffic to exit the site in a westerly direction back towards the A607. The A607 lies to the north of the site and runs in a generally south-west to north-east direction linking Grantham and Melton Mowbray.

Main Planning Considerations

National Guidance

25. 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 17 - seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 – states that all development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether, amongst other things, safe and suitable access to the site can be achieved for all people.

Paragraph 103 - seeks to ensure that flood risk is not increased on or off-site as a result of development.

Paragraph 109 - seeks to conserve and enhance the natural environment.

Paragraph 112 - seeks to protect the best and most versatile agricultural land and states a preference for development to be located on poorer quality land to that of a higher quality.

Paragraph 118 - seeks to conserve and enhance biodiversity and gives protection to Sites of Special Scientific Interest.

Paragraph 120 - seeks to prevent unacceptable risks from pollution and protect general amenity.

Paragraph 122 - states that local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Paragraph 123 - seeks to prevent adverse impacts as a result of noise pollution.

Paragraphs 128 to 135 - require that the significance of heritage assets (inc. non-designated assets) be taken into consideration, including any impacts on their setting.

Paragraph 142 - recognises the importance of minerals 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 establish noise limits for extraction in proximity to noise sensitive properties; and provide for restoration and aftercare at the earliest opportunity to high environmental standards.

Paragraph 145 – states that mineral planning authorities should plan for a steady and adequate supply of aggregates by, amongst other things, making provision for the maintenance of a landbank of at least 10 years for crushed rock. It is also stated that longer periods may be appropriate to take account of locations of permitted reserves relative to markets and productive capacity of permitted reserves.

Paragraphs 186 and 187 – state that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraphs 215 and 216 - state 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 NPPF, with the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. Weight may also be given to relevant policies contained within emerging plans with greater weight being afforded to taking into account their stage of preparation and/or the extent to which there are unresolved objections to relevant policies.

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 assessing environmental impacts such as noise and dust and the need for minerals sites to be restored at the earliest opportunity to high environmental standards.

The National Planning Policy for Waste (October 2014) sets out the national approach to waste management. A key focus of this is the requirement to drive waste management up the waste hierarchy, addressing waste as a resource and only looking to disposal as a last option. It advocates the proximity principle of dealing with waste as close as possible to its source. Appendix B sets out the locational criteria against which the suitability of sites for waste management should be assessed.

Adopted Local Plan Context

26. **Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016)** – this document was formally adopted on 1 June 2016 and as a recently 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 M1 (Recycled and Secondary Aggregates) states that planning permission will be granted for recycling/reprocessing of materials for use as

secondary aggregate in appropriate locations specified in Policy W4 and where proposals accord with all relevant Development Management Policies set out in the Plan.

Policy M5 (Limestone) states that proposals for extensions to existing limestone extraction sites or new limestone extraction sites (other than small scale extraction of building stone) will be permitted provided that they meet a proven need that cannot be met by existing sites/sources and accord with all relevant Development Management Policies set out in the Plan.

Policy W1 (Future Requirements for New Waste Facilities) states that the County Council will, through the Site Locations document, 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 up to and including 2031.

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 W6 (Landfill) states that planning permission will only be granted for new landfills or extensions to existing landfills (inert, non-hazardous) provided that:

- it has been demonstrated that the current capacity is insufficient to managed that waste arising in Lincolnshire or its equivalent, which requires disposal to landfill in the County; and
- there is a long term improvement to the local landscape and the character of the area, with enhanced public access where appropriate; and
- the development would not cause a significant delay to the restoration of existing waste disposal sites; and
- the proposals accord with all relevant Development Management and Restoration 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.
- 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 DM8 (Nationally Designated Sites of Biodiversity and Geological Conservation Value) states that planning permission will be granted for developments on or affecting such sites (e.g. SSSI's and Ancient Woodland) provided it can be demonstrated that the development, either individually or

in combination with other developments, would not conflict with the conservation, management and enhancement of the site to have any other adverse impact on the site. Where this is not the case, planning permission will be granted provided that:

- the proposal cannot be reasonably located on an alternative site to avoid harm; and
- the benefit of the development would clearly outweigh the impacts that the proposal would have on key features of the site; and
- the harmful aspects can be satisfactorily mitigated or, as a last resort, compensated by measures that provide a net gain in biodiversity/geodiversity; and
- in the case of a SSSI, there are no broader impact on the network of SSSIs.

Policy DM9 (Local Sites of Nature Conservation Value) states that planning permission will be granted for development on or affecting such sites (e.g. Local Wildlife Sites, Local Nature Reserves) provided that it can be demonstrated that the development would not have any significant adverse impacts on the site. Where this is not the case, planning permission will be granted provided that:

- the merits of development outweigh the likely impacts; and
- 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 (Soils) states that proposals should protect and, wherever possible, enhance soils.

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

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

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals should be designed to avoid

and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

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

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

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

Policy R2 (After-use) states that proposed after-uses should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character and the natural and historic environment of the area in which the site is located. After-uses should enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources, safeguard best and most versatile agricultural land and after-uses including agriculture, nature conservation, leisure recreation/sport and woodland. Where appropriate, the proposed restoration should provide improvements for public access to the countryside including access links to the surrounding green infrastructure. Policy R4 (Restoration of Limestone and Chalk Workings) states that proposals for limestone and chalk operations should be sympathetic to the surrounding landscape and prioritise the creation of calcareous grassland habitat, except best and most versatile agricultural land that would be restored back to agricultural land of comparable quality. Restoration should also seek to retain suitable exposures for geological educational use where appropriate.

South Kesteven Core Strategy (SKCS) (2010) - forms part of the Development Plan and therefore, 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 considered to be of particular relevance (summarised):

Policy EN1 (Protection and Enhancement of the Character of the District) sets out a number of criteria against which all development proposals are required to be assessed including (amongst others) statutory, national and local designations of landscape features, including natural and historic

assets; local distinctiveness and sense of place; the condition of the landscape; biodiversity and ecological networks within the landscape; visual intrusion; noise and light pollution, and; impact on controlled waters.

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

Emerging Local Plan Context

27. **Draft Site Locations Document (Preferred Site and Areas) of the Lincolnshire Minerals & Waste Local Plan (December 2015)** - between 4 December 2015 and 29 January 2016 consultation on a draft version of this document took place. The document sets out the preferred sites and areas for future minerals and waste development to be taken forward as well as those not to be taken forward to the next stage of plan preparation.

Policy SL2 (Waste Site Allocations) identifies the sites that are proposed to be allocated and safeguarded for Waste uses and states that applications for waste development on the sites identified will be permitted where the applicant can demonstrate that the proposal is in line with the Development Plan. The proposal site has been promoted by the applicant as a potential preferred site for an inert landfill site (Site ref: WS18-SK – Hill Top Farm) but has already been discounted as a potential site by the County Council.

Notwithstanding the above, in line with paragraph 216 of the NPPF, given its stage of preparation, limited weight may be given to this document in the determination of this application.

Results of Consultation and Publicity

28. The comments/responses set out in this section of the report are a summary of those received both as a result of the initial round of consultation undertaken when the application was first received as well as any subsequent comments which may have been received following consultation on the Further Information.

(a) Local County Council Member, Councillor B Adams – has indicated that he wishes to make his comments in relation to the proposal when the application is considered by the Committee.

(b) Denton Parish Council – responded (July 2015 and May 2016) stating that they object to the proposals on the following grounds (summarised):

- There is no need for limestone as the County already estimates a surplus of 23.87 million tonnes of aggregate by 2031. The proposed extraction of 250,000 tonnes per annum from this site

would equate to a quarter of the County's annual requirement of 1.1 million tonnes per annum.

- Inadequate evidence has been presented to demonstrate that 25% of the proposed reserves are actually Type 1 quality as only one sample is said to have been tested from the site. More evidence should be obtained before this can be substantiated.

- Concerns expressed about potential impacts on hydrogeology, in particular as groundwaters are believed to flow both north and south within the aquifer as they feed lakes within Denton Manor and also Denton Reservoir which feeds the Grantham Canal. The impact of the proposed operations and removal of the limestone therefore needs further assessment to ensure there is no risk.

- Planning permission for the importation and landfilling of inert waste at South Witham has been refused by the County Council on the basis of there being a surplus of inert landfill capacity within the County. Government policy is to recycle construction waste on site and the applicant claims to recycle around 85% of this type of waste on site. If this is the case then the inert wastes proposed to be landfilled within this site are likely to be clay or waste of a similar nature and could damage the aquifer and affect drainage of the restored farmland.

- Proposal does not meet the criteria for sustainable development and would have an adverse impact on the environment including the loss of high grade farmland, risk of dust (which has not be assessed properly), increased traffic and also impacts on the adjoining SSSI and roadside verges which would be affected by the proposed highway improvements.

- Although the applicant has confirmed that their own vehicle fleet would utilise technology to ensure vehicles follow the proposed routeing restrictions, not all quarry traffic would be owned by the applicant and so concerns remain about how this would be policed and enforced in the event these are breached.

- Question the claim that 30 jobs would be created by the proposal as it is unlikely that these would be new jobs or locally recruited staff.

In their initial response (received July 2015) it is stated that in the event that the County Council are minded to grant planning permission, the Parish Council has recommended that restrictions be imposed by way of conditions and/or a S106 Planning Obligation for the following:

- Prevents operations taking place at weekends and public holidays and the hours of operation should only be during daytime hours (maximum of 10 hours per day).
- The hours of operation for HGV traffic should be restricted.

- There should be 40mph speed limit on Gorse Lane from the site toward the A607 junction.
- Site access should be designed so that all traffic is forced to travel west towards the A607 when leaving the site and CCTV cameras should be installed to monitor this.
- Road improvements to Gorse Lane as well as reactive speed reminder signs should be installed on the approaches to the junction of the A607 and Main Street and Stony Track which are within Denton.

(c) Hungerton cum Wyville Parish Meeting – has made the following observations:

- There is no requirement for landfill sites within Lincolnshire. An existing site (South Witham Quarry) has only recently had planning permission refused on the grounds of lack of need.

- There is no requirement for limestone aggregate within a 20 mile radius of the site. Also the applicant states that the reserves are of superior quality although limited samples have been taken and so this should be properly assessed to determine whether or not this is the case.

- Although some of the proposal site lies within the historic planning permission area around 30% does not.

- The land is used for farming and is in-keeping with the rest of the surrounding environment whereas a quarry is not.

- Potential impacts on the underlying groundwater and aquifer which could affect natural springs in the area. This needs to be properly investigated.

- Adverse impact on local businesses including nearby livery and stables. The development would have a detrimental effect on the schooling and safety of riders especially due to noise and traffic.

- Potential dust impacts need to be properly assessed.

(d) Harlaxaton Parish Council – has responded (received June 2015 and June 2016) stating that they strongly object to the proposals as a significant number of villagers and Parish Councillors have concerns about the development. The grounds of objection are as summarised as follows:

- Noise and dust impacts: concerns about how dust and noise would be managed and it is argued that no specifics have been given regarding what acceptable limits for noise and dust would be or how

these would be managed if limits were exceeded. Noise levels have also not been monitored in Harlaxton.

- Increased HGV traffic: concerns about increased traffic and safety risks along the A607 particularly through Harlaxton and the major junction with the Gregory Public House, and where controversially, the speed limit is already too high at 50mph. Although the applicant has offered a HGV routeing agreement and confirmed that their own vehicle fleet would utilise technology to ensure vehicles follow the proposed routeing restrictions, not all quarry traffic would be owned by the applicant and so concerns remain about how this would be policed and enforced in the event these are breached.

- No economic case has been made for mining limestone or creating an additional inert landfill site within the County for which the recently adopted Minerals and Waste Local Plan confirms that there is no identified need for.

- The application plays down the impacts of the development on Belvoir Castle as the quarrying operations would alter the shape and appearance of the landscape and, unlike agricultural vehicles which are present occasionally, quarry plant and equipment (including lights) would be constantly visible.

- Concerns expressed regarding the loss of important wildlife habitat, valuable farmland and risk of destabilisation of the water table in particular upon the Hungerton Spring. The development would also impact upon the Willowbed Plantation which has recently been confirmed as a scheduled Ancient Woodland and which has complex surface and groundwater features. These have not been monitored and the NPPF states that Ancient Woodlands should be protected.

In the initial response received it was stated that in the event that planning permission is granted despite the Parish Council's concerns it is requested that conditions be imposed to secure the following:

- Traffic calming measures – inc. along the A607 such as pedestrian islands close to the Gregory Public House, lowering of speed limits through Harlaxton from 50mph to 30mph, weight restriction imposed on Swinehill/High Street to prevent this being used as an alternative route for quarry traffic.

- Quarry traffic management – inc. no left turn out of the site including appropriate access design so as to deter this as well as installation of CCTV cameras to ensure routeing is enforced.

(e) Natural England (NE) – initially responded (received July 2015) commenting that whilst clarification would be required in terms of the existing and restored soil volumes and handling procedures, NE were

generally satisfied that the existing best and most versatile agricultural land should be capable of being restored back to a roughly equivalent quality. Conditions could be imposed requiring the applicant to implement an Annual Soils Management Audit (to confirm how soils would be stripped, handled, stored) and to secure further details of the aftercare proposals and procedures to ensure the site is managed appropriately post-restoration to ensure a beneficial agricultural after-use.

Following the submission of the Further Information a subsequent response was provided (received June 2016) which focuses primarily on the impacts of the development on the Drift SSSI and roadside verges as a consequence of the proposed road widening works along Gorse Lane. In this response, NE acknowledge that the Further Information submitted confirms that the proposed road widening works would result in the direct loss of grassland habitats including approx. 32m^2 of land which falls within the SSSI boundaries. NE acknowledges that the provision of other traffic management measures (e.g. traffic signals, priority junctions) in the area where the SSSI and Gorse Lane meet would not be practical or appropriate and therefore the proposed road widening works are the only practical option.

Although the loss of the grassland habitats is this location is therefore recognised the survey information provided as part of the Further Information demonstrates that the land lost is highly degraded as a consequence of the existing use of the carriageway by vehicles, lack of existing management and unauthorised human interference. NE consider that the loss of the existing degraded grassland habitat could however be compensated for through the creation of calcareous and species-rich grassland elsewhere within the application site. Measures could also be taken to prevent current and future damage to the SSSI through the installation of kerbs which would not only discourage vehicles overrunning the roadside edges but could also secure improved drainage which would reduce standing waters and pollution to the SSSI from pollutants such as road salt and oils. Subject to the imposition of conditions to secure these works, NE has confirmed that despite the direct impacts upon the Drift SSSI they have no objection to the proposed road widening proposals.

(f) Lincolnshire Wildlife Trust (LWT) – initially responded (received August 2015) commenting that they welcomed the measures that have been proposed by the applicant to safeguard and protect the adjoining Drift SSSI (e.g. stand-off/buffer strip, screening bund and implementation of dust management scheme) as well as the proposals to create new areas of calcareous grassland and to plant species rich hedgerows as part of the restoration proposals. The LWT also welcomed the proposed management of the off-site Nature Conservation Management Areas (e.g. Willowbed Plantation and Wealdmore Brook) and were also satisfied with the survey information and mitigation

measures proposed as part of the development to protect and minimise any impacts upon protected species.

However, LWT did initially express concerns regarding the potential impact of the proposed road widening works along Gorse Lane upon both the Drift SSSI and adjoining roadside verges and consequently requested that further information be provided to assess and clarify the extent of these works. Concerns were also expressed regarding the potential impacts upon hydrology of the wider area and therefore requested that further assessments and monitoring be carried out.

A subsequent response was provided (received June 2016) following the submission of the Further Information. LWT's latest response makes no further comments with regard the survey information and details regarding the proposed road widening works and impacts upon the Drift SSSI and roadside verges. However, LWT do maintain their concerns regarding potential impacts upon the wider hydrogeology/hydrology of the area and are concerned that there is the potential for indirect effects upon the adjoining Willowbed Plantation which has recently been designated as Ancient Woodland. Although LWT note that the Environment Agency agrees with the conclusions of the ES that it is believed that the Willowbed Plantation is not a groundwater dependant feature, LWT are aware of contrary views expressed by other parties (namely Canal & Rivers Trust and GOLAG) and therefore question the sufficiency of the data and assessments undertaken.

Given the irreplaceable nature of Ancient Woodland it is therefore stated that if planning permission is to be granted then the Minerals Planning Authority must be satisfied that sufficient information has been provided to enable an informed decision to be made. Additionally, should planning permission be granted it is recommended that water level monitoring within the woodland be secured which would allow changes in the hydrology of the woodland to be detected and mitigation measures implemented to ensure that the woodland is not adversely affected.

(g) Woodland Trust – were consulted following the designation of the Willowbed Plantation as Ancient Woodland in May 2016. The Woodland Trust has commented that on technical matters such as hydrology the Trust defers to the Environment Agency as they are the statutory body with expertise in this area. Subject to the Environment Agency not raising any objections the Trust has no objections to the proposals subject to the development being carried out in accordance with the details as contained within the application in particular the provision of the stand-off distances between the proposed working areas of the quarry and the adjacent Willowbed Plantation.

(h) Highways England – originally responded (received June 2015) confirming that they have no objection to the proposals and confirmed

that they had no further comments in a subsequent response (received June 2016).

(i) Historic England (HE) – initially responded (received June 2015) noting that whilst the assessments contained within the ES identified and assessed the impact of the development on the setting of designated assets around the site (including Belvoir Castle), those assessments did not illustrate the potential views of the proposal site that may be obtained from Belvoir Castle itself and which could therefore effect its setting. HE advised that sufficient information should be submitted to demonstrate and corroborate the statement and assessments of impacts arising from the proposed development and in response to this the applicant subsequently submitted such information as part of the Further Information.

A subsequent response (received June 2016) was received in response to the Further Information which welcomed the submission of the supplementary assessment undertaken which considered the potential impacts of the development upon views from Belvoir Castle. HE has not stated whether they object or not to the proposal but have advised that in line with the advice in the NPPF, the impact of the proposed development on Belvoir Castle and its setting should be given great weight and that where development would lead to harm to designated heritage assets then the public benefits of the proposal should be assessed against the level of harm caused. It is added that even if that harm is less than substantial it does not necessarily mean that it is automatically acceptable.

Finally, it is recommended that further guidance and advice be obtained from the County Council's own specialist conservation and archaeological advisors prior to determining the application.

(j) Historic Environment (Lincolnshire County Council) – comments have been made in respect of the impacts on archaeological interests and upon the setting of designated heritage assets and the historic landscape.

Archaeological issues: The archaeological evaluation which forms part of the EIA confirms that a series of archaeological features exist across the site mainly relating to the Iron Age and Roman period but with some evidence of earlier prehistoric usage. The level of significance is largely local although the density of features in the central area suggests that it might be one of the so-called 'ladder settlements' which are a particular type of Iron Age settlement only found in the Midlands and this would give a more regional significance. However, it is stated that the significance of these means that the impact of destruction of these remains could be mitigated by recording archaeological remains prior to extraction works and therefore it is recommended that should consent be granted there should be a condition which requires an archaeological scheme of works to be undertaken.

Setting of designated heritage assets and the historic landscape: It is stated that whilst there are no designated assets within the proposed site there are a number nearby including Hill Top Farm (Grade II Listed) and its associated barns (also Grade II Listed) which are situated immediately adjacent to the proposed site. The current setting of these buildings is agricultural land which contributes to their significance as farmhouse buildings and it is considered that there would be a visible impact upon the setting of these buildings, as well as impacts associated with dust and noise, whatever mitigation measures are implemented given the close proximity of these properties. Consequently, there would inevitably be an impact on the rural setting of the farmhouse and its associated buildings.

Additionally, Hungerton Hall is 400m from the southern boundary of the site and although there is no impact on visibility, once again it is considered that there would be impacts from noise and dust despite the conclusions in the EIA that this impact would be neutral. The historic designed parkland associated with Hungerton Hall is also immediately adjacent to the whole of the southern boundary of the proposal site and there would be an adverse impact upon this as a result of the proposals as the hedgerows which run along Gorse Lane would only form a partial barrier in summer when the leaves are on the trees. Part of the designed parkland also comprises of former ponds which were fed from a stream which rose somewhere west of the hall and towards the proposed site, in older maps the stream and ponds are shown, but currently these are intermittent. This reduction in water level may have been due to the historical working of a small quarry in the south east corner of the proposed site (i.e. Jimmy Green's Wood) which may have cut into the underlying water table. This possibility should be investigated as a further reduction in water levels could impact even further on these streams and ponds. Similar concerns are raised in relation to the watercourses and ponds on Denton Manor estate which is not far from the northern boundary of the proposal site and which are fed by a stream which runs along the northern boundary of the proposed site. If there was a possibility of extraction having an adverse impact on this stream, then this too would cause an adverse impact on the ponds in the designed historic parkland of Denton Manor.

Finally, it is stated that whilst historically there has been small scale extraction of stone across the parishes in this area, it has been very small scale and has not adversely affected the landscape which is described in the South Kesteven Landscape Character Assessment as relatively unspoilt undulating agricultural landscape. It is considered that the proposed operations would inevitably adversely affect this landscape for some years and would be contrary to South Kesteven Core Strategy Policy EN1 which 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. The Historic Environment Officer notes that whilst the LVIA contained within the ES concludes that there would be no conflict with this policy they

disagree and consider that there clearly would be an impact during the operations and whatever restoration is proposed it cannot 'put back' historic detail and therefore inevitably there would be impacts for which it would be difficult to achieve full mitigation. The adverse impacts of this proposal however have to be balanced against potential public benefit, and therefore taken into account when considering this application.

(k) Environment Agency (EA) – initially responded (received June 2105) confirming that they had reviewed the ES and in particular the Hydrogeological Impact Assessment and agreed with the conclusions which indicated that the limestone at the site is largely unsaturated and does not provide a significant groundwater resource to any users or surface features. As a result it was concluded that the mineral extraction operations would not appear to require any dewatering and there would be little effect on groundwater levels. Consequently, no objections were raised to the proposals.

A subsequent response (received May 2016) was received in response to the Further Information and this response confirms that having considered the additional borehole monitoring records and hydrogeological review/assessment submitted as part of that response, the EA are still in general agreement with the findings of the ES and that the additional borehole and groundwater monitoring undertaken have helped to refine the conceptual understanding of the site. The EA has however made a number of comments about certain elements of the conclusions and interpretations made within the Further Information the most significant of which confirms that whilst the EA agree that the assessments undertaken continue to largely show that the limestone is largely unsaturated, they do indicate that groundwaters would be encountered within the limestone deposit where workings are proposed close to the southern boundary of the site. As a result, although the EA have not raised an objection to this it is commented that the working scheme for the site may need to be revised to take into account periods when groundwaters could be encountered which is more likely to occur during the winter months.

In respect of potential impacts on the Hungerton Spring, the EA note that there are on-going discussions between the applicant and the Hungerton Hall Estate regarding the potential establishment of a flow monitoring, surface water quality and off-site monitoring borehole although these are a private matter. In this regard the EA have indicated that they are generally satisfied with the working scheme, restoration and drainage proposals and therefore subject to the implementation of the mitigation and water management procedures proposed within the application, overall maintain no objections to the proposals.

(l) Environmental Health Officer (South Kesteven District Council) – notes that no mineral processing would take place within 500m of any

residential dwelling and the proposed soil bunds should alleviate noise and to a lesser degree any dust from the site. It is stated that dust monitoring must be undertaken however and a planning condition is recommended to secure this. Finally, it is noted that on-site activities would also require and therefore be controlled by an Environmental Permit which would address potential air quality, land, water and noise pollution issues.

(m) Highways & Lead Local Flood Authority (Lincolnshire County Council) – in respect of highways matters, no objections are raised but it is recommended that should planning permission be granted then the routeing agreement should be secured by way of unilateral undertaking (secured as part of a S106 Planning Obligation). It is also recommended that the proposed widening proposals along Gorse Lane be secured by way of a Section 278 Highways Agreement.

In their capacity as Lead Local Flood Authority, no objections are raised provided that the development is implemented in accordance with the details contained within the application and that discharges are limited to greenfield run-off rate with attenuation provided as proposed. It is commented that the proposal site is across a number of catchments and it is therefore essential that during the extraction phase the discharge to each catchment area is not above the rate for that individual catchment area and that when the restoration so complete the catchments should be restored.

(n) Upper Witham Internal Drainage Board – responded (June 2015 and May 2016) confirming that their comments form part of the overall response provided by the Highways & Lead Local Flood Authority (see above).

(o) Ramblers Groups/Association(s) – separate responses were received from the following different branches/areas.

- Grantham – object due to the proposals close proximity to the Viking Way which is an internationally recognised long distance route and potential dangers to walkers and users of this route from the mining activities if explosives are permitted and increased traffic using Gorse Lane which would be a danger to walkers wishing to access footpaths in the area.

- Nottinghamshire – object to the proposal due to its close proximity to the Viking Way which is an internationally recognised long distance route running alongside the western boundary of proposed quarry. People come to the area to walk the Viking Way and to enjoy the views and peace and tranquillity of the countryside and this proposal would impact upon that enjoyment.

- Vale of Belvoir – also object to the proposal due to its close proximity to the Viking Way which is an internationally recognised

long distance route running alongside the western boundary of proposed quarry. Objections are also made on the grounds of the loss of farmland, mature hedgerows, existing habitats as well as disturbance to brown hares and farmland bird species (e.g. Skylark, Lapwing, Yellowhammer, etc). It is also stated that there would be increased health and safety risks as a result of dust and traffic both along Gorse Lane and the A607 and that there is no need for more limestone within the County or landfill sites to justify this proposal. The development would also destroy an important limestone aquifer and pose a risk to the quantity and quality of regional water supplies and have a significant adverse impact on the character of the area and visual setting for walkers using the Viking Way and surrounding area.

Overall the development is therefore not considered to meet the criteria for sustainable development as defined within the National Planning Policy Framework.

No further comments/responses have been received.

(p) Canal & River Trust – responded (July 2015 and May 2016) and object to the application as they have concerns that the quarrying operations would affect the natural spring systems which lie to the north of the site and which feed Foston Beck and Denton Reservoir which itself ultimately feeds into the Grantham Canal. Grantham Canal is no longer navigable along its full length but it is undergoing restoration and the continued supply of water is therefore vital to its success.

The Canal & River Trust note the findings of the hydrogeological assessments that have been undertaken as part of the ES but do not believe that these provide sufficient evidence to confidently demonstrate that the springs to the north of the site are not also feed and recharged via groundwaters within the limestone deposit. Therefore the Trust considers that the risk of adverse impacts on the water supply to the Denton Reservoir and Grantham Canal have not been properly quantified or assessed. The proposed development is therefore not considered to accord with Policy DM16 of the CSDMP which states that planning permission for minerals and waste development will not be granted where they would have an adverse impact on surface and groundwaters.

The following bodies/persons were also consulted both when the application was originally submitted and on the Further Information but no comments/response had been received by the time this report was prepared.

Great Ponton Parish Council
Little Ponton & Stroxton Parish Council
Lincolnshire Fieldpaths Association.

29. The application has been publicised by notices posted at various locations around the site and in the local press (Grantham Journal on 19 June 2015 & again on 20 May 2016 following the submission of the 'Further Information'). Letters of notification were also sent to the nearest neighbouring residents to the site.

A local group called 'Gorse Lane Quarry Action Group' (GOLAG) has been formed and have made substantial representations in respect of the proposal including the submission of specially commissioned reports by planning and hydrogeology consultants which critique and expand upon the objections raised by GLOAG as a whole.

A petition with 518 signatories has also been received which objects to the proposals on the grounds that it is considered that the development would lead to the loss of farm land on Gorse Lane and cause consequent damage to wildlife and the community.

A total of 165 individual representations objecting to the proposals have also been received which include letters/emails from local residents and the surrounding communities, adjoining landowners as well as representatives and pupils of nearby schools and colleges. Following the submission of the Further Information a further 72 letters/emails were received from previous representatives which reiterate their original objections and/or provide further comments (resulting in a total of 237 letters/emails overall).

A summary of the issues/objections raised within the individual representations and those made by GOLAG are set out below:

- Objections on the grounds that there is no justified or proven need for limestone aggregate within the County as there is a substantial landbank of existing reserves available to meet demand during the current Plan period. Although the applicant argues that the site would produce Type 1 aggregate this is questioned and even if this were the case then the proportion and volumes cited as being recoverable would not justify a quarry which could operate for 30 years or more.

- Objections on the grounds that there is no need to create new inert landfill capacity within the County. The recently adopted Core Strategy of the Minerals and Waste Local Plan confirms this and so to grant planning permission would be in conflict with this and the Government's policy which is seeking to promote recycling rather than disposal of wastes to landfill.

- Objections on the grounds that the development would result in the loss of over 100 hectares of high quality agricultural land which should be protected. The loss of the land would be contrary to both national and local planning policy and its restoration would be to a much lower quality.

- Objections on the grounds that the development would have a significant visual impact and have an adverse effect upon the character and tranquil

nature of the countryside which is frequently used by walkers, cyclist and horse riders, etc.

- Objections on the grounds of the potential for increased dust arising from both the extraction and landfilling operations and that given the prevailing wind direction could have an adverse amenity and health impact (e.g. increase incidences of asthma) upon local residents especially those living within Harlaxton.

- Objections on the ground of increased HGV traffic in particular along the A607 and potential for them to pass through local villages. Concerns expressed that the number, size and frequency of such vehicles would increase the risk of accidents and could jeopardise the safety of other road users (e.g. pedestrians, walkers as well as drivers) which use the area. The extra traffic would also cause damage to the road network (especially Gorse Lane) which is stated as already being in a poor condition and unsuitable for such heavy traffic.

- Objections on the grounds that the development would have a significant detrimental impact upon the adjoining Kings Luds Entrenchment and Drift SSSI both in terms of noise and dust but also potentially due to changes in hydrology.

- Objections on the grounds that the development would impact upon surface and underlying groundwater flows and in particular that the quarrying operations could negatively impact and affect supplies to existing natural springs and watercourses including Hungerton Spring, Denton Reservoir and Grantham Canal).

- Objections on the grounds that the development would have an adverse impact on the recently designated Willowbed Plantation Ancient Woodland. This area should be protected and could suffer impacts as a result of changed in hydrology and from dust and pollution as it is immediately adjacent to the application site.

- Objections on the grounds of the loss of hedgerows, trees and loss of habitats which support local wildlife and protected species including birds, mammals, badgers and great crested newts.

- Objections on the grounds of increased noise arising from both HGV traffic but also the quarrying operations. The increased noise would have an adverse impact upon the enjoyment of the countryside and surrounding area.

- Objections on the grounds of potential light pollution from the processing plant and quarrying operations and consequential industrialisation of the countryside.

- Objections/comments that the application for this proposal should be judged fairly and equitably based on its merits and not against the threat

that the Denton ironstone consent and the environmental impacts of that development could potentially have.

- Objections on the grounds that the quarry would be visible from Belvoir Castle which is a tourist attraction and would damage the current unspoilt views that can be gained from this location.

- Comments that the proposed 31 jobs created by this development would not be local and therefore of no benefit to the local community or economy.

One letter of support has been received on the grounds that the development would provide jobs and because limestone is used for the construction industry and could be used to help build more homes, hospitals and roads.

County and District Council's Observations/Recommendations (inc. adjoining Authorities)

30. South Kesteven District Council – initially responded (received July 2015) and made the following comments in relation to the proposal:

a) Landscape & Visual Impact – disagrees with the Landscape & Visual Impact Assessement which concludes that there is no conflict with the South Kesteven Core Strategy Policy EN1. The proposal lies within the Kesteven Uplands which is described as being a relatively unspoilt undulating agriculutral landscape and there will inevitably be an adverse landscape and visual impacts through the nature of the operations which can never be fully mitigated through landscaping. The proposal therefore conflicts with Policy EN1 and this should be given due weight in the planning balance and planning permission should only be granted if the County Council is satisifed that the benefits outweigh the adverse impacts.

b) Impacts on Listed Buildings – the ES understates the potential impact of the development on the group of Grade II Listed Buildings which are located towards the north-western corner of the site. Whilst some landscaping, including woodland planting and bunding, is proposed there would be some inevitable adverse impact (less than substantial harm) on the relatively unspoilt setting of these heritage assets. The proposal therefore again conflicts with Policy EN1 in this regard and so should be should be given due weight in the planning balance and planning permission should only be granted if the County Council is satisifed that the benefits outweigh the adverse impacts.

c) In the event that the County Council be minded to approve the proposals it is recommended that the following first be considered:

- That the northern boundary of the site be moved back to create a more acceptable seperation distance and to correspond with the boundary of the extant historic permission.

- That all removed topsoil should be stored and then replaced when quarrying is completed.

- That the County Council are satisifed that the extant historic permissions are capable of being implemented and therefore a genuine fallback position.

- That traffic and highway impacts be fully assessed especially in connection with the bridge on Gorse Lane which crosses the A1 as well as the wider traffic within Grantham and the surrounding area.

- It is recommended that a planning condition be imposed requiring dust montioring be undertaken (as per the advice of the EHO).

A subsequent response was received (received August 2015) which highlighted local concerns that the Council had received directly from the local community in respect of the potential impacts of the development of the Drift SSSI, impacts on water quality and quantity, loss of best and most versatile agricultural land, impacts on local amenity through dust and noise, HGV traffic and concerns over how this could potentially be controlled. It was requested that these issues should be taken into account and given due weight in the determination of the application.

Finally, in response to the Further Information a final response (received August 2016) was received which, whilst indicating that they have 'no objections to raise', confrims that the Council's previous comments made in ealier representations should continue to be taken into consideration.

Leicestershire County Council (acting as adjoining County Planning Authority) – initially responded (June 2015) confirming that land immediately to the west of the application site also has a dormant planning permission for ironstone working but that this application does not include land within that permission area. The phasing proposals for the quarry would mean that the workings would not be close to the Leicestershire boundary until towards the end of the sites life and that boundary hedgerows and trees are to be protected and enhanced as part of the development. Consequently, subject to appropriate environmental controls being imposed by conditions they have no objection to the proposals.

A further response was received (June 2016) which confirmed that they have no further comments to make other than that the Council's landscape architect has considered the Further Information submitted and concluded that the supplementary LVIA which considers the potential impacts upon Belvoir Castle is acceptable and that the direction of working within Phase

B, so that operations move from a south-east to north-west direction, would ensure that the development would not have a significant landscape and visual impact for views from the Leicestershire boundary.

Leicestershire County Council (acting as adjoining Highways Authority) – responded (June 2015) acknowledging that concerns about increased HGV traffic on Gorse Lane/Three Queens Road, the A607 and potentially movements on weight restricted routes within the Vale of Belvoir had been raised by the Gorse Lane Action Group (GOLAG). Whilst these concerns are noted, and it is accepted that the development would increase HGV movements, it was commented that these are unlikely to lead to or create severe harm which would need to be demonstrated if refusal of the application was to be justified on these grounds. The A607 is a designated HGV route and so it could not be argued that this road is unsuitable to cater for HGV traffic. With regard to concerns about increased HGV movements on roads within the Vale Of Belvoir, given these roads already have a weight limit it would not be possible to seek to resist this proposal on that basis. Whilst HGV's would be able to deliver to sites within any weight restricted zone this would be the case whether the mineral extraction took place at this proposal site or any other site within the Country.

Consequently, no objections are raised to the application subject to the applicant entering into a Unilateral Undertaking (secured via a S106 Planning Obligation) in order to secure the routeing of all HGV traffic to and from the site via Gorse Lane/Three Queens Road and via the A607 to the west of the site (as proposed by the applicant) and that the proposed road improvements to Gorse Lane/Three Queens Road and the junction with the A607 should also be secured and carried out before the development commences. These works would need to be secured via S278 Agreement under the Highways Act 1980.

No further comments/response had been received.

Croxton Kerrial & Branston Parish Council – as the proposed quarry is not within their County and is upwind of the nearest habitation in the Parish, they have not commented on sustainability issues or the immediate environmental impacts arising from the proposed quarrying operation. However, the Parish Council objects to the proposal on the grounds of highway and public safety as traffic arising from this proposal would use the A607 which passes through the centre of the main village.

If planning permission was to be granted then the Parish Council argues that all traffic should remain in Lincolnshire and so should be directed towards Grantham with improvements being made along Gorse Lane to enable this. Alternatively, if traffic is not restricted solely to Lincolnshire then the full section of Gorse Lane between the site and its junction with the A607 must be upgraded to allow two way HGV traffic. It is also requested that quarry traffic be prohibited from travelling along routes off the A607 within Croxton Kerrial (like is identified by the applicant within Denton and Harlaxton) and that all traffic movements be scheduled so as to avoid school times. Finally,

it is also requested that should permission be granted then improved crossing points (inc. a zebra crossing) should be provided on Main Street within Croxton Kerrial and that the Parish Council be invited to attend any Site Liaison Group/Committee.

Melton Borough Council – was originally consulted on 4 June 2015 and again following the submission of the Further Information on 12 May 2016 but no response had been received by the time this report was prepared.

Conclusions

30. This is a very complex proposal which raises a number of significant issues which need to be carefully considered. The main key issues are considered to be:

- the need and justification for the new mineral reserves and proposed landfilling operations;
- an assessment of the main impacts associated with the current proposals; and
- whether the current proposals (including the applicants offer to rescind their interest in those parts of the wider Denton ironstone consent under their control) offer an environmental benefit which outweigh the impacts associated with this proposal such that the development can be supported.

Need for limestone

31. The recently adopted Lincolnshire Minerals and Waste Local Plan: Core Strategy & Development Management Policies (CSDMP) (Table 3) confirms that there is more than sufficient limestone reserves available to meet future requirements with a surplus of around 29.09 million tonnes being cited as available at the end of the Plan period (i.e. 2031). Given the size of the limestone reserves there is therefore no quantitative need to release additional reserves at this time, however, the permitted reserve figure does exclude reserves that could be added to the landbank through the reactivation of dormant sites. This application includes land covered by the Denton ironstone consent (i.e. a dormant permission) and therefore could potentially be worked if an Initial Review of the extant permission was to be undertaken. If such an application were to be submitted the MPA would not be able to refuse that application on the grounds of the lack of need for those reserves, however, this application does also include land that lies outside the boundaries of the Denton ironstone consent area. As a result, this application does seek to release new, unconsented limestone reserves and therefore a case for the need and/or justification to allow the release of those reserves does need to be given consideration in terms of their compliance with the aims, objectives and policies of the current Development Plan.

32. Although there is no quantitative need to release additional reserves at this time, Policy M5 of the CSDMP does allow for proposals for new or

extensions to existing limestone extraction sites to be supported where it is demonstrated that they meet a proven need that cannot be met by existing sites/sources and comply with all other policies in the Development Plan. In terms of demonstrating a proven need the CSDMP indicates that examples of when 'exceptional circumstances' may exist to support the release of new reserves could include where the mineral deposit has special characteristics not found in other deposits or even where there may benefits in allowing a 'swap' whereby an existing permission for a site causing environmental damage would be revoked in exchange for a new site with minimal environmental damage. These two scenarios are applicable in this case as the applicant states that limestone deposit within the site can produce a higher grade limestone aggregate (i.e. non-frost susceptible Type 1) not produced elsewhere by other quarries in Lincolnshire and that their offer to rescind existing interests and rights to work land subject of the Denton ironstone consent would, in effect, be a swap and that the proposals as a whole offer wider environmental benefits than the potential reactivation of that extant planning permission.

33. In terms of the quality of the limestone reserves, the applicant submits that around 1,900,000 tonnes of the total 5,900,000 tonnes of limestone proposed to be extracted would be of the higher grade Type 1 limestone aggregate specification. Historically this quality of limestone aggregate has not been produced from other quarries within the County working the same Lincolnshire Limestone deposit due to the relatively low strength and poor resistance that those aggregates possess. As a result, typically Type 1 materials have had to be imported from sources outside the County or can potentially also be sourced from recycled aggregates. The applicant therefore argues that the special characteristics of a proportion of the reserves available within this site present an 'exceptional circumstance' which should support the release of these additional new reserves.

34. The applicant's assertion that the site would be capable of producing the volumes of the Type 1 limestone cited are based largely on the results of a very limited sampling size and given the known variation and poor quality of the limestone usually found within the same deposit worked elsewhere it is debatable how confident and reliable these estimated volumes are. Notwithstanding this, a British Geological Survey (BGS) report commissioned by Officers during the consideration of this application does indicate that there is a possibility that the limestone deposit within the proposal site could be capable of producing the Type 1 aggregate although the BGS report does not give an indication as to what proportion of the total reserves within the site would be likely to consist of this higher grade product and neither does it rule out the fact that such materials could not also be produced from other quarries working the same limestone deposit elsewhere. In fact the potential reason why other quarries have not historically produced the Type 1 product is not necessarily because it is not present but is likely to be due to the additional processing requirements and costs required to produce it and given the relatively low volumes present within the deposit this may not historically have been deemed viable by other operators. Nevertheless even if it is accepted that the volumes cited

by the applicant are likely, then the higher grade Type 1 aggregate would still only represent approx. 32% of the total reserve and given the variable nature of the deposit it is not unreasonable to assume that the actual volumes could in vary places across the site. Consequently, the volumes of Type 1 produced each year could vary significantly year on year and even if the deposit was evenly dispersed this would still only represent approx. 65,000 tonnes of the estimated total 200,000 tonnes of mineral to be extracted per year. Consequently, the overwhelming majority of the reserves released would still comprise of low quality aggregate for which there is no need or requirement and even if the figures cited are accurate the relatively low volume of the Type 1 limestone aggregate is not considered sufficient to convince your Officers that this proposal represents an exceptional circumstance.

35. Consequently, in conclusion, there is no quantitative need to justify the release of new limestone reserves at this time. Although a proportion of the limestone reserves identified as being present within the site may have special characteristics and properties and as such a higher quality not currently available from existing sites/sources, given the proportionally low quantities of such materials when compared with the higher volumes of lower quality aggregate for which there is already a substantial landbank of existing permitted reserves available, your Officers do not consider there to be a proven need or exceptional circumstance to support the release of those minerals at this time. Therefore the proposed development has failed to demonstrate compliance with Policy M5 of the CSDMP.

Need for landfill provision

36. The application proposes to progressively restore the site through the importation and landfilling of a significant volume of inert wastes (approx. 2,135,000m^3 /3,202,500 to 3,416,000 tonnes). The importation and use of wastes or materials not derived from the site is not permitted by the Denton ironstone consent and consequently consideration needs to be given in terms of how this aspect of the development would accord and meet the aims, objectives and policies of the current Development Plan.

37. The National Planning Policy for Waste, the Planning Practice Guidance 'Waste' and the recently adopted CSDMP all seek to move the management of waste up the waste hierarchy and therefore support proposals which facilitate this overall objective. Proposals for new waste management facilities of all types will therefore be considered in terms of how they would help to meet the predicted capacity gaps for waste arisings within the County and thus meet the objectives of Policy W1 of the CSDMP. Within this context the disposal of waste through landfill is considered to be a last resort and therefore proposals which seek to create new landfill void space capacity are generally discouraged and only supported where they demonstrate compliance with the criteria set out in Policy W6 of the CSDMP.

38. Policy W6 states that permission for new landfill will only be supported where they current capacity is insufficient to manage waste arising in Lincolnshire or its equivalent which requires disposal to landfill in the County; where there is a long-term improvement to the local landscape and character of the areas with enhanced public access (where appropriate); where such proposals would not cause a significant delay to the restoration of existing waste disposal sites and where proposals accord with other policies contained within the Development Plan.

39. In terms of existing landfill void space capacity, the recently adopted CSDMP maintains the objective of not seeking to provide new inert or non-hazardous landfill capacity above current levels. Although the CSDMP (Table 9) does confirm that there is an identified capacity gap for inert only landfill from the year 2019, the plan does not seek to allocate additional sites and no sites are being promoted within the emerging Site Locations Document which will eventually support the CDSMP and form part of the Lincolnshire Minerals and Waste Local Plan. The reason no sites are being promoted is due to a number of reasons including the fact that there is a recognised surplus of non-hazardous landfill already available throughout the Plan period (i.e. up to 2031) and because a number of the existing landfill sites have end dates extending beyond the Plan period and have no restrictions on the rates of infilling and therefore these could be increased to meet demand and reduce the identified capacity gap if necessary. The site itself has not been identified as potential future mineral site within the emerging Site Locations Document due to the existing volume of permitted limestone reserves and also has already been considered and discounted as a suitable site for the establishment of new inert landfill facility because of the site's failure to meet the required Level 1 assessment criteria due to its proximity to a SSSI and consequently was not considered a suitable site to take forward to stage 2 of the assessment. The reason cited for discounting this site within Table 6 of this document is also cited as being due to the site being 'outside the spatial strategy area/no identified need for facility' and although it is accepted that this document is still in its early stages of preparation and therefore carries little weight in the determination of this application, nevertheless it doesn't alter the fact that there is no quantified need create inert landfill given the existing capacities available and therefore this proposal has failed to demonstrate compliance with the first criteria of Policy W6 of the CDSMP.

40. In terms of compliance with the other criteria of Policy W6, the applicant has argued that it is necessary to import the volume of wastes required in order to restore the site to a landform that is sympathetic both with the existing local landscape and character and to enable the reinstatement of the existing best and most versatile agricultural land. The site is also proposed to be progressively restored which would not only minimise the disturbance and area of active working at any one time but also ensure that the impacts upon the existing land-uses and environment are minimised.

41. As discussed later in this report, if the applicant decided to reactive the Denton ironstone consent via an Initial Review application as an alternative

to the current proposals (as has consistently been stated as a 'fall back' position within the application should planning permission not be granted for this proposal) then given the limitations of that consent (i.e. it does not allow the use of imported wastes) then a restoration scheme would have to be designed which would create an acceptable landform and after-uses without the reliance upon the use of imported waste. As the applicant has argued that the reactivation of the Denton ironstone consent is a realistic alternative to the current proposal, then under the EIA Regulations the MPA are able to consider this as a potential alternative to the current proposal and therefore have consequently invited the applicant, via the Regulation 22 Notice, to consider and demonstrate why it would not therefore be possible to restore the site to a suitable profile and after-uses either without the use of imported wastes entirely or to a lower profile using a significantly lower volume of wastes especially given the lack of need to create new landfill capacity at this time. Minor modifications were subsequently made to the restoration proposals as part of the Further Information response and those changes have reduced the original volume of wastes proposed by 460,000m^3. These changes were primarily made in order to facilitate changes in the post-restoration drainage regime for the site and have not therefore significantly reduced the overall volumes of imported materials proposed to be landfilled within the site. Consequently, your Officers are not satisfied that the applicant has adequately demonstrated that the current proposals (which rely upon the use of a significant volume of imported wastes for which there is no identified need for in terms of waste management capacities) would secure long-term improvements to the local landscape when compared with a potential alternative scheme which the applicant themselves has indicated is a feasible alternative to this development that would have to be devised if the Denton ironstone consent were to reactivated. Furthermore, as the restoration proposals subject of this application rely upon a steady and significant supply of inert wastes in order to achieve them, and takin into account the pressure to increase C&D recycling rates, this could potentially further reduce the availability of such wastes in the future and consequently the lack of such materials could significantly delay the restoration of the site. For these reasons, it is therefore considered that the proposed development has also failed to demonstrate compliance with the second and third criteria of Policy W6 of the CSDMP.

Environmental and Amenity Considerations/Impacts

Landscape/Visual and Heritage Asset Impacts

42. As with all mineral operations, the proposed development would change the existing visual appearance and character of the area and therefore a number of measures have been proposed which, as far as possible, aim to minimise and reduce any impacts upon the surrounding area and nearby residents. Despite the size of the development views from public vantage points both within the immediate surroundings as well as at distances from outside the site are largely limited and where views may be obtainable these could be further restricted and ameliorated through the implementation of the mitigation measures proposed within the application (e.g. direction of

phasing, progressive working and restoration of the site and use of screening bunds). However, there is the potential for views from the properties situated within the Hill Top Farm complex which are at an elevated position and lie towards the north-west of the site. In order to mitigate and restrict views from these properties it is therefore proposed to advance plant a substantial woodland in the land between these properties and the quarry so that these would have time to mature and thus provide an effective visual screen before operations commence within this phase of the site.

43. Whilst the proposed planting of the woodland in front of the properties located within the Hill Top Farm complex would help to minimise the visual impact of the development on these, this would in itself alter the existing rural setting of these properties. The farmhouse and its associated barns are Grade II Listed Buildings and the current setting of these buildings is agricultural land which contributes to their significance as farmhouse buildings. CSDMP Policy DM4 seeks to protect heritage assets from harmful development and where adverse impacts are identified then the development should only be granted where there are exceptional overriding reasons which outweigh the need to safeguard the significance of the asset or where harmful aspects can be satisfactorily mitigated.

44. In this case, from a purely visual perspective the benefits of the planting of this woodland are acknowledged, however, the woodland itself would have a harmful and adverse impact upon the setting of the Grade II Listed Buildings. The proposed woodland is only required as the application is seeking permission to work land which lies outside the footprint of the extant Denton ironstone consent and as such would bring the proposed mineral operations in closer proximity to these assets. If the Denton ironstone consent were to be reactivated (which the applicant has stated is a feasible 'fall-back' and alternative position in the event that planning permission was not granted for this proposal) then the distance between the potential quarrying operations and these Grade II Listed Buildings would have to be much greater and therefore so too would the potential for harmful impacts upon the setting of these assets. As there is not quantitative need to justify the release of new mineral reserves from this area of land, it is considered that there are no overriding reasons which outweigh the need to safeguard the significance of the Grade II Listed Buildings that would be harmed by this proposal and therefore, if planning permission were to be granted this would be contrary to the objectives of the NPPF and CSDMP Policy DM4 and relevant criterion of SKCS Policy EN1 which seek to protect heritage assets from inappropriate development.

Noise & Dust

45. Noise, Air Quality and Dust Assessments are contained within the supporting ES which identify the operations or processes likely to cause noise and dust and makes recommendations for mitigation measures to be adopted to minimise and control the impacts of these upon nearby sensitive receptors.

46. In terms of dust, although a number of the representations received have criticised the contents of the air quality and dust assessment undertaken, there are relatively few dwellings in close proximity to the site with the closest being those located within the Hill Top Farm complex located towards the north-western edge of the site. The proposed extraction boundary of the site would be set back some distance from these properties and the prevailing winds are predominately from the southwest. The properties and residents most likely to be affected by the proposals lie on the lee side of the proposed quarrying activities. Given the distance of the site from other properties and settlements it is therefore considered likely that should any fugitive dust emissions extend beyond the site boundaries then these would be likely to settle out and be deposited before they reach those receptors.

47. In terms of noise, the assessment has demonstrated that the quarrying operations could be carried out without exceeding the recognised acceptable noise limits as set out within the NPPG and therefore would not have an adverse impact on noise sensitive receptors close to the site. Consequently, whilst the objections and criticisms raised are noted it is considered that the potential amenity or environmental problems that could occur as a result of noise and dust could be adequately controlled and mitigated against through the implementation of established and recognised on-site management practices.

48. Given the above, if planning permission were to be granted then conditions could be imposed to deal with issues relating to dust and noise and used to secure the implementation of the mitigation measures/schemes/practices proposed within the ES. Such conditions would ensure that proposed development would not have a significant adverse impact in terms of noise and dust and therefore accord with advice contained within the NPPG and CSDMP Policy DM3 and relevant criterion of SKCS Policy EN1.

Highways & Traffic

49. A number of objections have been received on the grounds of the increased traffic and several of these have commented that the road network in the locality is inadequate and of a poor condition and that the frequency and size of vehicular traffic would increase the risk of accidents to other road users. The routes proposed to be used by traffic associated with this development fall within the administrative boundaries of both Lincolnshire and Leicestershire and despite the concerns raised by members of the public, no objections have been received from either party in their capacities as Local Highway Authority. However, both have recommended that should planning permission be granted then planning conditions should be imposed and the proposed highway improvement works along Gorse Lane should be secured by way of a S278 Agreement. Similarly, it is recommended that the routeing of vehicular traffic be secured by way of a S106 Planning Obligation which would ensure that the routes taken by quarry traffic are restricted access to and from the site via the A607 and Gorse Lane junction only.

50. Consequently, although it is accepted that a significant number of objections have been raised with regard to traffic and potential highway safety issues, given that there is no technical objection from either of the responsible Highway Authorities, if planning permission were to be granted, planning conditions/agreements could be secured which would ensure that the development would not have a significant adverse impact upon the highway network and as such would be acceptable in highways terms and in accord with the objectives of the NPPF, CSDMP Policy DM14 and relevant criterion of SKCS Policy EN1.

Archaeology & Ecology

51. The proposed development affects a significant area of land however the majority of the site comprises of intensively farmed agricultural land and therefore is of limited ecological value. It is considered that sufficient information and details have been provided to assess the impacts of the proposals on flora and fauna falling within the footprint of the proposal site and appropriate mitigation measures would be implemented to ensure that the proposed development would not have an adverse impact on a range of species which may be present and/or which use the site as terrestrial and foraging habitat. If planning permission were to be granted, planning conditions could therefore be imposed to secure and require the implementation of those measures.

52. In terms of archaeology, although a series of archaeological features exist across the site and no objections have been raised from the Historic Environment Team and instead it is advised that the impact of destruction of any features within the site could be mitigated by recording archaeological remains prior to extraction works. Consequently, should consent be granted then again planning conditions could be imposed which would require an archaeological scheme of works to be undertaken.

Hydrology and Hydrogeology

53. A substantial number of the objections have been received to the proposals on the grounds that the development could result in an adverse impact upon the existing surface water groundwater systems. As well as the general objections and comments from members of the public, GOLAG and representatives on behalf of the Hungerton Estate have also commissioned and submitted detailed and technical reports produced by consultants that have criticised and challenged the findings and conclusions of the assessments undertaken by the applicant as part of the ES and Further Information. It is argued that the assessments have failed to properly demonstrate the potential impacts of the development upon the flow of groundwater in the locality and therefore the working of limestone from the proposal site would adversely affect the flow of natural springs around the site. Objections and concerns have also been raised by third parties, including the Lincolnshire Wildlife Trust, about the hydrological implications and potential adverse impacts that could arise as a result of the mineral

extraction operations upon the adjacent Willowbed Plantation Ancient Woodland.

54. Drainage proposals have been designed as part of the development which include the provision of discharge points which be used to directly recharge watercourses and the underlying groundwater horizons and thus ensure that water is channelled to maintain the existing natural drainage system. If it were felt necessary and planning permission were to be granted, a water management plan could potentially be secured by the imposition of planning conditions which could be used to monitor water levels within the nearby Hungerton Spring and Ancient Woodland and define specific trigger points which would require action to be taken to ensure that the development would not have an adverse impact upon the existing water levels present. In respect of potential impacts upon the Ancient Woodland, no objections have been received from the Woodland Trust given the separation distance between the proposed development and the woodland however they have not commented on the potential hydrological issues and instead have recommended that advice on this aspect should be deferred to the Environment Agency.

55. The Environment Agency have reviewed all the information contained within the original ES and Further Information and despite the issues raised by third parties, have maintained their view and advice that they are satisfied with the proposed working scheme, restoration and drainage proposals promoted as part of the development. Therefore subject to the implementation of the mitigation and water management procedures proposed within the application, they have raised no objection to the proposals. The Environment Agency are the statutory body responsible for providing advice to Mineral Planning Authorities on matters relating to hydrology and hydrogeology and although the objections and issues raised by members of the public and the third party commissioned consultant reports are noted, your Officers have no reason to question the observations from the Environment Agency.

56. Given the above, on the basis of the Environment Agency's advice it is considered that, subject to the implementation of the mitigation measures proposed as part of the application, the development would not have an adverse impact upon the underlying groundwater or surface water regimes and therefore would not be contrary to the objectives of CSDMP Policies DM8 and DM16.

Exceptional circumstances / environmental benefit

57. As mentioned previously, the Denton ironstone consent is a dormant planning permission which does potentially allow for the extraction of minerals across part of the application site as well as a much larger area of land falling within Denton, Harlaxton, Wyville, Stroxton and Great Ponton. The applicants offer to give up rights to work an area extending some 708 hectares of the extant Denton ironstone consent would therefore appear to offer an environmental benefit insofar as removing an extant planning

permission which, if reactivated, could potentially allow mineral development to take place over a much wider area. However, it should be noted that even if this offer was taken up it would not entirely remove the potential for areas of the Denton ironstone consent, not within the applicant's control or part of the proposed S106 Planning Obligation, to potentially be reactivated by the other landowner. This therefore would leave an area extending approx. 124 hectares in size.

58. The applicant has stated that whilst there is the prospect that this remaining area could be reactivated, in their view this would not be a commercially viable option having taken into account the proximity of known Scheduled Ancient Monuments and existing dwellings in the locality and as parts of the land have already been worked out. Whilst this view is noted, nevertheless the applicant is unable to offer up the entire extent of the Denton ironstone consent as a 'swap' for the current proposals. Furthermore, although the applicant has argued that the current proposals to work a smaller and more focused area would be more environmentally acceptable and not have significant effects when compared with the alternative of reactivating the wider Denton ironstone consent, again it should be remembered that before any operations could legally commence under that consent it would have to undergo an Initial Review.

59. An Initial Review of the Denton ironstone consent would require a full environmental appraisal of the main effects of the working and restoration of that entire consent area to be undertaken (i.e. including land not within the applicants control) and also require a comprehensive scheme of modern planning conditions to be proposed which the MPA would have to be satisfied ensure that any development could be carried out and/or mitigation measures secured to minimise, off-set or compensate for any significant adverse effects. In carrying out that Initial Review areas of land within the wider consent area that have previously been worked and restored would likely have to be excluded and so too potentially would areas of land close to existing settlements if it could not be demonstrated that these could be worked to meet modern limits and standards on factors such as noise and dust, etc. Given this, any potential working area/footprint of the Denton ironstone consent would likely have to be much smaller than that which is covered by the permission.

60. Furthermore, as the Denton ironstone consent does not allow for the importation and use of inert wastes to restore the site, if that consent were to be reactivated then any working and restoration proposals would need to be able to demonstrate that the land can be worked without having a significant adverse impact on the environment and amenity of nearby residents and importantly still be restored to a landform and after-use that is acceptable utilising on-site materials only. As a consequence the working and restoration schemes that would be required to reactivate the Denton ironstone consent are likely to result in a different development to that which is currently proposed. If the working and restoration proposals and any planning conditions proposed as part of any Initial Review failed to meet the requirements of the Environmental Impact Assessment Regulations or

demonstrate that the development could be undertaken without giving rise to significant adverse effects which could not be adequately mitigated against or compensated for, then the MPA would not have to accept them. The applicant can appeal the imposition of conditions on a dormant site where these differ or substitute those proposed by the applicant in an Initial Review application however compensation is not payable for imposing updated planning conditions.

61. Given the above, as the applicant is unable to give up the entire Denton ironstone consent as a 'swap' for planning permission for this development and as the Denton ironstone consent has not undergone an Initial Review (and therefore the extent of the actual potential working footprint as well as working schemes and restoration proposals for the development of that area have not been devised) it is not possible to conclusively conclude that the current proposals would be less environmentally damaging than the alternative and therefore offer an environmental benefit.

Public opposition/objections

62. Finally, a significant number of representations have been received during the consideration of this application and many of these have raised objections on the grounds of potential significant adverse environmental and amenity impacts arising from the development. The level of public interest and number of objections received are noted, however, the planning system does not exist to protect the private interests of one person against the activities of another. The basic question therefore is not whether the owners and occupiers of neighbouring properties or local residents would experience financial or other loss from a particular development but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Consequently, local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

63. In this case, although the objections and issues raised by the public and GOLAG are noted, having considered the proposals and taking into account the advice and comments received from statutory and non-statutory consultees, it is concluded that many of the potential impacts and issues in respect of matters including landscape, noise, dust, traffic, etc could have potentially been mitigated, minimised or reduced through the implementation of the mitigation measures proposed within the application and/or through the imposition of planning conditions. Given this your Officers have not recommended that planning permission be refused on the grounds that the development would have, for example, a significant or unacceptable adverse impact in terms of landscape and visual impact, hydrology, traffic, noise, dust, etc. Instead, it is considered that this proposal conflicts with the overall strategic objectives and identified policies of the recently adopted Lincolnshire Minerals and Waste Local Plan which relate to supply and need (or lack of) for new limestone reserves and landfill as well as the adverse

impact that the development would have upon the setting of would be designated heritage assets which lie close to the site.

Overall Conclusions

64. Overall, whilst the principle of mineral extraction from part of the site already exists by virtue of the dormant Denton ironstone consent, this proposal seeks to release new unconsented limestone reserves and although a proportion of the recoverable aggregate may have special characteristics, the overwhelming majority of the aggregates would comprise of low quality aggregate for which there is no quantitative need. The potentially higher grade aggregates are not currently produced by other limestone quarries within the County however given the variation in the Lincolnshire Limestone deposit such materials could potentially be produced and recycled aggregates can also have similar qualities. Given the level of existing permitted limestone reserves there is therefore no proven or quantitative need to justify the release of additional reserves and so the development is contrary to Policy M5 of the Core Strategy & Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016).

65. Secondly, there is a recognised surplus of landfill void space capacity available to meet future requirements and this proposal would result in the creation of a new landfill site which would provide an unnecessary over-supply of landfill capacity for which there is no identified need. The proposals would therefore be contrary to the principles of the National Planning Policy for Waste and Policies W1 and W6 of the Core Strategy & Development Management Policies (2016) of the Lincolnshire Minerals and Waste Local Plan.

66. Thirdly, the proposed development would have an adverse impact upon the setting of the Hill Top Farm farmhouse and its associated barns which are Grade II Listed Buildings. The current setting of these buildings is agricultural land which contributes to their significance as farmhouse buildings and the proposed development would alter this setting through the proposed planting of substantial woodland between the development and these properties. Although the planting of this woodland would minimise the visual impact of the development upon the residents of these properties, it would harm and impact the existing rural setting of these properties. As there is no quantitative need to justify the release of new mineral reserves at this time, and considering the adverse impacts that this development would have upon the setting of these designated heritage assets, it is considered that there are no overriding reasons which outweigh the need to safeguard the significance of these Grade II Listed Buildings and therefore the development would be contrary to the objectives of National Planning Policy Framework along with Policy DM4 of the Core Strategy & Development Management Policies (2016) of the Lincolnshire Minerals and Waste Local Plan and South Kesteven Local Plan Policy EN1 which seek to protect heritage assets from harmful development.

RECOMMENDATIONS

It is recommended that:

A. 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.

B. Planning permission be refused for the following reasons:

1. The Core Strategy & Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016) confirms that there is a substantial surplus of permitted limestone reserves available to meet future requirements. This proposal seeks to release new unconsented limestone reserves and although a proportion of the recoverable aggregate may have special characteristics, the overwhelming majority of the aggregates would comprise of low quality aggregate for which there is no quantitative need. The potentially higher grade aggregates are not currently produced by other limestone quarries within the County however given the variation in the Lincolnshire Limestone deposit such materials could potentially be produced and recycled aggregates can also have similar qualities. Given the level of existing permitted limestone reserves there is therefore no proven or quantitative need to justify the release of additional reserves and so the development is contrary to Policy M5 of the Core Strategy & Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016).

2. The National Planning Policy for Waste and the Core Strategy & Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (2016) seek to move waste up the waste hierarchy, with disposal of waste through landfill only being considered as a last resort. This proposal would result in the creation of a new landfill site which is not considered necessary to meet predicted capacity gaps for waste arisings within the County. There is a recognised surplus of landfill void space capacity available to meet future requirements and therefore this development would provide an unnecessary over-

supply of landfill capacity which would be contrary to the principles of the National Planning Policy for Waste and Policies W1 and W6 of the Core Strategy & Development Management Policies (2016) of the Lincolnshire Minerals and Waste Local Plan.

3. The proposed development would have an adverse impact upon the setting of the Hill Top Farm farmhouse and its associated barns which are Grade II Listed Buildings. The current setting of these buildings is agricultural land which contributes to their significance as farmhouse buildings and the proposed development would alter this setting through the proposed planting of substantial woodland between the development and these properties. Although the planting of this woodland would minimise the visual impact of the development upon the residents of these properties, it would harm and impact the existing rural setting of these properties. As there is no quantitative need to justify the release of new mineral reserves at this time, and considering the adverse impacts that this development would have upon the setting of these designated heritage assets, it is considered that there are no overriding reasons which outweigh the need to safeguard the significance of these Grade II Listed Buildings and therefore the development would be contrary to the objectives of National Planning Policy Framework along with Policy DM4 of the Core Strategy & Development Management Policies (2016) of the Lincolnshire Minerals and Waste Local Plan and South Kesteven Local Plan Policy EN1 which seek to protect heritage assets from harmful development.

Appendix

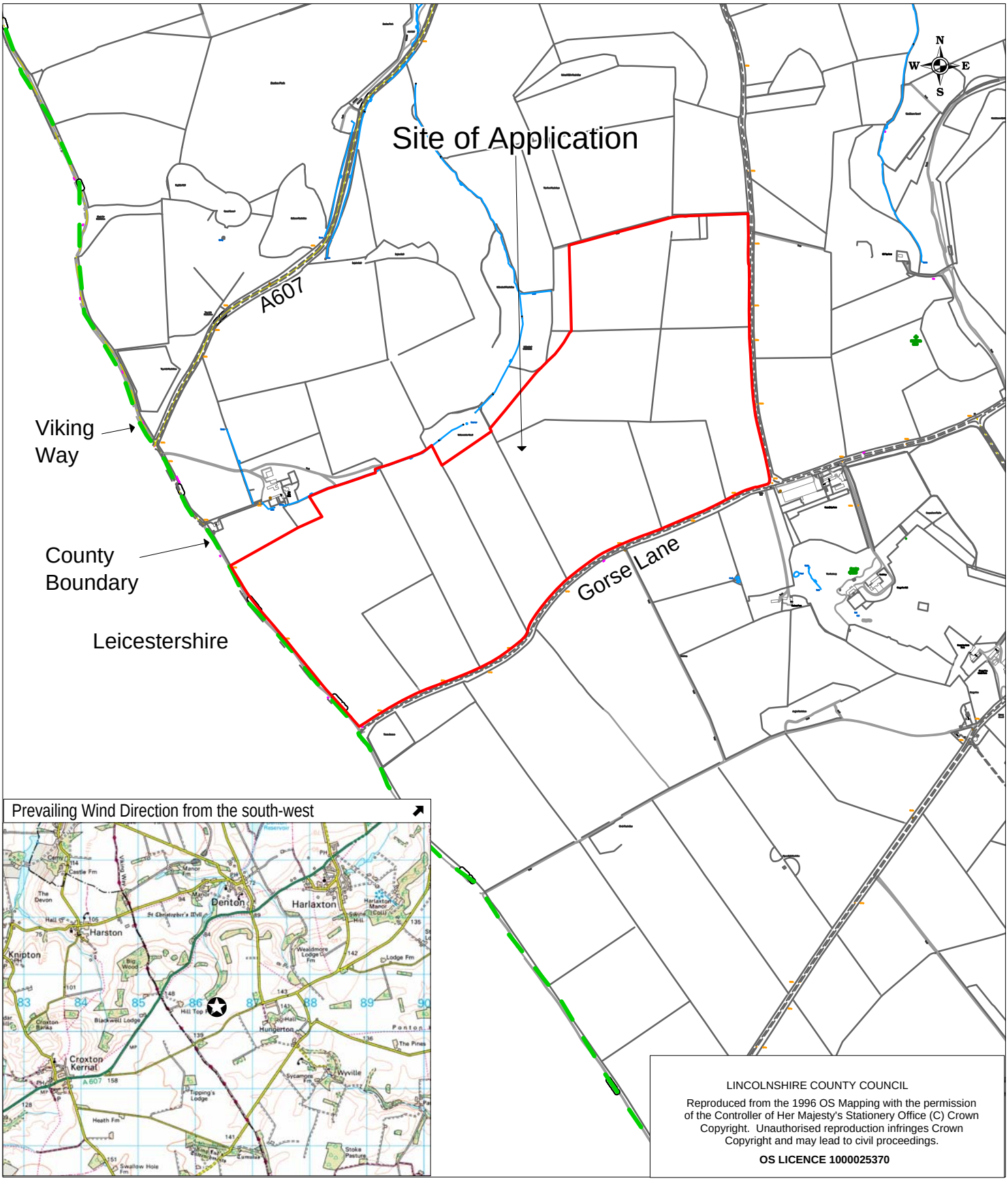
These are listed below and attached at the back of the report	
Appendix A	Committee Plan

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 S26/1611/15 British Geological Report 'An assessment of the aggregate properties of the Lower Lincolnshire Limestone in south Lincolnshire and surrounding areas'	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012) National Planning Policy Guidance (NPPG) (2014) National Planning Policy for Waste (2014)	Communities and Local Government website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) Draft Site Locations Document (Preferred Site and Areas) of the Lincolnshire Minerals & Waste Local Plan (December 2015)	Lincolnshire County Council website www.lincolnshire.gov.uk
South Kesteven Core Strategy (SKCS) (2010)	South Kesteven District Council http://www.southkesteven.gov.uk

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



Location:

Land located off Gorse Lane
Denton

Description:

For the extraction of limestone and importation of sustainable inert fill to achieve a beneficial restoration of the site

Application No: S26/1611/15
Scale: 1:15000

This page is intentionally left blank