

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>7 October 2019</b>
Subject:	<b>County Matter Application - S19/0486</b>

**Summary:**

Planning permission is sought by Breedon Southern Ltd (Agent: Heatons) to extract sand and gravel as an extension to West Deeping Quarry at West Deeping Quarry, King Street, West Deeping.

The application is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and a Planning and Environmental Statement (PES) has been submitted which assesses the potential impacts of the development together with the mitigation measures proposed to avoid, reduce and if possible remedy an significant adverse impacts. Further Information has also been submitted in support of the ES in accordance with Regulation 25 of the EIA Regulations 2017.

West Deeping Quarry is an extensive sand and gravel quarry to the north of West Deeping village. In 1992 planning permission (reference S81/552/90) was granted to extract sand and gravel from Rectory Farm as an extension to West Deeping Quarry and subsequently the original permission was amended by permissions refs: S81/0896/96, S81/0026/98 and S81/0860/01. In 2017, the quarry was acquired by Breedon Group.

This proposed extension known as 'Tinsley Land' comprises a parcel of agricultural land surrounded on three sides by the existing West Deeping Quarry and to the south by Stamford Road. This land has 0.35 million tonnes reserves of saleable sand and gravel and would be worked as an interim stage of one of the phases of the existing quarry.

The key issues to be considered in the case of this application are the need for the additional reserves and proposed extension, and the impacts (including cumulative impacts) arising from the development on factors including highways, historic environment, landscape and the amenity of surrounding land-users, residential properties and the natural environment.

Appropriate conditions would secure mitigation and monitoring to ensure the minerals operation of an extension to West Deeping Quarry would not result in

detrimental impacts on the surrounding area and would secure a restoration scheme which would be, predominantly, to agricultural use with enhancement of biodiversity through the creation of wetland habitats.

It should be noted that a second application reference S19/0497 has been submitted by the applicant for the Periodic Review (ROMP) of West Deeping Quarry, which has run concurrent with this application. The planning issues relating to the determination of that application are dealt with in a separate report.

Finally, this application will not affect the terms of the existing Section 106 Planning Obligation dated 29 August 2017. The Section 106 addresses the operations at the Plant Site off King Street, traffic routeing, archaeology and long term aftercare including maintenance of pumping to the Langtoft Drain. None of these matters are conflicted by this proposed extension.

**Recommendation:**

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

Background

1. West Deeping Quarry has been in continuous operation since 1952 and has over time extended with the current extraction area (Rectory Farm) having been granted planning permission in 1992. Further planning permissions followed, extending the date for commencement, the most recent being under reference S81/0860/01. The current operator Breedon Southern Limited acquired the quarry in 2017 and on 29 August 2017 a Planning Agreement and Deed of Release under Section 106 and 106A of the Town & Country Planning Act 1990 was sealed between the land-owner (Rectory Farm) Lincolnshire County Council, Breedon Southern Ltd and former operator Tarmac Aggregates Limited to secure obligations in relation to maintenance of plant site on King Street, conveyor route from Rectory Farm to the plant site, HCV routing arrangements in relation to King Street, drainage and archaeology. The terms of the Planning Agreement are unaffected by this application.

The Application

2. The proposed extension would be to the historic West Deeping sand and gravel quarry which, at the current extraction rate of 0.25 – 0.30 million tonnes per annum, has approximately 4 years remaining to completion, including restoration. The extension area would be accessed using the existing site entrances. The excavated mineral would be transported to the King Street plant site for processing via the overland conveyor located to the north of Rectory Farm House. In line with the wider permitted quarry operations, some of the silt derived from the mineral processing operations

would however be transported back from the plant site and utilised in restoring the extension area.

3. The extension area would be worked in conjunction with the existing permitted quarry operations and restored to after-uses that reflect those of the wider site. The restored landform would predominantly comprise of low-level agriculture with a small water-body created to the south eastern corner providing an enhancement for biodiversity as well as a long term water management regime for the whole quarry site. The extension would be worked and restored in sequence and phases which integrate and complement those of the existing quarry and so would not compromise the restoration and aftercare regimes for the wider site. The proposed extension has therefore been designed to contribute to creating an improved land-form which would maximise the amount of workable agricultural land.

#### Planning and Environmental Statement

4. The application is subject of an Environmental Impact Assessment which has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Separate Planning and Environmental Statements (PES) were produced and submitted for both this extension application and the concurrent ROMP application however given their close relationship many aspects of the assessments which form part of the PES's are the same. The PES for this proposed extension into the 'Tinsley Land' comprises of four documents and folders, these being:
  - Planning and Environmental Statement – contains the background and overview of the proposal, policy and statement of need. Chapters 8 to 16 inclusive are the summary reports of the technical reports making up the Technical Appendices. The final chapter being the conclusion.
  - Non-Technical Summary (NTS) – summarises the content of the Planning and Environmental Statement in an easily understandable and accessible format.
  - Application Form and Drawings – contains copies of the application form and certificates, Location plan, existing situation plan, development stages plan, restoration plan and sections plans.
  - Technical Appendices – contains the individual technical assessments and reports, plans and tables which identify the potential impacts arising from the development and the mitigation measures that are proposed to be implemented in order avoid, reduce and, if possible, remedy any significant adverse impacts.
5. In accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 (EIA Regulations) 'Further Information' was requested by letter on 12 April 2019 relating to archaeology, water environment, restoration proposals and clay. A letter

dated 5 July 2019 was submitted by the agent, covering the information required under the Regulation 25 notice and was supported by supplementary plans. Subsequent revisions were made to those plans and further revised plans submitted 16 July 2019. This Further Information (comprising that submitted 5 & 16 July 2019) support, and in some cases replace, that which was contained within the original PES which collectively are considered to meet the requirements of the EIA Regulations 2017. A summary of the contents of the PES is given below:

### Planning and Environmental Statement

6. This is the document that provides the background, site and surroundings, proposal, policy, need, alternatives, community engagement, summaries of the technical appendices and conclusion.

**Chapter 1: Introduction and Background to Proposal** – this chapter sets out the purpose of the report, description of the applicant and the planning and site history.

**Chapter 2: Site Location and Setting** – this chapter describes the general location of the quarry which includes the proposed extension area, the existing extraction area at Rectory Farm and plant site on King Street. The chapter describes the surrounding land uses and proximity to settlements and dwellings. It identifies both environmental and land use designations, within 1.0 kilometres of the extension planning boundary and ROMP area including the plant site off King Street. In addition the chapter identifies that the extension area is bound to the north, west and east by the ROMP area of West Deeping Quarry and to the south the A1175/Stamford Road that forms the southern boundary and gives vehicular access to Rectory Farm, Crown Farm and Lodge Farm. Finally, this chapter states that the as-raised mineral would be transported from the extension area to the overland convey north of Rectory Farm House and then to the plant site off King Street. There are no proposals to transport mineral to the plant site off King Street by lorry.

**Chapter 3: Community Involvement** – this chapter records the schedule of events within the locality that provided an opportunity for local residents to discuss the proposals to extend into 'Tinsley Land' and if needed to provide an opinion on the proposal.

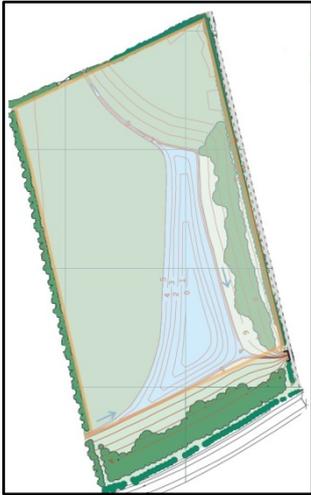
**Chapter 4: The Development Proposals** – this chapter outlines the current and future working practices at West Deeping Quarry. It is identified that there are approximately 4 years of operations remaining at Rectory Farm including restoration. This is calculated on an extraction rate of up to 0.30 tonnes per annum. The transportation of mineral to the plant site would continue via the field conveyor and the phasing plan indicates that the extension would be excavated as an interim operation within Stage C of the ROMP area. A restoration plan has also been submitted to illustrate the proposed landform, water body and planting regime within the 'Tinsley Land'. It has also been proposed, to return a proportion of the residual

materials from the processing plant (silt) at King Street, to be incorporated into the restoration to agriculture. The silt proposal has been considered and assessed in respect of the ROMP application as the amount of silt needed in the 'Tinsley Land' would not be significant.

This chapter also provides an outline of the Working Methods, soil handling and storage, depth of mineral extraction (5.0 metres AOD) and progressive restoration. Details are provided of the mobile plant required for extraction, transportation and restoration within the extension area including excavation by one 36 tonne 360° swing shovel and two A30 dumpers. It should be noted that this equipment is the same machinery and not in addition to that being utilised in the ROMP site.

The reserve of 0.35 million tonnes lies to the west of Crown Farmhouse, with the proposed direction for extraction being from west to east. Immediately following extraction the site would be progressively restored from east to west. It has been predicted that extraction and restoration would be completed by the end of 2020.

The restoration ground level would be consistent with the surrounding ROMP area with an engineered clay seal. The after-use would largely be returned to arable use at low level, with an elevation of around 7.0 above ordnance datum. The 'Tinsley Land' would then be connected via drainage ditches and weirs to the south eastern corner of the ROMP area, where there is an existing catchment pond that would maintain water levels during extraction and restoration. Water would be pumped from this point to discharge into the Internal Drainage Board ditch that flows under the Greatford Cut in the northeast corner of the ROMP site.



**Chapter 5: Planning Policy** – this chapter sets out the various planning policies and other material considerations that would be taken into account in determination of the application. Detailed analysis is provided in relation to the following documents, having been identified as forming the Development Plan:

- Lincolnshire Mineral & Waste Local Plan: Core Strategy and Development Management Policies (2016);
- Lincolnshire Mineral & Waste Local Plan: Site Locations (2017);
- South Kesteven Core Strategy (2010); and
- South Kesteven – Site Allocations and Policies DPD (2014).

Other material considerations, documents and emerging policy include:

- National Planning Policy Framework (2019);
- National Planning Policy Guidance – Minerals (2014); and
- Lincolnshire Local Aggregate Assessment (2018).

**Chapter 6: Need and Socio-Economic Considerations** – this chapter identifies the need and supply of sand and gravel; the operators Breedon Southern and economic considerations of West Deeping Quarry; and the wider socio-economic considerations.

The chapter confirms that West Deeping Quarry is an important source of sand and gravel supply within the locality and Lincolnshire as a whole. The lateral extension of the West Deeping Quarry would allow for, the longer term, continuity of supply of sand and gravel from an existing quarry. The modest extension of the ROMP site would be expected to yield 0.35 million tonnes of saleable sand and gravel. The approval of the extension would therefore contribute to maintaining the level of permitted reserves and operational capacity of sand and gravel extraction within Lincolnshire. The permitted reserves stood at 9.45 years at the end of 2016 when the last Local Aggregates Assessment was published January 2018. Whilst the Lincolnshire land-bank for sand and gravel is in excess of the 7 year minimum, there is no set maximum limit.

It is acknowledged that Lincolnshire County Council have adopted the Site Locations Document which makes provision for any expected shortfall in delivery of sand and gravel over the plan period. A site has been allocated to the south of Stamford Road (Ref: MS29-SL) the land would be capable of producing 1.16 million tons during the plan period. To date there is no evidence of the site being brought forward in the foreseeable future.

Returning to the 'Tinsley Land' lateral extension, the justification for winning and working this mineral now would ensure that the mineral within it does not become sterilised. This would be the likely outcome should planning permission not be granted, insofar as the continued extraction and progressive restoration of the ROMP site could make the extraction of mineral economically unviable from the 'Tinsley Land' at a later date.

In respect of employment, minerals can only be worked where they are found and Breedon Southern employ local people to operate their West Deeping Quarry and plant site. Their continued operations would maintain and contribute to sustainable economic growth in the area around the quarry. The quarry also uses contractors, who commonly operate within the

locality and thus provides employment external to the operations by Breedon Southern.

**Chapter 7: Alternatives** – this chapter outlines the consideration that was given to alternative strategies that may provide an equivalent supply of aggregate. It was concluded that the proposal site was a modest extension of an existing mining site, with proven mineral reserves. Overall the proposed extension and progressive restoration would represent a sustainable use of the land, which would not have unacceptable impacts on the surrounding area and would also contribute to the enhancement of biodiversity in the locality.

**Chapter 8: Environmental Impact Assessment** – this chapter identifies the main elements of the proposals that have the potential to impact on:

- Human beings;
- Flora and Fauna;
- Soil, water, air, climate and the landscape;
- Material assets and the cultural heritage; and
- The interaction between the first three points.

The main environmental considerations are examined in detail:

- Potential landscape and visual impact;
- Potential for impact on nature conservation and ecology;
- Potential for adverse impact upon amenity, particularly in regards to noise and air quality;
- Potential for impact on archaeology and cultural heritage;
- Potential impact upon water resources;
- Potential for flood risk;
- The potential for impact as a result of transportation and traffic;
- Potential impact upon soils, land quality and agriculture; and
- Cumulative Impact Assessment

**Chapter 9: Landscape and Visual Considerations** – this chapter considers the site in the context of a 2.5 kilometre study area, which reflects the range of the character areas affected. The site lies within National Character Area 46: Fens and on the western edge of the Landscape Character Area (LCA) The Fens, the key characteristics being low flat terrain, large scale rectangular fields with ditches, sparse tree and woodland cover; and little settlement other than farmsteads.

The Kesteven Uplands LCA lies 400 metres to the west and is characterised as a unified, simple, medium scale agricultural landscape with a high proportion of historic woodland; undulating landform based around river valleys; picturesque villages; farmland under estate management; dispersed, nucleated settlement patterns; hedgerows interspersed with trees; and modern human influence including airfields and the A1. Given that there is the potential to affect the medium distance views, the

Landscape and Visual Impact Assessment (LVIA) concluded that while the area has a more elevated nature, overall the mature vegetation of the former sand and gravel pits screen views and as a consequence the continuing use of the quarry would not affect the Kesteven Upland LCA.

The LVIA states that the landscape character of The Fens LCA is fundamentally a manmade and working landscape dominated by intensive agriculture and sand and gravel extraction.

The assessment considered the potential visual impacts of the continued mineral operations to be medium-term and temporary and on completion of restoration would have permanent direct effects on the character of the setting. The potential interactions between the proposal and visual receptors were cited:

- Removal of trees and hedgerows within the site;
- Construction of temporary road, fencing, signage and stockpiles;
- Earthmoving plant;
- Exposed quarry faces, floor and excavated material;
- Excavation by 360° excavator, conveyor;
- Pump structures;
- Perimeter Bunds;
- Distant views of plant site; and
- Landscape seeding and planting operations.

There are three residential properties adjacent to or in close proximity of the lateral extension, these being Rectory Farmhouse, Lodge Farmhouse and Crown Farmhouse. Visual receptors external to the site were identified as users of the A1175 Stamford Road and the A15 and other minor routes leading to West Deeping and Market Deeping. No Public Rights of Way are directly affected by the operations although the routes of four footpaths are within the study area and all are identified as being of low or medium/low sensitivity.

The LVIA concluded that the site itself is considered to be of low value with the immediate surroundings being of medium/low landscape value. It is considered that the two former sand and gravel pits, which are characteristic of the area, make a positive contribution to its character. Notwithstanding the landscape and cumulative landscape effects of the proposal are not considered overall to be significant and upon restoration beneficial visual effects from the site would be apparent in the short term with further improvements at 15 years, post-restoration, when the site should start to assimilate well into the local landscape.

**Chapter 10: Nature Conservation and Ecology** – this chapter provides an overview of the potential impacts on habitats and ecology. An Extended Phase 1 Habitat Survey was carried out that established the baseline ecological context of the site and an assessment on how the existing conditions may be impacted by the extension of mineral operations at West Deeping Quarry.

Within 2 kilometres of the quarry Langtoft Gravel Pits SSSI, 50 metres to the north, is the only statutory nature conservation designation with the following non-statutory designated sites are as follows:

Deeping Mill Stream – Local Wildlife Site (LWS) – 25 metres south;  
Greatford Road Verge South – LWS;  
River Welland – County Wildlife Site (CWS) – 25 metres south;  
Maxy Quarry – CWS; and  
Tallington Gravel Pits – Site of Nature Conservation Interest (SNCI).

Habitats identified within the survey area include arable field margins, hedgerows and ponds. Whilst these habitats exist within the 'Tinsley Land' site, only the peripheral hedgerows along the southern boundaries would qualify as UK BAP priority habitat and the continuation of quarrying would not have an impact on this hedgerow. Further assessment was carried out in respect of fauna, identifying that the operations at the quarry have the potential for impacts on bats, nesting birds, great crested newts and possible badger populations. The report considered that the current site was of low conservation interest.

The report provided a schedule of mitigation measures to be carried out entrain with the phased working and restoration programme for both the 'Tinsley Land' and the ROMP. These measures would include ensuring that site clearance carried out in accordance with 'BS 5837:2012 Trees in relation to design, demolition and construction' to prevent root damage to hedgerows and hedgerow trees. Re-surveying any trees scheduled for removal to limit the potential for impact on bats. Carry out early season survey work on Ponds 2 and 3 to assess presence/absence of great crested newts and considered the need for licencing to manage where present. Restrict the removal of hedgerows, trees, shrubs and vegetation to outside of the nesting season (1 March to 31 August). Where it is necessary to clear watercourses otter and vole surveys would be undertaken.

Overall it was identified that the extension to the ROMP area would not have adverse impacts on the current ecology and associated habitats within the boundary and that no significant impacts would be anticipated on any statutory or non-statutory site designated for nature conservation or ecological value. The surveys identified where further surveys could be undertaken at appropriate times and that the proposed restoration would bring long term nature conservation benefits.

**Chapter 11: Noise** – this chapter outlines the proposals to mitigate the potential impacts in respect of noise emissions associated with the extraction of mineral at West Deeping Quarry and to identify a scheme of monitoring to BS5228-1: 2009 + A1: 2014 Annex G would be implemented to ensure that noise limits are in accordance with those promoted in the PPG Paragraphs 021 and 022 as follows:

A noise limit of 55 dB LAeq, 1h (freefield) shall be applied during normal working hours and for activities of a temporary nature which includes soil-stripping, the construction and removal of bunds, soil storage stockpiles and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance, an increased temporary daytime noise limit of up to 70 dB LAeq, 1h (freefield) shall be applied for periods of up to 8 weeks in a year.

Monitoring of noise would be carried out (at nearest sensitive receptor properties) during key stages of site development and in consultation with the MPA until such time, as agreed with the MPA, that monitoring is no longer necessary. Where a complaint is received monitoring of noise would be carried out.

Monitoring would be carried out under appropriate weather conditions and where all site operations are representatively assessed at an agreed location. Within six weeks of any noise monitoring exercise a report would be prepared detailing the monitoring results and details of any mitigation deemed necessary. The monitoring reports would be retained at West Deeping Quarry for a period of three years and available for inspection by the MPA.

The report submitted with the ES provided detail of proposed mitigation measures to suppress noise emanating from the site. These measures seek to ensure that both static and mobile plant would be suitably attenuated and maintained as follows:

- Checks of mobile plant including inspection of mechanical and hydraulic systems;
- Where diesel driven equipment employed, the equipment would be silenced so as not contribute to an increase above the agreed permissible noise levels; and
- No mobile plant would operate with intrusive audible reversing alarms.

**Chapter 12: Dust and Air Quality** – this chapter addresses the potential impacts on humans and wildlife, identifying that there are residential properties in close proximity to the site. The assessment submitted as part of the ES considered both normal operations of the quarry and short-term operations such as soil stripping.

A scheme of control and monitoring (within 250 metres of any sensitive receptor) seeks to employ measures in accordance with the recommendations of Air Quality Management 'Guidance on the assessment of mineral dust impacts for Planning' 2016, 'Good Practice Guide: Control and Measurement of Nuisance Dust and PM<sub>10</sub> from the Extractive Industries' 2011 and 'The Environmental Effects of Dust from Surface Mineral Workings' 1995. Best practice measures proposed to suppress impact on air quality and dust generation would be as follows:

- Mobile plant regularly serviced and equipped with effective exhausts;

- Haul roads adequately maintained;
- Water bowsers employed in dry conditions to suppress dust on haul routes and other trafficked areas;
- Vehicle speeds restricted on access road and other trafficked areas;
- Vehicles inspected and cleaned as appropriate, prior to leaving the site;
- Vehicles leaving the site shall be suitably sheeted;
- Road Sweeper employed in the event of dust or mud deposited on the public highway;
- Regular inspection of the public highway and record of observations to be maintained;
- Drop heights minimised when loading and unloading;
- Temporary operations to be undertaken with due regard to weather conditions;
- Screening bunds constructed to reduce dust pick-up by wind;
- Construction of bunds at the earliest opportunity; and
- Water sprays or surface binders utilised to maintain damp surfaces on exposed stockpile faces and any exposed friable surfaces during dry and windy weather.

Where a complaint is received, monitoring would be carried out and within six weeks of any dust monitoring exercise a report would be prepared detailing the monitoring results and any mitigation deemed necessary would be implemented without delay. The monitoring reports would be retained at West Deeping Quarry for a period of three years and available for inspection by the MPA.

**Chapter 13: Archaeology and Cultural Heritage** – this chapter provides a description of the archaeological significance of the site. The Rectory Farm area has been subject to an on-going Scheme of Archaeological Observation, Mapping and Recording approved August 2018 as required under the terms of a Section 106 Obligation. In respect of the proposed lateral extension, initially only a desktop evaluation was carried out and so further evaluation in the form of a geophysical survey was requested as part of the Regulation 25 notice. This was subsequently undertaken and the results submitted as part of the Further Information.

A heritage statement was submitted of the potential for impacts of the proposed extension on the historical landscape within which the site sits. The statement described the wider landscape as being Historic Landscape Character Zone: the Fen Edge Settlements Historic Landscape Character Zone (SCL2), which is within the wider Southern Cliff Historic Landscape Character Area. The search area was set at 0.5 kilometres and no Scheduled Monuments are within that area. One listed building namely a barn associated with Rectory Farm is Grade II listed lies within the quarry boundary and a further Grade II listed nineteenth century milepost lies south of Stamford Road. Further to the east and to the south of Stamford Road stands the Grade II\* listed Molecey's Mill and Granary, both now converted to residential use. No other listed buildings fall within the area of search. Notwithstanding, a Scheduled Monument being a moated site at Maxy 1

kilometre to the south east of the site and Grade I listed St Guthlac Church and Rectory, Market Deeping and St Andrew Church, West Deeping lie over 1 kilometre to the east and south west, both within the development of respective settlements. None of these monuments or buildings has inter-visibility at ground level with the ROMP area. It was concluded that the lateral extension of the existing quarry would not have a significant adverse impact in terms of landscape on designated and non-designated assets (i.e. Listed Buildings).

**Chapter 14: The Impact on Water Resources and Flood Risk** – this chapter considers the potential impact of the proposed mineral extraction from the 'Tinsley Land' on the water environment. The hydrogeological report submitted with the ES provided a description of the underlying geological formations of the site identifying that the sand and gravel deposit at West Deeping Quarry sits over Oxford Clay bedrock and has been classified by the Environment Agency (EA) as Unproductive Strata (non-aquifer). The nearest aquifer identified as within a Source Protection Zone lies 1.5 kilometres to the southwest and extends away from the site in a westerly direction. Groundwater flow within the sand and gravel above the Oxford Clay is not considered as having a significant seasonal fluctuation due to the presence of large water bodies at Tallington Lakes and Langtoft Gravel Pits SSSI to the west and north of the extension site. A number of ground water and surface water abstraction licenses are identified in the vicinity of the site associated with the quarry operated by CEMEX, Anglian Water for public water supply, agricultural for irrigation and for mineral processing. Hydrology was also considered with a description of the surface water features in the wider area including River Welland, Greatford Cut, Welland and Deepings Internal Drainage Board (IDB) drain, Tallington Lakes and Langtoft Gravel Pits. Annual rainfall data over the period 1981 to 2010 was provided together with values of high intensity rainfall in the West Deeping area EA Report 2013.

An assessment was carried out of the proposed water management programme of both the 'Tinsley Land' and the ROMP site that provided commentary on the actual discharge regime, being to a drainage ditch (Langtoft Drain) operated by the IDB and not as previously recorded to the EA Greatford Cut. Notwithstanding the EA have and would continue to compliance monitor the discharge rate to the IDB drain to ensure that it meets their consent of 5450m<sup>3</sup>/day. There is no indication that the proposed extraction of mineral from the lateral extension would give rise to any changes in the overall water management programme.

Water arising from the dewatering of the extension area would ultimately be discharged to an IDB drain via a collection pond in the south east corner of the ROMP site. Given the comparatively short period of extraction the water pumped from the active working area of the 'Tinsley Land' would be held within ponds located within the ROMP area. This ensures that a water balance is maintained and allows water free excavation, which does not compromise the quality of the restored areas within the ROMP area through inundation. An evaluation was made of the potential impacts beyond the

boundary of the site and it was concluded that Langtoft Gravel Pits SSSI, to the north, would not be compromised insofar as the water management of the extension area would be contiguous with the ROMP area and would be self-contained with sufficient water bodies within the ROMP site to maintain a 'constant head boundary' of around 6 metre above ordnance datum.

It was also reported that the associated plant site at Kings Street has a separate consent to abstract water from Tallington Lakes to provide wash water for the processing plant. The discharge of this water is back to the Lakes and forms a closed system considered to be non-consumptive abstraction.

The Further Information submitted under the Regulation 25 Notice confirmed that there would be no adverse impacts on the proposed water management regime, should this application be granted or not, insofar as the proposed final landform would accommodate a proportionate holding capacity to allow the predicted discharge rate for the ROMP area to be maintained. With regard to final restoration, the progressive nature of the works allows for the creation of a clay seal, this would eventually result in the extension site being incorporated within the ROMP area and that post excavation, the combined sites would be wholly self-contained in respect of water management. The south east area of the ROMP site would become the permanent discharge point for the combined areas of ROMP and 'Tinsley Land' and would be to the IDB drain which runs parallel with the Greatford Cut. The proposed water body within the site would be connected to the south east sump through a series of drains and weirs to maintain the water levels.

Flood Risk was assessed insofar as whilst the site lies within Flood Zone 1 the extension area exceeds 1 hectare. Consideration was therefore given to any potential impacts beyond the boundary of the site. It was reported that the discharge to the IDB drain would be incorporated into the flood relief system operated by the IDB to minimise the potential risk or consequences of flooding in its catchment area. Mitigation would be informed by the implementation of regular water table monitoring to be carried out utilising the site investigation boreholes drilled in 2016 or if not suitable, consideration should be given to installing new piezometers within the restored part of the site. The data gathered from this monitoring would provide evidence on the effectiveness of both short term and long term pumping of the three ponds and drains and where considered necessary, require the changing of the pumping equipment, should insufficient maximum pumping capacity be identified.

Overall it was considered that the lateral extension into 'Tinsley Land' and proposed restoration programme for that area would not have an adverse impact on the water environment and that there would be no significant flood risk beyond the boundary of the site.

**Chapter 15: Transportation and Traffic** – this chapter considered the impact of the lateral extension to West Deeping Quarry on the local

transport infrastructure and the adequacy of the access arrangement to the existing site, recent safety record and compliance with current standards. Consideration has been given to the proposal to introduce the removal of residual material from the processing of mineral, at the plant site off King Street, back to the extension site for incorporation into the progressive restoration of the site. This proposal does not compromise the terms of the existing routing contained in the Section 106 planning obligation. The principle of the return of this material has been considered separately in respect of the ROMP application.

**Chapter 16: Soils and Agricultural Land Classification** – this chapter considered the potential impacts of the extraction of mineral from the 'Tinsley Land' upon Agricultural Land Quality and Soil Resources.

The 'Tinsley Land' was assessed to be a combination of Agricultural Land Classification Grade 3a and 3b with the topsoil resource consisting of heavy clay and medium clay loam, of thickness around 30-35 centimetre and sub-soils of permeable heavy clay loam with a thickness of approximately 18 centimetres. The gravel resource below the soils varies in thickness from 35-65 centimetres.

Topsoil and sub-soil would be managed in accordance with the 'Good Practice Guide for Handling Soils' with soil stripping and replacement being undertaken during dry periods of the year. Where soils have to be stored, when they cannot be used directly on previously worked land, bunds of topsoil would not exceed 3 metres in height. Where soil stores are to be retained for extended periods, they would be sown with grass to maintain biological activity and prevent water erosion. No soils, overburden or clay arising from the mineral operations would be removed from site.

The proposed restoration programme seeks to return the 'Tinsley Land' to agricultural land at low level utilising all retained soils and overburden and silts, with the excavated clays being used to engineer seals and a water body would also be created to benefit biodiversity. The proposed water management regime would ensure that there would be no water-logging of the restored agricultural land.

**Chapter 17: Cumulative Impact Assessment** – this chapter addresses the cumulative impact of the lateral extension when combined with other developments and activities in the area. It was concluded that the 5.4 hectare extension to the existing extraction area of West Deeping Quarry would not give rise to significant impacts on the environment, amenity and highways over and above those already being experienced in respect of the ROMP area. The extension would be modest in nature and any temporary impacts could be controlled through the implementation of appropriate mitigation measures. Finally overall the restoration proposals would not result in unacceptable visual impacts on the landscape.

### Non-Technical Summary

7. This volume contains an overview of the main finding of the PES in an easily understandable and accessible format.

### Technical Appendices

8. This volume contains the technical data supporting the reports contained in the P&ES including drawings, photographs/photomontages, referenced documents and results of ground investigations such as ground water ingress calculations and results of transport surveys.

### Further Information

9. The following Further information supplements were submitted that updates the information contained in the original PES. The information comprises of the following:
  - Revised working phases and restoration (to supplement Chapter 3 of the P&ES);
  - Heritage Assessment (to supplement Chapter 11 of the P&ES);
  - Water management (to supplement Chapter 12 of the P&ES); and
  - Clay management (to supplement Chapter 14 of the P&ES).

### Site and Surroundings

10. West Deeping Quarry (Rectory Farm) is an existing sand and gravel extraction area approximately 750 metres north east of West Deeping village and bound to the south by the A1175, to the west by the extraction area of the CEMEX King Street Quarry, to the north the Langtoft Gravel Pit SSSI (separated by the Greatford Cut) and again separated by the Greatford Cut, agricultural land to the east. The main access to the site crosses the footway and verge to the north of the A1175 that provides the farm lane leading to Rectory Farmhouse. A further access, not used by quarry traffic gives access to Crown Farmhouse north of the A1175. The Rectory Farm site is surrounded by a combination of native species hedgerows and grassed bunds constructed of the topsoil arising from the soil stripping. Further bunds are erected around the residential Farmhouses, the loading area around the conveyor hopper. The bunds are constructed to heights of 3 metre (topsoil) and 5 metre (sub-soil).



11. Although there are four public rights of way and other public areas in close proximity to the extraction area, there are few external views into the extraction areas, insofar as they are at a lower level than the surrounding ground level, the maturity of the hedgerows and height of the bunds. More distant views are generally obscure given the boundary treatments and intervening Greatford Cut and mature trees.

#### Main Planning Considerations

##### National Guidance

12. The National Planning Policy Framework (February 2019) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 12 (Sustainable development) – presumption in favour, which identifies three overarching objectives - economic; social; and environmental.

Paragraph 38 – 45 (Decision making) – LPA's should approach decisions on proposed development in a positive and creative way and work proactively with applicants.

Paragraphs 47 & 48 (Determining applications) - applications for planning permission should be determined in accordance with the development plan; and where at an advanced stage emerging plans, unless material considerations indicate otherwise.

Paragraphs 54 & 55 (Use of planning conditions and obligations) – states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions and conditions should be kept to a minimum.

Paragraphs 83 & 84 (Supporting a rural economy) – states that planning decisions should enable development and diversification of agricultural and other land-based rural businesses and sustainable rural tourism and leisure developments which respect the character of the countryside. Rural sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraphs 108 - 110 (Promoting sustainable transport) – states that when considering development proposals it is necessary to ensure that there is safe and suitable access to the site and that any significant impact from the development on highway safety is mitigated, would not have severe residual cumulative impacts on the road network and addresses the needs of people with disabilities and reduced mobility.

Paragraph 118 & 120 (Making effective use of land) – states that decisions should encourage benefits from rural land and take opportunities to achieve net environmental gains such as new habitat creation.

Paragraph 163 & 164 (Planning and flood risk) – directs that decisions should ensure that developments do not increase flood risk and is appropriately flood resilient.

Paragraph 170 (Conserving and enhancing the natural environment) – directs that planning decisions should contribute to and enhance the natural and local environment, minimize impacts on and providing net gains for biodiversity.

Paragraph 180 (Ensuring development appropriate for its location) - taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts.

Paragraph 182 and 183 (Ensuring that new development can be integrated effectively) - with existing businesses and community facilities and whether the proposed development is an acceptable use of land.

Paragraph 189 & 199 (Conserving and enhancing the historic environment) – sets out the requirements necessary to evaluate the historic significance of a site and the level of information necessary to determine a planning application. Local planning authorities should require developers to record and advance understanding of any heritage assets to be lost (wholly or in part).

Paragraph 203 to 205 (Facilitating the sustainable use of minerals) – Ensure sufficient supply of minerals, which can only be worked where they are found, that do not have unacceptable adverse impacts on the natural and historic environment and weigh the benefits of mineral extraction but ensure that there are no unacceptable local adverse impacts and provide for restoration and aftercare at the earliest opportunity.

13. In addition to the NPPF, in March 2014 the Government published a series of web-based National Planning Policy Guidance notes (NPPGs). The NPPGs sets out the overall requirements for minerals sites, including:
- Minerals overview – providing justification for the need to ensure that sites operate to continued high working and environmental standards;
  - Supply – outlines the responsibility of Mineral Planning Authorities to ensure an adequate supply of mineral;
  - Environmental impacts – sets out the criteria necessary to ensure the information provided in support of an application is sufficient to allow for a planning decision that meets the requirements of Statutory consultees;
  - Environmental issues – lists the principal issues that should be addressed by the Mineral Planning Authority;
  - Other regulatory regimes – identifies where mineral activities may require additional licensing/permits other than planning controls;
  - Cumulative impacts – identifying that these are material consideration when determining planning applications;
  - Noise/Dust – specific direction is provided in relation to control or mitigation of noise/dust emissions;
  - Restoration/aftercare – identifies the responsibilities for delivery and maintenance and the planning conditions and detail required to achieve site specific restoration and aftercare to a high quality and appropriate after use;
  - Planning for aggregate minerals – directs planning decision makers to consider aggregate landbanks; and
  - Review of minerals planning conditions – directs the Mineral Planning Authority to the relevant legislation setting out how Periodic Reviews should be carried out and the restrictions on planning conditions imposed as part of the review.

#### Local Plan Context

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

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

Policy M3 (Landbank of Sand and Gravel) states that to ensure a steady and adequate supply of sand and gravel for aggregate purposes, the County Council will seek to maintain a landbank of permitted reserves of sand and gravel of a least 7 years within each of the Production Areas.

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

- A proven need that cannot be met from the existing permitted reserves; or
- A specific shortfall in the land-bank of the relevant Production Area and forms an extension to an existing Active Mining Site.

Policy M11 (Safeguarding of Mineral Resources) states that sand and gravel resources that are considered to be of current or future economic importance within the Minerals Safeguarding Areas, will be protected from permanent sterilisation by other development.

Policy W6 (Landfill) states that planning permission will only be granted for new landfills provided that:

- It has been demonstrated that the current capacity is insufficient to manage that waste arising; and
- There is a long term improvement to the local landscape; and
- The development would not cause a significant delay to the restoration; 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 HGVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.
- Minerals – encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new/enhanced biodiversity levels/habitats as part of the restoration proposals to provide carbon sinks and/or better connected ecological networks, and; encourage the most efficient use of primary minerals.

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

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

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

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

Policy DM6 (Impact on Landscape and Townscape) – states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10 year maintenance period.

Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

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

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

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

Policy DM12 (Best and Most Versatile Agricultural Land) states that proposals that include significant areas of best and most versatile

agricultural land will only be permitted where it can be demonstrated that no reasonable alternative exists and for mineral sites the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

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

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

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

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

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

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

Policy R2 (After-use) states that proposed after-uses should be designed in a way that is not detrimental to the local economy and conserves and where possible enhances the landscape character and the natural and historic environment of the area in which the site is located. After-uses should enhance and secure a net gain in biodiversity and geological conservation interests, conserve soil resources, safeguard best and most versatile

agricultural land and after-uses including agriculture, nature conservation, leisure recreation/sport and woodland.

Policy R3 (Restoration of Sand and Gravel Operations within Areas of Search) refers specifically to South Lincolnshire (West Deeping/Langtoft): creation of wet fenland habitat or enhancement of existing wetland habitats.

15. South Kesteven Core Strategy 2010 – as an adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy EN1 (Protection and Enhancement of the Character of the District) – states that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated.

Policy EN2 (Reducing the Risk of Flooding) – states that any proposal should not contribute to flood risk and not have a detrimental impact on the natural water environment.

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

Policy SD1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Therefore planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

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

Policy EN1 (Landscape Character) states that development must be appropriate to the character and significant natural, historic and cultural

attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration.

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

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

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

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

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

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

## Results of Consultation and Publicity

17. (a) Local County Council Member, Councillor R Trollope-Bellew – was consulted on 22 March 2019 and 31 July 2019 but no responses have been received within the statutory consultation period or by the time this report was prepared.
- (b) West Deeping Parish Council - have no comments or objections.
- (c) Market Deeping Town Council (Adjacent) – wishes to make no comment.
- (d) Langtoft Parish Council (Adjacent) – have no comment on this application.
- (e) Environment Agency (EA) – has no objection to this proposal and has requested that an Informative be included in relation to Environmental Permitting.
- (f) Historic England (East Midlands) – do not wish to offer any comments.
- (g) Planning Casework Unit – have no comments to make on the environmental statement.
- (h) Highway and Lead Local Flood Authority (Lincolnshire County Council) - does not wish to restrict the grant of permission. Lincolnshire County Council has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
- (i) Welland & Deepings Internal Drainage Board – note that new tree, wood and hedge would be planted. It is advised that an Informative be attached which advises the operator to contact the IDB prior to any work taking place within 9 metres of the top edge their drains and with respect to discharge flow rates to their infrastructure.
- (j) Natural England – has no objection based on plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated site and requested an informative be included with regards to landscape, soils, protect species and other environmental issues.
- (k) Historic Environment Officer (Lincolnshire County Council) – considers the geophysical survey results indicate that the archaeological potential of this site is high however in this case does not think it necessary to further evaluate this site prior to determination. However, it is recommended that a condition be attached to secure an Scheme of Archaeological Works prior to commencement of operations within the extension area and request that an Informative be attached with regard to the specification for the content of the Scheme.

18. The following bodies/persons were consulted on the application on 22 March 2019 and again on 31 July 2019 following the receipt of the Further Information. No response or comments had been received within the statutory consultation period or by the time this report was prepared:

South Kesteven District Council Environmental Health  
MoD Safeguarding (RAF Wittering);  
Lincolnshire Wildlife Trust  
Public Health (Lincolnshire County Council)  
Tallington Parish Council (Adjacent)  
Barholm & Stowe Parish Council (Adjacent)  
Countryside Access (Lincolnshire County Council)  
Ramblers Association  
Arboricultural Officer (Lincolnshire County Council)

19. The application was originally advertised in the Lincolnshire Echo on 28 February 2019 and through the display of three site notices at King Street Plant Site, the entrance to Rectory Farm and the entrance to Crown Farm.

20. Following receipt of the Further Information in relation to a request made under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 this Further Information was publicised by a notice in the Lincolnshire Echo on 8 August 2019. Nine letters of notification were sent to the nearest residents. No representations have been received within the statutory consultation period or by the time this report was prepared

#### District Council's Recommendations

21. South Kesteven District Council has no objection to the proposal.

#### Conclusions

22. The main issues to be considered in the determination of this application are whether the applicant has demonstrated a proven need for mineral extraction from an site not allocated in the Lincolnshire Minerals and Waste Local Plan Site Locations Document and; whether, removal of the minerals from the site and impacts associated with the development, would have a significant detrimental and unacceptable adverse impact on the environment and amenity of nearby residents and land-users.

#### Need for the proposed extension

23. The NPPF and Policy M11 of the CSDMP seek to ensure that Mineral Resources are adequately safeguarded against sterilisation by other development. The proposed extension to West Deeping Quarry has a known reserve of 0.35 million tonnes of saleable sand and gravel. The agent (Heatons), for the applicant (Breedon Southern), has indicated that should this mineral not be excavated, there is a danger that the reserve

would become sterilised. The agent has identified that there would be engineering difficulties, which would render extraction at a future date commercially unviable, should the mineral not be exploited at this time. The engineering difficulties are in respect of the clay seals around the ROMP site that would constrain the ability to fully extract the known reserve.

24. The agent acknowledged that an area to the south of Stamford Road has been identified in the Site Location Document (ref MS29-SL) as an extension to the West Deeping Quarry, which has total reserves of 2.2 million tonnes of which 1.16 million tonnes are forecast to be worked during the plan period. This site is therefore the preferred extension to follow on from the cessation of sand and gravel in the ROMP area. Whilst MS29-SL may be the preferred extension there are no indications that this site will be brought forward in the foreseeable future, insofar as West Deeping Quarry (subject to the ROMP application) has reserves for at least two more years. Whilst the agent has identified that overall Lincolnshire has allocated reserves at the end of 2016 to supply for 9.45 years, it has also been stated that there is no maximum limit for a land-bank.
25. In this instance the proposed extension area is modest in size and considered a logical extension to West Deeping Quarry. The site would be excavated as an extended Phase of working, namely Stage C, of the ROMP site and not on completion of the final Stage D. This would allow the extension area to be incorporated into the overall progressive restoration programme for West Deeping Quarry. The resulting landform would provide for a larger area of workable agricultural land. It is proposed that a small body of water, to the south east of the extension area, would represent an enhancement of the natural environment and consistent with the biodiversity gains being created in and around the wider quarry. The period for extraction would equate to an additional 18 months to the predicted life span of West Deeping Quarry, thus ensuring that there would be continuity in terms of supply of mineral and employment for the existing workforce. Alternatives have been considered, including do nothing that could result in loss of employment.
26. It is therefore considered by your officer that the proposed extension to West Deeping Quarry would be acceptable and would prevent the sterilisation of a known reserve of saleable sand and gravel and meets the aims and objectives of the NPPF, Policies M2, M3, M4 and M11 of the CSDMP which seeks to provide for and maintain a seven year supply of sand and gravel and to protect against sterilisation of mineral resources.

#### Hours of Work

27. With regard to the hours of operation, your Officers consider that the existing hours of operation which apply to the West Deeping Quarry and operations with the plant site off King Street are appropriate and should be applied to any permission for this extension. A condition is therefore recommended which would ensure the hours of operation are consistent and would be a reasonable balance between maintaining the operational requirements and

interests of the applicant whilst protecting the amenity of residents living and visiting close to the quarry. It is considered that subject to a condition being attached the hours of work are consistent with the NPPF and Policy DM3 of the CSDMP and would not conflict with nor compromise Policies EN5 and DE1 of the emerging South Kesteven Local Plan that seeks development that does not have adverse impacts on the amenity of residents and the wider environment.

#### Highway Network and Highway Safety

28. The proposed access to the 'Tinsley Land' would be wholly via the approved routes subject to the ROMP area and as a consequence also subject to the terms of the routing within the Section 106 Planning Obligation dated 29 August 2017 and conditions relating to the highway proposed in the ROMP application. Notwithstanding your Officer considers it appropriate to attach a condition preventing the use of the existing field gate onto A1175/Stamford Road for the duration of the development. As a consequence the proposed extension would be in accordance with the aims and objectives of the NPPF and Policies DM13 and DM14 of the CSDMP insofar as there would be no impacts on the Highway Network or Highway Safety over and above those already associated with the current operations at West Deeping Quarry.

#### The Water Environment

29. The extension site would be largely subject to the same water management regime as the ROMP area. Submitted with as part of the ES was a 'Water Environment Report' that provided a recommendation for monitoring the water table level of restored land during on-going extraction operation including that of the ROMP area, to prevent water-logging of restored areas and to provide through monitoring evidence of the effectiveness of the water management regime during excavation and restoration and provide evidence that the success of the progressive restoration would not be compromised through inundation. The Welland and Deepings IDB have no objection to the proposal but requested that an informative be attached to any decision notice with regards to the management of the IDB infrastructure. It is therefore considered appropriate for your officers to impose a planning condition requiring the applicant to submit a monitoring scheme reflecting the recommendation of the ES. As a consequence the proposed extension is consistent with the aims and objectives of the NPPF and Policies DM2, DM15 and DM16 of the CSDMP and would not conflict with nor compromise Policy EN2 of the South Kesteven Core Strategy and Policies SD2 and EN5 of the emerging South Kesteven Local Plan that seeks to reduce flood risk beyond the boundary of the site.

#### Ecology

30. An Extended Phase 1 Habitat Survey had been submitted with this application and the findings of this are included within the ES. Notwithstanding the proximity to the Langtoft Gravel Pits SSSI and local sites of biodiversity conservation value, the Survey identified that overall the

extension area is of low ecological value. The survey confirmed that a number of habitats capable of supporting wildlife did exist and that it may be necessary to manage these habitats in such a way as to protect wildlife, in particular birds during the nesting season. Natural England did not object to the proposed extension but have provided an informative to be attached to a decision notice in respect of landscape, designated sites and protected species. It is therefore considered appropriate for your officers, given the recommendations of the Phase 1 Survey, to attach to a decision, a planning condition restricting the clearance of vegetation between the 1 March and 31 August unless otherwise agreed in writing with the MPA following further surveys being carried out by a qualified ecologist reporting no bird activity. As a consequence the proposed extension would accord with the aims and objectives of the NPPF and Policies DM8 and DM9 of the CSDMP and would not conflict with nor compromise Policy EN2 of the emerging South Kesteven Local Plan that seeks to protect biodiversity.

### Noise and Dust

31. Assessments of the impacts of noise and dust were submitted as part of the ES and a series of mitigation measures are recommended to be implemented to ensure no fugitive emissions would arise from the site that would adversely impact the surrounding locality. The ES also included a clear programme for the management of complaints and your officers consider it appropriate to impose planning conditions that would set maximum noise levels for normal operational activity and temporary operations (i.e. such as soil stripping) and which require the implementation of the dust management practices and complaints procedure. Subject to such conditions the proposed extension would meet the aims and objectives of the NPPF and Policy DM3 of the CSDMP and would not compromise Policies EN5 and DE1 of the emerging South Kesteven Local Plan that seeks development that does not have adverse impacts on the amenity of residents and the wider environment.

### Archaeology and Cultural Heritage

32. The ES initially contained a desktop study and Heritage Statement only however, as a result of the Regulation 25 notice, a geophysical survey was carried out that returned significant indications of potential archaeological interest across the whole of the 'Tinsley Land'. As a consequence the Historic Environment Officer for Lincolnshire County Council recommended that a condition be attached to a decision notice to secure a Working Scheme of Archaeological Investigation (WSAI). The purpose of the WSAI would ensure that heritage assets within the site be recorded prior to their destruction. It is therefore considered by your Officer that a condition be attached that secures the WSAI prior to commencement of the development. Subject to the imposition of a condition the proposed extension would accord with the aims and objectives of the NPPF and Policy DM4 of the CSDMP and would not conflict with nor compromise Policy EN1 of the South Kesteven Core Strategy or Policies EN1 and EN6 of the emerging South Kesteven Local Plan that requires developers to make

adequate provision to excavate and record archaeological assets before and during development.

### Materials Handling

33. The 'Tinsley Land' has been assessed as containing Grade 3a and 3b agricultural soils and therefore it is considered best and most versatile agricultural land. Measures would be adopted to ensure soils are carefully handled during site operations and therefore preserved so they can be used in the restoration of the site. The restoration scheme proposes to restore the extension site to an arable after-use and therefore there would be no overall loss of agricultural land in the long-term. Your officers recommend that conditions be imposed to ensure the soil handling and management regimes within the ES are implemented so that restoration of the site to an arable use can be ensured. Finally, silt derived from processing the mineral at the King Street plant site would be transported back into the site to aid the creation of the restoration profiles. Given that the silt is a residual waste of the processing of the indigenous sand and gravel extracted from the West Deeping Quarry and the proposed extension, the return of this material to aid restoration is not considered unacceptable. As a consequence with the appropriate use of conditions securing the handling and storage of all material arising from the extraction of mineral, the proposed development would meet the aims and objectives of the NPPF and Policies W6, DM11 and DM12 of the CSDMP.

### Restoration and Aftercare

34. Overall the proposed restoration would be consistent with that of the ROMP area, being low-level agriculture with areas of water and planting that would deliver biodiversity gain. The restored site would contribute positively to returning the site to agricultural use, increase the ecological value of West Deeping Quarry and mitigate the visual impacts of the site within the wider landscape. Within the planning statement was an undertaking to use native species of trees, shrubs and grasses however no detail was included as to a restoration landform, water management proposal and planting scheme. As a consequence your officer considers that attaching a condition to secure a scheme of restoration including landform, water-body, drainage infrastructure, planting species, numbers, spacing and locations would ensure that the restoration would be of an acceptable standard. It would also be appropriate to secure through condition an aftercare scheme to ensure the success of the restoration planting in the long term. It is therefore considered that subject to appropriate conditions, the proposed restoration and aftercare of the 'Tinsley Land' extension would meet the aims and objectives of the NPPF and Policies DM6, DM12, R1, R2 and R3 of the CSDMP and would not conflict with nor compromise Policy EN1 of the South Kesteven Core Strategy and Policies EN1, EN2 and EN3 of the emerging South Kesteven Local Plan which seeks development appropriate to its setting, enhance landscape character and habitat creation to improve the Green Infrastructure of the District.

## Cumulative Impacts

35. Consideration has been given to the potential for all impacts of both the 'Tinsley Land' extension and the ROMP areas in combination. The Landscape and Visual Impact Assessment submitted with the ES does not consider the working of the extension or continuing operation at West Deeping Quarry would impact adversely on the landscape given that the whole area has been substantially quarried for a considerable number of years. The proposed extension would increase the amount of low level agriculture, consistent with the ROMP area, this is considered a common feature in the area and both applications in combination do not pose an unacceptable adverse visual impact, insofar as the characterisation of the locality is one of arable land, water bodies and sand and gravel quarries. From an amenity perspective the operations at the extension would be carried out as an extension to Stage C of the proposed working phases of the ROMP and as a consequence extraction and restoration would be sequential and not concurrent. This would ensure that there would be no cumulative impacts insofar as there would be no increase in day to day activity at the Quarry. In addition mitigation proposals in respect of noise, dust and hours of work would ensure the amenity of sensitive receptors have been addressed. It is therefore considered that with the imposition of appropriate conditions the extension of West Deeping Quarry into the 'Tinsley Land' is sustainable and that adverse impacts can be appropriately mitigated and ameliorated. As a consequence the proposed extension meets the aims and objectives of the NPPF and Policy DM1 of the CSDMP and Policy SD1 of the emerging South Kesteven Local Plan that promotes sustainable development.

## Human Rights Implications

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

## **RECOMMENDATIONS**

It is recommended that:

- (A)** Planning permission be granted subject to the following conditions:

### Definition and commencement

1. This permission relates to the site edged red on Drawing No.W23\_LAN\_002 REV A - 'Location Plan' (hereafter referred to as 'the Site') for the

progressive winning and working of sand and gravel and restoration of the Site.

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

2. The winning and working of sand and gravel from the Site hereby permitted shall begin before the expiration of three years from the date of this permission. Written notification of the date of commencement of winning and working operations within shall be sent to the Mineral Planning Authority within seven days of such commencement.

*Reason: To enable the Mineral Planning Authority monitor the development.*

### Scope of the Permission

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

#### Documents

- Planning Application Form (date stamped received 23 January 2019) and Planning and Environmental Statement prepared by Heaton Planning Ltd dated January 2019 (date stamped received 23 January 2019) including all appendices and supporting technical assessments as amended by the Further Information submitted in response to the Regulation 25 Notice (date stamped received 5 July 2019);

#### Drawings

- Drawing No. W23\_LAN\_002 REV A – Location Plan date stamped received 5 February 2019;
- Drawing No. W23\_LAN\_004\_E – Development Stages date stamped received 23 January 2019;
- Drawing No. W23\_LAN\_005\_E REV A – Final Restoration date stamped received 5 July 2019; and
- Drawing No. as illustrated in Drawing No: W23\_LAN\_006\_E – Sections date stamped received 23 January 2019;

*Reason: To ensure that the development is completed in accordance with the approved details.*

4. There shall be no access or egress by Heavy Commercial Vehicles from the site using the field gate onto the A1175/Stamford Road for the duration of the development.

*Reason: In the interest of highway safety.*

## Archaeology

5. (a) No development shall take place until a written scheme of archaeological investigation regarding an archaeological watching brief has been submitted to and approved by the Mineral Planning Authority. This scheme should include the following:
1. An assessment of significance and a proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable for site investigation, recording and reporting.
  3. Provision for site analysis.
  4. Provision for publication and dissemination of analysis and records.
  5. Provision for archive deposition.
  6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation shall thereafter be carried out and implemented in full accordance with the approved details.

- (b) The applicant shall notify the Mineral Planning Authority of the intention to commence at least fourteen days before the start of each phase of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without the prior consent of the Mineral Planning Authority.
- (c) A report of the archaeologist's findings shall be submitted to the Mineral Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council in accordance with the approved scheme unless otherwise agreed in writing by the Mineral Planning Authority. The condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

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

## Landscape and Ecology

6. The existing trees and shrubs around the boundary of the Site shall be retained except where provision for their removal has been made in the approved scheme of working and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority.
7. No site preparation works that involve the destruction or removal of vegetation shall be undertaken during the months of March to August

inclusive, unless otherwise approved in writing by the Mineral Planning Authority.

*Reason(s): To ensure that the existing boundary trees are retained throughout the development so as to help minimise the visual impact of the development, to secure the ecological mitigation measures and enhancements proposed as part of the development and to avoid disturbance to birds during the breeding season in the interests of wildlife conservation.*

#### Materials Handling Strategy

8. Nothing in this determination shall be construed as permitting the removal of soils and/or overburden and/or clay from the site.
9. The stripping, excavation, movement, storage, lifting and placement of topsoil, subsoil, clay and soil forming materials that may be encountered, shall only take place in accordance with the recommendations in Section 4 of the 'Soil Resources and Agricultural use and Quality of Land at West Deeping Quarry, Lincolnshire' (Appendix G of the ES).
10. All materials excepting topsoil shall be stored to a height not exceeding 5 metres and shall not be located on restored land or land that has not been stripped of topsoil.

*Reason: To preserve the quality of topsoil and protect the visual amenity of the surrounding area.*

#### Hours of operation

11. Unless otherwise agreed in writing with the Mineral Planning Authority no operations and activities authorised or required in association with this development, other than water pumping, shall be carried out except between the following hours:

Monday to Friday 0700 to 1700;

Saturdays 0700 to 1200; and

No operations shall be carried out on Sundays or Bank Holidays.

#### Noise and Dust

12. All dust prevention, control and management measures as set out in Chapter 11 of the Environmental Statement shall be implemented in full for the duration of the operational/construction/restoration phases of the development.
13. Except for temporary operations (as referred to in Condition 14 below) noise levels as a result of any operation or item of plant and machinery operating within the site shall not exceed 55dB LAeq (1 hour, free-field) when measured at any noise sensitive property in the vicinity of the site.

14. For temporary operations, which includes soil stripping and bund construction and removal, noise levels shall not exceed 70 dB LAeq (1-hour free-field) when measured at any noise sensitive property in the vicinity of the site.

#### Complaints Procedures

15. In the event of a complaint relating to dust and/or noise being received by the operator or the Mineral Planning Authority, the programme of monitoring and complaints procedure (as set out in Appendix C 'Supporting Statement in Respect of Noise and Dust' of the ES) shall be implemented in full and any further mitigation measures considered necessary identified and implemented. The results of the monitoring and details of any further mitigation measures implemented shall be recorded and retained at West Deeping Quarry for a period of three years and made available to the Mineral Planning Authority on request.

*Reasons: To protect the amenities of the surrounding area*

#### The Water Environment

16. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, or shall be stored in an approved double skin proprietary tank/s. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/s and other containers plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.
17. Prior to commencement of extraction in Stage D, as illustrated in Drawing No: W23\_LAN\_004\_E, a groundwater monitoring scheme shall first be submitted and approved in writing by the Mineral Planning Authority. The scheme shall provide for monitoring to be undertaken during the restoration and aftercare phases of the development and reflect the recommendations as set out in the Appendix E 'Water Environment Report for West Deeping Quarry, King Street, West Deeping, Lincolnshire' of the ES and provide for the following:
  - a) contain details of the location of all monitoring boreholes to be established;
  - b) provide for the carrying out of baseline surveys and levels;
  - c) identify triggers and measures to be adopted to ensure and maintain the water table level within the areas of the site restored to agriculture to no greater than 6 metres above ordnance datum; and
  - d) contain a timetable setting out the frequency for on-going monitoring and reporting of results to the Mineral Planning Authority for the duration of the development hereby permitted.

Following the approval of the scheme it shall be implemented in full and in accordance with the approved details.

*Reason: In order to afford appropriate protection to the environment and to demonstrate that the water table is maintained in restored areas.*

### Restoration and Aftercare

18. Prior to commencement of mineral extraction in Stage D, as illustrated in Drawing No: W23\_LAN\_004\_E, full details of a restoration scheme for the extension site shall be submitted and approved in writing by the Mineral Planning Authority. The restoration scheme shall include information on landform, locations and cross-section of the water body and drainage ditches and weirs together with native planting species, numbers, spacing and locations. The site shall be progressively restored in accordance with the approved scheme and completed in full within 12 months of the permanent cessation of mineral extraction. All planted trees, shrubs and hedgerows shall be maintained for a period of 5 years during which all losses shall be replaced in the following planting season.
  
19. Prior to commencement of mineral extraction in Stage D, as illustrated in Drawing No: W23\_LAN\_004\_E, an aftercare scheme for the site shall be submitted to and approved in writing by the Mineral Planning Authority. For avoidance of doubt the submitted scheme shall provide the following details:
  - The steps as may be necessary to bring the land to the required standard for use for agriculture, water management and nature conservation;
  - For the annual submission of a schedule of aftercare works to be undertaken in any calendar year from the commencement of the aftercare period; and
  - For the annual submission of a record of the works carried out in the previous year.

The approved scheme shall be implemented in full. Aftercare shall commence on the date cited in condition 18 above of the completion of restoration.

20. In the event of permanent cessation of mineral extraction, a revised restoration scheme and programme aftercare shall be submitted to and approved in writing by the MPA. Such a scheme shall be submitted within 6 months of cessation of extractive operations and implemented in full.

*Reason: To ensure that the site is restored appropriately and at the earliest opportunity and that the restored land is subject to appropriate aftercare in the interests of agricultural land quality.*

- (B)** This report (including appendices) forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 – which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:
- the content of the decision and any conditions attached to it;
  - the main reasons and consideration on which the 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 the procedures for doing so.

#### Informatives

Attention is drawn to:

- (i) Natural England – letter reference 274726 dated 12 March 2019 referring to Standing Advice and Designated Sites.
- (ii) Lincolnshire Wildlife Trust – letter received 26 March 2019 referring to the South Lincolnshire Fenlands Partnership (SLFP) project.
- (iii) Welland & Deepings Internal Drainage Board – letter reference CS/JP/P/D/1 dated 13 March 2019 referring to IDB infrastructure responsibilities
- (iv) Historic Environment Officer (Lincolnshire County Council) – e-mail dated 12 August 2019 advising that the applicant contacts the Historic Environment Officer to secure an outline for the work required in respect of the Scheme of Archaeological Investigation.
- (v) Environment Agency letter dated 14 March 2019 Ref: AN/2019/128722/01-L01 referring to Environmental Permits
- (vi) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

(vii) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified/enhancements to the proposal and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

**Appendix**

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

## Background Papers

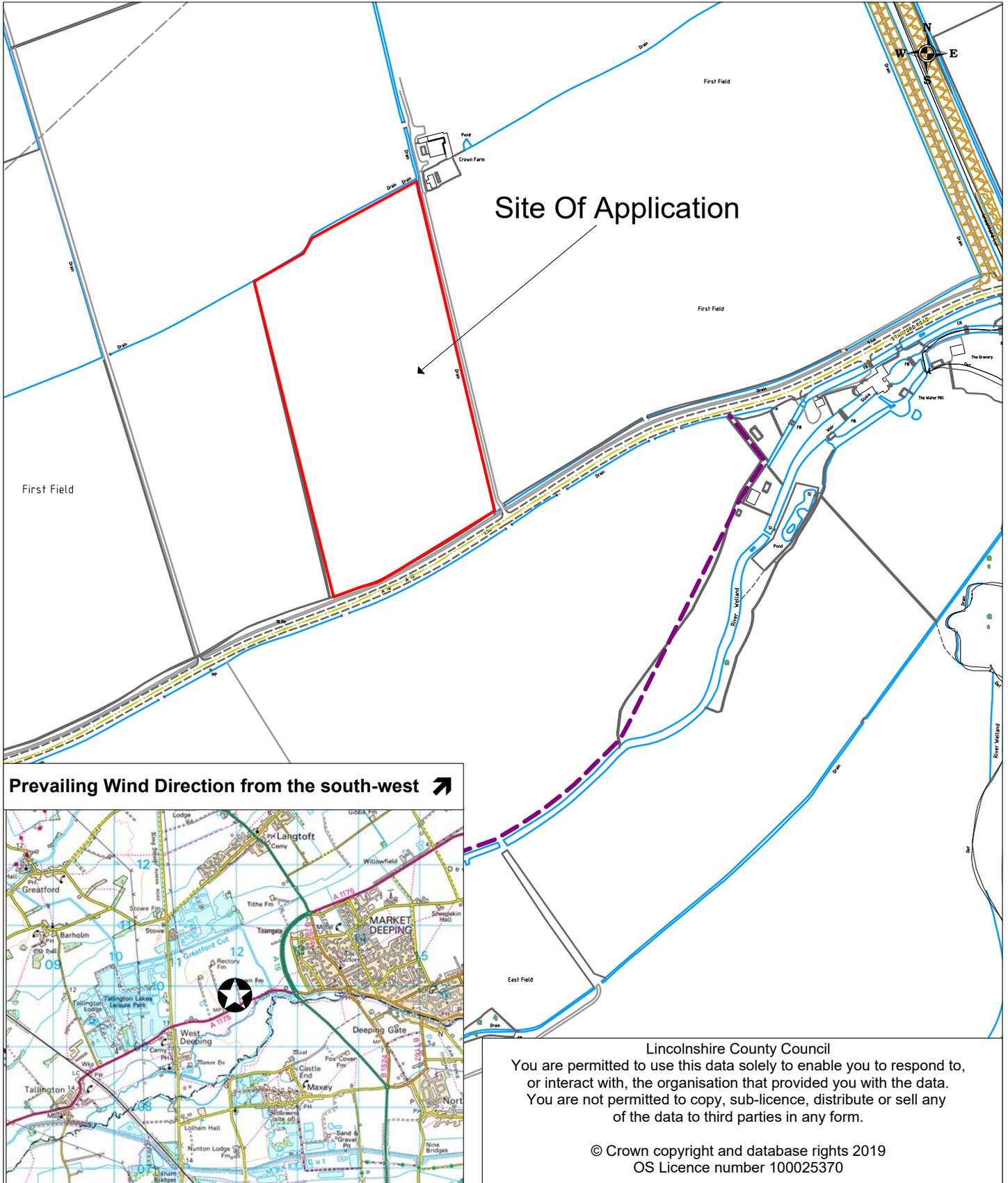
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files S19/0486 S19/0497	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2019)  National Planning Policy Guidance (2014) - Minerals	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)  Lincolnshire Mineral and Waste Local Plan Site Location (2017)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Core Strategy (2010)  South Kesteven Local Plan 2011 – 2036 (emerging plan)	South Kesteven District Council website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 7 OCTOBER 2019



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

**Application No:** S19/0486  
**Scale:** 1:5000

**Description:**  
 Extension to West Deeping Quarry

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