

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

Report to:	Planning and Regulation Committee
Date:	7 October 2019
Subject:	County Matter Application - S19/0497

Summary:

An application has been made by Breedon Southern Ltd (Agent: Heaton Planning) under the provisions of Schedule 14 of the Environment Act 1995 for the First Periodic Review of the conditions by which West Deeping Quarry, King Street, West Deeping operates. The purpose of the Periodic Review process is to update and modernise the old mining permissions and their conditions to ensure that quarries operate to modern standards.

The Periodic Review 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. Subsequent permissions (refs: S81/0896/96, S81/0026/98 and S81/0860/01) have since been made which also relate to the quarry. In 2017, the quarry was acquired by Breedon Group and following discussions relating to the restoration of Rectory Farm, the Mineral Planning Authority (MPA) served a notice in accordance with the Environment Act 1995 to initiate a First Periodic Review of the site.

The key issues to be considered in the case of this Review of Old Minerals Permissions (ROMP) application are the appropriateness and acceptability of the proposed conditions put forward within the ROMP application and the impacts of the ongoing extraction of sand and gravel with particular consideration in relation to impacts on the water environment, extraction and restoration phasing, highways, historic environment, landscape and the amenity of surrounding land-users, residential properties and the natural environment.

The applicant submitted a set of proposed planning conditions as part of the application and these have been revised and updated following discussions between the applicant and the MPA. The revised conditions secure appropriate mitigation and monitoring to ensure the continued operations at West Deeping Quarry would not result in significant detrimental impacts on the surrounding area and also secure a restoration scheme which would predominantly be agricultural uses with enhanced biodiversity through the creation of wetland habitats.

Concurrent to this ROMP application, the applicant has also submitted a second application (reference S19/0486) which is seeking a lateral extension to the Rectory Farm site by extending operations into a parcel of land surrounded by the existing quarry. Given the close relationship and implications of this extension that application and the development is also considered and assessed as part of the ES, however, details of this application and the planning issues associated with that proposal are dealt with in a separate report.

Finally, the ROMP 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, HGV routing, archaeological obligations and secures long term aftercare including maintenance of pumping to the Langtoft Drain.

Recommendation:

That the scheme of conditions set out in this report be approved.

Background

1. West Deeping Quarry has been in continuous operation since 1952 and has over time extended to the north, west and east with the current extraction area (Rectory Farm) having been granted planning permission in 1992. Further planning permissions followed and in 2017 the site was acquired and taken over by Breedon Southern Limited. In 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.
2. The purpose of the Periodic Review process is to update and modernise planning conditions to ensure that a site operates to modern standards. The applicant has therefore made an application for the determination of new conditions which would update, consolidate and replace those attached to the existing planning permissions. Whilst it is open to the MPA to issue conditions that differ from those proposed by the applicant, it is not an option to refuse the application. Therefore, for the avoidance of doubt the Planning

and Regulation Committee is not being asked whether or not to grant planning permission for the operations at the West Deeping (as permissions for those activities already exist) but are instead being asked to consider whether the proposed revised conditions set out in this report are acceptable.

The Application

3. West Deeping Quarry is a historic sand and gravel quarry which, based on the current rate of extraction, has approximately 4 years remaining until it is completed and restored. Although the site is nearing completion, it has recently been acquired and taken over by a new operator and following discussions between the MPA, the former owners (Tarmac) and the current operator (Breedon Southern) it was agreed to carry out a Periodic Review of the permissions affecting the site. Such a Review presents an opportunity to review the operations and address any issues which could not be adequately resolved or regulated by the existing planning conditions.
4. Under the provisions of Schedule 14 of the Environment Act 1995, the applicant has therefore made an application for the First Periodic Review of the conditions by which West Deeping Quarry operates. This application was received in November 2018 and provides a description of the existing permitted operations and includes schedule of new planning conditions which the applicant proposes replace those attached to the planning permissions affecting the site. The application has been subject to additional information and amendments during the course of its determination and the conditions as originally proposed by the applicant have also been amended since the application was first submitted.
5. There are no proposals to change the transportation of the as-raised mineral to the plant site other than via a field conveyor excepting during emergency situations. All processing of the mineral would be at the plant site on Kings Street.
6. Currently no residual silts, clays and other non-saleable material, arising from the processing, is returned to the extraction area. The applicant is proposing to remove this material back to Rectory Farm to be incorporated into the restoration. The residual material would be transported using HCV's in two campaigns of 500 tonnes per annum.
7. With regards to the restoration, the original proposed restoration regime is no longer achievable and a revised phasing schedule has been submitted that seeks to regularise the over-digging of clay from the south east corner of Rectory Farm. The need to dig extra clay being a direct consequence of the original Phase 3 not being extracted due to the poor quality of the mineral in that area. As a consequence of not extracting, there was a need to engineer along the eastern perimeter of Phase 3, to ensure the required clay seal was created to fulfil the requirements of the ground water management.



8. 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). A single Planning and Environmental Statement (PES) has been produced which jointly covers this ROMP application and a concurrent planning application for a lateral extension to the site (application ref: S19/0486). Although the ES considers and assesses the potential impacts of both proposals given their close relationship and as they give rise to potential impacts on similar matters, there are also clear distinctions between each proposal particularly in respect of their working and restoration programmes. Consequently, this ROMP application is capable of being determined separately and independent of the proposed extension application. This report therefore deals solely with the operations and proposed conditions that would affect that part of the site which already benefits from planning permission and does not extend or authorise any operations within the extension site – which are subject of a separate report.
9. The original PES which supports the application comprises of four documents and folders which are as follows:
 - Planning and Environmental Statement – which contains the background and overview of the proposal, policy and statement of need. Chapters 6 to 14 (inclusive) summarise the main findings of technical reports and assessments that have been carried out and which form the ES - copies

of these are included as technical appendices within a separate folder (see below)

- Non-Technical Summary (NTS) – this document summarises the content of the PES in an easily understandable and accessible format.
- Application Form and Drawings – this folder contains copies of the application form and certificates as well as a series of supporting plans which show and explain the proposed working and restoration proposals for the site.
- Technical Appendices – this 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.

10. In accordance with Regulation 25 of the EIA Regulations 2017, the MPA requested Further Information be provided in relation to a range of matters which included heritage, the water environment and information regarding the restoration proposals. This Further Information was submitted on 5 July 2019 and was supported by supplementary plans and information that should be read alongside the PES and, where relevant, update and replace relevant sections of PES.
11. The original PES, as supplemented and amended by the Further Information are considered to meet the requirements of the EIA Regulations 2017 (as amended). A summary of the main content and findings of the ES and the proposed development is as follows:

Planning and Environmental Statement

12. This document is broken down into several chapters as follows:

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 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 1km of the planning boundaries of the extraction and plant sites including the adjacent sand and gravel quarry off King Street. It also identifies the proposed extension area to the site which is bound to the north and east by the Greatford Cut and to the south by the A1175/Stamford Road which forms the southern boundary which gives vehicular access to Rectory Farm, Crown Farm and Lodge Farm.

Chapter 3: The Development Proposals – this chapter outlines the current and future working practices at West Deeping Quarry. It identifies that there are approximately 4 years of operations remaining at Rectory Farm based on the current extraction rate of up to 0.30 million tonnes per annum. Mineral would continue to be transported 'as raised' for processing at the existing plant site located to the west of the site (off King Street) via a field conveyor. A revised phasing and restoration plan has been submitted which would regularise and reflect changes that have already been made to some of the previously restored sections of the site as a result of the extraction of underlying clays on the south eastern corner. This chapter also confirms that in order to achieve the restoration proposals presented, a proportion of the residual fines/materials from the processing plant at King Street would be transported back into the Rectory Farm site in order to achieve the restoration level required for those parts to the site that are to be restored to agriculture. The residual fines/material would be transported by HCV but would continue to respect the S106 routeing agreement and would be carried out on the basis of two campaigns of 500 tonnes annually.

This chapter also provides an outline of the working methods, soil handling and storage proposals as well as confirms the depth of mineral extraction and that restoration will be progressive. Details are also provided of the plant, buildings and traffic management measures undertaken along with an overview of the operations at the plant site. A description of the mitigation employed to protect the amenity of neighbours and maintain highway safety, including the use of a wheel wash and road sweeper are explained and further detail has been provided of the machinery used for extraction, transportation and restoration within the Rectory Farm area.

The site would be worked and restored in a phased manner with the remaining permitted reserves lying to the south of Rectory Farmhouse and west of Crown Farmhouse. Extraction would continue by moving from east to west and then from south to north in a clockwise direction. It has been predicted that extraction and restoration would be completed by the end of 2023. To facilitate extraction of all remaining viable mineral deposits it has been proposed that the existing access to Rectory Farmhouse would be permanently closed with a new access route created from the existing Crown Farmhouse access.

The areas to the north and east of Rectory Farmhouse have now largely been returned to agricultural use at low level with an elevation of around 7m above ordnance datum. The area to the south eastern corner of Rectory Farm, where the underlying clay has also been extracted, is currently the main catchment pond and to maintain water levels during extraction operations water is being pumped from this point and discharged into the Internal Drainage Board ditch that flows under the Greatford Cut in the northeast corner of the site.

The field conveyor used to transport mineral terminates at a stockpile and loading area to the north of Rectory Farmhouse. The route of the conveyor back to the plant site traverses the restored area to the north and then turns

to run west toward King Street adjacent to the Greatford Cut, crosses below King Street through a concrete culvert and then continues in a southerly direction to the plant site processing area. The final phase of working would end adjacent to the terminal end of the field conveyor with two catchment ponds being established to the west and north east of Rectory Farm which both drain via ditches and weirs into the main catchment pond in the south east corner. The field conveyor would be removed and the haul routes either restored to agricultural land or field access routes for farming and the site would be restored predominantly to agricultural after-uses with water storage bodies and biodiversity habitat creation.

The agricultural fields would be defined by native species hedgerows and the open water areas would be steep sided to discourage attracting flocks of waterfowl with limited areas of species rich grassed areas. Belts of native tree species would be created in close proximity to the houses of Rectory, Crown and Lodge Farms and reed marsh would be created in and around the south east discharge pond which would be shallow (approximately 0.3 metres) with a small area of open water (0.8 metres) to the centre to ensure that the discharge pump is always submerged. Following restoration a programme of aftercare and management of the restored areas would be carried out over a 5 year period with planting/seeding failures being replaced with like species annually

The site would continue to operate during the same hours as those currently permitted which are as follows:

0700 hours to 1700 hours Mondays to Friday;
0700 hours to 1200 hours Saturday; and
No working on Sundays, Public or Bank Holidays.

The applicant is however also seeking to allow for operations outside of these hours in exceptional circumstances including emergencies and to notify the MPA of such incidents.

Finally, the applicant has identified that the quarry operations directly employs 6 local people and that the use of the plant site sustains a larger work force, which in part services the mining operations, with the associated developments contributing to supporting local business and the local economy.

Chapter 4: Planning Policy – this chapter sets out the various planning policies and other material considerations. 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 5: Need and Socio-Economic Considerations – this chapter identifies the need and supply of sand and gravel; Breedon Southern and economic considerations; and the wider socio-economic considerations.

West Deeping Quarry is identified as an important source of sand and gravel supply within the locality. The purpose of the ROMP is to ensure the continuation of mineral operations in accordance with a modern set of conditions. The approval of the ROMP would maintain the level of permitted reserves and operational capacity of sand and gravel extraction within Lincolnshire.

Minerals can only be worked where they are found and Breedon Southern employ local people to operate their quarry and plant site and 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 6: Environmental Impact Assessment – this chapter identifies that the operations have the potential to be impact upon human beings; flora and fauna; soil, water, air, climate and the landscape; material assets and the cultural heritage. The main environmental considerations are examined in detail include:

- 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 7: 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 area 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 within or adjacent to the extraction area 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 but all are of low or medium/low sensitivity.

The LVIA concluded that the site itself is considered to be of low value with immediate surrounding 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 8: 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 continuation 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 ROMP site only the peripheral hedgerows along the southern and south eastern boundaries would qualify as UK BAP priority habitat and the continuation of quarrying would have not have an impact. 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. 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 continued quarrying of the site 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 9: 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 10: 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 PM₁₀ 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 11: 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. There are no proposals to deviate from this approved scheme and it would be implemented for the duration of continuing quarrying activities. Archaeological investigations have been carried out at the site since the early 1990's and to date evidence has been found of a multi-period landscape dating back to the Neolithic period. Further finds have confirmed the presence of early and late Bronze Age, Iron Age and Roman. Finally, there are extensive remains of a medieval open field system of cultivation referred to as ridge and furrow.

However as a consequence of the issue of a Regulation 25 notice a heritage statement was submitted of the potential for impacts of the continuing quarrying operations 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 milestone 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 ROMP development would not have a significant adverse impact in terms of landscape on designated and non-designated assets (i.e. Listed Buildings).

Chapter 12: The Impact on Water Resources and Flood Risk – this chapter considers the potential impact of the continuation of mineral extraction 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 ROMP site. A number of ground water and surface water abstraction licenses are identified in the vicinity of the site associated with the adjacent 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 existing water management programme 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 5450m³/day.

Whilst water arising from the dewatering of the ROMP area is discharged to an IDB drain, this is only the final stage of water management. Initially, water pumped from the active working areas is held within ponds located to the northwest and north east and currently pumped to an area to the south east which is the final sump area prior to discharge to the IDB drain. This ensures that a water balance is maintained and allows water free excavation, which does not compromise the quality of the restored areas 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 ROMP area is self-contained with sufficient water bodies to maintain a 'constant head boundary' of around 6 metre AOD.

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 the application for the extension 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 whole ROMP area, post excavation becoming self-contained in respect of water management. The south east area would become the permanent discharge point from the site to the IDB drain. A number of water bodies around the site would be connected to the south east sump through a series of drains and weirs to maintain the water levels in those ponds. The south east area would be restored to marshland, with a relatively small area of deep open water at its centre to sustain the efficient operation of a submersible pump. The pump would be powered from a small pump house to be erected on completion of the restoration.

Flood Risk was assessed insofar as whilst the site lies within Flood Zone 1 the ROMP 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, change the pumping equipment, should insufficient maximum pumping capacity be identified.

Overall it was considered that the continuation of extraction of the ROMP area and proposed restoration programme would not have an adverse impact on the water environment and that this would be no significant flood risk beyond the boundary of the site.

Chapter 13: Transportation and Traffic – this chapter considered the impact of the continuation of minerals operations at 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 ROMP 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 material would be returned to the site using HCV transportation on a campaign basis of two periods relocating 500 tonnes per campaign per year.

The Transport Statement submitted in support of the ES analyses the current situation and provides data on traffic flows, collision data, trip generation and traffic routing. It is concluded that the current arrangements for the existing site are adequate insofar as the rate of extraction and use of conveyor to transport mineral from the ROMP area being maintained. Consideration was also given to the proposal to return a proportion of the residual silts from the mineral processing at the plant site back to the ROMP area. Overall the increased HCV movements would equate to an annual increase of 50 vehicles (100 movements) and would not represent a significant rise in adverse impacts on the highway network or highway safety.

Chapter 14: Soils and Agricultural Land Classification – this chapter considered the potential impacts of the continuing extraction of mineral at Rectory Farm upon Agricultural Land Quality and Soil Resources.

The ROMP area was not subjected to a detailed soil survey given that a significant proportion of the site has already been restored back to agricultural use. Localised sampling of the remaining land was carried out and the soils were 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 the driest 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. A plan was provided indicating where the current topsoil bunds are retained for screening around

the residential properties in and around the site, top and sub-soil stores, clay/overburden stores and undisturbed land. 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 majority of the ROMP area to agricultural land at low level utilising all retained soils and overburden, with the excavated clays being used to engineer seals. The proposed water management regime would ensure that there would be no water-logging.

Chapter 15: Conclusions – this chapter outlines the purpose of the ROMP and identifies revisions to the restoration scheme to regularise the clay over dig in the south eastern corner. The applicant has submitted a schedule of proposed planning conditions to control and monitor the continuation of extraction at West Deeping Quarry which have been revised to reflect the submission of further information. The ES has identified the likely significant impacts and relevant national and local planning policy. As a consequence it is concluded that the continued working of mineral at West Deeping Quarry would subject to imposition of conditions to secure appropriate mitigation measures, not give rise to unacceptably adverse impacts.

Non-Technical Summary

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

Technical Appendices

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

Further Information

15. 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 PES);
 - 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

16. 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).
17. 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

18. 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.

19. 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

20. 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):
21. 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.
22. 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.

23. 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.

24. 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.

Results of Consultation and Publicity

25. (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) Market Deeping Town Council (Adjacent) – wishes to make no comment.
- (c) Langtoft Parish Council (Adjacent) – has no comment on this application.
- (d) Environment Agency (EA) – have no objection to the proposed conditions.
- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of permission. The proposed development is acceptable and accordingly does not wish to object to this planning application.
- (f) 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.
- (g) Planning Casework Unit – has no comments to make on the environmental statement.
- (h) Historic England (East Midlands) – do not wish to offer any comments and suggest to seek the views of your specialist conservation and archaeological advisers.
- (i) Historic Environment Officer (Lincolnshire County Council) – acknowledges the on-going Scheme of Archaeological Investigation and confirmed that the Heritage Statement accurately reflects the historic landscape.
- (j) Natural England – has no objection and considers that the proposed development will not have significant adverse impacts on designated

sites. An Informative has been provided in respect of a designated site and other natural environment issues.

- (k) South Lincolnshire Fenlands Project Officer (Lincolnshire Wildlife Trust) – supported all the recommendations with the Ecological Assessment and identified that the site lies within the South Lincolnshire Fenlands Partnership (SLFP) project area and suggested that the proposed restoration could be strengthened to enable long term outcomes for people and wildlife. An informative was provided with regard to the SLFP project.
- (l) Ministry of Defence Safeguarding (RAF Wittering) – identified that the site is 9.94 kilometres north east of the main runway and confirmed that there are no aerodrome height safeguarding concerns. In relation to bird strike, the proposed open bodies of water are no larger than what is already within the surrounding environment and therefore MOD has no safeguarding concerns.

26. 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:

West Deeping Parish Council
Environmental Health (South Kesteven District Council)
Barholm and Stow Parish Council (Adjacent)
Tallington Parish Council (Adjacent)
Countryside Access (Lincolnshire County Council)
Public Health (Lincolnshire County Council)
Arboricultural Officer (Lincolnshire County Council)

27. 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.
28. 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

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

Conclusions

30. The application is a First Periodic Review of an old minerals planning permission under the provisions of Schedule 14 of the Environment Act 1995. The Periodic Review is the subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and a Planning and Environmental Statement has been submitted which assesses the potential impacts of the proposed development along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.
31. The key issues to be considered in this case are the appropriateness and acceptability of the proposed conditions put forward within the ROMP application as revised during consideration of the application and an assessment of any potential adverse environmental and amenity impacts arising from the continued mineral extraction operations within the existing permitted quarry boundaries. The principal receptors these impacts addressed are nationally designated Site of Special Scientific Interest (Langtoft Gravel Pits) and biodiversity, best and most versatile agricultural land, highways and amenity. As stated above, the conditions originally proposed by the applicant have been amended during the consideration of this application and the final set, of proposed conditions, were submitted September 2019. Where relevant, in paragraphs below, the differences between the original (existing) and the currently proposed conditions will be discussed.
32. It should be noted that in cases where a Mineral Planning Authority determines that conditions different from those proposed and submitted by the applicant should be imposed and the effect of those conditions as compared with the effect of the existing conditions, except where they were restoration or aftercare conditions, is to impose a restriction on working rights, then the applicant is entitled to claim compensation. Working rights in respect of a mining site are deemed to have been restricted if any of the following is restricted or reduced:
 - (a) the size of the area which may be used for the winning and working of minerals or the depositing of mineral waste;
 - (b) the depth to which any operations for the winning and working of minerals may extend;
 - (c) the height of any deposit of mineral waste;
 - (d) the rate at which any particular mineral may be extracted;
 - (e) the rate at which any particular mineral waste may be deposited;
 - (f) the period at the expiry of which any winning and working or minerals or the depositing of mineral waste is to cease; or
 - (g) the total quantity of mineral which may be extracted from, or of mineral wastes may be deposited on, the site.
34. The conditions proposed by the applicant cover a range of topics and are generally acceptable. However, amendments have been made to some of

the suggested conditions in order to improve their enforceability and (where necessary) additional conditions recommended to secure further details and/or address matters including the need to retain the existing hours of operation, to identify the maximum height of and secure monitoring of the water table, protection of wildlife, secure a complaints procedure in respect of noise and dust, expand soils to materials handling, secure a restoration planting scheme and secure details for wheel washing of commercial vehicles leaving the site.

Hours of Work

35. The NPPF and Policy DM3 of the CSDMP seek to protect the amenities of nearby residential properties and land-users.
36. With regard the hours of operation, Officers do not consider the revised hours put forward by the applicant to be appropriate. Following negotiation with the applicant it has been agreed that the hours currently cited by conditions attached to the existing permissions be retained. If the existing hours of operation were to be extended this could have an indirect adverse impact on the amenity of adjacent land users of the plant site, insofar as no evidence has been submitted of noise assessment being carried out in and around the plant site or in respect of the ROMP area. The existing hours of operation are therefore considered acceptable and a reasonable balance between maintaining the operational requirements and interests of the applicant whilst protecting the amenity of residents living and visiting both close to the quarry and the plant site off King Street. As the same hours of operation are therefore recommended to be imposed there would be no impact upon the applicants existing working rights. It is therefore considered by the MPA that this condition does not fall within one of the examples or types of restriction listed above [i.e. (a) to (g)] and which could therefore result in a claim for compensation.

The Water Environment

37. The NPPF and Policies DM2, DM15 and DM16 of the CSDMP and Policy EN2 of the South Kesteven Core Strategy seek to protect water resources and not contribute to flood risk.
38. A requirement to annually monitor the water table was a recommendation of the 'Water Environment Report' submitted with the ES that stated the importance of the water table not exceeding 6 metres AOD. The monitoring would provide evidence that water-logging would not compromise the quality of restored areas and to provide, monitoring data to confirm the effectiveness of the water management regime during and after excavation. 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. Your Officers have imposed a planning condition requiring the applicant to submit a groundwater monitoring scheme reflecting the recommendation of the ES. As this condition should not restrict the continuing winning and working of

mineral, insofar as the water management regime has been identified and any changes would be relating to that regime and not the extraction operations. It is therefore considered by the MPA that this condition does not fall within one of the examples or types of restriction listed above [i.e. (a) to (g)] and which could therefore result in a claim for compensation.

Ecology

39. The NPPF, Policies DM8 and DM9 of the CSDMP and Policy EN1 of the South Kesteven Core Strategy seek to protect the natural environment, with a particular emphasis being placed on Sites of Special Scientific Interest (SSSI), Local Site of Biodiversity Conservation V and protected species and their habitats.
40. An Extended Phase 1 Habitat Survey has been submitted with this application and the findings of this are included within the ES. Notwithstanding the proximity to the Langtoft Gravel Pits SSSI, the Survey identified that overall the ROMP site is of low ecological value, it did confirm that a number of habitats capable of supporting wildlife did exist and that it may be necessary to manage this habitats in such a way as to protect wildlife, in particular birds during the nesting season. Natural England did not object to the proposed continuation of quarrying but have provided an informative to be attached to a decision notice in respect of protected species. Your Officers have as a consequence of the recommendations of the Phase 1 Survey imposed 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 these condition should not restrict the continuing winning and working of mineral, insofar as there are sufficient periods remaining in the year to carry out vegetation clearance. It is therefore considered by the MPA that this condition does not fall within one of the examples or types of restriction listed above [i.e. (a) to (g)] and which could therefore result in a claim for compensation.

Noise and Dust

41. The NPPF and Policy DM3 of the CSDMP seek to protect the amenities of nearby residential properties and land-users.
42. The 'Supporting Statement in respect of Noise and Dust' submitted with the ES set out a clear programme for the management of complaints and as a consequence it was considered by Officers that it would be appropriate to secure the complaints procedure through the imposition of a planning condition. As this condition should not restrict the continuing winning and working of mineral, insofar as the complaints procedure seeks only to reinforce the mitigation measures already proposed in the ES any changes would be relating to that management of noise and dust and not restrict the extent of the extraction operations. It is therefore considered by the MPA that this condition does not fall within one of the examples or types of

restriction listed above [i.e. (a) to (g)] and which could therefore result in a claim for compensation.

Materials Handling

43. The NPPF and Policies DM11 and DM12 of the CSDMP seek to protect and enhance soils and to safeguard the long-term potential of the best and most versatile agricultural land.
44. The 'Soil Resources and Agricultural Use and Quality of Land' report submitted with the ES provided limited information as to the quality of land. However, given that the restoration of the ROMP site would be to arable use, the principles for preserving soils during extraction were evaluated and recommendations made as to the appropriate management of soil, overburden and clay arising from the operations at West Deeping Quarry (Rectory Farm). The proposed condition submitted with the application did not fully reflect the narrative provided relating to the management of all materials arising from the winning and working of the mineral. As a consequence, officers are proposing to impose conditions to address the management of topsoil, sub-soil, overburden, clay and the mineral as excavated and stockpiled within the ROMP area. As the proposed conditions seek to ensure the appropriate management of all materials excavated at the site and does not seek to restrict the extent of the minerals being won and worked it is therefore considered by the MPA that these conditions do not fall within one of the examples or types of restriction listed above [i.e. (a) to (g)] and which could therefore result in a claim for compensation.

Restoration

45. The NPPF and Policies R1, R2 and R3 of the CSDMP seek to ensure that sand and gravel operations are appropriately restored and subject to aftercare.
46. The applicant proposed a condition to carry out restoration in accordance with a drawing and statement submitted with the ES. South Lincolnshire Fenlands Project Officer (Lincolnshire Wildlife Trust) considered the proposal acceptable but requested that an informative be attached with regard to future restoration proposal within their Project Area.
47. Within the planning statement was an indicative restoration plan, providing landscape proposals and an undertaking to use native species of trees, shrubs and grasses however no detail was included as to a restoration scheme. It is therefore considered by your Officers that it is appropriate to impose a condition to secure a restoration scheme to include details landform, locations and cross-section of all water bodies and drainage ditches and weirs together with native planting species, numbers, spacing and locations. Such a condition does not seek to restrict the extent of the minerals being won and worked and it is therefore considered by the MPA that this condition does not fall within one of the examples or types of

restriction listed above [i.e. (a) to (g)] and which could therefore result in a claim for compensation.

Highways

48. The NPPF and policies DM13 and DM14 of the CSDMP seek to ensure that highway safety and network capacity are not adversely affected by new development.
49. The proposed development would essentially be a continuation of the existing operations at West Deeping Quarry. However, as a departure from the extraction of minerals currently undertaken at the ROMP site, the applicant is proposing to annually return 1000 tonnes of the silts, arising from the processing of mineral and stored in lagoons at the plant site at Kings Street. The relocation would entail the use of HCV's in two campaigns totalling 100 vehicle movements, per annum, to and from the ROMP site. The silt material would be incorporated into the restoration sub-soil profiles, to contribute to attaining proposed restoration ground levels of 7 metre above ordnance datum. The use of silt for this purpose is not unprecedented and the silt is considered indigenous material excavated from the ROMP site.
50. Whilst the plant site does have wheel wash facilities, such provision is not available at the ROMP site. The Lincolnshire Highways Officers concluded that the proposed development is acceptable and did not seek to impose restrictions. However, whilst the importation of silt using a comparatively small number of vehicles is unlikely to have impacts on the highway network, consideration has been given to the possible adverse impacts on highway safety of commercial vehicles leaving the ROMP site (50 in total). It is considered that the installation of a fixed wheel wash would be unreasonable however some provision should be made to ensure that vehicles do not enter the public highway with the potential to deposit extraneous materials and therefore the give rise to adverse impacts on highway safety. As a consequence your Officers have imposed a condition requiring the submission for approval of details for wheel washing of commercial vehicles leaving the site. Such a condition does not seek to restrict the extent of the minerals being won and worked and it is therefore considered by the MPA that these conditions do not fall within one of the examples or types of restriction listed above [i.e. (a) to (g)] and which could therefore result in a claim for compensation.

Cumulative Impacts

51. The NPPF, Policies DM4, DM6 and DM17 of the CSDMP and Policy EN1 of the South Kesteven Core Strategy seek to preserve the historic environment in terms of archaeology and landscape and to ensure that development does not have an impact when considered cumulatively with other developments existing and proposed.

52. Consideration has been given to the potential for all impacts of both the Periodic Review and the proposed extension areas in combination. The archaeological scheme of work is on-going at the site and the heritage assessment submitted as Further Information does not consider the continuing operation at West Deeping Quarry would impact adversely on the historic landscape given that the whole area has been substantially quarried for a considerable number of years. Although the proposed extension would increase the amount of low level agriculture this is a common feature in the area. In respect of the modern landscape, the ROMP area and extension 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. As a consequence it is not considered necessary to impose additional conditions but simply to make minor amendments to those proposed by the applicant.
53. Overall, it is your Officer view that the amended and additional conditions recommended to be imposed in approving the ROMP application are not considered to unduly restrict working rights further than the current conditions attached to permission S81/0860/01 (which together with S81/0896/ and S81/0026/98 carried forward the conditions of S81/552/90) and therefore the Council is not likely to be at risk of a claim for compensation.

Human Rights Implications

54. 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) The amended schedule of conditions as set out in Appendix B be approved.
- (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 274787 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) In dealing with this application the County Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the applications and seeking further information to address issues identified to enable the applications to be processed 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; and
- (v) 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.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	Amended schedule of conditions

Background Papers

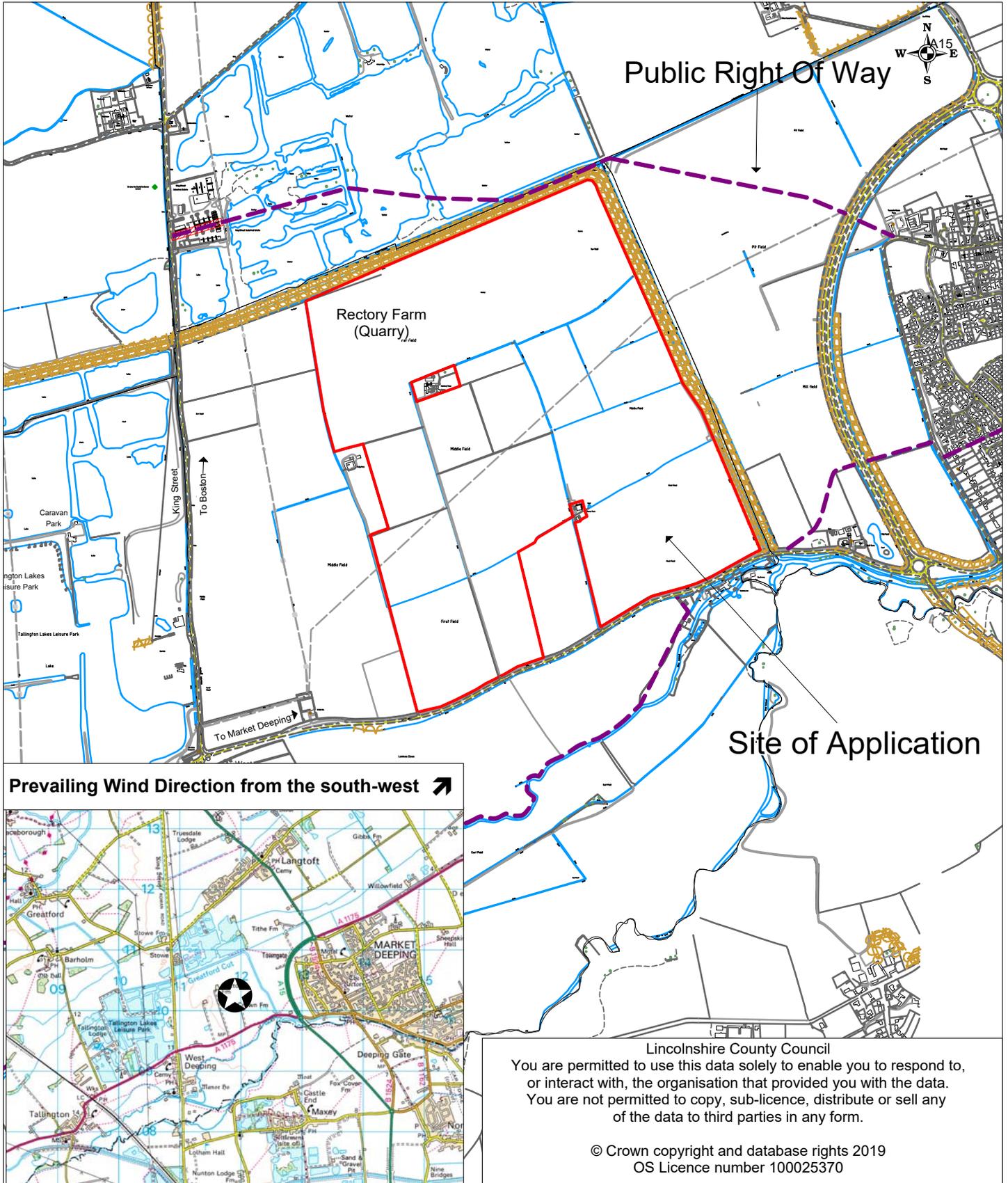
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S19/0497 S19/0486	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 www.gov.uk
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 www.lincolnshire.gov.uk
South Kesteven Core Strategy (2010) South Kesteven Local Plan 2011 – 2036 (emerging plan)	South Kesteven District Council website www.southkesteven.gov.uk

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 7 OCTOBER 2019



Lincolnshire County Council
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Location:

West Deeping Quarry
 King Street
 West Deeping

Application No: S19/0497

Scale: 1:15000

Description:

Application for the determination of new (updated) conditions to which a mining site is to be subject (Environment Act 1995: Periodic Review)

Amended Schedule Of Conditions

Duration

1. The winning and working of minerals shall be limited to a period expiring on 21 February 2042.

Reason: To comply with the requirements of Section 72(5) and paragraph 1 of Part 1 of Schedule 5 to the Town and Country Planning Act 1990.

Scope of the Permission

2. 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:

Document

- Planning Application Form (date stamped received 5 November 2018) and Planning and Environmental Statement prepared by Heaton Planning Ltd dated October 2018 (date stamped received 5 November 2018) 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

- W23_LAN_001 ROMP 'Location Plan' (date stamped received 5 November 2018)
- W23_LAN_004_R REV B 'Development Stages Plan' (date stamped received 16 July 2019)
- W23_LAN_005_R REV B 'Restoration Plan' (date stamped received 16 July 2019)
- W23_LAN_006_R 'Sections' (date stamped received 5 November 2018)

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved application details.

3. Nothing in this determination shall be construed as permitting the removal of soils and/or overburden and/or clay from the site.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted and to ensure these materials remain on site for use for restoration purposes.

4. Nothing in this determination shall be construed as permitting the importation of materials (with the exception of silt from the existing lagoons at West

Deeping Quarry Plant Site) for any purpose including achieving landscaping or restoration of the site.

Reason: For the avoidance of doubt.

Hours of Operation

5. No operations and activities authorised or required in association with this development, including HGVs accessing and egressing the quarry, shall be carried out except between the following hours:

Monday to Friday 0700 to 1700

Saturdays 0700 to 1200

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

Reason: To protect the amenities of the surrounding area.

The Water Environment

6. 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.
7. Prior to commencement of mineral extraction in Development Stage D, 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 extraction, 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.

Landscape and Ecology

8. All existing trees, shrubs, hedges, walls and fences on and adjacent to the site boundary shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying and until the restoration of the whole of site has been completed and the after-care period expired.

Reason: To ensure that these features are properly maintained and protected for the duration of the development and in the interest of visual amenity and landscape character.

9. No removal of hedgerows, trees, shrubs or vegetation shall take place between the 1 March and 31 August inclusive, unless otherwise agreed in writing with the Mineral Planning Authority. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and where appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: In the interest of the natural environment.

Archaeology

10. Unless otherwise agreed in writing by the Mineral Planning Authority all archaeological works undertaken as part of the development shall continue to be undertaken in accordance with the requirements previously approved and secured as part of the existing S106 Planning Obligation dated 29 August 2017

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

Dust Suppression

11. All dust prevention, control and management measures as set out in Chapter 10 of the Environmental Statement shall be implemented in full for the duration of the operational/construction/restoration phases of the development.

Noise

12. 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.

13. 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

14. 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.

Reason: To protect the amenities of the surrounding area.

Materials Handling Strategy

15. 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).
16. 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.

Restoration and Aftercare

17. Prior to commencement of mineral extraction in Development Stage D, identified in Drawing No. W23_LAN_004_R REV B, full details of a restoration scheme for the site illustrated in Drawing No. W23_LAN_005_R REV B 'Restoration Plan' 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 all water bodies 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 or 21 February 2042, whichever is sooner. 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.

18. Prior to commencement of mineral extraction in Development Stage D, identified in Drawing No. 23_LAN_004_R REV B, an aftercare scheme for the whole 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 17 above of the completion of restoration.

19. In the event of a 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.

Transport

20. All mineral shall only be transported to the King Street plant site using the overland field conveyor.

21. The total number of HGV movements per year associated with the importation of silt from the King Street plant site shall not exceed 100 movements.

22. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean so as to prevent materials, including mud and debris, being deposited on the public highway.

23. Prior to the first importation of silt to the site a scheme for the wheel and chassis washing shall be submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall be implemented in full and maintained for the duration of the development hereby permitted.

Reason: In the interest of highway safety and to ensure that the highway is clear of mud and extraneous deposits.