

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>2 December 2019</b>
Subject:	<b>County Matter Application - N/199/01837/19</b>

**Summary:**

Planning permission is sought by Welton Aggregates Ltd.(Agent: Hughes Craven Ltd) to vary conditions 3 and 5 of planning permission N199/01211/18 to increase the tonnage of waste materials processed and extend the area of hard standing at Highfield Quarry, Bluestone Heath Road, Welton le Marsh.

The application is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'). An Environmental Statement (ES) has therefore been submitted which provides an introduction to the proposals and includes details of the technical assessments undertaken to determine the likely impacts. In addition to the main effects which the development is likely to have on the environment reference has also been made to a range of other potential effects where considered relevant.

The main issues to be considered in the determination of this application is whether the proposed increased capacity and throughput of the site is acceptable in this location and/or whether the development would have any adverse environmental or amenity impacts.

Having assessed the information contained within the application and the supporting ES it is concluded that the revised conditions so as to allow a greater volume of wastes to be handled per annum could be carried out without giving to any significant or unacceptable adverse effects.

**Recommendation:**

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

## Background

1. Highfield Quarry is a historic and active chalk quarry with the mineral extraction operations being covered by two principal consents (refs: (E)S199/1904/02) and (E)S199/0913/97). In addition to the mineral extraction operations/permissions, a number of further operations/activities are undertaken at the site which includes a construction, demolition and excavation (CD&E) waste recycling operation which was first granted planning permission in 1999.
2. Over the years the CD&E recycling operations have expanded and so in October 2017 a consolidating planning permission was granted (ref: (E)N199/1481/17) which allowed those operations and activities to continue over a single area/planning unit located within the base of the quarry. A subsequent Section 73 application was granted in October 2018 (ref: N/199/01211/18) which amended the hours of operation affecting these activities but which retained all other conditions including a condition which restricts the total tonnage of waste permitted to be imported, processed and stored to 25,000 tonnes per annum. This tonnage limit however has been exceeded and so an Enforcement Notice was served which required the removal of the alleged excess material and an accompanying Stop Notice required the importation of CD&E wastes to cease until the tonnage present was reduced to less than 25,000 tonnes. The applicant disagreed with the Council's interpretation of the condition and assessment of the tonnage present and accordingly has lodged an appeal against the Enforcement Notice (PINS Ref. APP/Q2500/C/18/3213350). This appeal remains live although, at the time of writing, no start date has yet been set.
3. In order to address the disputed breach, discussions between the Council and the applicant have been continuing and it has been acknowledged that the current situation could be regularised through the submission of an appropriate planning application which would allow an increased tonnage of material to be accepted, stored and processed at the site. The applicant has therefore submitted such an application and details of this are set out in the report. If planning permission is granted this would address the disputed breach subject of the current Enforcement Notice appeal and negate the need for the appeal to continue.

## The Application

4. Planning permission is sought by Welton Aggregates Ltd (Agent: Hughes Craven Ltd) to vary conditions 3 and 5 of planning permission N199/01211/19 to increase the tonnage of waste materials processed and extend the area of hard standing associated with the permitted CD&E recycling operations.
5. Condition 3 restricts the permitted tonnage of wastes and reads as follows:

*The combined total tonnage of waste imported, processed and stored in the quarry shall not exceed 25,000 tonnes per annum. All waste brought to the*

*site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.*

*Reason: To define the permitted waste types and to ensure that the waste operations and imported waste materials are stored within the area permitted so as to protect the underlying water environment and in the interests of the general amenity of the area.*

6. The applicant states that when planning permission for the CD&E recycling operation was first granted in 1999, the industry was in its infancy and a significant proportion of wastes were landfilled rather than recycled. Since that time there has been a general increase in recycling rates however the permitted recycling capacity at the quarry has remained constant. Driven largely by the need to reduce landfill and the desire to recycle materials wherever reasonably possible, the applicant has experienced a significant increase in demand for both recycling capacity and recycled aggregates over the past twenty years. To date this has been met principally by the existing provision at the quarry however it has, at times, been necessary to transport materials to the applicant's other recycling facilities to ensure that this demand can be met.
7. In light of the above the applicant is seeking permission to vary Condition 3 so as to allow up to 75,000 tonnes of wastes to be imported and processed at the site in any calendar year, with no more than 75,000 tonnes of material to be stored within the application site at any one time. This increase would help to meet an existing and growing demand and reference to a calendar year and the total volume of material stocked at any one time within a revised condition has been purposefully proposed so as to avoid any doubt as to the interpretation and meaning of the condition. This would therefore address and resolve the present dispute between the Council and the applicant regarding the wording and meaning of the current condition and which has led to the appeal against the Enforcement Notice. Consequently, the applicant proposes that the revised condition read as follows:

*The combined total tonnage of waste imported and processed in the quarry shall not exceed 75,000 tonnes in any calendar year. At no time shall any more than 75,000 tonnes of imported wastes be stored within the Application site. All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.*

*Reason: To define the permitted waste types and to ensure that the waste operations and imported waste materials are stored within the area permitted so as to protect the underlying water environment and in the interests of the general amenity of the area.*

8. Condition 5 requires the recycling operations to be carried out on the approved area of hard standing (which is supported by an underground drainage tank) and states:

*The area of hardstanding and underground storage tanks used for the recycling operations shall be retained in accordance with the details previously submitted and approved by the Waste Planning Authority as set out in the decision notice dated 7 June 2018 (originally approved pursuant to condition 5 of planning permission (E)N199/1481/17).*

9. The recycling operations are restricted to two areas of hardstanding, details of which were initially approved pursuant to Condition 5 of N199/01481/17, with N/199/01211/18 including revised wording of the Condition to reflect the previous approval. The upper area extends to 15m x 25m and the lower area originally extended to 30m x 25m although minor extensions to this area have been undertaken. Both areas include peripheral bunding and are drained to below ground tanks, which are emptied as required.



Recycling area

10. No changes are proposed to the upper area of hardstanding however the lower area is proposed to be extended to approximately 65m in length, with the width varying between 25m and 35m. Revised plans showing the extended area have been submitted as part of this application and the applicant proposes that Condition 5 be amended so as to refer to the updated plan which supports this application.



Site Layout Plan

11. Aside from the variations outlined above all recycling operations would continue in a similar manner to those currently taking place, with no additional plant or infrastructure required. The applicant submits that the increase in recycling capacity would not only allow more CD&E wastes to be recycled but would increase the quarry's output of recycled products. The market for aggregates within an economic haul distance of the quarry is however finite and accordingly the increase in the tonnage of recycled aggregates leaving the site would be largely offset by a corresponding decrease in the sales of primary chalk aggregate.

### Environmental Statement

12. The application is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'). An Environmental Statement (ES) has therefore been submitted which provides an introduction to the proposals and includes details of the technical assessments undertaken to determine the likely impacts. In addition to the main effects which the development is likely to have on the environment reference has also been made to a range of other potential effects where considered relevant.

The ES submitted by the applicant meets the requirements of the EIA Regulations 2017 and the contents can be summarised as follows:

**Chapter 1: Introduction** - this provides a general introduction and background to the application and details of the applicant.

**Chapter 2: Environmental Impact Assessment** - this gives an overview of the structure of the ES, the methodology adopted in its preparation and information on the relevant experts employed in its preparation.

**Chapter 3: Site Details** - this describes the location of the quarry and the position of the recycling operations within it as well as details of the surrounding land-uses, geology and any notable features or relevant designated sites close to the site.

**Chapter 4: Description of the Development** - this chapter provides a broad description of the variations sought, details of the recycling operations and activities carried out and implications in terms of traffic movements, operational impacts and lifetime/restoration of the quarry.

**Chapter 5: Alternatives to the Development** - this chapter sets out the potential alternatives to the proposal considered by the applicant. The alternatives considered include the use of additional areas within the quarry, alternative site layouts and plant, and the use of alternative sites.

The assessment states that the location, layout and plant used for recycling has been selected following careful consideration of a range of factors, including access to the highway, visual screening, noise emissions, etc. Whilst potential alternatives were considered, these are discounted as the current location, layout and plant is considered to represent the most efficient, sustainable and lowest impact method of undertaking the operations.

In addition to the above the applicant has also investigated the possibility of undertaking recycling operations at other sites including on land currently in waste management use or through the establishment of a new waste management facility. However, these are also discounted and the reasons for this given in each case. Accordingly it is concluded that an increase in capacity at the existing facility offers the most logical and sustainable manner by which to meet the demand for increased recycling capacity.

**Chapter 6: Highways and Traffic** – this chapter summarises the findings of a Transport Statement and contains details of the local highway network and an analysis of recent injury accident records, quantifies the predicted levels of traffic generation and assesses any transport related impacts likely to arise from the development.

The assessment states that the total number of HGV movements currently associated with quarry and all of its permitted activities average around 105 movements per day. As with the existing situation, approximately 90% of the wastes brought to the site would continue to be imported on a backload basis and therefore generate minimal additional movements overall. In the short-term, the proposed increase in recycling capacity would therefore

result in an average increase of 20 HGV movements per day (10 in and 10 out). It is added that in reality it is likely that any increase would be below this figure, as an increase in the availability of recycled aggregate would result in a corresponding decrease in the sales of primary aggregate from the site.

Taking into account both the infrastructure within the site and the nature of the surrounding highways network it is concluded that these increases would result in a negligible impact in terms of either highway capacity or safety.

**Chapter 7: Groundwater** – this chapter summarises the findings of a Hydrogeological and Hydrological Risk Assessment which has considered the potential effects of the proposal upon the water environment.

The assessment confirms that the site is remote from any significant surface waters and accordingly the recycling operations are considered to pose minimal risk to surface water levels, flows or quality. All existing water management and pollution control measures would be continued and the existing area of hardstanding and associated sealed drainage infrastructure for stockpiling and treatment of the wastes would be extended and improved.

Wastes imported for recycling would continue to be subject to strict acceptance criteria and in accordance with the Environmental Permit and these measures ensure that any potential contaminants are identified and removed from the site, thus minimising any risks of contamination. To mitigate against the risk of accidental spills, staff undertaking any fuel handling activities are appropriately trained and spill kits and drip trays are available at all times.

Subject to the above mitigation measures the assessment concludes the expanded operations would not pose any unacceptable risks to the water environment.

**Chapter 8: Drainage and Flood Risk** – this chapter summarises the findings of a Flood Risk Assessment which has been submitted as part of the ES. The FRA confirms that the site lies within Flood Zone 1 and is therefore considered to be at low risk of flooding.

Aside from the extended area of hardstanding, no changes are proposed to the existing drainage infrastructure within the quarry. The area of hardstanding would be extended and this has been designed to accommodate all surface waters and accordingly would not result in any increased run-off rates. No additional sources of flooding with the potential to impact the site have been identified and, owing to the contained, below ground nature of the operations, it would not result in any increased surface water flows.

It is therefore concluded that the extended operations would be at minimal risk of flooding from any identified source and the proposed amendments sought would not increase the flood risk to any third party properties and therefore would be acceptable in terms of flood risk.

**Chapter 9: Other Potential Effects** - the main potential effects are considered to be limited to highways and traffic, flood risk, groundwater and cumulative effects. This chapter of the ES however also briefly considers a range of other potential effects arising from this proposal which includes any impacts in terms of noise, dust, biodiversity and geodiversity, landscape and visual impacts, ecology, etc.

The ES concludes that the increased tonnages of waste would have a minimal impact on each of these factors. A number of conditions and/or previously approved mitigation measures are implemented at the site to control and minimise the impacts of the recycling operations already and any increased impacts or effects identified as a result of the proposed intensified activities would not compromise or result in breaches of these existing controls and therefore not give rise to unacceptable adverse impacts.

**Chapter 10: Cumulative Effects** – this chapter considers the potential cumulative effects of the development which may arise as a result of different impacts acting in combination upon a receptor (e.g. dust effects plus noise effects) or may arise as a result of the effects of the recycling operations in conjunction with other activities in the vicinity of the site. The ES concludes that the potential for cumulative effects is significantly reduced as a result of the plant being shared between mineral processing and recycling operations. The sharing of HGVs and infrastructure is also proposed with an anticipated 90% of material being imported on a backload basis and all quarry infrastructure being shared between the various site operations. The market for aggregates (both primary and recycled) also lies within an economic haul distance of the quarry and the increased provision of recycled aggregates would be expected to result in a corresponding reduction in the demand for and therefore output of primary aggregate. Together these factors would minimise any potential impacts and accordingly no significant cumulative effects are anticipated either through a combination of the recycling operations and other land uses, or a combination of impacts when considering other operations undertaken within the quarry.

**Chapter 11: Conclusions** – this chapter concludes that appropriate assessments have been undertaken in order to identify any potential impacts arising from the proposed intensified activities and operations. This assessment has shown that overall an increase in recycling capacity could be undertaken without giving rise to any unacceptable impact upon any identified receptor. The amended conditions so as to allow a greater volume of wastes to be handled per annum would help improve recycling rates and prevent material being sent to landfill whilst supporting the local construction industry through the continued provision of an important facility and a source

of high quality recycled products. Accordingly it is concluded that the proposal can be undertaken without any unacceptable impacts on the environment.

**Non-technical summary** – this document gives a brief overview of the main findings of the ES in an easily understandable and accessible format.

#### Site and Surroundings

13. Highfield Quarry is situated between the villages of Welton-le-Marsh and Skendleby, some 12km north-west of Skegness, and lies within the Lincolnshire Wolds Area of Outstanding Natural Beauty. The quarry is bordered to the south-west by the A1028 (Bluestone Heath Road), to the north-east by Welton High Wood (a Local Wildlife Site) and to the north-west and south-east by agricultural land. A former petrol filling station and two dwellings lie to the south with a further residential dwelling and site office associated with the quarry lying to the north-west.
14. The permitted recycling operations lie within the base of the quarry. The site is split between two levels with the south-western most section lying at around 55m AOD whilst the north-eastern section lying at around 43m AOD. The application site is bordered to the northeast and southwest by the faces of the quarry whilst the northwest activities are split between the extraction and processing of chalk and ancillary activities including the wash plant facilities and concrete production operations. To the south and southwest much of the quarry is occupied by historically imported wastes that lie outside the permitted areas and so are subject of a current Enforcement Notice which requires them to be removed from the site.
15. The quarry itself is well screened with mature, hawthorn dominated hedgerows along the south-western and south-eastern boundaries which limit views into the site from the A1028 and the nearby residential properties. A combination of the existing soft landscaping and topography serve to limit views from the north and north-west.
16. Access to the quarry is gained directly off the A1028 with the area immediately adjoining the road accommodating staff and visitor car parking, weighbridge and associated office. An internal haul road runs northwards from the site entrance down into the main quarry where an area of hardstanding has been constructed which accommodates a variety of ancillary and consented operations including the concrete batching plant, workshop/storage buildings, wash plant and product stocking bays. A second internal haul road provides access to the application site and extends from the site main internal haul road.



Site entrance



Internal haul road

## Main Planning Considerations

### Planning Policy Context

17. 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 11 (Sustainable development) - states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways. These three objectives are: economic; social and; environmental.

For decision-making this means approving development proposals that accord with an up-to-date development plan without delay; or where there

are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting planning permission unless:

- the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

Paragraph 38 (Decision making) - states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 2, 47 & 48 (Determining applications) - states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (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 or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Paragraphs 108 & 109 (Transport) states that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.

Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Paragraphs 148, 155 to 165 (Climate change and flood risk) states that plans should take a proactive approach to mitigating and adapting to climate change taking into account long-term implications including in respect of flood risk, water supply and biodiversity and landscapes. It is added that developments should seek to ensure that flood risk is not increased on or

off-site as a result of development and that development is appropriately flood resistant and resilient and any residual risk can be safely managed.

Paragraphs 170 to 177 (Conserving and enhancing the natural environment) – states that planning decisions should contribute to and enhance the natural and local environment including by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland;
- minimising impacts on and providing net gain in biodiversity;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraphs 212 to 214 (NPPF and Local Plans) - states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Mineral and Waste Local Plan Core Strategy & Development Management Policies (2016), East Lindsey Local Plan: Core Strategy (2018).

### Local Plan Context

18. Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies – 2016 (CSDMP) – the following policies are of relevance in this case:

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

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

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for large extensions to existing facilities outside of urban areas will only be permitted where it can be demonstrated that they meet an identified waste management need, are well located to the arisings of the waste it would

manage and are on or close to an A class road and meet the criteria of Policy W4.

Policy W4 (Locational Criteria for New Waste Facilities) states that in the case of large extensions to existing waste facilities, where the proposals do not accord with the main urban areas set out in Policy W3, they will be permitted where they are located on the following types of land or sites:

- previously developed and/or contaminated land; or
- existing or planned industrial/employment land and buildings; or
- land already in waste management use; or
- sites allocated in the Site Locations Document; or
- in the case of biological treatment the land identified in Policy W5; or
- Active Mining Sites.

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 waste management developments should address the following:

- identify locations which reduce distances travelled by HGVs in the treatment of waste, unless other environmental/sustainability considerations override this aim;
- implement the Waste Hierarchy and reduce waste to landfill;
- identify locations suitable for renewable energy generation;
- encourage carbon reduction measures to be implemented.

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 DM5 (Lincolnshire Wolds Area of Outstanding Natural Beauty) states that planning permission will only be granted for minerals and waste development within or affecting the character or setting of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) in exceptional circumstances where it can be demonstrated that:

- there is a proven public interest; and
- there is a lack of alternative sites not affecting the AONB to serve the market need; and
- the impact on the special qualities of the AONB can be satisfactorily mitigated.

Policy DM6 (Impact on Landscape) - states that due regard should be given to the likely impact of the proposed development on landscape, including landscape character, features and views. Development that would result in

residual, adverse impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme.

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.

19. East Lindsey Local Plan: Core Strategy – 2018 (ELCS) – the following policies are of relevance in this case:

Policy SP2 (Sustainable Development) states that a positive approach to sustainable development will be taken and that planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Policy SP16 (Inland Flood Risk) states that where required all proposals should be accompanied by a flood risk assessment and, amongst other matters, must ensure that all new development must show how it proposes to provide adequate surface water disposal, including avoiding impacting on surface water flow routes.

Policy SP10 (Design) states that well-designed sustainable development will be supported and, of particular relevance in this case, development will be

supported if it is designed to minimise glare and light spillage, it does not unacceptably harm the rural or dark-sky character of a settlement or landscape or any nearby residential amenity; it respects the local historic environment; and it does not unacceptably harm or reduce the safety of highways, cycleways and footways.

Policy SP23 (Landscape) states that landscapes will be protected, enhanced, used and managed to provide an attractive and healthy working and living environment. The distinctive character of the District's landscapes whether they are of cultural, natural or historic significance, will not be compromised and in particular, the highest level of protection will be given to the Lincolnshire Wolds Area of Outstanding Natural Beauty.

#### Results of Consultation and Publicity

20. (a) Environment Agency (EA) – no objection.
- (b) Highway and Lead Local Flood Authority (Lincolnshire County Council) – has requested a planning condition be imposed to secure works to improve the public highway by means of widening the A1028 on the northern side by a minimum 1m for a minimum 30 metres length from the eastern side of the site access.
- (c) Lincolnshire Wolds Countryside Service – has responded stating that the site is within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and as such any variation to conditions has the potential to impact the protected landscape. However, having viewed the site from the surrounding countryside to assess any visual impacts they have no comments to make.
- (d) Natural England – based on the plans submitted, Natural England considers that the proposed development would not compromise the purposes of designation or special qualities of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and therefore has no objection. It is advised that the proposal be determined in line with relevant NPPF and development plan policies, that landscape and visual impacts are minimised as far as possible and landscape advice is obtained from the Lincolnshire Wolds Countryside Service.

The following were also notified/consulted on the application but no comments or representation had been received within the statutory consultation period of by the time this report was prepared.

Local County Council Member, Councillor Colin Davie  
Welton le Marsh Parish Council  
Lincolnshire Wildlife Trust  
Environmental Health Officer.

21. The application has been publicised by notices posted at the site and in the local press (Lincolnshire Echo on 17 October 2019). Letters of notification

were also sent to the nearest neighbouring residents. No representations had been received within the statutory consultation period of by the time this report was prepared.

#### District Council's Recommendations

22. East Lindsey District Council has confirmed it has no objection.

#### Conclusions

23. The main issues to be considered in the determination of this application is whether the proposed increased capacity and throughput of the site is acceptable in this location and/or whether the development would have any adverse environmental or amenity impacts.

#### Waste Need and Location

24. Policy W1 of the CSDMP lends support to the expansion of existing waste management facilities where they meet an identified capacity gap for wastes arisings in the County. The existing CD&E recycling facilities already contribute towards the County's waste treatment capacity and the proposed variation of Condition 3 would allow an increased tonnage of CD&E wastes (including tar bound road planings) to be recycled and re-used. Table 9 within the Local Plan indicates that there is currently sufficient recycling capacity available to meet the identified waste needs/demands up to the year 2025. Beyond this date this however, capacity is predicted to reduce although the data/figures within the Local Plan were based on 2014 data and so should be relied upon with caution.
25. The applicant submits that there is an increasing demand for CD&E recycling facilities within this part of the County and that if the wastes could not be handled by increasing the handling capacity at Highfield Quarry then wastes suitable for recycling may have to travel further for treatment or may end up in landfill. Increasing treatment capacity at this site would therefore help to address this and also reduce the demand for the extraction of primary or new virgin minerals. This therefore supports the principles of sustainable waste management by moving the management of an increased tonnage of wastes up the waste hierarchy which reflects the principles and objectives of the NPPF and CSDMP Policies W1, DM1, DM2 and emerging ELCS Policy SP2.
26. In terms of location, the existing recycling facility lies within the confines of the quarry which, despite being located within the Lincolnshire Wolds AONB, is an established and active mineral site that has a history and number of existing planning permissions relating to waste management uses. Policy W3 of the CSDMP states that large extensions to existing facilities outside of urban areas can be supported where they meet an identified waste management need, are well located to the arisings of the waste it would manage and are on or close to an A class road and meet the

criteria of Policy W4. Policy W4 adds to this and confirms Active Mining Sites as suitable locations for large extensions to existing facilities.

27. The quarry has direct access onto the A1028 which continues onto the A16 to the north and provides direct access into Louth and to the south-east is the A158 which gives access to Skegness. Both of these settlements are identified as main urban areas within Policy W3 of the CSDMP. Mineral extraction operations are permitted to take place within the quarry until the year 2042 and so the recycling operations can continue to operate beyond the year 2025 and therefore an increase in its annual throughout capacity would not only help to address any existing demand but also contribute to meeting the potential identified capacity gap in the future. For these reasons it is considered that the proposed variation would accord with the objectives of the NPPF and Policy W1 of the CSDMP and also meets the criteria set out in the NPPW and CSDMP Policies DM1 and DM2. Furthermore, the expansion of the annual waste handling capacity of an existing waste management facility in this location, despite being located within the AONB, is also considered to accord with Policies W1, W3 and W4 of the CSDMP.
28. However, before the development, as a whole, can be deemed acceptable then it must also be demonstrated that the expanded operations could be undertaken without having any unacceptable adverse environmental or amenity impacts.

#### Landscape, Noise & Dust

29. The recycling operations are carried out within the confines of the quarry and, given their position within the base of the site, are not visible from views outside of it. Like the current situation, the expanded operations would utilise and share the same plant and equipment as the mineral operations and so not result in any increased plant of equipment which could potentially increase noise or dust emission. As a result, the expanded activities are unlikely to result in any increased adverse or significant impacts especially in respect of the visual appearance or character of the ANOB or surrounding countryside and not affect the amenity of any nearby residents. This view is further supported given the lack of objection from ELDC, Natural England and the Lincolnshire Wolds Countryside Service. Therefore I am satisfied that the proposals accord with the objectives of CSDMP Policies DM3 and DM5 and ELCS Policies SP10 and SP23.

#### Water Environment and Flood Risk

30. The recycling operations and wastes are stored and processed on two areas of hardstanding within the site. The applicant is proposing to extend the footprint of the lower area so as to accommodate the increased volume of wastes and this is already served by a dedicated sealed drainage system. This system has sufficient capacity to accommodate any increase surface water run-off and would ensure the underlying groundwater therefore continues to be protected. No objections have been raised by the

Environment Agency and the proposed variation to Condition 5 so as to refer to an updated plan would confirm the permitted footprint of the recycling operations and use of the existing drainage system. I am therefore satisfied that adequate measures have been incorporated so as to ensure the development continue to comply with CSDMP Policy DM16 and ELCS Policy SP16.

### Highways and Traffic

31. The Transport Assessment undertaken as part of the ES assesses the likely increase in HGV movements and impacts as a result of the proposed intensification. There is no output limit imposed by either mineral permission or on any of the existing permissions controlling other activities within the site and so accordingly HGV movements could vary considerably. On average the assessment states that there are 105 HGV movements per day associated with all activities and as wastes are brought to the site on a largely backload basis, the actual increase in movements expected to arise from this proposal would be around 20 HGV movements per day (10 in and 10 out). The applicant explains this modest increase as it is expected that as recycling operations increase the increased availability of alternative recycled aggregates would reduce the demand for, and therefore replace, the sales of primary aggregate. Consequently HGVs that currently transport virgin minerals from the site would be used to transport aggregates and therefore the proposed increase in waste tonnages would not result in a direct and equivalent increase in HGV traffic.
32. Notwithstanding the conclusions of the ES, the Highways Officer has requested that should permission be granted then a condition should be imposed to secure some improvement works to the public highway as the verge to the east of the site access shows evidence of rutting along the carriageway edge. The Highways Officer acknowledges that whilst this proposal would not generate a significant increase in HGV trips further damage could potentially arise and edge rutting of verges is a highway safety concern. It is added that although they would be unlikely to recommend refusal of this application if the improvement works were not secured, it is felt there is sound justification for the road widening requested considering the circumstances.
33. There is indeed evidence of some rutting on the carriageway verge and it is accepted that in the past this has been attributable and worsened by HGVs exiting the quarry. However, recently the eastern margin of the quarry access has been upgraded and new kerbing installed by the applicant and this has helped to prevent HGVs overrunning the verge as they exit the site. Therefore whilst there is evidence of overrunning beyond the site entrance it is not possible to confirm that this is entirely as a result of quarry traffic and could, for example, also be as a result of other HGVs travelling along the A1028 given that this verge is on the nearside edge of this bend. The predicted increase in traffic movements as a result of this proposal would be modest and whilst the Highways Officers desire to secure improvements is

noted they have also confirmed that without these works they would not recommend refusal of this application.

34. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 55 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
35. In this case, and taking into account the above, I am not satisfied that the improvement works sought by the Highway Officer are justified or that the recommended condition would meet all the necessary tests as set out in the NPPF – namely the condition and works sought would not be necessary, relevant to the development to be permitted or reasonable in all other respects. The potential increased traffic arising from this proposal would not be significant and as such in my view would not have an unacceptable adverse impact in terms of highway capacity or safety and so would not be contrary to the NPPF or CSDMP Policies DM3 and DM14. Therefore if permission is granted then it is advised that the condition suggested by the Highways Officer not be included.

#### Human Rights Implications

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

#### Final Conclusions

37. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which (where relevant) recites updates or amends the conditions which were originally included and which are attached to permission N199/01211/18. The use of suitable conditions would ensure that the operations remain in line with those previously been deemed acceptable and ensure that the operations can be appropriately monitored and enforced. This approach is consistent with the advice contained within the NPPF in respect of the use of planning conditions and also would ensure that the development does not have any adverse environmental or amenity impacts and thus accord with the objectives of CSDMP Policies DM3, DM14 and DM17 as well as ELCS Policy SP10.

## RECOMMENDATIONS

It is recommended that:

- A. This report forms part of the Council's Statement pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessment) 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 30(1)(d) the Council must make available for public inspection a statement which contains:
- the reasoned conclusion of the Council on the significant effects of the development on the environment, taking into account an examination of the environmental information;
  - any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
  - a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset likely significant adverse effects on the environment;
  - any monitoring measures considered appropriate by the Council;
  - the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
  - a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed;
  - information regarding the right to challenge the validity of the decision and the procedures for doing so.
- B. Planning permission be granted subject to the conditions set out below:

### Commencement

1. The development hereby permitted shall be commenced within three years of the date of this permission. Written notification of the date of commencement of development shall be sent to the Waste Planning Authority within seven days of commencement.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

### Approved Documents and Plans

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:

Planning Application Form, Planning Statement and Environmental Statement including all appendices (date stamped received 23 September 2019)

Drawing No. 0151-23-32 – Site Location Plan

Drawing No. 0151-23-34 – Site Layout

Drawing No. 0151-23-37 – Lower Hard Standing.

*Reason: To ensure that the development is carried out in accordance with the details and documentation that formed application and to ensure that the Waste Planning Authority can control the development.*

### Permitted Waste Types and Tonnages

3. The combined total tonnage of waste imported and processed in the quarry shall not exceed 75,000 tonnes in any calendar year. At no time shall any more than 75,000 tonnes of imported wastes be stored within the application site. All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.
4. The waste types permitted to be imported, stored, processed and exported shall be restricted to inert and non-hazardous construction, demolition and excavation wastes (e.g. concrete, brick, tiles, ceramics, glass, road planings, soils and stones). Hazardous tar bound road planings are also permitted but shall only be stored and processed on the areas of hardstanding hereby permitted as part of this development and shall not be treated, processed or stored in any other location within the quarry.
5. The area of hardstanding and associated sealed drainage used for the recycling operations shall be constructed and retained in accordance with the details contained within the Flood Risk Assessment including Drawing 0151-23-37 (contained within Appendix 4 of the approved Environmental Statement).
6. Materials shall not be stacked or deposited within the site to a height exceeding 12 metres or 60m AOD, whichever is the lower.

*Reason: To define the permitted waste types and to ensure that the waste operations and imported waste materials are stored within the area permitted so as to protect the underlying water environment and in the interests of the general amenity of the area.*

### Hours of Operation

7. With the exception of the circumstances set out in b) below, no vehicles carrying waste materials shall enter or leave the site, nor any operation be carried out except between the following hours:
  - a) 07:00 to 18:00 hours Monday to Friday; 07:00 to 12:00 hours Saturday; No working on Sundays, Public or Bank Holidays.

- b) On no more than 12 nights in any calendar year, vehicles associated with the importation of materials arising from road projects may additionally enter or leave the site and deposit their loads between 18:00 and 00:00 hours Monday to Friday. No more than 20 HGV movements are permitted per night and within seven days prior to each of the 12 nights taking place the operator shall notify the Waste Planning Authority in writing of the date when those activities shall take place.
- c) Outside the times specified in a) above no processing shall take place within the quarry.

*Reason: To protect the amenity of nearby residents and minimise any impacts upon the tranquility of the AONB by ensuring the operations and activities to take place during night-time hours are restricted to a limited number of events and limited in nature.*

### Highways & Access

- 8. The internal access road from the site entrance, leading past the weighbridge to the wheelwash, shall be maintained as a sealed surface and shall be kept clean to prevent extraneous material being deposited on the public highway.
- 9. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
- 10. No loaded lorries shall leave the site unsheeted.

*Reason: In the interest of highway safety.*

### Protection of Water Resources

- 11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site 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. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bunded compound.

*Reason: In the interest of minimising surface water pollution.*

## Noise & Dust Controls

12. The dust suppression measures and management practices as set out within the Dust Management Plan – March 2019 (contained within Appendix 5 of the Environmental Statement) shall be implemented throughout the duration of the development.
13. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.
14. All audible warning devices fitted to vehicles, plant and machinery operating within the site whilst affording suitable safety should be of a design that does not cause unreasonable noise intrusion to residential properties.
15. The level of noise arising from the operations on the site shall not exceed 55dB(LAeq) (1hour) freefield or background noise levels +10dB(LAeq) (1 hour) freefield whichever is the lesser at any noise sensitive properties around the site.
16. In the event of a complaint about noise which, in the opinion of Waste Planning Authority is justified, the operator shall carry out a noise survey to establish whether or not the noise criteria are being breached. In the event that the LAeq, T noise level is in breach of either of the above relevant noise criterion, within 7 days of the receipt of the survey results the operator shall inform the Waste Planning Authority of what action is proposed to remedy the breach. All waste operations shall cease on the site until the relevant noise criterion have been met.

*Reason: In the interest of minimising noise and dust pollution.*

17. No burning of waste shall be undertaken on site.

*Reason: In the interests of the general amenity.*

## Cessation and Restoration

18. All plant and machinery, hardstandings, structures and stockpiles of wastes and materials associated with the development hereby permitted shall be removed and the site cleared so that the land can be restored either within 12 months of the permanent cessation of mineral extraction operations or in accordance with phased restoration programme/scheme approved as part of the wider mineral permission(s).

*Reason: To ensure that the site is cleared and all materials are removed at an appropriate time so as to not jeopardise or conflict with the restoration phasing and programme for the wider quarry.*

Informatives

Attention is drawn to:

- (i) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development 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.
  
- (ii) 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

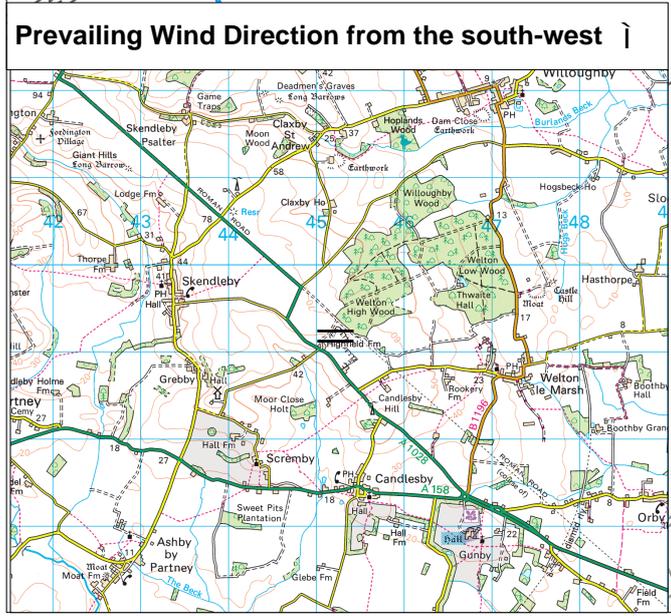
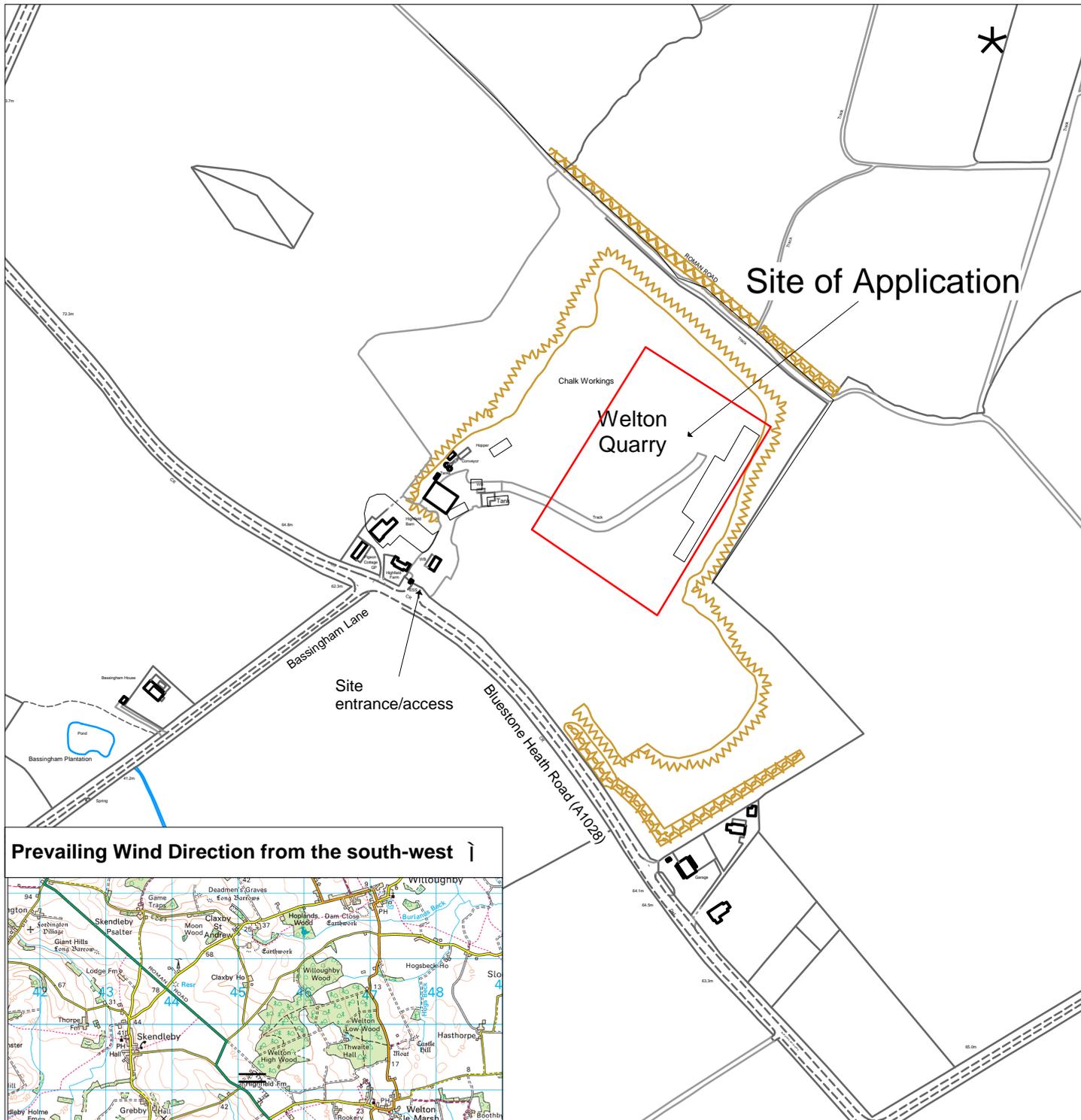
## Background Papers

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 N/199/01837/19	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2012)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Minerals & Waste Local Plan: Core Strategy & Development Management Policies (2016)	Lincolnshire County Council's website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
East Lindsey Local Plan: Core Strategy (2018)	East Lindsey District Council website <a href="http://www.e-lindsey.gov.uk">www.e-lindsey.gov.uk</a>

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<p><b>Location:</b>                  Highfield Quarry                  Bluestone Heath Road                  Welton Le Marsh</p> <p><b>Application No:</b> N/199/01837/19  <b>Scale:</b> 1:5000</p>	<p><b>Description:</b>                  To vary conditions 3 and 5 of planning permission N199/01211/18 to increase the tonnage of waste materials processed and extend the area of hard standing</p> <p style="text-align: right;"><b>Page 45</b></p>
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