

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

Report to:	<b>Planning and Regulation Committee</b>
Date:	<b>6 July 2020</b>
Subject:	<b>County Matter Applications - S18/2237</b>

**Summary:**

An application has been made by the Executors for Mr John Spencer (Agent: Robert Doughty Consultancy Ltd) for the determination of new (updated) conditions to which a mineral site is to be subject. The mineral site comprises of land lying to the east and west of Skillington Road, Colsterworth which was granted planning permission by the Minister of Housing and Local Government decision letters dated 10 September 1958 and 21 August 1961. These permissions allow for the winning and working of ironstone and mineral overlying such ironstone and to carry out calcining operations in the areas subject of those decisions.

The Environment Act 1995 established a regime for the Review of Old Mineral Planning Permissions which requires Mineral Planning Authorities (MPAs) to update old permissions by imposing modern operating, restoration and aftercare conditions. In accordance with the provisions of the Environment Act 1995, the site was registered and entered onto the First List of Mineral Sites where it was classified as being 'dormant'. A 'dormant' site cannot recommence working until the MPA has agreed an updated scheme of planning conditions in line with modern environmental standards. The applicant is seeking to reactivate part of the site subject of the dormant ironstone consents and therefore, under the provisions of Schedule 13 of the Environment Act 1995, has submitted an Initial Review application which sets out details of how the applicant proposes to work and restore the site and the proposed planning conditions under which the site would operate.

An Initial Review is not like a normal planning application for new minerals development in that planning permission already exists for mineral extraction. The main issue to be considered in determining this application therefore is whether the new planning conditions proposed by the applicant are up to an appropriate modern standard to enable the operations to recommence. Accordingly, the key issues to be considered in relation to this application are the appropriateness and acceptability of the proposed conditions and an assessment of any potential adverse environmental and amenity impacts arising from the proposed operations.

Having reviewed the application, the proposed revised conditions would secure appropriate mitigation and monitoring to ensure that the mineral operations would

not result in significant detrimental impacts on the surrounding area and secure the restoration of the site back to a combination of agricultural and nature conservation after-uses.

**Recommendation:**

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

**Background**

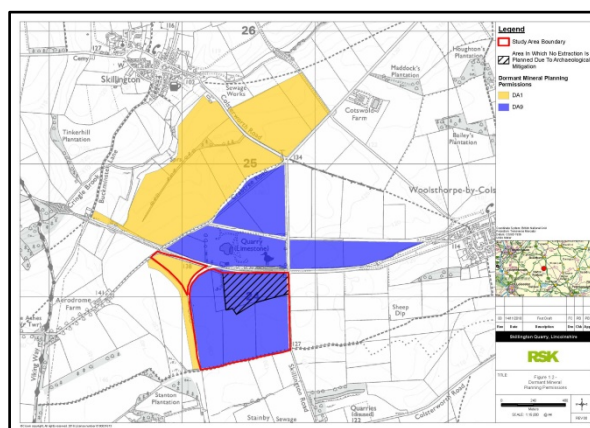
1. In 1953, 1958 and 1961 the Minister of Housing and Local Government granted permission to win and work Northampton Sand ironstone by opencast methods and any other minerals overlying such ironstone and to carry out calcining operations on land situated between the villages of Skillington, Buckminster, Stainby and Woolsthorpe. Under the provisions of the Environment Act 1995, these permissions were registered as two separate mineral sites and included on the First List of Mineral Sites which identified all mineral sites within the County where the predominant mineral permission was granted after 21 July 1948 and before 22 February 1982. The land subject of the permission granted in 1953 (referred to as Decision Area DA1) was given reference MR/D/14 and the two permissions granted in 1958 and 1961 (referred to as Decision Areas DA9 and DA11) were registered as a separate site and given the reference MR/D/20.
2. The First List provided for the review and updating of mineral sites and classified the status of those sites as being either 'active' or 'dormant'. The two sites were classified as a dormant meaning that whilst planning permission exists no operations may lawfully be carried out until an application for a scheme of modern planning conditions (known as an 'Initial Review') has been submitted to and approved by the Minerals Planning Authority (MPA). There is no time limit for making an Initial Review application with respect to a dormant site and consequently an application for new conditions can be made at any time.
3. In July 2016 the applicant indicated that it was their intention to reactivate working on an area of land that spanned the two dormant mineral sites. Whilst the applicant proposed to work this land as a single site two separate Initial Review applications were therefore required pursuant to the provisions of Schedule 13 of the Environment Act 1995. Requests for Scoping Opinions from the MPA were sought to determine the extent and nature of the information that should be provided within an Environmental Impact Assessment that would support any such applications and in September 2016 the MPA issued its responses to those requests (refs: EIA.14/16 and EIA.15/16).
4. In October 2018 two Initial Review applications were submitted which related to a proposal to reactivate working on the land that spanned the two dormant mineral sites. These were registered as S18/2236 and S18/2237 however in January 2020 the applicant formally withdrew application

S18/2236 and revised the proposal so as to only affect land that fell within one of the dormant mineral site areas (i.e. MR/D/20).

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

## Introduction

6. In accordance with Schedule 13 of the Environment Act 1995 the Executors for John Spencer (Planning Agent: Robbie Doughty Consultancy Ltd) have made an application for the determination of new (updated) conditions to which a mineral site is to be subject (land subject to the Minister of Housing and Local Government decision letters dated 10 September and 21 August 1961 - reference DA9 and DA11). The site was registered as dormant on the First List of Mineral Sites meaning that whilst planning permission exists no operations may lawfully be carried out until an application for a scheme of modern planning conditions (known as an 'Initial Review') has been submitted and approved by the Minerals Planning Authority (MPA). This Initial Review application therefore seeks to update and replace the conditions attached to the original planning permissions and ensure that any future mineral working operates to modern standards.
7. An Initial Review application is different to a normal planning application in that planning permission for the development already exists. Therefore 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 to grant planning permission for the mineral operations as detailed in this report (as permission for those activities already exists) but are instead are being asked to consider whether the proposed conditions set out in this report are acceptable.

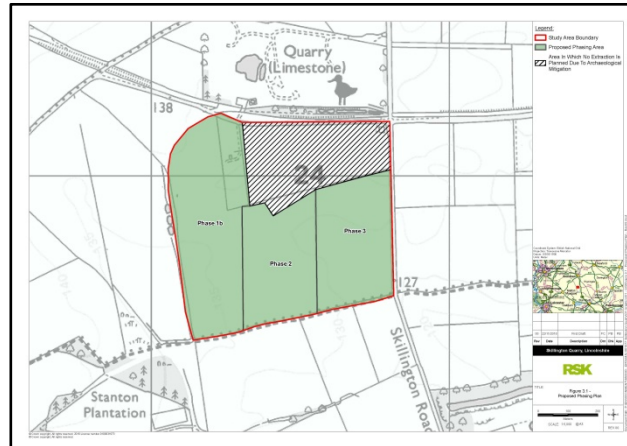


Dormant Mineral Planning Permissions Plan

## The Proposal

8. The applicant is proposing to reactivate mineral operations on part of the original mineral site which comprises of an area of land focused towards the

west of Skillington Road. The proposed working and restoration proposals therefore only relate to the working and restoration of this area. Consequently whilst the Initial Review application includes all the land subject of the old mineral planning permissions, no further working is proposed on any other part of the site as much of this land has either already been worked out and restored or has been subject to subsequent and more recent planning permissions.



#### Proposed Phasing Plan

9. The application itself includes a description of the proposed method or working and restoration for the site and a schedule of planning conditions which the applicant proposed would modernise and replace the existing conditions attached to the old planning permissions.
10. Following discussions with Officers, the set of proposed conditions originally put forward by the applicant have been revised and so the conditions contained in this report differ from those originally submitted. The revised conditions cover a range of topics/matters and would ensure that the operations can be carried out and controlled so as to not have any unacceptable significant adverse impacts on the area or amenity of nearby users.
11. The key features of the development are summarised as follows:
  - Approximately 3 to 3.1 million tonnes (Mt) of mineral would be extracted from the site with an estimated 1.9 to 2Mt being suitable for sale/use and therefore exported from the site. Unsuitable/saleable mineral along with retained soils, overburden and mineral wastes would be retained on site for use in the restoration.
  - The majority of the stone would be processed into graded construction aggregates (approx. 80% by volume), with a smaller proportion crushed for use as agricultural lime ( approx. 15%) and some larger blocks cut into building stone (approx. 5%).

- Maximum estimated annual output of around 120,000 tonnes per annum equating to 22 HGVs (44 two-way movements) per day. Crabtree Road and Skillington Road would serve as the main access routes to and from the site and it is expected that traffic would be distributed based upon the existing proportions of HGVs using Crabtree Road (64%) and Skillington Road (36%).
- Highway improvements to be carried out to the existing field access/site entrance and junction with Crabtree Road.
- Site would be progressively worked and restored in phases with restoration back to a mixture of agricultural and nature conservation uses.
- A field to the north-east of the site has the highest expected presence of archaeological features and so has been removed from the proposed extraction area to allow for preservation in situ. For the remainder of the proposed minerals extraction area, preservation by record would be implemented.
- Hours of operation (inc. HGV traffic) -  
  
0800 to 1800 hours - Monday to Friday  
0800 to 1300 hours – Saturdays  
No works on Sundays or Bank Holidays  
  
Quarry staff would arrive between 0730 and 0930 hours and depart between 1630 and 1830 hours.
- Approx. 16 years to complete mineral extraction with a further 5 years for restoration. If annual production rates are lower than estimated 120,000 tpa then this could take longer however the permission requires all winning and working operations to cease no later than 21 February 2042.

### Environmental Statement

12. The application was accompanied by an Environmental Statement (ES) which assesses the potential impacts of the development together with the mitigation measures proposed to avoid, reduce and if possible remedy any significant adverse impacts.
13. The ES has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the 'EIA Regulations') and is subject to the transitional provisions contained within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In accordance with the EIA Regulations, and following the issue of a Regulation 22 Notice, further information (hereafter referred to as 'Further Information') was submitted to support, and in some cases replace, that which was contained within the original ES. The ES, as

supplemented and amended by the Further Information, is considered to meet the requirements of the EIA Regulations 2011.

14. A summary and outline of the ES, its main findings (as amended by the Further Information) is set out below:

**Volume I: Non-Technical Summary** - this summarises the content of ES in an easily understandable and accessible format.

**Volume II: Main Statement** - comprises of numbered chapters which are structured in the following manner:

**Chapter 1: Introduction** - introduces the proposed scheme and explains the underlying objectives of the proposals, describes the statutory basis for the EIA, outlines the structure adopted in this Environmental Statement and identifies the team responsible for undertaking and reporting the EIA.

**Chapter 2: Environmental Setting** - provides a description of the receiving environment in respect of existing landform, topography, settlement and transportation patterns, land use, hydrology and planning designations associated with land on, and in proximity to, where the proposed scheme will be located.

**Chapter 3: Proposed Development** - assesses the need for the proposed scheme; summarises the alternatives that have been considered in the development of a preferred design solution; provides a detailed description of the key design components and characteristics of the proposed scheme and associated land take; and outlines the planned timescales for construction and implementation.

**Chapter 4: Environmental Assessment Process** - summarises the scoping process undertaken to establish the scope of the EIA, stakeholder consultation undertaken during the EIA, the adopted approach to the EIA and format of the individual technical assessments, and modifications made to the EIA scope that have arisen during the development and assessment of the proposed scheme.

**Chapter 5: Geology, Hydrology and Contamination** - this chapter confirms that the site is underlain by the Lincolnshire Limestone Formation (LLF) which is encountered immediately beneath the thin layer of soil across the entire site. Beneath the LLF is a thin layer of clay, which forms a separation from the underlying Northampton Sand Formation (NSF) (e.g. ironstone). The proposed scheme of working restricts extraction to the LFF only, the thickness of which is greatest beneath the eastern part of the site but is still approximately 5m to 6m thick at the western boundary. The proposed depth of extraction would stop 2m above the highest recorded level of the underlying groundwater across the site. This means the deepest working would be to the east.

It is estimated that around 3 to 3.1Mt of mineral would be recoverable from the site however, not all of this mineral would be suitable or saleable and therefore would be retained on-site for restoration purposes. Allowing for these losses it is therefore estimated that around 1.9 to 2Mt of mineral would be actually exported from the site. The ES has assessed the potential output of the site on the basis of around 120,000 tonnes per annum which could mean the site would take around 16 years to complete with a further 5 years for restoration.

There are several surface water features close to the site, including ponds and drains, but these features are associated with the former landfill immediately west of the site and the existing mineral extraction operations to the north. Cringle Brook is located approximately 660m northwest of the site and it flows from the southwest to the northeast. It is understood the Cringle Brook is a potential source of drinking water, an important fishery and is regarded as a largely unaltered example of a Lincolnshire Limestone Beck. The Cringle Brook is also an ecologically sensitive water body that supports populations of native crayfish and brown trout.

The principal potential sources of contamination to groundwater and surface water features from the future operations are from the on-site refuelling or maintenance of plant; the leaking of fuel or chemicals from plant and changes in groundwater levels which fed surface water features. Given the distance from Cringle Brook and depth of working no impact is anticipated and therefore no specific mitigation considered necessary. In order to minimise the risks all chemical, oil or fuel storage containers shall be of appropriate design. In order to minimise the risk of leakages or spillage of potential pollutants from vehicles, all vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and speed limits imposed to minimise the risk of accidents.

Conditions have been proposed by the applicant which would reinforce these mitigation measures including restricting the depth of working, confirming no dewatering can take place, the appropriate storage of oils, fuels and chemicals and other practices such as dust management controls.

**Chapter 6: Landscape & Visual Impact** - describes the site as being within the Kesteven Uplands Landscape Character Area which comprises of an undulating mixed farmland landscape gently rising from the Fens in the east to the limestone ridge in the west. Large arable fields predominate on the higher ground. The site has been assessed as being perceptible to 0.5 km buffer.

The extraction phase would result in the loss of agricultural fields and the removal of internal hedgerows over three phases. The existing hedgerows to the site boundaries would be adequately protected along with 3m high screening bunds constructed around the periphery of the site. Quarry operations would then involve the excavation of overburden and quarried rock in a west to east direction within the perimeter of the screen bunds.

The quarry void would be restored in a progressive manner in order to minimise the extent of unrestored quarry present at any particular time. Views from public rights of way (PRoW) would be limited by a combination of landform and vegetation and the magnitude of impact is assessed as small as the development would lead to a minor change of views. The overall level of visual effect during operations would be moderate/minor adverse and long-term (not significant).

The final restoration of the quarry would involve the replacement of all subsoil and topsoil, and restoration to a mixture of agricultural pasture land and nature conservation grassland. The original internal hedgerow boundaries would also be re-instated with a species rich native mix which would include suitable hedgerow trees. A 10-year management plan would ensure the successful establishment of the restored landscape. The restoration would involve short term earth moving operations to return the landscape to productive use.

**Chapter 7: Ecology, Biodiversity and Nature Conservation** - the ES has appraised the impacts of the proposals through a combination of desk-based study, an Extended Phase 1 Habitat Survey and field surveys for particular protected/notable habitats and individual species including great crested newts, reptiles, bats and birds.

The ES identified three Sites of Special Scientific Interest (SSSI) within 5km of the site (e.g. Sproxton Quarry SSSI; King Lud's Entrenchment and The Drift SSSI; Cribb's Meadows SSSI) however these are over 3km from the boundary of the site and so ecologically isolated from the site. Many of the roadside verges in and around the site are also designated as Local Wildlife Sites (LWS) as they comprise of calcareous grassland. These include the verges either side of Skillington, Gunby and Colsterworth Roads and also along Crabtree Road and Woolsthorpe Road whilst both sides of Woolsthorpe Road towards the east of Skillington Road are also designated as a Roadside Nature Reserve. Finally, the Woolsthorpe Disused Railway, West lies to the north and is categorised as a Site of Nature Conservation Interest as it supports a range of nesting birds. The species surveys identified the presence of barn owls and bats in the area along with various wintering and breeding birds as well as grass snakes and brown hares and hedgehogs. There was no evidence to suggest the site was being used by Great Crested Newts.

A package of mitigation measures has been proposed which would be adopted to minimise and/or offset any adverse impacts arising from the development. These include standard measures that would be implemented during the mineral extraction phase as well as those which would be delivered as part of the restoration works and therefore replace or compensate for any impacts that have occurred. These include (inter alia):

- Removal of hedgerows and vegetation outside of the nesting bird season where possible, or checking by an ecologist beforehand. New



hedgerows would be planted as part of the restoration scheme to recreate wildlife corridors and habitat;

- Removal of suitable reptile habitat during the active season using a phased approach to allow animals to disperse to adjacent habitat. Replacement habitat piles for use by amphibians and reptiles would be created as part of the final restoration scheme.
- Retention of dark corridors and directional lighting to avoid impacts on commuting and foraging bats;
- Closure of an existing Barn Owl box outside of the nesting season so as to avoid direct impacts on any individuals that may inhabit it. Two replacement boxes would be erected on nearby trees to provide additional nesting resources;
- Safeguarding of grasslands on roadside verges and keeping any works associated with the construction of the new access to a minimum so as to reduce the extent of any losses. As part of the restoration scheme areas of the site would be restored to nature conservation grasslands which would complement and increase biodiversity interest in the area.

The ES concludes that there is the likely potential for significant adverse effects on Brown Hare, Barn Owl and breeding birds due to loss of habitat and potential disturbance from noise and vehicle movements during the construction and operation phases. This would be a long term, minor, reversible impact, significant only at a site level. These impacts would be limited in geographic extent to the area of the site itself and the habitats on site are such that there is an abundance of similar habitats elsewhere in the local area where displaced individuals may disperse to.

**Chapter 8: Archaeology and Cultural Heritage** - this chapter considers likely significant effects of the proposed development on the historic environment within the site and a 500m study area. A desk based assessment (including walkover survey), geophysical survey and trial trenching have all been undertaken as part of this assessment in order to identify known archaeological remains and predict the archaeological potential of the site.

The assessments undertaken have shown that the area of highest expected archaeological interest is in the north-east of the site and as a consequence the proposed extraction area has been reduced so as to exclude this area and allow for preservation in situ. For the remainder of the site, the assessments have shown the potential for the site to contain multi-period remains from the Iron Age/Roman periods and also post-Medieval period. As the impact of the mineral extraction operations within the site boundary are major and permanent, preservation by record is the only mitigation option applicable in this case. Therefore the ES recommends that a programme of mitigation would be secured by way of a written scheme of investigation (WSI) which would be agreed with the Lincolnshire Historic Environment Officer in advance of any groundworks taking place. A condition to this effect has therefore been recommended by the applicant as part of their submitted scheme of conditions.

**Chapter 9: Air Quality and Dust** - this chapter assesses the impacts of dust and particulate matter from quarrying activities and recommends mitigation measures as appropriate. The main sources of dust and particulate matter are identified as being derived from engine exhaust emissions associated with the use of heavy duty vehicles and plant and emissions of fugitive dust from quarrying activities.

In respect of air quality and traffic emissions, as the site is in a rural location and there is an absence of monitoring data, an estimate of background concentrations was taken using data available from the Local Air Quality Management Support website operated by DEFRA. The ES confirms that the site is not within or close to an Air Quality Management Area (AQMA) and having taken into account the predicted traffic generation due to the proposed development any increase in exhaust emissions would not be significant.

In order to minimise fugitive dust emissions the site would be worked in phases with the working area of each phase being likely to be less than 20ha. The limestone is soft and so would be extracted using a mechanical excavator and loading shovels. Crushing and screening would take place close to the extraction area and stockpiles of materials located on the quarry floor. The ES also recommends that the quarry operates according to a Dust Management Plan (DMP) which would set out a range of effective mitigation measures, including a procedure for logging and investigation of complaints, which would be implemented on-site. The ES concludes that the magnitude of dust impacts on human and ecologically sensitive receptors are assessed as being 'negligible' and that with good practice mitigation measures in place to minimise fugitive emissions it is anticipated that the quarry is unlikely to have a significant impact on air quality and amenity.

**Chapter 10: Noise and Vibration** - this chapter considers the effects of noise due to plant operating within the quarry and vehicle movements on the sensitive parts of the road network at identified existing residential receptors. Due to the distance from the site to the nearest receptor, and the expected absence of blasting during limestone extraction, the effects of vibration are very unlikely to result in a significant adverse impact and have been scoped out of this assessment.

The main source of noise would occur during works being conducted in the initial stripping of soils and extraction of mineral within the first 3m depth of each phase. Noise would also arise from vehicles movements related to site activities. The assessment has taken into account existing background noise levels and assessed the impacts of noise arising from the development on 9 sensitive receptors that are located around the site. Noise levels due to on site mineral extraction noise have been predicted at all identified receptors. Noise due to associated traffic on Crabtree Road has been predicted at Cotswold Farm which would be the most exposed residential receptor.

In order to minimise noise levels screening bunds of up to 3m in height would be created along the site's boundaries and a range of measures implemented to minimise noise levels. The assessment concludes that noise levels experienced at the identified sensitive receptors would all fall within the appropriate limits advised in the Planning Practice Guidance and so the potential noise impacts would be negligible.

**Chapter 11: Traffic and Transport** - this chapter presents the results of a traffic assessment and, where required, identifies mitigation measures that are required to reduce any significant effects. The traffic assessment determines the significance of effects due to predicted traffic volumes generated by the proposed quarrying and traffic impacts arising from vehicles on the local road network. The assessment looks at the predicted impact of these along key routes from the application site. A baseline traffic survey was undertaken and data collected using Automatic Traffic Counters for a period of a week, recording traffic volumes by category of vehicle and vehicle speeds.

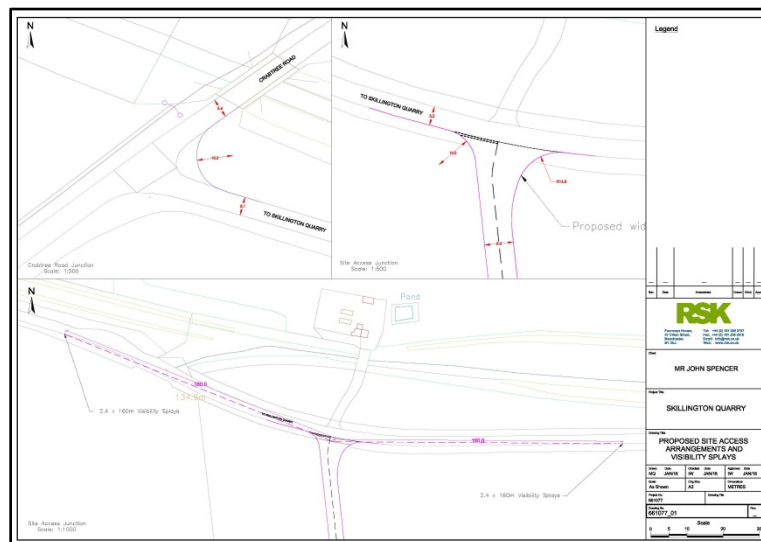
The study area for the assessment of traffic and transport incorporates the two access routes to the site from the main road network, these comprising Crabtree Road to the north and Skillington Road to the south. As a reasonable worst case, these two roads are to be used by all HGV's and light vehicle traffic associated with the proposed development. The peak traffic scenario is expected to occur in 2026 when quarrying work is being undertaken alongside continuing landfill operations at the existing quarry to the north - this being the last year of landfill activities.

The ES predicts that during the peak traffic scenario there would be a potential 30% increase in the volume of HGV flows using Crabtree Road and Skillington Road. Crabtree Road and Skillington Road would serve as the main access routes to and from the site and it is expected that traffic would be distributed based upon the existing proportions of HGV using Crabtree Road (64%) and Skillington Road (36%). The general routes and traffic assignment would therefore be as follows:

- **Traffic arriving from the north** - The site would be accessed from the A1, leaving at the junction to head south-west on Crabtree Road, with vehicles then turning left onto the Unnamed Road (known locally as Woolsthorpe Road) and then to access the site (which would be on the right).
- **Traffic arriving from the east** - The site would be accessed from Skillington Road (north), with vehicles turning right into the Unnamed Road (known locally as Woolsthorpe Road) and then accessing the site (which would be on the left).
- **Traffic arriving from the south** - The site would be accessed from the B676 Colsterworth Road, turning onto Skillington Road and heading north before turning left onto the Unnamed Road (known locally as Woolsthorpe Road) and then accessing the site (which would be on the left).

- **Traffic arriving from the west** – Access for HGVs from the west would be unable to travel through Buckminster due to existing weight restrictions on the southerly end of Crabtree Road. From the west therefore, the site would be accessed from the B676 Buckminster Road (heading east) with vehicles then turning left to join Skillington Road before turning left onto the Unnamed Road (known locally as Woolsthorpe Road). The site would then be accessed by turning left into the site.

The impact of this increased traffic have been determined to be not significant on any road link for each of the potential environmental effects, including severance, driver stress/delay, pedestrian amenity and delay, fear and intimidation and road safety. Other than required improvements to the site access, some minor improvements to the junction of Crabtree Road/Unnamed Road (to the north of the site) and the implementation of a traffic management plan by the quarry operator (e.g. to inform drivers of the routes to and from the site and ensure the use of wheelwashing facilities) no additional mitigation measures are proposed and there are no residual significant effects as a result of traffic.



## Proposed Site Access Arrangements

**Chapter 12: Sustainable Development and Climate Change** - this chapter details the approach to, and the findings of, assessments of the proposed development's sustainability performance, how they contribute to reducing greenhouse gas (GHG) emissions ("climate change mitigation"), and how they have considered potential resilience and adaptation issues resulting from future climate change.

The ES identifies that greenhouse gas (GHG) emissions would occur from within the site (e.g. from site plant) as well as off-site (e.g. from HGVs on the local road network). The proposal would however result in a continuation of quarrying activity within the locality and as such would result in the continuation of existing levels of GHG emissions rather than resulting

in new GHG emissions. Measures to ensure good sustainability performance, the minimisation of GHG emissions and the reduction of potential risks from future climate change are integral to the development proposals and the appraisals reported in the ES are therefore based on the inclusion of these mitigation measures.

This chapter concludes that the nature, scale and location of the development means the most positive sustainability outcomes relate to social sustainability issues (e.g. securing jobs) and economic sustainability issues (e.g. the continued local supply of limestone for businesses), whilst adverse impacts to environmental sustainability issues (e.g. reduced biodiversity) will be minimised through the implementation of appropriate site management practices (e.g. Environmental Management Plan) and following restoration of the site once the limestone has been extracted. The sustainability appraisal demonstrates the proposal accords with relevant local and national sustainability objectives and as such makes an appropriate contribution to sustainable development. Negligible impacts are concluded in relation to greenhouse gas emissions, whilst consideration has been given to potential impacts from future climate change, principally in relation to flood risk and species selection for site restoration.

**Chapter 13: Cumulative Effects** - identifies cumulative effects arising from the proposed scheme operating in combination with other consented and planned developments in the locality, and the interactions of predicted effects on environmental interests. The ES states that the rural nature of the surrounding area is such that no other major committed developments were identified within 5km of the site.

Following a review of all of the predicted effects of the proposed development, it is concluded that it is unlikely that two or more predicted effects would interact to generate a combined effect that is any more significant than the individual effects in isolation.

**Chapter 14: Summary of Environmental Commitment** - this chapter concludes that the ES has identified a number of effects that would arise because of progression of the proposed development. In accordance with the mitigation hierarchy, specific measures have been identified and developed to avoid, reduce or where necessary, remedy identified adverse effects on the receiving environment and these are summarised and identified within a table. Implementation of these measures could be secured through a planning condition requiring preparation of an Environmental Management Plan (EMP) and/or separate planning conditions.

**Volume III: Technical Appendices** - this contains the detailed technical reports of the individual environmental assessments and other relevant supporting documentation.

## Site and Surroundings

15. The site is located between Skillington Road and Woolsthorpe Road (listed as 'unnamed road' on some site plans) and Crabtree Road, centred at National Grid Reference (NGR) 490275, 323825. It is located approximately 650m north of Stainby and 1.3km west of Woolsthorpe-by-Colsterworth. It lies in the Civil Parish of Colsterworth and borders Gunby and Stainby Civil Parish to the immediate south.
16. The site is currently used predominantly for arable agriculture and the topography of the site slopes downwards in a roughly north-south direction with the lowest point being located at the south-eastern corner and the highest located at the northern edge of the site. There is single agricultural storage building located towards the northern, central part of the site which is accessed off a farm track which gives access onto the 'unnamed road' to the north. Hedgerows run along the northern, eastern and southern boundaries of the site.
17. An operational limestone quarry (known as Colsterworth Triangle) is located to the north of the site. Three landfill sites are located close to the site boundary; the one to the north is still operational whilst the two others (located to the west and southwest) have been restored. There are no residential buildings on or immediately adjacent to the Site with the nearest residences being located approx. 390m to the west (Aerodrome Farm), 455m southwest (Glebe Farm) and 550m southeast (Crossway Farm).

## 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:

Paragraph 2 - Status of the NPPF in decision making.

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.

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.

Paragraph 98 (Public Rights of Way) - states that decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

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.

Paragraphs 189 to 202 - (Conserving and enhancing the historic environment) - require that the significance of heritage assets (inc. non-

designated assets) be taken into consideration, including any impacts on their setting.

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) and South Kesteven Local Plan (2011-2036).

Paragraphs 203 to 206 (Minerals) - recognises that since minerals are a finite resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. Local Plans should also ensure that they (amongst other things):

- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it necessary for non-mineral development to take place;
- set out environmental criteria against which applications should be assessed so as to ensure that operations do not have unacceptable adverse impacts on the natural and historic environment or human health including from noise, dust, visual intrusion, traffic, etc.;
- provide for restoration and aftercare at the earliest opportunity to high environmental standards.

Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management 2014-2031 (Adopted June 2016) (CSDMP) - the key policies of relevance in this case are as follows:

Policy DM1 - Presumption in favour of sustainable development  
Policy DM2 - Climate Change  
Policy DM3 - Quality of Life and Amenity  
Policy DM4 - Historic Environment  
Policy DM6 - Impact on Landscape and Townscape  
Policy DM8 - Nationally Designated Sites of Biodiversity and Geological Conservation Value  
Policy DM9 - Local Sites of Biodiversity Conservation Value  
Policy DM11 - Soils  
Policy DM12 - Best and Most Versatile Agricultural Land  
Policy DM14 - Transport by Road  
Policy DM15 - Flooding and Flood Risk  
Policy DM16 - Water Resources  
Policy DM17 - Cumulative Impacts  
Policy R1 - Restoration and Aftercare  
Policy R2 - Aftercare  
Policy R4 - Restoration of limestone and chalk workings

South Kesteven Local Plan 2011-36 (Adopted January 2020) (SKLP) – the key policies of relevance in this case are as summarised:

Policy SD1 - Principles of Sustainable Development



Policy SP1 - Spatial Strategy  
Policy SP5 - Development in the Open Countryside  
Policy EN1 - Landscape Character  
Policy EN2 - Protecting Biodiversity and Geodiversity  
Policy EN3 - Green Infrastructure  
Policy EN4 - Pollution Control  
Policy EN5 - Water Environment and Flood Risk Management  
Policy EN6 - Historic Environment  
Policy ID2 - Transport and Strategic Transport Infrastructure

### Neighbourhood Plans

Neighbourhood Plans set out a vision for an area and planning policies for the use and development of land. Where adopted they form part of the statutory planning framework and the policies and proposals contained within a plan are used in the determination of planning applications. The following Neighbourhood Plans were prepared and found to be in general conformity with the former South Kesteven Core Strategy and Site Allocations Documents which have both now been replaced by the recently adopted South Kesteven Local Plan. Given their status the policies contained within them should therefore be given limited weight in the determination of this application.

#### Colsterworth & District Neighbourhood Plan (2016-26)

Policy 4 - Open Countryside  
Policy 5 - Important Views and Vistas  
Policy 6 - Trees and Hedgerows  
Policy 7 - Heritage Assets  
Policy 9 - Environmental Quality  
Policy 12 - Local Green Space and Other Open Space  
Policy 13 - Rural Economy and Tourism  
Policy 15 - Traffic Management  
Policy 16 - Public Rights of Way and village walkways

#### Skillington Neighbourhood Plan (2017-2031)

Policy 9 - Open Countryside

### Results of Consultation and Publicity

19. (a) Local County Council Member, Councillor Bob Adams - was notified of the application but no comments or response had been received by the time this report was prepared.
- (b) Colsterworth and District Parish Council - object to the proposed reactivation of the site and provided lengthy responses both to the original consultation and again following the submission of the Further Information. A summary of the comments made in those representations is set out below.

- No established need to quarry limestone in either quality or quantity as confirmed by the most recent Lincolnshire Aggregate Assessment.
- The Council believes that the leases/permissions expired years ago and so this Initial Review should be rescinded. Notwithstanding this all areas not identified to be worked should be permanently deleted to avoid ambiguity and any land that is not to be worked as shown on the working plans should be excluded and a legally binding document put in place.
- An agreed timeframe and end-date for working and reinstatement of the site should be imposed which should ensure there is no further working on any of the other referenced areas subject of the permission after that date.
- No landfilling should be permitted in order to restore the site as this would be contrary to the Lincolnshire Minerals and Waste Local Plan.
- Conditions should be imposed to secure the reinstatement/restoration of the site however poor previous attempts of lowered landscapes of poor arable quality associated with old workings is not suitable. Therefore a scheme of nature conservation should be secured as part of the restoration proposal.
- Woolsthorpe Manor was the birthplace of Sir Isaac Newton and is a thriving tourist destination attracting 50,000 visitors annually. The Manor is protected local by the Conservation Area but deserves to be equally protected within its wider setting. Quarrying will not support the rural economy or tourism as supported by Policy 13 of the Neighbourhood Plan.
- Current quarry traffic has had a massively detrimental effect on Crabtree Road with high numbers of HGVs which has created a very hostile environment for all road users especially pedestrians, cyclists and horse riders. Roadside verges are damaged by the over-running of vehicles and there are high levels of dust and mud on the roads. The situation would be made worse if HGV numbers increase.
- The road network is not suitable and there are cumulative effects of current excessive HGV and quarry traffic on the B676, speeding and other associated noise, air and dirt pollution and degrading of the roads in the Parish. Traffic associated with this site should be restricted from using the B676 through Colsterworth and Stainby and should use the A1 corridor (north and southbound) via the Crabtree Road junction only but without crossing the A1. Traffic Management Plan should also be imposed. A robust Traffic Management Plan should be secured which would ensure (inter alia) there is a cap on the number and timing of HGVs; requires all HGVs to be sheeted and cleaned before entering the public highway; voluntarily restricts speed to 20mph through residential areas so as to reduce noise; prevents mud, debris and other material being brought onto the highway, and; which contains a

robust complaints procedure and enforcement process to address any breaches.

- Working should be restricted to five days per week (Monday to Friday) to preserve the rural nature of the Parish which is used by residents and visitors for walking and cycling.
- A footpath runs along the southern boundary of the site and this is a valuable and well-used amenity for residents. It should therefore be protected and a condition imposed to ensure this is enforced.
- There is no benefit for the community in terms of employment.
- Concerns about the impact of working on the protected roadside verges and groundwater levels which, given the rainfall experienced over the last 12 months, could be higher than originally anticipated. Although dewatering is not proposed concerns remain regarding the potential for polluted groundwater entering the Witham and other nearby water courses which could impact upon native white-clawed crayfish.
- A Section 106 Agreement should be secured which would specify what is and is not permitted to be done on the land and which requires a sum or sums of money to be paid to the Parish Council on a specified date or dates or periodically to support its community projects e.g. Nature Trails, Road Safety Initiatives, War Memorial Restoration, playground refurbishment, etc.
- The development contravenes the policies contained within the Neighbourhood Plan which must be considered in all planning decisions. In particular it would be contrary to the policies that seek to protect the natural environment and heritage interests of the area as well as important views and vistas in the open countryside. The ES does not give assurances that the development would remain screened from most viewpoints or that once completed the site would be restored back to mixture of agriculture and nature conservation habitat.

(c) Skillington Parish Council (adjoining Parish) - has made a number of comments which are summarised below:

- The Environment Act 1995 placed a duty on old mineral permissions to be reviewed and updated initially and then every 15 years. Failure to have done this would have meant the permissions would have lapsed. Have the procedures been followed and if not surely the application is invalid?
- Any development outside of the proposed area of working should be excluded and would be opposed by the Parish Council.
- There is a surplus of limestone reserves within the County and so there is no need to release more reserves. If it is possible to refuse the application on the grounds of unnecessary development then this should be done.
- Existing quarry traffic has resulted in dust and mud on the roads and this could get worse especially as it is likely there would be an overlap between the preparation of this site and operation of the

existing quarry and also the restoration of that site and the working of this quarry.

- No imported wastes should be allowed to restore the site and conditions should be imposed to prevent this and therefore ensure this site does not become a waste disposal facility.
- The application proposes that HGVs exit the site by turning left and then accessing Crabtree Road. Even with the proposed improvements to this junction this would be a perilous manoeuvre on a blind bend. Traffic should therefore be directed to turn right when exiting the site and then heading towards Skillington Road. The proposed routeing of traffic is to be the same as the current quarry with HGVs accessing and crossing the A1 via the Crabtree Road junction. The northbound sliproad onto the A1 off Crabtree Road is too short and traffic is too heavy to allow safe entry from a standing start and so this is dangerous. It is also unsafe for HGV traffic to turn right and cross the carriageway to use the central reservation when heading south from this junction. An alternative route would be to use the B676 through Colsterworth however this would necessitate HGVs passing through a residential area and adding to the already unacceptable conditions on that road. Therefore the Council concludes that there is no suitable vehicle route for this proposed development.

Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

(d) Buckminster Parish Council (nearby Parish Council) - object unless measures are put in place to address its concerns. A summary of the comments and concerns raised are as follows:

- Unclear why there is a need for this quarry as the overall demand appears to be met by the existing nearby quarry.
- Concerns with regard to vehicles from the quarry travelling through Sewstern and Buckminster. The level of traffic significantly increases when the A1 becomes closed due to road traffic accidents and the potential for continuing work for the next 20 years is disappointing.
- Would like to see a restriction on quarry traffic travelling through Sewstern along the B676. Whilst this is a designated route for traffic travelling east/west to the A1 and Melton Mowbray the road is no inadequate to provide adequate passage for heavy vehicles.
- To minimise impacts on residents in Buckminster, traffic should be prevented from travelling through the village outside of the proposed hours of operation.
- Road cleaning equipment should be required on the quarry operator to ensure that access roads are cleaned daily. Crabtree Road is continually covered in a film of dirt from the existing quarry and there are frequent complaints from residents.

Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

- (e) Natural England - has commented that based on the plans submitted, the updated conditions would not have significant adverse impacts on designated sites or protected landscapes. The site does however contain 'best and most versatile' agricultural land (Grade 2 and 3a) and whilst a condition on soil restoration is proposed reference is given to DEFRA guidance on soil protection and it is recommended that should the development proceed the developer should ensure they use an appropriately experienced soils specialist to advise on and supervise soil handling and how to make best use of soils on the site. In respect of protected species the ES includes a number of mitigation measures and it is therefore recommended that the proposed conditions reflect these.

Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

- (f) Lincolnshire Wildlife Trust - originally responded and commented that whilst the site contained 'best and most versatile' agricultural land it was advised that a significant area of the site should be restored to limestone grassland rather than being returned to agriculture. This would secure a net gain in biodiversity and create a desirable after-use for the site. It was also requested that consideration be given to creating permissive public access across the restored site as an enhancement to the Colsterworth Nature Trail which currently is restricted to the course of the former railway to the west of the site. Finally, it was also requested that further information regarding the proposed site access improvement works be provided as the roadside verge forms part of the Woolsthorpe Road Verge West LWS.

Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

- (g) Historic England - does not wish to offer any comments and advises that the views of the Councils own specialist conservation and archaeological advisers be sought and taken into account.

Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

- (h) Historic Places Team (Lincolnshire County Council) - has recommended that a condition be imposed which would require a Scheme of Archaeological Works in accordance with a written scheme of investigation to be submitted and approved in writing before any groundworks take place. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Following re-consultation on the Further

Information submitted on 14 January 2020 no further response was received.

- (i) Environment Agency (EA) - has no objection.

Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

- (j) National Trust - commented that it would be concerned about any development that would result in a notable increase in noise, dust, traffic and/or HGV movements within and around Woolsthorpe Conservation Area. It is noted that conditions are proposed for noise monitoring and dust suppression as well as to control HGV routing. It is recommended that conditions be secured to avoid any HGV movements or other significant increases in traffic through the village and Conservation Area of Woolsthorpe.

Following re-consultation on the Further Information submitted on 14 January 2020, responded confirming its previous comments remain valid and has no further comments to make.

- (k) Public Health (Lincolnshire County Council) - has commented that whilst it appreciates local residents cite adverse effects on health and wellbeing in objecting to this application, this is not borne out in the assessments commissioned by the applicant or responses from other organisations consulted. The air quality impact assessment concludes that no significant effect on human health is considered likely and so accordingly makes no objection to the application. It is however recommended that a condition is applied requiring that the Dust Management Plan (DMP) recommended in the assessment is agreed and that the quarry operates to this.

- (l) Highways England - confirm it has no objection.

Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

- (m) Highways Officer (Lincolnshire County Council) - has no objection but recommends that a condition be secured to secure the improvements to the site access and junction of Crabtree Road.

Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

- (n) Countryside & Public Rights of Way (Lincolnshire County Council) - originally responded advising that there is a Public Footpath (No.114) running along the southern boundary of the proposed quarry and that the route of this path was moved via a Definitive Map Modification Order onto the northern side of the hedgerow in 2017. It is expected that there would be no encroachment, whether permanent or

temporary, onto the rights of way as a result of this proposal and that it would be desirable to maintain a 10m strip between the footpath and the quarry. The quarry must also be fenced from the public footpath for the duration of the quarrying activities. It was also advised that should any existing gate or stile need to be modified or if a new gate or stile is proposed that the prior permission from the Council must be sought.

Following re-consultation on the Further Information submitted on 14 January 2020, has confirmed that the comments made previously are still relevant. The revised working plans submitted indicate that the public footpath would run through a 5m wide protected strip, however, it would appear that the continuation onto the former landfill site (to the west) would be obstructed by the temporary perimeter bund. The public footpath alignment runs on the northern side of the boundary fence/hedge and therefore the temporary bund would need to be relocated in order to accommodate a 5m wide strip for the public footpath around the proposed quarry.

- (o) Leicestershire County Council – has commented that the local environment and amenity of nearby residents should be protected by appropriate conditions in respect of noise, dust and hours of operation and the proposed routeing of HGVs to and from the site should take account of existing traffic controls and restrictions.

In its capacity as adjoining Highway Authority the application, proposed conditions and vehicle routeing strategy have all been reviewed and there are no existing safety concerns on roads within the Leicestershire boundary. Given the low number of vehicle movements per day the Council also no comments regarding the junction capacities or their ability to manage the additional traffic and the proposed conditions are welcomed. Where not already proposed, conditions should the requirement for a dust management scheme, the sheeting and routine wheel-washing of vehicles, a restriction on hours of operation and a mechanism to review the number of daily HGV movements and routeing strategy once an operator has been appointed.

Following re-consultation on the Further Information submitted on 14 January 2020, responded confirming its previous comments remain valid and has no further comments to make.

- (p) Ministry of Defence (Safeguarding) – no objection.

The following were consulted on the application but no comments had been received by the time this report was prepared:

Melton Borough Council (adjoining Authority)  
Ramblers Association (Lincolnshire South)  
Lincolnshire Fieldpaths Association  
British Horse Society  
Environmental Health (South Kesteven District Council)

20. The application was originally publicised by way of site notices posted in various locations around the site and in the local press (Lincolnshire Echo on 29 November 2018). Individual notification letters were also sent to the nearest neighbouring residents to the proposed area of working. Following the receipt of Further Information on 14 January 2020 the application with reference to this Further Information was re-publicised in the local press (Lincolnshire Echo on 24 January 2020) and letters of notification were sent to the nearest neighbouring residents and all those who had previously submitted duly made representations to the application.

In response to this publicity and notification a total of 104 representations have been received. An online petition objecting to the proposed development has also been created which, at the time of writing, has 258 signatories.

The main grounds for objection along with any concerns, comments and issues raised in these representations are outlined and summarised below:

#### Justification and Need

- No need to grant permission for a new limestone quarry as there is already sufficient reserves available to meet expected demands. To grant permission would therefore be contrary to the Minerals & Waste Local Plan and the most recent Local Aggregates Assessment.
- The original permissions were granted over 50 years ago and therefore cannot still be valid or must have already expired? On this basis the application must be refused.
- The original permission was for the working of ironstone and not limestone.
- Concerns this would be a precursor for a future landfill site or extensions to the quarry.
- The proposal is simply a profit making enterprise and has no public benefit that outweighs the disproportionate effect this would have on the local community.
- The applicant has now passed away and so it is not clear if consideration of this application is lawful.

#### Highway & Traffic

- Concerns regarding the routes HGVs may take especially accessing and crossing the A1 off Crabtree Road. This is a dangerous junction and also concerns traffic may instead use the B767 through Colsterworth which is already a busy road with most traffic not adhering to the 30mph speed limit.
- Need for wheelwashing and road cleaning to be put in place around the site as the roads around the existing quarry are often covered in mud and debris which in winter can become hazardous to other road users (photographs provided to support comments).



- Roads in and around the site are unsuitable for HGV traffic. These are already used by cyclists, joggers, walkers, farm vehicles and ordinary traffic.
- HGVs should avoid using the crossroad junction between Skillington Road/Crabtree Road (near the mast) and access points need to be carefully selected so turning vehicles do not become a hazard.
- There should be a clear traffic movement plan to identify the routes HGVs should take.
- Money will be wasted fixing unnecessary potholes that would be created by the extra 44 and 28 tonne HGVs.
- HGVs should be required to use the bridges at Colsterworth and Little Ponton to cross the A1 and the existing gaps in the A1 should be blocked so no traffic can cross into Crabtree Road from the north.

#### Environmental impact and residents/general amenity

- The area is of significant natural value and supports an enormous array of wildlife including migratory and resident bird species as well as potentially protected species. The area nearest the village has been transformed into a wildflower meadow and nature trail.
- The quarry would destroy views of the local area including westwards which was specifically referenced as being important in the Colsterworth Neighbourhood Plan.
- This development out of character with the surrounding rural environment and will result in further industrialisation of the countryside and loss of important countryside for local wildlife and associated leisure activities.
- Disruption to wildlife in the area which would be harmful and detrimental to the community in general.
- The cumulative impact of this quarry along with the nearby landfill and other quarry will blight the village for three decades as a result of dust, noise, light and air pollution.
- The Human Rights of local residents would be breached on the grounds of health and public safety.
- The area has changed significantly since these permissions were first granted with the village expanding and therefore its boundary moving closer to the planned quarry site. Increased noise, pollution and traffic will affect the health and wellbeing of the predominately elderly population residing at the western end of the village.
- Concerns about the impacts of dust on the health of residents especially those that already suffer from conditions such as asthma.
- Too close to the village and residential areas and this development would therefore have an immediate and detrimental impact on the quality of life of residents many of which have chosen to live in a countryside location to avoid heavy traffic, air pollution, noise, etc.
- Restoration of the site should be phased allowing large areas to be reinstatement at the earliest opportunity.
- The proposal is contrary to the Government's 25 Year Environmental Plan which discusses the need for clean air; clean and plentiful water;

thriving plants and wildlife; reducing the risks of harm to environmental hazards; enhancing beauty, heritage and the natural environment and climate change.

- Concerns that groundwater flows may not be as identified in the assessment and so the impact of working not properly assessed especially on springflows to the north-west of the site and ultimately on Cringle Brook. Also concern that groundwater levels could seasonally fluctuate meaning that the depth of excavation (cited as being 2m above groundwater level) could vary and require dewatering of the site or cessation of operations until the water-table drops. A robust groundwater monitoring programme should therefore be undertaken to ensure no excavations takes place less than 2m below the working platform.
- House prices will be significantly affected and residents should therefore be compensated.
- Woolsthorpe village is historically important especially Woolsthorpe Manor which was the birthplace of Isaac Newton and is a world renowned historic site. The Manor is visited by many thousands of visitors a year and any increase in quarrying and traffic could have a detrimental impact upon visitors experience.
- The prevailing wind direction along Woolsthorpe Road will ensure dust/noise is carried far along it towards the village. Measures must be taken to minimise noise, dust and visual blight e.g. through a combination of tree or high hedge planting.
- The development would negatively impact upon the public rights of way in the area especially that which runs along the southern boundary of the site. The line of this path was recently moved to within the site boundary and so needs to be protected.
- No weekend working should be allowed to give respite to residents on Saturdays and Sundays.

### Miscellaneous

- There are so many documents relating to this application it is extremely difficult to assess what is being proposed or the area of planned extraction.
- Residents had no prior notice of this application. Efforts should have been made by the applicant to explain the rationale behind this application to local residents and to encourage good will.
- If permission is to be granted then conditions should be imposed to secure the following:
  - No new quarrying until existing quarry is closed or restored;
  - Planting of new and mature trees and hedges to screen the quarry;
  - Public access to the site once restored;
  - A financial bond should be secured to ensure restoration of the site is achieved;
  - A S106 agreement should force the applicant to deliver road improvements including resurfacing at least every two years; to compensate for the impact on public access and; to ensure that proper truck limits are imposed.

## District Council's Recommendations

21. South Kesteven District Council – responded to the initial round of consultation confirming they had no objection to the proposal. Following re-consultation on the Further Information submitted on 14 January 2020 no further response was received.

## Conclusions

22. The application is an Initial Review of an old minerals planning permission under the provisions of Schedule 13 of the Environment Act 1995. The mineral site is registered as 'dormant' meaning that operations cannot recommence until an updated scheme of planning conditions have been agreed in line with modern environmental standards. The applicant is seeking to reactivate working on part of the land subject of the mineral site and has submitted details of how they propose to work and restore the land and a schedule of planning conditions.
23. An Initial Review is not like a normal planning application for new minerals development in that planning permission already exists for mineral extraction. The main issue to be considered in determining this application therefore is whether the new planning conditions proposed are up to an appropriate modern standard to enable the operations to recommence. Accordingly, the key issues to be considered in relation to this application are an assessment of any potential adverse environmental and amenity impacts arising from the proposed operations the appropriateness and acceptability of the proposed conditions.

## Need

24. A significant number of representations have been received from the public and from statutory consultees such as the Parish Council's which object to the principle of the development and on grounds such as a lack of need for new limestone aggregate reserves and the validity of the old mineral permissions. Whilst these objections and concerns are noted these are not pertinent or valid objections as the old permissions which grant consent for the mineral extraction operations are still valid and remain so (as confirmed at the time of their registration on the First List of Mineral Sites). As a result planning permission for the winning and working of any remaining minerals already exists and therefore, unlike an application for new mineral development, it is not necessary for the MPA to consider whether or not there is a quantitative need for the limestone reserves proposed to be extracted. Instead the purpose of this Initial Review is to allow the MPA to update the old mineral planning permissions by imposing modern operating, restoration and aftercare conditions upon the site. In doing so the MPA is therefore only able to consider the proposed conditions put forward by an applicant and to either agree to impose these or suggest different conditions as it thinks fit. The MPA however has no power to refuse the application although it can impose conditions that differ from those suggested by the

applicant. If the applicant disagrees with any conditions imposed they can appeal against those conditions but cannot make any claim for compensation should the effect of those conditions affect existing working rights (i.e. by reducing the economic viability of the site or reduce the asset value).

25. A schedule of proposed planning conditions were originally put forward by the applicant and these have been revised and amended taking into account subsequent changes that have been made to the proposals, the comments received from consultees and taking into account best practice guidance and national policy. The proposed schedule of conditions identified within this report have been discussed and agreed with the applicant and would ensure that the development addresses the concerns raised and so would not have an unacceptable or significant adverse impact on the environment or amenity of nearby residents.

### Landscape and Visual Impact

26. A number of local residents and Parish Councils have raised concerns/objections on the grounds that the quarry would destroy the rural character of the area and especially views westwards from Colsterworth village which, they state, is in direct contravention of policies contained within the Colsterworth Neighbourhood Plan.
27. The objections and representations received are noted and it is accepted that, as with all mineral operations, the proposed development would change the existing visual appearance of the immediate area within and around the site. However a number of measures have been proposed as part of the development which, as far as possible, aim to minimise and reduce any impacts upon the surrounding landscape. During the operational phase, such measures include the construction of screening bunds around the boundaries of the site which would be extended as the operations advance and the extraction operations would be carried out at depth meaning that for the vast majority of the time working would take place below existing ground level (except in the early stages of the development). The site would also be worked in phases so as to reduce the visual footprint of the site and the direction of working would move from west to east so as to reduce the visual impact of the quarry on views from Colsterworth and the edge of Woolsthorpe village to the east. The combination of the screening bunds, below surface level working and phased extraction would all help to minimise the impact of the quarry on the local landscape and whilst some limited views may still be obtainable from the footpath that runs alongside the southern boundary of the site these would be transient and further minimised given the height of the bunds and as the operations advance. Following completion of the mineral extraction operations, the site would be restored to a mixture of both agricultural and nature conservation uses which reflect the existing and surrounding uses around the site. This would therefore ensure that the restored site assimilates well back into this rural and open countryside setting once the works have been completed.

28. With the implementation of the screening measures proposed as part of the development, and when taking into account the separation distances between the quarry and the nearest properties along with the presence of the intervening trees, hedgerows and changes in topography, I am satisfied that the majority of views from public vantage points both within the immediate surroundings as well as at distances from outside the site would be minimised to an acceptable level. Therefore the development would not have a significant unacceptable adverse impact upon the visual appearance or character of the area during either the working or restoration phases and therefore would not conflict with the objectives of CSDMP policies DM1, DM3 and DM6, Policies EN1 and DE1 of the SKLP or purposes of Policies 6 and 9 of the cited Neighbourhood Plans.

### Highways

29. The nearby Parish Councils along with a significant number of representations received from members of the public have objected due to the number and proposed routes that HGVs would take to get to and from the site. The main objections relate to the fact the roads in and around the site are rural in nature and so it is claimed are unsuitable for heavy traffic. Additionally many objectors are opposed to HGVs using Crabtree Road and especially its junction with the A1 which many claim is dangerous and so traffic using this to access/egress the site would pose a safety risk to other road users.
30. The roads in the locality of the site are typical of that of many rural roads across the County and are already used by HGVs associated with the existing active quarrying and landfilling operations in the area. The Transport Assessment submitted and contained within the ES has identified the need to carry out some minor improvements to the proposed site access and junction onto Crabtree Road in order to facilitate access to the site and these would be secured by way of a condition. Taking into account the anticipated traffic numbers no further improvements have been identified as necessary and the routes proposed to be taken by traffic associated with this site would be the same as those which are already used by the existing quarry and landfill sites. Traffic associated with those activities will steadily reduce as those operations draw to a close and the traffic associated with this site would therefore largely replace this rather than lead to any substantial increase. Highways England have confirmed that they have no objection to the proposal and are satisfied that there would be no impact on the strategic highway network (i.e. A1). Similarly the Highways Officer has raised no objection to the development.
31. The applicant has suggested that a planning condition be imposed which would require the submission of a Traffic Management Plan which would confirm how traffic would be managed and prescribe the routes HGVs would take. The applicant has also proposed planning conditions which would require that no commercial vehicle leave the site unless they are sheeted and are cleaned, that the site access be kept clean and free from mud and

other deleterious materials and that their immediate removal should these be accidentally deposited on the public highway. Given the above, whilst the objections from local residents are noted, having taken into account the findings of the Transport Assessment contained within the ES and given the lack of any objection from the highway experts/specialists I am satisfied that the development would not result in significant vehicle movements on the highway network and, subject to the conditions as proposed, it is concluded that the development would be acceptable and would not have a detrimental impact on highway safety. Therefore the development would not be contrary to the NPPF or Policies M12 and DM3 of the CSDMP and Policy ID2 of the SKLP all seek to ensure that highway safety and network capacity are not adversely affected by new development.

### Public Rights of Way

32. There is an existing Public Right of Way (No. 114) which runs along the southern boundary of the site and the working and restoration proposals have been designed so as to avoid the need to divert (whether temporary or permanent) or encroach onto this route. Screening bunds are however to be constructed around the perimeter of the site and these would need to be positioned to avoid any impact and ensure the footpath is protected. The Rights of Way Officer has commented that a 10m strip between the footpath and the quarry should be provided and the quarry must also be fenced from the public footpath for the duration of the quarrying activities. Whilst the Rights of Way Officer has raised no objection to the proposals they have commented that the plans would appear to indicate that one of the proposed bunds could run through a 5m wide protected strip and obstruct access to the former landfill site to the west. In order to ensure that there is no impact on the existing Public Right of Way a condition is recommended which would ensure further details relating to the construction and position of the perimeter bunds are submitted for approval. Such details would ensure that a suitable stand-off is provided and therefore ensure the existing Public Rights of Way and network is unaffected by the development.

### Historic Environment

33. The ES has considered the potential impacts of the development on both designated and non-designated heritage assets. Whilst objections have been raised regarding the potential impacts of the proposal on Woolsthorpe Manor (the birthplace of Sir Isaac Newton), this is located within the heart of Woolsthorpe village itself which is some distance to the east of the proposed quarry site. The National Trust (who own and operate the building) has not objected to the proposal but has commented that it would be concerned if there was any notable increase in noise, dust, traffic and/or HGV movements within and around Woolsthorpe Conservation Area. Therefore they have recommended that conditions be secured to avoid any HGV movements or other significant increases in traffic through the village and Conservation Area and to control noise and dust from the site. As discussed, the routes identified to be taken by HGV traffic would avoid the need to travel through the village and the applicant has proposed that a

Traffic Management Plan could be secured and implemented to ensure this is achieved. Conditions have also been proposed to address minimise and control noise and dust emissions from the site and given the separation distances between the two sites I am satisfied that these would ensure that the development would not have an unacceptable adverse impact on either upon views to or from this historic building or its setting and that any impacts arising from traffic, noise and dust would also be similarly controlled or mitigated to an acceptable level.

34. In terms of the proposal site and its more immediate setting, the assessments undertaken as part of the ES confirm that there are no designated heritage assets (i.e. Scheduled Ancient Monuments, Listed Buildings, etc.) lying within the site or of such close proximity to it that they are considered likely to be adversely affected. However, as a mineral extraction operation clearly there is the potential for the development to affect non-designated features of archaeological interest and therefore a series of assessments including desktop study, geophysical survey and trial trenching across the site have been undertaken to help identify and evaluate this potential and to recommend any necessary mitigation.
35. The assessments undertaken have shown that the area of highest expected archaeological interest is in the north-east of the site and so the phasing and working plans have excluded this area so as to allow any underlying archaeology to be preserved in situ. Planning conditions are proposed which would ensure the development is carried out in accordance with the phasing plans and working scheme and also which confirms no working is allowed within this area and other areas that lie outside the proposal site. For the remainder of the proposal site, the ES recommends that a written scheme of investigation (WSI) would be agreed in advance of any groundworks taking place so that any features of archaeological interest within the site can be identified and preserved by record. Historic England have offered no specific comments in relation to the proposal and has recommended that the specialist advise of the Council's own advisors be sought (i.e. Historic Environment Team). No objection has been made by the Historic Environment Team or District Council and so, subject to the imposition of a condition to secure the WSI and its subsequent implementation, I am satisfied that all reasonable measures would be taken to record and preserve (by record) any features and so would ensure that the development accords with the objectives of the NPPF and CSDMP policies DM1 and DM4 and SKLP Policy EN6.

#### Ecology, Soils and Restoration

36. The proposed development affects a significant area of land however the majority of the site comprises of intensively farmed agricultural land and therefore is of limited ecological value. It is considered that sufficient information and details have been provided to assess the impacts of the proposals on flora and fauna falling within the footprint of the proposal site and appropriate mitigation measures would be implemented to ensure that the proposed development would not have an adverse impact on a range of

species which may be present and/or which use the site as terrestrial and foraging habitat. Soils stripped from the site would be retained on site and either utilised to construct the temporary screening bunds or used to restore the site as the operations advance. A condition is recommended to ensure this is achieved as the retention and re-use of the indigenous soils would ensure that the site is capable of being restored to a suitable after-use without the need for materials to be imported from elsewhere (which is not permitted under the terms of the old mineral permissions in anycase).

37. Following completion of the extraction operations the site would be restored to create a mixture of agricultural and nature conservation habitats which would provide long-term ecological and biodiversity gains. No objections have been received from Natural England or the Lincolnshire Wildlife Trust and so subject to the development being carried out in accordance with the approved details as contained within the application, I am satisfied that the development would not have unacceptable or significant adverse impact on biodiversity or ecological interests and provide for suitable after-uses that complement those present within the area and surrounding the site. Therefore the proposals would accord with the objectives of Policies DM8, 9, 11, 12, R1 and R4 of the CSDMP as well as Policies EN1 and EN2 of the SKLP.

#### Noise

38. The ES considers potential impacts of the development in relation to noise. The land that is proposed to be worked is fairly remote from any nearby residential properties, however the assessment has considered potential impacts on properties lying on the edge of the villages of Skillington (approx. 1.2km to the north), Woolsthorpe-by-Colsterworth (approx. 1.1km to the east) Colsterworth (approx. 1.9km to the south-west) and Stainby (approx. 620m to the south) as well as isolated sites/properties which are closest to the boundary of the site.
39. The ES assesses the potential impacts of operational noise and traffic on these receptors by comparing the existing background noise levels experienced with those which are predicted as likely to arise and be experienced. The assessment concludes that the noise levels experienced as a result of the development would in all cases be below the recommended limits set out in National Planning Practice Guidance which states that noise limits should not exceed the background noise level by more than 10dB(A) during normal working hours. As this is the case, the impacts of on-site activities would be negligible in magnitude and the long-term effect of on-site noise would not be significant.
40. The proposed conditions submitted by the applicant (and as subsequently revised) would ensure that the mitigation and monitoring measures set out in the ES are implemented to protect the amenities of nearby residential properties and land-users. It is therefore concluded that the development would be acceptable in relation to noise and that the development there would not have any adverse impacts on the amenities of nearby residential



properties and neighbouring land-users and therefore ensure the development accords with the objectives of the NPPF and Policy DM4 of the CSDMP and Policies DE1 and EN4 of the SKLP.

#### Dust

41. The ES has assessed the potential impacts of dust and particulate matter arising from quarrying activities and engine exhaust emissions associated with the use of heavy duty vehicles and plant and emissions. The site itself is located within a rural area and is relatively remote and some distance from residential properties. The site is not within or close to an Air Quality Management Area (AQMA) and having taken into account the number of vehicles likely to arise from this development, any increase in exhaust emissions in the local area is not considered to be significant.
42. In terms of fugitive dust emissions from the site, in order to minimise these, the site would be worked in progressive phases with restoration following extraction so as to reduce the areas of the site open at any one time. The limestone would be extracted using a mechanical excavator and loading shovels and so blasting would not be required and the crushing and screening operations would take place close to the extraction area with stockpiles of materials located on the quarry floor. The ES concludes that with good practice mitigation measures in place the quarry is unlikely to have a significant impact on air quality and the amenity of local residents as a result of dust from the quarrying operations. In order to ensure this is the case, conditions are proposed to deal with dust issues at the site, including the requirement to implement a Dust Management Scheme; the sheeting of all HGVs and cleaning of commercial vehicles prior to leaving the site; a requirement to install and use of a wheel wash facility and to keep any internal haul roads and the public highway clean from debris and mud so as to prevent dust emissions. No comments have been received from the Environmental Health Officer and no objections have been raised from the District Council or Public Health. The measures proposed are well known techniques and best practice measures that are appropriate and sufficient to control dust emissions to an acceptable level. Therefore subject to compliance with these, I am satisfied that the development would not have an unacceptable adverse impact on local air quality or the amenity of nearby residents and therefore accords with objectives of the NPPF, Policy DM4 of the CSDMP and Policies DE1 and EN4 of the SKLP.

#### Water Environment

43. The assessments undertaken as part of the ES confirm that groundwaters would not be encountered during the extraction operations and therefore dewatering would not be required. The assessments also conclude that the development would not have any adverse impacts on the nearby watercourses including Cringle Brook. The applicant has proposed conditions which would define the depth of extraction, confirm no dewatering is to take place and also ensure the appropriate storage of oils, fuels and

chemicals and other practices so as to minimise any potential pollution risks to the underlying or surrounding water environment.

44. The Environment Agency, who are the statutory body responsible for providing advice to Mineral Planning Authorities on matters relating to hydrology and hydrogeology has raised no objection to the proposals. Subject to the implementation of the mitigation measures proposed as part of the application, the development would not therefore have an adverse impact upon the underlying groundwater or surface water regimes in and around the locality and therefore would not be contrary to the objectives of the NPPF or Policies DM8, DM15 and DM16 of the CSDMP or Policies EN4 and EN5 of the SKLLP.

#### Human Rights

45. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.
46. In this case planning permission for the mineral extraction operations already exists and therefore the applicant has a legal right to carry out the development subject to appropriate planning conditions having first been agreed with the Mineral Planning Authority. The applicant has conducted an Environmental Impact Assessment of the proposed development which has proposed measures to minimise, mitigate and off-set any potential significant environmental or amenity impacts that could arise from the working and restoration of the site. The proposals have been widely consulted upon with many different statutory and non-statutory bodies and opportunities to make representations on the proposals have been afforded to local communities that live in and around the site. A significant number of local residents have made such representations and the comments received have been taken into account in the consideration in when assessing the proposals and the proposed planning conditions recommended to be imposed by your Officers.
47. The Committee's role is to consider and assess the effects that the proposals will have on the rights of individuals as afforded by the Human Rights Act (principally Articles 1 and 8) and weigh these against the wider public interest in determining whether or not the planning conditions proposed to control the development are appropriate and of a modern standard sufficient to safeguard the amenity of local residents and the to protect the wider environment. This is balancing exercise and a matter of planning judgment. In this case, having considered the information and facts as set out within this report, the conditions proposed are considered to be proportionate and would ensure there would be no breach of the Human Rights Act and the Council would have met its obligation to have due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

### Overall conclusion

48. Overall, whilst there are inevitable impacts as a result of the proposed quarrying operations and activities, the proposed conditions would minimise these impacts to a satisfactory level and ensure that the development would not result in significant detrimental impacts on the wider environment or amenity of nearby residents. The site would be progressively worked and restored to a lower level than its current form however it would create an appropriate restored landform with a mixture of agricultural and nature conservation after-uses that complement the existing and surrounding uses.
49. Discussions have taken place with the applicant throughout the consideration of this application and this has resulted in revisions being made to the proposals and the proposed schedule of conditions. The proposed conditions would ensure that the development addresses and overcomes the concerns raised and/or secures further details where these are required. It is concluded that the proposals would not therefore have significant adverse impacts in relation to nature conservation, landscape and visual impacts, noise, dust, highways, historic environment, flood risk and drainage or restoration and so would comply with the provisions of the NPPF and the development plan. The proposed conditions are therefore acceptable and appropriate.

### **RECOMMENDATIONS**

It is recommended that:

- A. The following amended schedule of conditions, as submitted on 3 June 2020, be approved:

#### Definition of Development

1. This scheme of conditions applies to the mineral site edged red and shown green on Drawing No. 1294-1\_PL\_LP03 Rev.A 'Location Plan – DA9 & DA11' and relates to the winning and working of minerals and restoration to a mix of agricultural and nature conservation after-uses using on-site derived soils, overburden and mineral arisings only.
2. Nothing in this decision notice shall be construed as permitting the importation of materials for any purpose including achieving screening, landscaping or restoration.

*Reason: To define the extent and scope of the permitted development.*

#### Time Limits

3. The winning and working of minerals shall cease not later than 21 February 2042.

*Reason: To comply with the statutory end date of the permission.*

#### Implementation and Expiry of Permission

4. No further winning and working of mineral or restoration operations shall take in those parts of the mineral site outside the area edged red or within the area denoted by the diagonally hatched lines on Figure 3.1 'Proposed Phasing Plan' (hereafter referred to as 'the Site').
5. The development and operations hereby permitted shall be carried out in strict accordance with the following documents and plans except where modified by conditions attached to this notice or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
  - Planning Statement (ref: 1294 1 SS RJCD Rev A) dated September 2018), Flood Risk Assessment (ref: 881167-R1(03)-FRA) dated January 2019 and Environmental Statement (Volumes I to III) (ref: 661077) dated November 2018) subject to any modifications or additions contained within the Environmental Statement Addendum (ref: 662713) dated December 2019 including all appendices and supporting technical assessments;
  - RDC letter dated 14 January 2020 – Further Information
  - Drawing No. 1294-1\_PL\_LP03 Rev.A – Location Plan – DA9 & DA11
  - Figure 3.1 – Proposed Phasing Plan
  - Figure 5.6 – Proposed Limits of Excavation Contour Plan
  - Drawing No. 1294-1-PL-SP101 – Working Plan 1 of 8
  - Drawing No. 1294-1-PL-SP102 – Working Plan 2 of 8
  - Drawing No. 1294-1-PL-SP103 – Working Plan 3 of 8
  - Drawing No. 1294-1-PL-SP104 – Working Plan 4 of 8
  - Drawing No. 1294-1-PL-SP105 – Working Plan 5 of 8
  - Drawing No. 1294-1-PL-SP106 – Working Plan 6 of 8
  - Drawing No. 1294-1-PL-SP107 – Working Plan 7 of 8
  - Drawing No. 1294-1-PL-SP108 – Working Plan 8 of 8
  - Drawing No. 1294-1-PL-SP01 Rev.E – Site Restoration Plan
  - Drawing No. 1294-1-PL-SE01 Rev.B – Proposed Site Section

*Reason: To define the extent of the mineral extraction operations and to ensure the development is carried out in accordance with the approved details for the avoidance of doubt*

#### Mineral Extraction

6. The Site shall be progressively worked and restored in accordance with the phased sequence as shown on Drawings 1294-1\_PL\_SP101 to 1294-1\_PL\_SP108 (inclusive).

7. Mineral extraction shall not proceed below the levels shown on Figure 5.6 'Proposed Limits of Excavation Contour Plan' of the Environmental Statement.

*Reason: To define the depth of working and to protect the impacts of extraction on the underlying groundwater.*

8. No blasting shall be carried out on the site.

*Reason: To minimise the impact of the operations on the amenities of the area.*

#### Hours of Operation

9. Except in emergencies to maintain safe working, no operations and activities authorised or required in association with the development shall be carried out and no heavy goods vehicles shall enter or leave the site except between the following times:

08:00 and 18:00 hours Monday to Thursday;

08:00 and 13:00 hours Friday and Saturday

No such activities shall take place on Sundays, Public Holidays or Bank Holidays.

10. Unless otherwise previously agreed in writing by the Mineral Planning Authority, essential maintenance work may only take place during the normal hours of working for the quarry (set out in the above condition), and between the hours of 13:00 - 17:00 Saturdays provided it is confined to the plant site area.

*Reason: To define the working hours and to enable the Mineral Planning Authority to adequately control the development and to minimise its impacts on the amenities of the local area.*

#### Soil stripping, storage and replacement

11. Prior to the commencement of any soil stripping within each Phase of the Site, the following information shall be submitted to and be approved in writing by the Mineral Planning Authority:

- i. detailed plans and cross sections showing the location and heights of all bunds to be constructed around the perimeter of that Phase of the development;
- ii. details to show the stand-off from the perimeter bunds to the margins of the Site and any nearby Public Rights of Way;
- iii. the location and heights of any other soil storage mounds within the site.

All bunds and soil storage mounds shall thereafter be constructed and maintained in accordance with the approved details/scheme(s).

12. No topsoil, subsoil or lower subsoil shall be removed from the Site.
13. All topsoil, subsoil or lower subsoil stripped from the working areas shall be stored separately in mounds as agreed with the Mineral Planning Authority or shall be re-spread directly on to the previously worked and restored areas in accordance with the quarry restoration scheme.

*Reason: To ensure details of the position of all bunds and soils storage mounds are secured so as to avoid any impacts on nearby rights of way and to ensure that materials remain on site for use for restoration purposes.*

#### Archaeology

14. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Mineral Planning Authority.
15. The archaeological site work shall be undertaken only in full accordance with the approved written scheme. The applicant will notify the Mineral Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Mineral Planning Authority.
16. A copy of the final report will be submitted within three months of the work to the Mineral Planning Authority for approval (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

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

#### Noise

17. Noise levels as a result of the development (both temporary and normal daytime operations) at the noise sensitive locations (described in Tables 10.6 and 10.7 and shown on Figure 10.1 of the Environmental Statement) set out below shall not exceed the specified limits at each of those receptors:

<u>Noise sensitive location</u>	<u>Noise Limit (LAeq, 1-hour) free-field</u>
Aerodrome Farm	47 dB
Buckminster Hall	49 dB
Glebe Farm	48 dB
Stainby	48 dB

Colsterworth Village	53 dB
Woolsthorpe	49 dB
Cotswold Farm	49 dB
Skillington	46 dB
Sproxton Lodge	39 dB

18. In the event of any substantiated complaint being notified to the operator by the Mineral Planning Authority relating to noise arising as a result of the operations undertaken at the site, the operator shall provide the Mineral Planning Authority with a scheme of noise monitoring for its written approval. Following the written approval of the Mineral Planning Authority the noise monitoring scheme shall be carried out within one month of this written approval and the results of the survey and details of any additional mitigation measures to be implemented as part of the development shall be submitted for the attention of the Mineral Planning Authority. Any additional mitigation measures identified as part of the survey shall be implemented within one month of the survey and thereafter implemented for the duration of the development.
19. All plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufacturer's recommendations and specifications to minimise noise disturbance.

*Reason: To enable the Mineral Planning Authority to adequately control the development and to minimise its impacts on the amenities of the local area.*

#### Dust and Mud

20. No development shall take place until a dust management scheme has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. Once approved the development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.
21. No mud, debris or other deleterious materials shall be deposited on the public highway and any accidental deposition of such materials shall be removed immediately.

*Reason: To prevent mud, dust and other extraneous material being deposited on the public highway, in the interests of highway safety and safeguarding the amenities of the area.*

## Groundwater Protection

22. No development shall take place until a scheme has been submitted and approved in writing by the Mineral Planning Authority which provides for the establishment of a regime of baseline and on-going monitoring of ground water levels within the Site. The scheme shall include 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 a timetable setting out the frequency for on-going monitoring of levels and reporting of results to the Mineral Planning Authority;
  - c) identify triggers for when mitigation measures shall be implemented;
  - d) establish mitigation measures.

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

23. 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 shall be at least equivalent to the capacity of the largest tank, or the 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 shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
24. No dewatering of the site shall be carried out.

*Reason: To prevent pollution of the water environment and reduce flood risk to the area and to secure the monitoring of groundwater levels to ensure no dewatering of the site is required and to protect the underlying aquifer.*

## Access, highways and traffic

25. No operations, other than the construction of the Site entrance, shall be carried out until the existing field access/entrance to the Site has been upgraded and the highway improvement/widening works at the junction of Crabtree Road and Woolsthorpe Road (as shown on Drawing No. 661077\_01 contained within Appendix 1 of the Transport Assessment dated December 2018 within Volume II of the approved Environmental Statement) have been completed to the satisfaction of the Highway Authority and written confirmation of this provided to the Mineral Planning Authority.
26. No development shall take place until details relating to the design, specification and position of wheel cleaning facilities, to be installed within the site, have first been submitted to and approved in writing by the Mineral



Planning Authority. The approved facilities shall thereafter be installed in accordance with the approved details and shall be available and in full working order at all times for the duration of the development hereby permitted.

27. Unless otherwise agreed in writing with the Mineral Planning Authority no vehicles shall enter or leave the Site except via the access point shown on Drawing 661077\_01. The access shall be kept clean and maintained in good repair whilst the quarry is operational. Any mud or deleterious matter deposited on the access road or metalled internal haul road will be removed as soon as reasonably practicable.
28. No commercial vehicles shall enter the public highway unless they are sheeted and, when necessary, their wheels and chassis have been cleaned to prevent material being deposited on the public highway
29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 [or any Order amending, replacing or re-enacting that Order], no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and are set back a minimum distance of 15 metres from the nearside edge of the carriageway.
30. No development shall take place until a Traffic Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Traffic Management Plan shall identify how traffic will be managed throughout the duration of the quarrying period, including potential mitigation measures and prescribed routes for HGV access to and from the Site. The approved Plan shall thereafter be carried out and implemented in accordance with the approved details (or any updated or revised details subsequently approved by the Mineral Planning Authority).

*Reason: To prevent mud, dust and other extraneous material being deposited on the public highway and in the interests of highway safety and safeguarding the amenities of the area*

#### Lighting

31. No fixed lighting, including security lighting, shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure that the lighting is designed to minimise the potential nuisance of light spillage outside of the site, including the public highway. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

*Reason: To minimise the nuisance and disturbances to the surrounding area and in the interests of highway safety.*

## Restoration

32. No winning and working shall take place within Phase 2 until a detailed final restoration scheme, including hedgerow management and landscape planting details and 5 year aftercare scheme, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be in general accordance with the indicative proposals shown on Drawing No. 1294-1\_PL\_SP01 Site Restoration Plan Rev E and shall make provision for and/or include details to cover the following:
- a) details of the final levels of the restored land;
  - b) full details of the grass/tree/shrub/hedge planting to be carried out as part of the restoration works which shall include details of the species, densities, heights and means of protection;
  - c) details of the measures to be taken to manage hedgerows to be retained as part of so that they provide additional natural screening to the proposed extension area, and;
  - d) a scheme of aftercare detailing the steps to be implemented to bring the restored quarry to the required standard for each of the specified uses as shown as part of the final restoration proposals for the quarry.

The aftercare period shall commence from the date that restoration works within each phase of the development have been completed to the satisfaction of the Mineral Planning Authority.

All restoration, landscaping and aftercare works shall thereafter be carried out and implemented in accordance with the approved details (or any updated or revised details subsequently approved by the Mineral Planning Authority).

33. In the event of a premature cessation of mineral operations for period in excess of 2 years and prior to the achievement of the completion of the restoration of the Site, a revised scheme of restoration and aftercare shall be submitted for the written approval of the Mineral Planning Authority. The restoration works shall thereafter be carried out and implemented in accordance with the revised scheme of restoration and aftercare
34. All plant, machinery, buildings and equipment erected or stationed shall be removed from the Site within 12 months of the completion of quarrying and restoration operations.

*Reason: To ensure the restoration of the site is not compromised.*

- B.** That this report forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which requires the Council to make available for public inspection specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:

- content of decision and any conditions attached to it;
- main reasons and considerations on which decision is based, including if relevant, information about the participation of the public;
- a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
- information recording the right to challenge the validity of the decision and procedure for doing so.

#### Informative

- (i) The applicant's attention is drawn to the existence of a Public Footpath (No. 114) which runs along the southern boundary of the site. This permission does not give the applicant the right to interfere, obstruct or divert any Public Right of Way and so the Right of Way must be kept open and unaltered for public use. It is recommended that the applicant contacts Lincolnshire County Council's , Public Rights of Way Section on 01522 782070 for further information on these obligations and details on how to make a formal diversion order (permanent or temporary) should this be required.
- (ii) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by seeking further information to address issues identified during the consideration of the application and amendments to the proposal so as to make it acceptable in planning terms. 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.
- (iii) 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.
- (iv) Under Paragraph 1(7) of Schedule 13 of the Act the Conditions do not have effect until the application is finally determined i.e. all proceedings on the application, including appeals to the Secretary of State and the High Court have been determined, and the time period for any further appeal has expired.

## Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	Figure 3.1 - Proposed Phasing Plan

## Background Papers

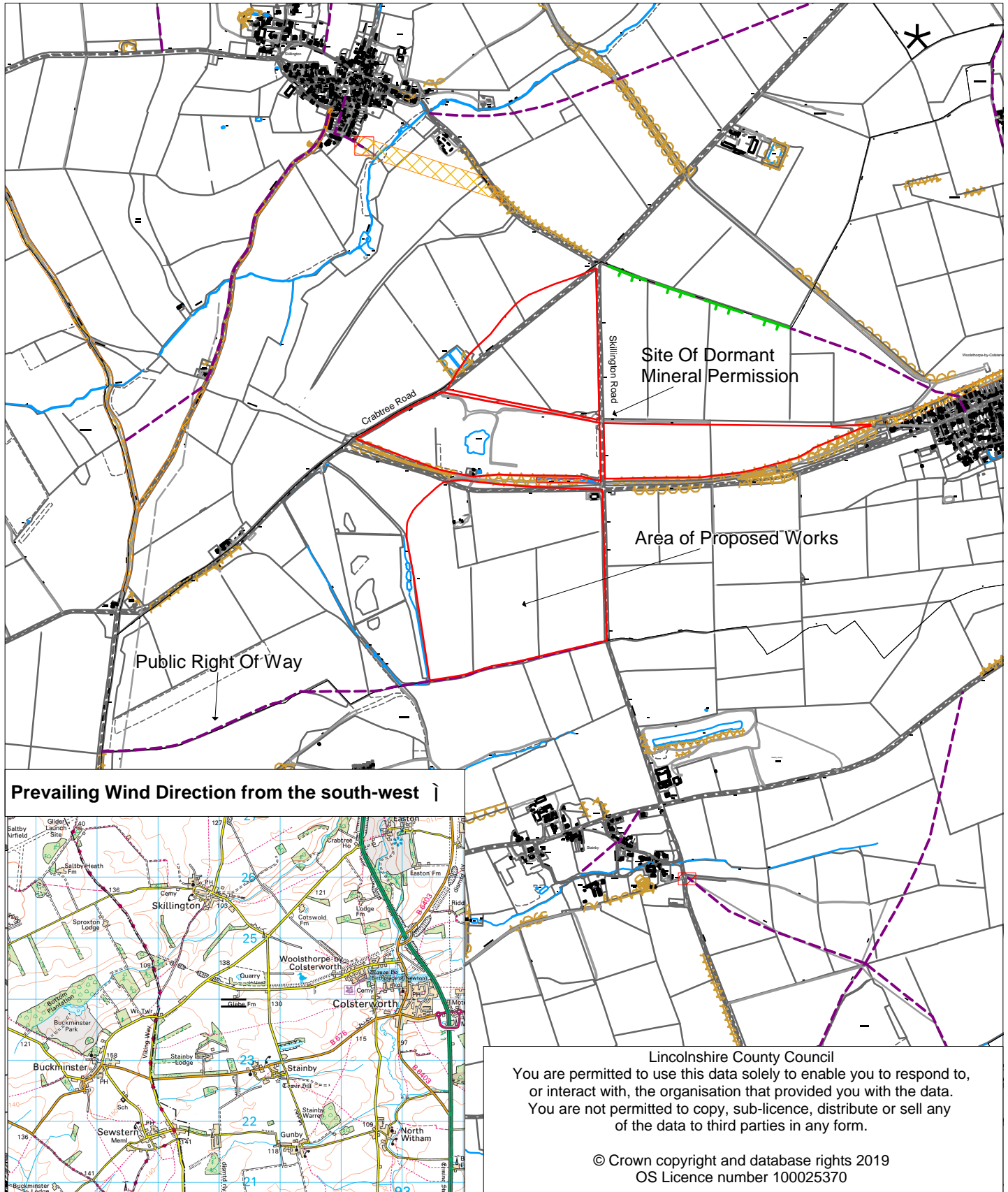
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S18/2237	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2019)	The Government's website <a href="http://www.gov.uk">www.gov.uk</a>
Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)	Lincolnshire County Council website <a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>
South Kesteven Local Plan 2011-36 Colsterworth and District Neighbourhood Plan Skillington Neighbourhood Plan	South Kesteven District Council Website <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>

This report was written by Marc Willis, who can be contacted on 01522 782070 or [dev\\_planningsupport@lincolnshire.gov.uk](mailto:dev_planningsupport@lincolnshire.gov.uk)

# LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 6 JULY 2020



## Location:

Proposed Skillington Quarry  
Land to the east & west of Skillington Rd  
Colsterworth

**Application No:** S18/2237

**Scale:** 1:20000

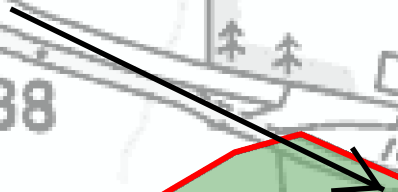
## Description:

Application for the determination of new (updated) conditions to which a mineral site is to be subject (land subject to the Minister of Housing and Local Government decision letters dated 10 September and 21 August 1961 - reference DA9 and DA11)

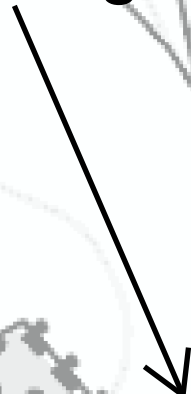
# Appendix B

- Legend:
- Study Area Boundary
  - Proposed Phasing Area
  - Area In Which No Extraction Is Planned Due To Archaeological Mitigation

Proposed Site Entrance



Public Right Of Way



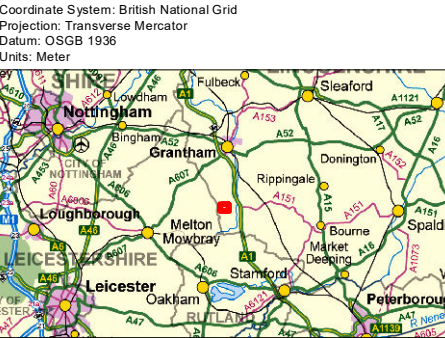
Area Of Proposed Works



Phase 1b

Phase 2

Phase 3

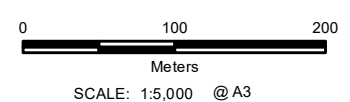


Rev	Date	Description	Drm	Chk	App
00	22/11/2018	First Draft	FC	PB	PB

Skillington Quarry, Lincolnshire



TITLE: Figure 3.1 - Proposed Phasing Plan



REV 00

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