

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

Report to:	Planning and Regulation Committee
Date:	5 October 2020
Subject:	County Matter Application - S19/1244

Summary:

An application has been made by Tamar Selby Group Ltd (Agent: Landesign Planning and Landscape) for the determination of new (updated) conditions to which Sudbrook Quarry is to be subject.

Sudbrook Quarry is a historic sand quarry which is subject of two old mineral planning permissions which are WK1139 (dated 17 June 1953) and WK4645 (dated 27 January 1967).

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 Sudbrook Quarry 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 recommence operations at the site 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 at Sudbrook Quarry would not result in detrimental impacts on the surrounding area and would secure a restoration scheme which would be beneficial to nature

conservation.

Recommendation:

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

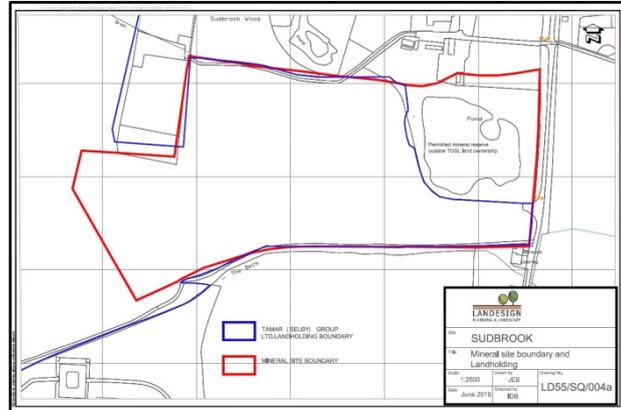
Background

1. Sudbrook Quarry is a historic sand quarry which is subject of two old mineral planning permissions - WK1139 dated 17 June 1953 and WK4645 dated 27 January 1967.
2. Under the provisions the Environment Act 1995, the site was registered 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 First List provided for the review and updating of mineral sites and classified the status of those sites listed as being either 'Active' or 'Dormant'. Sudbrook Quarry was classified as a Dormant site meaning that whilst planning permission exists minerals development cannot be lawfully 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. The applicant is proposing to recommence mineral extraction at Sudbrook Quarry and so has submitted an Initial Review application. The two permissions relating to Sudbrook Quarry collectively cover an area of land extending approximately 8.5 hectares although part of the site has already been worked out with a small pond/lake having been created from the historic mineral workings in the north eastern corner of the site (subject of permission WK1139) with further extraction having also been undertaken in the north eastern corner of that part subject of permission WK4645. The applicant owns the vast majority of the land subject of the two mineral permissions (with the exception of the lake area and a small area of land lying on the north-eastern limit of the site) and therefore this Initial Review application is focused only on proposing to reactivate working within that part of the site they own.

The Application

4. An application has been made by Tamar Selby Group Ltd (Agent: Landesign Planning and Landscape) for the determination of new (updated) conditions to which Sudbrook Quarry is to be subject. The applicant has submitted a schedule of new and updated conditions which they propose replace the existing conditions which are attached to permissions WK1139 and WK4645. The application covers the whole of the land subject of the two mineral permissions (extending to approx. 8.5ha - land edged red on Plan 1

below) however the proposal seeks to only reactivate working within that part of the site that the applicant owns. The proposed working scheme therefore does not propose any further working on the land which lies outside of the applicants control but which is also subject of the two permissions (e.g. the lake area and small parcel of land to the north east).

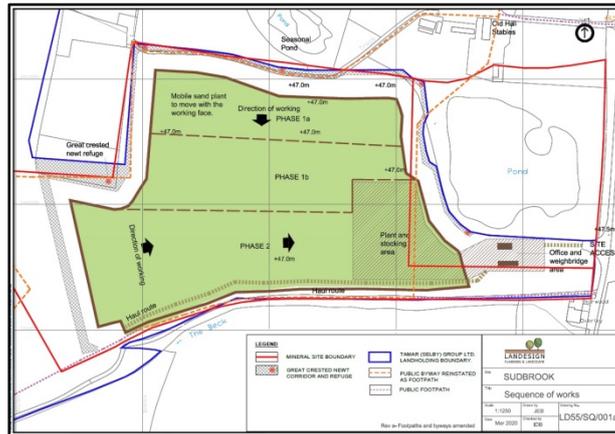


Mineral Site Boundary

5. The application sets out details of the proposed method of working and restoration proposals for the site. The working and restoration schemes have been developed based upon the previously permitted plans and updated to take into account the findings and recommendations of the technical assessments undertaken as part of the Environmental Statement (ES) and Further Information that supports the application. An outline and summary of the proposals is given below.

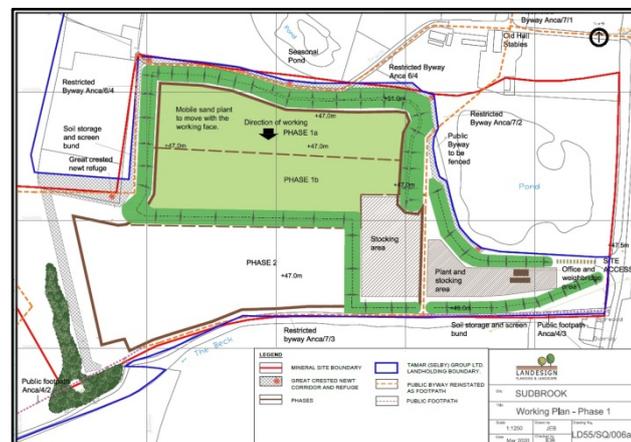
Method and Sequence of Working

6. The applicant is proposing to extract circa 1,000,000 tonnes of permitted reserves and has assumed an envisaged annual output rate of 100,000 tonnes per annum although in practice the output level may be lower than this. The site predominately contains sand (with negligible amounts of gravel present) which is approximately 15-20m deep and suitable for general purpose mortars, external rendering, internal plastering and sands for gypsum plastering, asphalt and similar.
7. The site would be worked in two phases with operations starting at the northern end of the site (Phase 1) and progressing southwards before then working the southern half of the site (Phase 2) in a west to east direction. The top 3 metres of the site sits above the water table and therefore is expected to be worked dry. Below this level everything is below the water table and so the mineral is to be excavated in a wet state as dewatering the excavation area has the potential to derogate the natural groundwater table and could affect open watercourses which surround the site. Dewatering has therefore been discounted.



Sequence of Works

8. The mineral would be excavated using a long reach 360° hydraulic excavator and allowed to naturally drain before being screened and sold from the site. The sand is expected to be clean and so further washing and screening may not be necessary however the excavated mineral would be stockpiled and screened using a dry screener in the Plant Site & Stocking Area located towards the eastern end of the site. Other ancillary facilities such as a site office and welfare facilities, weighbridge and wheelwash would be stationed in this part of the site. This is likely to comprise of two single storey porta-cabin type buildings (circa 10m x 3m) however precise details of these have not been provided at this stage.
9. During Phase 1 the plant site and working area would be stripped of soils to create a grass seeded screening bund to help screen the mineral operations from open views. An area of advanced tree planting would also be carried out in an area of land located between the western limit of Phase 2 and West Willoughby Hall. The Phase 2 area would remain in agricultural use at this time so as to restrict the overall footprint of the quarry and keep the development away from the Public Footpath (Anca 4/2 and 4/3) which runs along the southern boundary. Extraction operations would progress southwards within Phase 1 and as this phase is completed the bunds from the north, east and west of the phase would be removed.



Working Plan - Phase 1

10. As Phase 1 is completed a new 2-3 metre high grass seeded screening bund would be created along the southern boundary of Phase 2 using soils stripped from the site and those from the Phase 1 bunds. Excavation would progress west to east before terminating ahead of the existing Restricted Byway (Anca 7/2) which runs north to south through the site. The Byway would be retained in situ throughout the development with fencing and a gated crossing point being erected to protect it and any users during the operational phases of the quarry. This will ensure that no existing rights of way are stopped up or diverted as a result of the development and their original routes retained as part of the proposed restoration scheme. Finally, as working steadily progresses eastwards the western screening bunds would start to be removed as restoration works commence and any excess soils not required for restoration purposes would then be removed from the site.



Working Plan - Phase 2

Restoration Design

11. The applicant proposes to restore the site to a lake as the depth of the mineral deposit and high-water table (coupled with the fact the planning permissions do not allow the importation of fill materials) means there is little other practical option. The lake would be created as the excavation progresses with a narrow shelf planted with reeds created around its perimeter and steep banks to discourage waterfowl which may be a bird strike hazard given the sites proximity to both Barkston Heath and Cranwell aerodromes. Woodland blocks and areas of wildflower grass meadow would also be created around the margins of the site to increase habitat interest. This proposed restoration design reflects that which has occurred on the lake in the north eastern corner of the site and also the Woodlands camping site which is located further to the south east.



Revised Restoration Plan

Operating Hours

12. The site would operate 6 days a week. In response to concerns raised by local residents, and following discussions with Officers, the applicant has proposed different hours for the main site and mineral operations and those associated with HGV traffic.

13. For mineral extraction, processing and soil stripping/restoration works the applicant is mindful of the proximity of the site to residential properties and so it is proposed to delay the start time to 0800 hours each morning and 0900 hours on Saturdays. No operations would take place on Sundays or Bank/Public Holidays. The proposed hours would therefore be as follows:
 - Monday to Friday - 0800 hours to 1900 hours
 - Saturdays - 0900 hours to 1300 hours
 - No operations shall be carried out on Sundays or Bank/Public Holidays.

14. For HGV traffic, it is proposed to stagger the times that HGVs access and egress the site so as to avoid and minimise potential conflict with pedestrians that use Rookery Lane, in particular school children during school term times. The proposed hours for HGV traffic would therefore be as follows:
 - Monday to Friday - 0700 hours to 19.00 hours except between the following times during school term time:
 - 0715 hours to 0800 hours;
 - 1630 hours to 1700 hours;
 - 1730 hours to 1800 hours.
 - Saturdays 08:00 hours to 13:00 hours
 - No operations shall be carried out on Sundays or Public and Bank Holidays.

Access & Traffic

15. Assuming an anticipated output rate of 100,000 tonnes per annum the development would generate an average of 22 HGV loads per day (44 two way movements) which is the equivalent to 3 HGVs per hour (6 two way movements) or one HGV every 10 minutes. This represents a worst-case scenario and so could be less than this if the annual output is lower than the 100,000 tonnes assumed in carrying out assessment.
16. The site would also employ 6 members of staff and so this would generate additional movements during the morning and evening peak periods.
17. Access to the site would be via the existing entrance onto Rookery Lane which lies at the eastern end of the site. This access has a concrete apron and suitable visibility splays either side and so would not need to be upgraded to accommodate the traffic proposed. Rookery Lane itself however is a narrow country road and its width could make it difficult for HGVs to pass one another and also shows signs of carriageway failure due to the lack of maintenance. Given its condition advisory signs have been erected at its junction with the A153 which advises that the route is unsuitable for HGV traffic. To address the issues with Rookery Lane the applicant has proposed to carry out selective widening works along its length which would accommodate passing places making it feasible for two-way HGV traffic to pass. All quarry traffic would also be directed to turn right out of the site entrance and therefore travel south towards the A153 rather than travelling north and therefore having to cross the nearby level crossing and the use of the village as a through route. The applicant proposes that further details of the proposed highway works could be secured by way of a condition and carried out before mineral operations recommence at the site.

Environmental Statement

18. 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.
19. The ES has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'). During the consideration of the application Further Information was requested in accordance with the provisions of Regulation 25 of the EIA Regulations and this was subsequently submitted by the applicant (received 28 April 2020) and supplements that contained within the ES. The ES and Further Information meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations').
20. A summary and outline of the ES, its main findings (as amended by the Further Information) is set out below:

Chapters 1 to 6 - of the ES introduce the proposal; describe the site and its main features and gives an overview of the background to this ROMP review and details of the relevant expertise of those persons involved in the production of the ES.

Chapters 7 & 8 - sets out the planning history of the site and identifies the two old mineral planning permissions which are subject of this ROMP (refs: WK1139 and WK4645). Chapter 8 confirms that the land subject of this ROMP is within three separate ownerships. These include the applicant (who owns the vast majority of the land subject of the two permissions) and two other private owners who each own land towards the north east of the site (e.g. the lake area and small parcel of land to the north east). This application covers the whole of the quarry however the proposal seeks to only reactivate working within that part of the site that the applicant owns. The proposed working scheme therefore does not propose any further working on the land which lies outside of the applicant's control.

Chapter 9 - sets out the planning policy framework against which the proposals should be assessed. Planning permission for the mineral extraction operations already exists and therefore in considering this ROMP application is it not necessary to consider whether the site is needed. Instead the focus of this application is instead about agreeing new modern conditions under which the site should be operated. The assessment of policy is therefore focussed on development control matters with regard to policy rather than justifying need and focuses on the policies contained in the Lincolnshire Minerals and Waste Local Plan.

Chapter 10 - provides a brief description of the proposed working and restoration proposals including details of the proposed sequence of working and phasing, operational hours, output and traffic numbers and restoration plans.

Chapters 11 to 19 - consider the likely significant effects of the development on the local environment and each chapter provides a summary of the main findings, along with any proposed mitigation, to address any impacts identified. Each chapter looks at a different topic/area and is supported by technical reports that have been prepared by a range of specialist advisors. A summary of each of these chapters is as follows:

Chapter 12: Landscape & Visual Impact (LVIA) - the site lies within the South Lincolnshire Edge character area which overall comprises of a large-scale, open, arable landscape. There are no landscape designations or special features within the site although there is a non-designated moated area to the north of the site. The area within and around the site was once part of the Willoughby Hall Estate although this estate has since been broken up and become very fragmented with many features removed and/or degraded due to agricultural practices and following the destruction of the original hall and its associated buildings. As a result the former parkland is barely recognisable from its original form in the 1800s and does not have

any formal designation. There are two listed buildings to the north of the site which consist of Sudbrook Old Hall (Grade II*) and the Stables at Sudbrook Old Hall (Grade II), however, their setting is quite different to that which would have existed historically with new outbuildings having been added and various equestrian additions to the properties such as a small ménage. There is also a railway line which runs to the north of the properties and the lake associated with Old Hall is a relatively recent change to the landscape and has arisen due to quarrying activities under the existing old planning permission. The landscape around the new Willoughby Hall, Sudbrook Old Hall and Sudbrook Hall Stables has therefore changed significantly during the 20th Century.

The quarry development is already permitted and therefore its presence in the landscape is established in law even though a substantial amount of the permitted development remains to be completed. Notwithstanding this, in order to reduce and where possible eliminate adverse impacts on the landscape, various mitigation measures have been incorporated into the scheme. These include:

- working the site in phases so as to keep the operational areas as small as possible;
- working the site wet so as to facilitate early restoration of worked out phases;
- construction of temporary bunds around the site;
- additional hedge and tree planting around the site including an area of advanced woodland planting towards the south-western corner of the site in order to provide further screening to views from Willoughby Hall;
- siting of the mineral stockpiling areas and associated infrastructure towards the eastern end of the site which is already partially screened by a low bund and mature tree planting to the north.

Overall the mitigation proposals will reduce the adverse visual effects of the development but will not eliminate them completely from all viewpoints. Although the proposed bunds will help to limit views of the site operations, the bunds themselves will be visible in part from the nearby properties and footpaths however the visual effect of the bunds is significantly better for receptors than views of the quarry development. Following restoration and removal of the bunds, the final landform will initially appear as an open waterbody with new planting and rough grassland which will gradually evolve as the planting grows and matures. By 15 years the restored site will have the appearance of woodland/wood pasture when viewed from the surrounding land with lake becoming increasingly screened from public view points.

In conclusion, whilst there will be a temporary adverse visual impact arising from the development, such impacts are not likely to be significant and will be significantly less than was approved in the original planning permissions. The landscape character will similarly be a minor adverse effect but the restoration will result in a minor benefit to the character. The proposed scheme will therefore be better than that in the original scheme and the

following restoration the restored landscape will result in a small improvement in the landscape character and visual impact.

Chapter 13: Ecology - 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 seven Sites of Special Scientific Interest (SSSI) within 5km of the site with the nearest being Moors Closes (770m from the site). This site is designated for its traditionally managed calcareous pasture, with dense mature hedgerows and is stated as being in Unfavourable Recovering status. There are also 37 non-statutory designated sites comprising of Local Wildlife Sites (LWS) and Sites of Nature Conservation Interest (SNCI) with the closest being the Woodland Waters SNCI which is 10m from the quarry site at its closest point, near the site access. Woodland Waters is designated for its open water which supports a number of resident and visiting bird species.

The various species surveys undertaken have not identified any evidence of reptiles, water voles, bats, otters or white clawed crayfish on or around the site. Breeding bird surveys did however identify a locally common assemblage of birds across the site and the potential for four trees along the southern boundary of the site to have bat roosting potential. These four trees are to be retained as part of the development however and as the site largely comprises of open, intensively managed arable fields it offers limited quality habitat and only sub-optimal foraging and commuting habitat for bats.

Great Crested Newts (GCN) have been identified as present within the ponds to the north of the site and whilst these ponds lie outside the footprint of the mineral extraction site, there is a potential for indirect effects as a result of changes in water levels, dust and potential loss of terrestrial habitat.

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

- timing of any site clearance and soil stripping operations to avoid bird nesting/breeding season;
- minimising the use of artificial lights and/or implementing a bat sympathetic lighting scheme as to reduce impacts on any foraging bats;
- implementation of a Dust Management Scheme to control fugitive emissions and impacts on the nearby ponds;
- the erection of GCN exclusion fencing around the site to prevent entry to the site from the nearby ponds and carrying out of an updated pre site-clearance GCN survey to identify the presence of GCNs within the site. Any GCN found would then be translocated to a new corridor created around the boundaries of the site (outside of the GCN fencing and bunds);

- creation of areas of new woodland and species rich grassland around the boundaries of the site to act as additional nesting and foraging habitat.

Overall whilst the quarry will have some inevitable impacts given the destructive nature of mineral extraction operation, with the implementation of the embedded mitigation measures provided for within the proposals and suitable conditions there are no ecological reasons to prevent the development recommencing. The proposed restoration works and related mitigation proposals mean that in the longer term the development would enhance the ecological value of the site compared to its current state and provide a net gain in biodiversity through and increase in habitat diversity post development.

Chapter 14: Archaeology/Cultural Heritage - the original ES contained an archaeological desk-based assessment (DBA) which drew upon a range of sources including the local Historic Environment Record, aerial photographs, manuscript documents as well as published articles and books. A walkover and visual appraisal of the site was also carried out to establish whether the site had a potential to contain features of archaeological interest. The DBA concluded that the most visible archaeological record in close proximity to the proposed quarry were earthwork remains of a probable Medieval moat associated with Old Hall, where a sherd of early Medieval pottery had been recovered during building works. The original extent of the Medieval feature however was uncertain and it appeared that this had been truncated by the railway line which now runs to the north. The DBA concluded that on the basis of the evidence, there was a moderate potential for the recovery of archaeological remains within the proposed quarry development footprint.

Despite the conclusions of the DBA and information contained within the original ES, this was not considered sufficient to enable a proper assessment and consideration of the impacts of the development on potential archaeology or on the setting of designated heritage assets (i.e. Listed Buildings) to be properly understood. Consequently, further assessments and information were requested (by way of a Regulation 25 Notice) and this was provided as part of the subsequent Further Information (received 28 April 2020). The Further Information included a more detailed report and assessment of the impact of the development on the setting of heritage assets along with the results of a geophysical survey and Written Scheme of Investigation (WSI). The geophysical survey had found that there were limited findings of unambiguous archaeological features within the site and that given the limited findings of the survey the archaeological potential of the site was deemed to be low. The WSI therefore proposed that a 'Strip, Map and Sample' approach be adopted and implemented as part of the development so as to record any archaeological features that may be and therefore mitigate any impacts.

Chapter 15: Soils and Agricultural Classification - the majority of the unworked site is in arable use and the proposed restoration of the site to a lake means that an area of existing farmland would be permanently lost.

The soils within the site however have been assessed as falling with Agricultural Land Classification Grade 3b and therefore are not 'best and most versatile' quality and so their loss would not be significant in terms of the national agricultural resource. Notwithstanding this, the soils are still an important resource and are to be utilised as part of the development. Soils would therefore be stripped, handled and stored in accordance with best practice techniques in order to ensure that they are not damaged and can be utilised effectively. Planning conditions have been proposed to ensure these measures are adopted and would help to protect the soil resource and ensure the satisfactory restoration of the site.

Chapter 16: Hydrology / Hydrogeology - a hydrogeological, hydrological and flood risk assessment has been carried out as part of the ES. This assessment considers the potential impacts of the proposed quarrying activities and restoration proposals on the water environment and environmentally water sensitive features.

The assessment confirms that there are no major watercourses in the vicinity of the site or in the surrounding local area with the nearest minor watercourse to the site being "The Beck". The Beck drains from its source between Honington, Willoughby and Barkston Heath in a northerly direction, skirting the southern boundary of the site and then flowing eastwards (away from site) joining the River Slea on the western outskirts of Sleaford. An unnamed minor watercourse flowing from Sudbrook Heath to the northeast of the site has a confluence with The Beck at Willoughby Moor. A further minor watercourse known as Honington Beck is situated approximately 1.4km to the west at its closest approach to the site and flows westwards away from site. Although there are no land drains or other drainage channels within the boundary of the site the wider local area is subject to an artificial agricultural drainage regime which is used to control surface water levels and in turn groundwater levels. Due to the proximity of these drainage systems, it is considered that the drainage regime and associated land drains would potentially have an influence on groundwater levels.

The proposals are for a wet extraction and therefore no dewatering of the site would be required. This method of extraction is understood to be consistent with the former mineral working carried out in the north-east corner of the site as well as at undertaken at the Woodland Waters Caravan Park to the south east of Rookery Lane (believed to have been worked by Turnbull and Co Limited).

During the working of the site surface water runoff generated over the worked area and surrounding land will be directed to and captured by the quarry void. The ground surfaces of the car park and weighbridge area of the site will be constructed using permeable stone and consequently any runoff would continue to drain naturally to the ground. No new areas of hardstanding are to be created at the site and water and potential runoff associated with the drainage of the excavated mineral would be managed as part of the operations on site and allowed to infiltrate to ground.

The restoration proposals are to create an open waterbody feature surrounded by grassland and areas of woodland for amenity, conservation and leisure uses. This design is consistent with that of the lake in the north-east corner of the site and the Woodlands Waters Caravan Park which was a former mineral working. The proposed open waterbody will be in equilibrium with groundwater level at the site which, based on historic hydrogeological investigations at the site, is circa. 3.0 - 3.5mbgl (circa. 46mAOD). The assessment states that the degree of rainfall recharge and the valley profile will influence the groundwater level within the valley and the groundwater level at the site and in the surrounding wider local area also has the potential to be influenced by the artificial agricultural land system to the west of the site and the local watercourse to the south of the site. Based on the expected groundwater level, the rest water level within the open waterbody would be at approximately 42.5-43.0mAOD providing a minimum freeboard before overspill of circa. 3.5m. Water levels within the waterbody would be managed and maintained at a safe and appropriate level by natural processes (i.e. evaporation, seasonality of rainfall and groundwater recharge) and this is consistent with the informal management of water levels within the long standing open waterbody at the north-eastern corner of the site.

In terms of flood risk, the site is located in Flood Zone 1 and so is within an area considered to be at low risk to flooding which reflects the absence of major watercourses in the local area surrounding the site and given its distance away from the sea. The proposed mineral extraction operations are classed as being a 'less vulnerable' form of development with sand and gravel operations themselves being identified as 'water compatible'. The assessment concludes that there is a very low overall potential flood risk at the site and that the development will result in no net loss of floodplain storage, will not impede existing water flows and pathways, and will not increase the risk of flooding at the site or elsewhere.

This chapter concludes that the hydrogeological assessment undertaken demonstrates that there is a medium risk to the sand and gravel deposits from the proposed operations however this risk reduces through the implementation of mitigation measures, resulting in their being a very low or no overall residual risk overall. Best practice in quarrying activities and conforming to environmental standards such as bunded fuel/oil stores; regular plant maintenance; designated maintenance areas; fuels and oils stores elevated above ground surface will be undertaken during operations at the proposed development. Conditions have been proposed by the applicant which would reinforce these mitigation measures and it is considered that with these in place the risk to the water environment from potential spillages / surface runoff discharges is 'very low' and any residual risks to the water environment are not likely to be significant.

Chapter 17: Highways and Traffic - a Transport Assessment (TA) has been prepared and forms part of the ES along with Further Information that responds to issues and objections raised by local residents and the highway consultant report commissioned by local residents. The TA assesses the

potential impacts of the development on the local highway network and in particular looks at the condition of the local highway, the number of traffic movements associated with the scheme and identifies what mitigation would be required to address any impacts identified.

In terms of HGV traffic, the quarry would generate a maximum of three HGV arrivals and three HGV departures per hour (6 two-way movements). A further six employee cars would arrive in the morning peak hour and depart in the evening. All HGV traffic generated by the quarry would travel south on Rookery Lane and then via the A153 to access the wider highway network. Rookery Lane is single carriageway road with a carriageway of varying width between circa 3.8m and 4.8m. There are no footways running alongside Rookery Lane and the road is unlit. The width of the road is such that two-way car traffic can generally pass safely although there is some evidence of vehicles overrunning the highway verge. Given its current condition and width, it is not currently suitable to accommodate two-way HGV traffic and as such there are advisory signs posted at the junction of Rookery Lane and the A153 which state that the road is 'Unsuitable for HGVs'.

The TA acknowledges that given the condition and width of Rookery Lane works would be required to allow its use and therefore as part of the development localised widening is proposed along (i.e. at the bend to the south of the site). Originally it was also proposed to use the informal passing place/exit associated with the nearby Woodland Waters Leisure Park to allow two-way traffic to pass. Following discussions with the Highway Authority during the consideration of this application, the applicant has subsequently agreed that rather than rely upon the use of this informal passing place/exit, two separate passing places would instead be provided along Rookery Lane. The applicant has confirmed their agreement to this in their response to the Further Information.

The TA and Further Information submitted in support of the application confirms that drivers will have sufficient forward visibility to allow them to give-way to any oncoming traffic at either the widened bend or with the passing places in place and so these works would therefore significantly reduce the likelihood of vehicles overrunning the grass verge as drivers will be able to see approaching vehicles and act accordingly. Visibility splays at the site access and the A153/Rookery Lane junction can be provided within highway land and any existing vegetation is setback from the carriageway behind a grass verge. It is the responsibility of the highway authority to maintain the highway and any vegetation where this is necessary and the information obtained from the local highway authority demonstrates that all proposed works and required visibility splays can be provided within highway land or land under the control of the applicant.

In response to objections and concerns raised by local residents regarding the potential risks to pedestrians, in particular school children that use Rookery Lane, the applicant has proposed to stagger the times when HGV movements would access and use the road. These staggered times aim to

avoid the peak times when school children may be walking along Rookery Lane in order to access the bus stop on the A153 to the south. A condition has been proposed which sets out these permitted hours and also which would ensure the highway improvement works are secured and to address the routing of traffic, signage and other general good practice requirements such as wheel cleaning, etc.

Overall the TA concludes that proposed reopening of the will not have a material adverse impact on the safety or operation of the adjacent highway network and the proposal is considered acceptable on transport grounds.

Chapter 18: Noise - contains the findings of a noise assessment which has been undertaken to consider the potential impacts of the operations on the surrounding area and nearby sensitive receptors.

A baseline monitoring survey was undertaken and readings taken at five of the closest sensitive locations to the site. This survey showed that the existing ambient noise levels are dominated by road traffic noise along Rookery Lane and Willoughby Road, some farm traffic in the area and some residential traffic noise. There was also some noise from the Woodland Waters Leisure Park which is located to the south of Rookery Lane. The assessment shows that the existing background noise levels are very low being approximately 38dB LA90 and Government guidance states that noise limits for quarry developments should not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900) and in any case should not exceed a maximum of 55dB(A) LAeq, 1h. For temporary works, such as the creation of noise screening bunds, noise levels are allowed to exceed this level up to a maximum of 70dB for no more than eight weeks in a year.

The mineral extraction operations will be a very low-key operation comprising of the use of a long reach excavator, a small mobile screen, a loading shovel and visiting HGVs which are not expected to exceed six movements per hour. The sand is soft and as such is not expected to generate significant noise as the process will not involve crushing as there is little, if any, hard material in the deposit. Temporary screening bunds will nevertheless be constructed using soils stripped from the site. On the north eastern boundary the bund would be 4m high to provide better noise screening for the properties at Old Hall. The bund to the south of the site access and plant site would be 3m high and would be lower than that to the north as Norwood (the closest property to this boundary) is a single storey structure and so a sufficient level of noise protection can be achieved with a lower bund. The bund near West Willoughby Hall will also be 3m high to provide noise screening whilst all other bunds not required to protect a specific property would be created to a lower height of 2-3m as their main purpose will be to restrict views rather than to perform any noise mitigation.

With the above measures in place, along with limits to the operational hours of the quarry, the assessment demonstrates that for normal operations the noise levels experienced at the nearest noise sensitive receptors would not

exceed the existing background noise levels by more than 10dB(A) and for short-term temporary operations would also be below the higher 70dB(A) limit. The development would therefore accord with the guidance within the NPPF and Planning Practice and Guidance conditions are proposed and could be used to ensure the development adheres to these limits and therefore not have an unacceptable adverse effect.

Chapter 19: Dust - sets out the findings and conclusions of a dust and air quality assessment that has been undertaken to assess the potential impacts of dust and particulate matter from the development. The original dust assessment contained within the ES has been revised and updated by the Further Information (received on 28 April 2020). The Further Information comprised of an updated report that utilised the nearest meteorological data available to the site (i.e. from RAF Cranwell) and then used this to inform the Wind Blown Dust assessment. The updated report also used an estimated output of 100,000 tonnes per annum as opposed to 30,000 tonnes previously used and adjusted the anticipated traffic flows to also reflect the 100,000 tonnes per annum figure to more accurately reflect any impacts from in terms of nitrogen deposition. The updated report also contained an assessment of the potential effects of crystalline silica resulting from the mineral workings on nearby sensitive receptors.

The assessment considered the potential impacts of these activities and likely dust emissions upon the 12 nearest residential receptors within 400m of the site (in accordance with the Institute of Air Quality Management (IAQM) guidelines) and also upon ecological receptors within 2km of the site. The report identifies the main sources of dust and particulate matter as being those arising from the site operations and activities and movement of plant/machinery and vehicles and that during the works, it is anticipated that dust sensitive receptors will potentially experience increased levels of dust and particulate matter before using any mitigation and control measures. The potential impacts could however be appropriately managed through the adoption of best practice and good practice measures which include the wet working of mineral to reduce dust emissions; the dry screening of materials; vehicles entering and/or leaving the site; vehicles and plant moving around the site kicking up dust; loading sand into vehicles; particulate emissions from the exhausts of vehicles on site, etc. The measures could be secured through the implementation of a Dust Management Plan which would set out a range of site-specific mitigation measures and practices, including a procedure for monitoring weather and site conditions as well as for the logging and the investigation of complaints. A draft DMP is contained within the ES and conditions proposed by the applicant to control and address site operations so as to reduce dust emissions. With these mitigation measures in place, the effects from the works are not predicted to be significant.

Finally, the assessment concludes that, with the mitigation measures identified being in place, there is considered to be a very low risk of crystalline silica being airborne from the proposed working. Both the workplace exposure limits, and the conclusion of studies carried out

elsewhere, demonstrate there is expected to be no risk of health effects from silica exposure from dust associated with works at Sudbrook Quarry. Consequently, following the adoption of the recommended mitigation measures during the works, the development is not considered to be contrary to any of the national, regional or local planning policies.

Chapter 20: Alternatives - sets out the potential alternatives considered by the applicant in developing the proposals. However, it is stated that as this is an Initial Review proposal planning permission for the mineral development already exists and therefore the alternatives considered have been limited to minor alterations in the way that the mineral site might be operated rather than the consideration of other alternative development sites. It is stated that the scheme put forward as part of this application includes a number of alternative approaches compared to the original permission. These provide significantly better environmental controls than were provided in earlier scheme design which was a very simplistic scheme lacking in both detail and conditions to control the development. The main alternatives considered included:

- i. A possible reduction in the mineral reserve – this was considered by potentially retaining a small copse of trees and an individual Oak tree located within the footprint of the site. This approach was however rejected as both of these features have limited ecological or heritage value and would result in the sterilization of mineral beneath them. This would have also resulted in the creation of two islands within the proposed restored lake which goes wholly against the advice of advice regarding measures to be employed to ensure aerodrome safeguarding.
- ii. Screening Bunds and Soil Storage – the original development made no provision for soil storage or the creation of screening bunds and so an alternative could have been to adopt the same approach for this development. This was rejected however as the use of the soils to create temporary screening and soil bunds around the site would help to control noise and visual effects and so offer a benefit over the original scheme. The permanent retention of these bunds (and soils) once the site had been restored however was rejected as there would have no benefit in having those bunds longer-term in the landscape.
- iii. Leaving the Quarry Undeveloped - the option of not developing the quarry at all was considered but rejected as this is a permitted development and the current owner has invested in the acquisition of the site based on those permissions. There is a realistic expectation of developing a viable, temporary, low key, mineral development and the proposals have been designed which would enable the release a proven reserve without significant effects on the surrounding environment. Once the ROMP is approved the site would once again form part of the active landbank and have modern operating conditions that are consistent with current national, regional and local planning policy.

Chapter 21: Cumulative Effects - draws together the findings of all the technical assessments that form the ES and outlines where cumulative impacts might arise as a result of the interaction between different environmental impacts. Cumulative impacts are the way that different impacts from a scheme can combine to affect the environment or surrounding receptors and therefore assessment has had regard to the potential successive, simultaneous and combined cumulative effects of the development proposal, taking account of their impact upon the range of factors including population and human health; soils, land take, flora and fauna; water; air and climatic factors; material assets; archaeological and cultural heritage and landscape.

This chapter concludes that no combination of negative effects would be generate a situation with the proposed development that would be so cumulatively unacceptable as to warrant the permitted development to be prevented from going ahead. Indeed, given the great weight that is given by national policy to the benefits of mineral extraction, there are no effects from the development that would warrant preventing the quarry from re-opening. Additionally the NPPF states that great weight should be attached to the benefits of mineral extraction, including to the economy, and that minerals are a finite natural resource that can only be worked where they are found. Needlessly sterilising permitted reserves would therefore be unsustainable.

In this case the quarry is a permitted mineral reserve and will, once the new conditions are issued, become part of the active mineral landbank, once again thereby relieving the pressure elsewhere in the county to release further mineral reserves. Whilst the development is small in size, it will nonetheless secure a number of positive social and economic benefits locally through the creation of approximately six jobs. Typically, socio economic impact assessments for this type of development indicate that for every direct job created, then one further full-time equivalent role is created indirectly. Whilst it is accepted that such job numbers are not of major significance, they are nonetheless a benefit of the scheme.

Overall it is therefore concluded that the cumulative impact of the scheme does not weigh against the scheme to a degree that the Mineral Planning Authority should form a cumulative reason to place undue restrictions on the site.

Chapter 22: Climate Change – states that the proposal seeks to provide new modern conditions for a development that is already permitted and so the starting point for the assessment of climate change is that this is an already committed development. The baseline therefore is that the climate change effects are limited to the operational effects of the quarry and the traffic effects. Potential impacts identified include an increase in carbon impacts due to site operations and activities such as earthwork construction, mineral extraction and processing, restoration and HGV traffic. It is expected that the development would have a temporarily increased carbon footprint during the operational phases however this is considered to be

generally very limited and neutral compared to other quarry development that might act as an alternative to developing this site. Similarly, the volume of traffic generated along the A153 dwarfs that which is proposed by the quarry (e.g. six HGVs per hour) and so again it is not considered that the carbon effects of the site will be significant. Tree planting is proposed for the periphery of the site which would provide many more trees than currently exist and as these continue to grow and mature, they will provide a greater capacity for carbon storage than currently exists on the arable land.

This chapter states that a 'do-nothing scenario' (whereby the site is not re-opened) would be counter to the aims of the developer and undermines the whole purpose of the ROMP process and the existing planning permissions. A 'do-nothing' scenario would result in a zero-carbon effect at this site however, it is highly likely that the carbon effects associated with this development would merely be transferred to whatever other quarry site might open up or operate as a replacement to Sudbrook Quarry. Overall therefore, whilst there will be a negative effect on climate change, the effect is unlikely to be large and will be mitigated by the environmental works and tree planting being implemented as part of the quarry restoration. Furthermore, on completion of restoration, the development will cease to operate and a carbon foot print will return to its current level.

Chapter 23: Summary - this chapter draws together the issues discussed in the previous chapters and concludes that the proposed development can be worked and progressively restored in a phased manner and operated to modern standards to ensure there is no material harm to local amenity or the environment.

The proposed planning conditions have been developed based on current practice and guidance to reflect the findings of the various technical assessments and these have been amended and revised taking into account the comments received from consultees and in consultation and agreement with the Mineral Planning Authority. It is concluded that the proposed modern conditions would bring the old mineral permissions up to an appropriate modern standard to enable the quarry operations to recommence in accordance with the Environment Act 1995.

Site and Surroundings

21. Sudbrook Quarry is located approximately 1.5km west of Ancaster and 300m south of Sudbrook village. The site sits in an east-west trending valley with the valley sides rising to the north of Sudbrook whilst the land to the south broadly remains at the level as the site before rising towards the A153 which then rises more steeply beyond.
22. The northern boundary of the site is formed by an agricultural track and a Restricted Byway (Anca/6/4) that runs between Sudbrook Old Hall (a Grade II* Listed Building) and West Willoughby Hall. To the immediate south of Sudbrook Old Hall is The Stables (a Grade II Listed Building) and a large pond that was created from the former mineral workings that were carried

out in this area (subject of permission WK1139). Further to the north and beyond the Sudbrook Old Hall complex there is the Grantham to Sleaford railway line and an ephemeral pond sits in Sudbrook Wood between the site and the railway.

23. The eastern boundary of the site is formed by Rookery Lane which connects Sudbrook village to the A153 to the south. The site has direct access onto Rookery Lane via an existing access which has a large concrete apron suitable for use by large vehicles.
24. The western boundary of the site (that which is subject of this application) is formed by a field boundary with the land beyond comprising of farmland. Part of this field falls within the boundaries of the old mineral permission WK4645 but is owned by a third-party and therefore has been excluded and is not proposed to be worked as part of this application.
25. The southern boundary of the site is marked by a Public Right of Way (Anca/4/2) that runs from Rookery Lane towards West Willoughby Hall alongside a beck which is fed by run-off from the valley sides and eventually runs into the River Slea.
26. The nearest residential properties to the site are: Norwood (which is located adjacent to the southern boundary of the site on Rookery Lane and approx. 35m from the site entrance); Sudbrook Old Hall and the Stables (which are located approx. 90m and 75m to the north); Willoughby Hall (located approx. 140m to the south-west). The Woodlands Caravan and Holiday Park also lies to the south-east of the site with egress from a touring caravan/camping field located off Rookery Lane being approx. 210m south-east of the access.
27. Access to the site is gained from Rookery Lane which connects with the A153 to the south of the site. Rookery Lane is a single track road which shows signs of deterioration and damage from existing vehicle use including verge overrun and potholes. Although there is not a weight restriction on the road there is an advisory sign at its junction with the A153 which advises that this road is unsuitable for heavy vehicles.

Main Planning Considerations

Planning Policy Context

28. 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 reasonable 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 & Waste Local Plan: Cores Strategy & Development Management Policies (CSDMP) 2016 – the following policies are of relevance in this case:

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 DM9 - Local Sites of Biodiversity Conservation
Policy DM11 - Soils
Policy DM12 - Best and Most Versatile Agricultural Land
Policy DM13 - Sustainable Transport Movements
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 - After-use
Policy R3 - Restoration of Sand and Gravel Operations in Areas of Search

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

Results of Consultation and Publicity

29. The following summarises the views/comments received from consultees in response to consultation on the proposals as originally submitted by the applicant and as modified by the subsequent Further Information. Where relevant, the comments also take into account the consultant reports commissioned and submitted on behalf of local residents and the applicant's subsequent response to those reports.

- (a) Local County Council Member, Councillor R Wooten – has responded advising that local residents have concerns regarding privacy, screening, noise, dust, the condition of Rookery Lane and its use by school children who use the road without access to a footpath.
- (b) Ancaster Parish Council – first responded advising that it had received several responses from local residents, mainly negative, in terms of location and highways but also some positive comments regarding possible job opportunities and the eventual formation of a fishing lake. The Parish Council expressed significant concerns some of which it was noted could be addressed either fully or partially with mitigation measures. These are summarised as follows:
 - Location - the permissions were granted in the 1950's& 1960's and the Parish and area has changed since that time. The area has begun to be more industrial with the recycling site at Barkston, Copper Hill and Ancaster Quarries nearby. This proposal will have a detrimental effect on residential properties directly adjacent to the site, the residents of Sudbrook and also other residents due to HGVs, noise, dust and loss of amenity generally. Conditions should be applied to protect residents and mitigate negatives is not missed.

- School Children - Rookery Lane is narrow and unlit with no footpath and overridden verges. School children use this route in the morning and afternoon and there are serious safety concerns given the proposed introduction of HGV traffic. Measures must be taken to segregate children from the traffic and mitigate this issue.
- Highways condition & Routeing - Rookery Lane is in a poor condition and in need of serious repair. HGV traffic should also be made to turn right out of the site and therefore avoid passing through the village so as to protect residents. HGV movements should therefore be restricted by any mitigation or conditions as appropriate.
- Traffic Speed - the A153 is a national speed limit and slow moving HVs and caravans existing Rookery Lane are a safety concern. The speed limit should be reduce to 40mph from the Ancaster Service Station to the junction.
- Railway - consideration should be given to the use of the railway as an alternative to road transport. This is more environmentally friendly and would reduce impacts ion the unsuitable and crumbling roads.
- Public Rights of Way - existing paths and byways are well used and access should therefore be maintained and so there are serious concerns regarding the proposed loss of a route across the site. Conditions should be imposed to ensure these remain fully open.
- Archaeology & Ecology - concerns that the information presented is not sufficiently detailed and so further information should be requested.
- Noise - noise levels should be limited to no more than 10dB above background levels and if possible electric machinery used to reduce noise. No dewatering should take place to ensure impacts ion groundwater and wildlife is reduced and conditions should be imposed to control dust.
- Mud/Dust - the original dust assessment relies on wind data from East Midlands airport and a proposed throughput of 30,000 tonnes per annum and not 100,000 tonnes per annum as suggested. This needs to be addressed and conditions also imposed to prevent mud and materials being brought on to the highway.
- Restoration and Landscaping - stockpile heights should be reduced from 6m to below the level of the bunds (3-4 metres) and planting to the perimeter rather than just grass seeding. Restoration should be to a high standard and delivered in a timely manner and so a bond secured to ensure this is fully implemented.
- Viability - given the volume of reserves and cost of the proposed works including the mitigation measures proposed (e.g. newt fencing, bunds, wet working etc) concerns that this will make the development unviable. A financial viability report should therefore be provided so that works aren't abandoned once they commence.

The Further Information submitted by the applicant (received 28 April 2020) included a revised Dust Assessment along with commentary

regarding highways and traffic related matters. The Parish Council were re-consulted on the Further Information and has confirmed that their original comments stand. It was also added that since the application was submitted they note the applicant has purchased land to the west of the quarry. The Parish Council is concerned that the applicant has purchased this land with the view to extend the quarry and therefore have requested that the applicant be required to set out their longer term as an extension of the quarry would considerably increase the negative impacts for parishioners for many years more.

(c) Barkston & Syston Parish Council (adjoining Parish) - has concerns regarding traffic/access, speed, noise and dust and their comments are summarised as follows:

- Traffic/access - pleased to see passing places are proposed and that traffic will not pass through Sudbrook village. Rookery Lane is however substandard in terms of width and construction and so should be improved and strengthened to allow the passage of large numbers of heavy vehicles. A footpath should also be provided to protect users of the road which includes large numbers of school children along with possible street lighting.

The A153 is a national speed limit road (60 mph) and traffic speed and lack of visibility to the west make the Rookery Lane/A153 a dangerous junction which would worsen with slow moving lorries.

- Noise - noise should be suppressed and tree cover retained and extended to for suppression and screening. Appropriate conditions have been suggested to cover days and hours of working.
- Dust - in windy conditions, when dry, soils are known to blow from neighbouring fields and it is reasonable to expect this to happen if the quarry is worked. Conditions should be imposed to proscribe methods to prevent dust or reduce adverse effects.

Finally, conditions should be imposed to cover a gradual restoration of the site as a wildlife area given the fact there is already a lake included in the site which could be perfect for water birds and amphibians.

Following re-consultation on the Further Information submitted in support of the ES (received 28 April 2020) no further response was received.

(d) Environment Agency (EA) - first responded noting that the proposal is for wet working of high quality sand and that as the sand will be wet worked there are no proposals for dewatering. It was added that as the proposed restoration scheme is to open water there would be no importation of waste and therefore based on this information the Environment Agency raised no objection to the proposed development or the proposed updated conditions.

Following re-consultation on the Further Information submitted by the applicant (received 28 April 2020) the Agency confirmed that they had no further comments to make. The Agency were however subsequently also asked to review and comment upon a technical report that was produced by Groundwater Solutions consultancy which had been commissioned by local residents. This report challenges and questions the findings of the ES in relation to the potential impacts of the development on hydrology and the in particular raises concerns about the impact of the development on groundwater levels in and around the area. The Agency reviewed this report, along with a subsequent response prepared by the applicant in response to that report, and have confirmed that whilst there is the potential for the development to result in a lowering of groundwater during operations at the site, due to the proposed 10 year operation of the site and constant recharge from the surrounding aquifer, the Agency is of the opinion any lowering will not be that perceptible and will reach equilibrium over time. The Agency however has recommended that conditions could be imposed to ensure the impacts of the development on groundwater levels is monitored and which could be used to trigger and secure mitigation measures in the event of any issues are identified once the site is operation but overall maintain no overall objection to the proposals.

- (e) Historic Places Team (Lincolnshire County Council) - initially responded stating that further information should be provided to support the archaeological and heritage assessments contained within the ES. It was recommended that further archaeological evaluation or assessments be undertaken and that sufficient evidence be provided in support of the heritage assessment to enable the impact of the proposal on the significance of any heritage assets and their settings to be properly understood (in line with the requirements of the NPPF).

Information was provided by the applicant as part of the Further Information (received 28 April 2020) and the Lincolnshire County Council Historic Places Team were re-consulted on this information. In response to that information it is commented that the applicant has committed to undertaking a 'Strip, Map and Sample' exercise in advance of the main site works and has submitted a Written Scheme of Investigation (WSI) which describes the works to be implemented across the site. This WSI is welcomed and it is recommended that this be secured by a planning condition.

With regard to impacts on the setting of heritage assets, a report has been produced by Heritage Collective in addition to the report on Landscape and Visual Impact contained within the Environmental Statement. The impacts identified are those of the works during the life of the quarry and the lasting impact of the likely restoration scheme. During the life of the works a bund will be created and planting undertaken to lessen the impact of the quarrying operation from the neighbouring properties including the designated heritage assets,

Sudbrook Old Hall and Old Hall Stables. It is considered that this will give adequate protection to the heritage assets for the duration of the works albeit some impact is inevitable. The proposed restoration of the site to a single lake would also have a lasting impact and result in a significant change to the landscape by creating a new landscape feature. Although this is less well documented in the applicant's submission given there are other bodies of water in the immediate area, on balance, the new lake could be an asset to the nearby residences.

In conclusion therefore, the Historic Places Team has advised that sufficient information has been supplied and that a condition to secure the commitment for archaeological recording by way of a Written Scheme of Investigation will ensure any archaeological features are recorded. On this basis no objection is therefore raised.

- (f) South Kesteven District Council Conservation Officer - initially responded stating that the quarry would have an adverse impact on the setting of heritage assets close to the site whilst the quarry is operational. Although this would be a temporary situation, it is nonetheless one that could last for several years and the proposed restoration of the area of extraction to mainly a lake would result in a significant change in the character of the landscape and, therefore, the setting of the heritage assets.

Whilst an Environmental Impact Assessment has been submitted in support of the application it was commented that this does not adequately address the implications for the built heritage, particularly nearby listed buildings and non-designated heritage assets and so further information was requested.

Such information was provided as part of the Further Information submitted by the applicant and the views of the Conservation Officer are incorporated into the formal response from South Kesteven District Council (see below).

- (g) Historic England - similar to the comments made by the Lincolnshire County Council Historic Places Team, Historic England originally responded requesting further information be provided to support the archaeological and heritage assessments contained within the ES.

Such information was provided as part of the Further Information submitted by the applicant. Historic England were re-consulted on this information and responded confirming that they welcomed the submission of the additional archaeology and heritage reports/information and that, in their view, sufficient information has been provided and reference should therefore be given to the advice of Lincolnshire County Council Historic Places Team and the District Council's Conservation Officers.

- (h) Natural England - has confirmed that they have no objection. Based on the plans submitted the proposed development will not have significant adverse impacts on designated sites, including Moor Close SSSI, and considers that the updated conditions would not damage or destroy interest features for which the site was notified. Having reviewed the Environmental Statement and associated documents Natural England note the proposed draft planning conditions will ensure that biodiversity gains are achieved within the restoration scheme and that soil protection and handling measures are satisfactorily considered.

Following re-consultation on the Further Information submitted in support of the ES (received 28 April 2020) Natural England has confirmed that they maintain no objection to the proposal. Furthermore, when asked specifically about the information and findings regarding GCN and the proposed condition that would require an update survey to be undertaken prior to the recommencement of the development, Natural England has confirmed that this would be an appropriate approach and in any case would be necessary as part of a subsequent Natural England Licence.

- (i) Ministry of Defence (Safeguarding) - has no objection to the proposals. The site is within the safeguarding area for both RAF Barkston Heath and RAF Cranwell and the applicant has previously consulted them on the proposed restoration design. The design of the lake has taken into consideration advice given by the MoD including the need for steep sides, a dense continuous barrier of marginal planting and increased woodland cover surrounding the lakes and grass area. A Bird Hazard Management Plan (BHMP) has also been produced the MoD confirm it is suitable.

Following re-consultation on the Further Information submitted in support of the ES (received 28 April 2020) no further response was received.

- (j) Lincolnshire Wildlife Trust - based on the information provided have confirmed they have no objection but has made the following comments/suggestions:
- Great Crested Newts
 - Note a large population has been found in the pond to the north of the site and supports the mitigation and habitat creation proposals presented in the assessment.
 - Suggest that the felled trees from the interior of the site be used to construct the refugia along the northern boundary.
 - Restoration
 - The amount of tree/scrub cover should be reduced by two thirds. This includes along the northern side of the restored waterbody as this would create important biodiversity opportunity for ground-nesting insects and certain acid grassland flora.

- Reducing this would still provide nesting opportunities without increasing the risk of large wildfowl using the site.
- The width of the shelf around the edge of the lake should be maximised and a draw down zone created to a depth of 0.5m on as shallow a slope as possible. This should be allowed to regenerate naturally and would provide habitats for invertebrates and extended habitat for great crested newts.
 - A buffer should be retained from the soil bunds around the site and the nearby Beck watercourse. This will ensure soils do not enter the watercourse and affect its quality which flows eastwards towards the Moor Close SSSI.
 - The Trust supports proposed conditions which would secure further details of the aftercare scheme and commitment to secure biodiversity gains. The Trust would therefore wish to comment on those details in due course.
 - The Trust welcomes the inclusion condition to secure bat and nest boxes around the site and minimise light spill. Efforts should be taken to enhance the sit boundaries for birds/bats including provision of native hedgerows, tree planting etc.

Following re-consultation on the Further Information submitted in support of the ES (received 28 April 2020) no further response was received.

- (k) Lincolnshire County Council Countryside Access (Public Rights of Way) - has advised that the public rights of way network to the south of Sudbrook village is well used by local residents and visitors to the nearby Woodland Waters Leisure Park.

Initially it was advised that due to the (then) proposed working scheme it would be necessary to close and provide an alternative route for the Restricted Byway Anca 7/2 which runs north-south through the site. Further information was also requested regarding the other retained routes around the site including details to demonstrate that sufficient widths would be provided to ensure users of these routes are safeguarded and protected from the quarrying operations.

In considering the original plans it was also identified that there were anomalies on the Definitive Rights of Way plans regarding the alignment and numbering of the routes around the site and as a result of this the alignments as shown the applicants plans needed amending. Furthermore, due to the potential issues associated with securing the closure and diversion of Restricted Byway Anca 7/2, the applicant revised the working plans so as to avoid the need to close or divert the route of this Byway. This revision to the working scheme and plans was reflected in the information that was submitted as part Further Information (received 28 April 2020).

Following re-consultation on the Further Information the Countryside Access Officer has commented that the revised plans now accurately

reflect the alignments of the affected public rights of way and advises that steps should be taken during the operation of the quarry to mitigate the effect of the operations on the route on Restricted Byway Anca 7/2 through the use of signage and a suitable crossing layout.

In terms of the existing and retained public rights of way network, whilst the proposed reinstatement plan now includes all the affected public rights of way, the existing network does contain a number of anomalies and the network does not generally reflect the current and future needs of path users. Given this, it would be desirable to encourage the developer to enter into discussions with Lincolnshire County Council outside of the planning system to potentially address these alignment issues in order to provide an improved network for path users in the future. Overall no objections are raised to the proposals.

- (l) South Kesteven District Council Environmental Health Officer (EHO) - initially responded noting that the quarry is extremely close to residential properties (the nearest being Norwood on Rookery Lane which is adjacent to the site) and as a result commented that the dust and noise management plans should be robust enough to prevent excessive noise and dust impacts on nearby receptors.

Should permission be granted then any Dust Management Plan should incorporate the best practice mitigation measures identified in the ES and include a regime for monitoring dust emissions including establishing baseline particulate levels, identify the location for monitoring points, give details of equipment used and frequency for carrying out checks. Noise monitoring should also be undertaken which ensure levels are achieved at specified sensitive locations.

Following re-consultation on the Further Information submitted in support of the ES (received 28 April 2020) the views of the EHO are incorporated into the formal response from South Kesteven District Council (see below).

- (m) Highway and Lead Local Flood Authority (Lincolnshire County Council) - the Highway Authority has reviewed the application, Further Information and taken into account the technical report produced by Turvey Consultancy Ltd (commissioned by local residents) and subsequent response from the applicant. Having considered all the information they have confirmed they have no objection to the proposal subject to the public highway improvement works (e.g. two passing places and widening works along Rookery Lane as proposed within the application) being secured and carried out before the development becomes operable.

It is added that as a result of the proposed development, the existing advisory signs at the junction of Rookery Lane and the A153 that state 'Unsuitable for large vehicles' will require removal and that additional black/white lorry route direction signs should be provided to give

advance warning of the turning into Rookery Lane and to warn other drivers of the likelihood of turning vehicles onto the A153. Such signs will promote safe access and restrict HGVs from travelling through the village and it is recommended that positive signs be located on either side of the Rookery Lane and A153 junction; in the vicinity of the access to the quarry, and; at the junction of the A607 Sudbrook Road. To secure these signs it is recommended that a sum of £3,600 be secured from the applicant via a S106 Planning Obligations so that the Highway Authority can then carry out these works.

- (n) Ramblers Association - responded to the original proposals simply requesting that a copy of any formal application to close/diver the route of Restricted Byway 7/2 be forwarded to them for consideration when received*.

Following re-consultation on the Further Information submitted in support of the ES (received 28 April 2020) no further comment was received.

*As reported previously, the proposed closure/diversion of this route was subsequently dropped and is now to be retained in situ for the duration of the development. This was confirmed by the details contained within the Further Information received 28 April 2020.

30. The application was originally publicised by way of notices posted at the site and in the local press (Lincolnshire Echo on 21 June 2019). Individual notification letters were also sent to the nearest neighbouring residents to the site. Following the receipt of Further Information (received 28 April 2020) the application was re-publicised in the local press (Lincolnshire Echo on 7 May 2020) and the nearest neighbouring residents and all persons that had previously submitted representations to the application were re-notified.
31. A significant number of representations have been received in response to the two rounds of consultation/notification.

A single letter of support has been received which states the local and wider economy would be boosted by this development, plus it would benefit employment both directly and indirectly through subcontractors, etc. All reasonable measures seem to be being taken to lessen impact including upgrading Rookery Lane.

At the time of writing this report a total of 237 representations have been received which object or raise concerns about the development along with a petition opposing the application which has 200 signatories [Some individuals have submitted multiple letters/emails during the consideration of this application]. In addition to the individual letters/emails, three consultant reports (produced by Groundwater Solutions; Turvey Consultancy Ltd; DustScanAQ) have been commissioned and submitted on behalf of local residents which review and challenge the information and findings contained within the ES. These reports relate specifically to hydrology, dust and traffic impacts.

Copies of all the representations received, including the consultant reports commissioned by local residents regarding highways, hydrology and dust can be viewed on the website. A summary of the main grounds for objection along with any concerns, comments and issues raised in these representations including the consultant reports is given below:

Highways & Traffic

- Rookery Lane has a sign stating "Unsuitable for HGVs" and is already in a poor condition with edge overrunning, ruts and potholes which makes it unsuitable for HGVs.
- Rookery Lane is too narrow for 2 cars to pass safely with no passing places. This makes it totally unsuitable for HGVs to use and should be widened to a minimum of 6.5m.
- 6 HGVs per hour, 1 every 10 minutes, 6 days a week for 15 years would be totally unacceptable.
- Safety concerns as Rookery Lane has no pavement and a lack of street lighting. Increased HGV traffic will be dangerous and a safety risk to users especially school children who walk to and from the A153 to the bus stop.
- Rookery Lane should be widened at least from the railway line to the A153 and a raised, curbed footpath installed. This should be a condition of the reopening of the quarry.
- Additional HGV traffic and employee vehicles will exacerbate an already potentially hazardous situation.
- The A153 is a fast and dangerous road and HGVs entering and exiting Rookery Lane will increase the risk of accidents where there have already been accidents, including one fatal accident, in the last 5 years.
- A weight limit should be imposed at the entrance to Sudbrook village to prevent HGV traffic passing through.
- Visibility along Rookery Lane is poor due to the vegetation and bend which will make it difficult for HGV drives to exit the quarry entrance safely.
- A condition should be imposed which requires the applicant to use the nearby railway to transport sand rather than by road which will have a greater impact on the climate.
- Traffic should be restricted from using Rookery Lane between 0730 and 0900 and again between 1500 and 1730 so as to protect school children.
- The area already suffers from heavy traffic and HGVs associated with the existing quarries and Mid UK recycling site.
- Conditions should be imposed to ensure traffic movements and outputs are in line with those which have been used in the assessments.

Ecology

- There are great crested newts in the pond which is only 20m from the site which are a protected species. The ecology report suggests there

are 118 newts but there are at least 210 and these will be disturbed by the quarry.

- Adverse impacts on wildlife including birds, bats and reptiles which are known to exist within and around the site. The loss of this wildlife would be catastrophic.
- Concerns about the impacts on the water table and potential to impact on the SSSI's in Ancaster including River Slea, Moor Closes and The Beck which support a range of wildlife including Buzzards, Red Kites and Kingfishers as well as many types of orchid.

Amenity

- Opening of the quarry would have an adverse impact on the quality of life of residents.
- What measures would be secured to compensate Sudbrook residents for detrimental impacts the quarry would have on their lives?
- The quarry would bring noise and disruption which will destroy the peace and tranquillity of the countryside and for residents living there.
- Impacts will extend to residents of Ancaster village including heavy traffic with associated noise and vibration. Weight restrictions should be used to stop traffic passing through the village.
- The impacts of the workings would be contrary to Article 1 of the Human Rights Act which gives every person a right to peaceful enjoyment of their possessions.
- Operational hours should be restricted to between 0800 and 1600 or 1700 hours and no working on weekends to protect residents from noise and dust.

Environment Impacts (inc. Visual/Dust/Noise/Air Quality)

- Visual impacts as stockpiles are to be 6m high when the screening bunds are only 4m high.
- Dirt and dust will pollute the atmosphere and affect air quality which could impact on the health of local residents.
- The existing footpaths and bridleways must remain open and unobstructed and objections to the proposed closure and diversion of the bridleway across the site.
- Adverse impacts on users of the footpaths and bridleways which surround the site and which are regularly used by dog walkers, ramblers and horse riders.
- Adverse impacts in terms of noise, dust, pollution and disturbance.
- Concerns regarding subsidence due to mining operations.
- The quarry would be 15m deep and 9 acres in area and so concerns about the impacts on the water table including local streams and groundwater. Potential pollution risks from oil and diesel from machinery.
- Views into the site will be possible from properties lying close the site including Willoughby Hall. Tree planting should be carried out along the

western boundaries of the site to conceal the quarry and prevent the spread of dust and reduce noise.

- Paddocks surround the site and noise and dust could affect the health and well-being of horses. The ingestion of sand could lead to sand colic and silicosis and other health problems some of which can be fatal.

Heritage

- The quarry will have an adverse impact on the Grade II and Grade II* Listed Buildings which lie adjacent to the site.
- The site is also close to Willoughby Hall and its associated 19th Century coach house which was designed by the eminent Lincoln architect William Watkins in 1876. The Hall has close links to the Listed Buildings as the proposal site once formed part of the historic parkland that once connected these properties.
- The whole area is known to contain Roman artefacts including sections of a Roman town wall, broach and other goods. The applicant has not carried out a sufficient investigation or study of the site and this should be undertaken prior to the quarry opening.
- Quarry will have a adverse impact on the nearby Woodland Waters Holiday Park which is a valuable local amenity which also attracts thousands of visitors a year and so is an important contributor to the local economy. The quarry could impact negatively on the rural peaceful setting, affect tourism and result in the loss of jobs

Old permissions

- The planning permissions were granted in the 1950s and 1960s and so cannot still be valid as the whole area has changed since then.
- Having a permission left dormant for so long but still valid is unreasonable and unacceptable by modern day standards.
- Concerns that these old permissions did not show up on searches when residents were purchasing properties.
- This will reduce property values/house prices.
- A restoration bond should be secured to ensure that the site can be restored should the operator abandon the site.
- The permission allows for working until 2042 but this should be reduced.

Support

- The local and wider economy would be boosted through employment both directly and indirectly.
- All reasonable measures seem to have been taken to lessen the impact including on Rookery Lane.

Site Meeting with Local Member of Parliament

32. On 7 February 2020 Officers from the Mineral Planning Authority met with the Dr Caroline Johnson (Local Member of Parliament for Sleaford & North

Hykeham) at the proposal site. The meeting was requested by the MP and during that meeting Officers explained the background, legal position and procedural matters relating to the handling of this Initial Review application and listened to concerns and responded to questions raised by MP she had received from members of the public.

District Council's Recommendations

33. South Kesteven District Council (South Kesteven District Council) - has responded stating that it notes and strongly endorses the serious concerns raised by local residents regarding the potential adverse impacts of any future quarrying and urges the County Council to ensure that, in addition to those conditions already proposed, all necessary conditions are imposed to address those concerns and mitigate the impact of the development on local residents and members of the public generally, including the following aspects:
- (a) noise, dust, air quality and residential amenity generally – South Kesteven District Council's Environmental Protection section have major concerns of the impact the quarry will have on nearby receptors;
 - (b) health;
 - (c) local wildlife and ecology - it is requested that the County Council undertakes a full independent study of the impact of the proposed application on the surrounding wildlife both land and water habitats and that conditions be attached to protect the wildlife and ecology;
 - (d) highway safety - it is considered the access at Rookery Lane to be unsuitable for the intended size of vehicles. It is requested that the road be widened to the standard of the A153, with a footpath and streetlighting to be included to protect the safety of pedestrians, including school children, who currently walked along Rookery Lane;
 - (e) nearby listed buildings and unlisted heritage assets - it is requested that the County Council investigates the potential of land subsidence beyond the site as an effect of the proposed quarrying and the possible effect upon the adjacent Listed Buildings and heritage assets;
 - (f) the water environment;
 - (g) depth of excavation - it is requested that the County Council considers the implications of the proposed depth of the site within the application, to establish whether the proposed depth was feasible considering the potential for bank instability and running sands. South Kesteven District Council requests reassurance that a contingency plan is in place, in the event of such issues arising.

South Kesteven District Council also query if the proposed working of the quarry meets the aims and requirements of the County Council's Minerals and Waste Local Plan and requests that all representations it has received directly from local residents in South Kesteven, including the independent reports commissioned by an adjacent resident into consideration in determining the application, together with the representations received by the South Kesteven District Council.

Conclusions

34. 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 proposed planning conditions.
35. 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.
36. 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

37. A significant number of representations have been received which object to the principle of the quarry and question whether there is a need for the sand reserves that would be released from this site and also question 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 mineral reserves proposed to be extracted. The purpose of this Initial Review is instead 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).
38. A schedule of proposed planning conditions were originally put forward by the applicant and these have been revised and amended during the

consideration of the application in order to reflect changes made to the proposals, the comments received from consultees, and taking into account best practice guidance and national policy. The proposed conditions would ensure measures or controls are in place to address the concerns raised by consultees/representations or else secure further details on matters where it is felt additional information or schemes are required. The proposed conditions would update and replace those which are attached to the old mineral permissions and are considered to accord with the requirements of the NPPF in that they are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. You Officers are therefore satisfied that the conditions would ensure the development and site operations can be carried out to such a degree that they would minimise or reduce any impacts to an acceptable degree and ensure there are not significant or unacceptable adverse impact on the environment or amenity of nearby residents.

Landscape and Visual Impact

39. The site is located within the valley floor of the Ancaster Gap and sits within a landscape largely comprising of open, flat arable farmland. The site itself is surrounded by a network of public rights of way and, given the lack of any significant existing boundary landscaping, views into and across the site are readily obtainable from these routes as well as the A153 to the south due its elevated position. A number of representations have therefore been received which raise concerns/objections to the re-opening of the quarry due to the impacts this would have on the visual appearance and character of the area and on residents that live and enjoy the local area.
40. The objections of local residents are noted, however, planning permission for mineral extraction from the site already exists and therefore the main focus of this review to consider how the impacts of those permitted operations can be minimised so that the site operates to modern environment standards. As with all mineral operations it is accepted that the quarry would change the existing visual appearance of the immediate area within and around the site. In order to minimise and reduce any impacts upon the surrounding landscape (as far as possible) a number of measures have been incorporated into the design of the working scheme proposals and/or measures proposed to limit such impacts. During the operational phase, such measures include a phased and wet worked approach to excavation so as to minimise the extent of deep or open excavated areas at any one time. The direction of working has also be revised from that originally proposed to move operations away from residential properties as much as possible and screening bunds constructed around the boundaries of the site would help to further limit views into the site. Although the bunds themselves will have a negative impact upon the appearance of the area and impact upon the views of users of the adjacent Public Rights of Way that surround the site, the visual effect of the bunds is significantly better for receptors than views of the quarry development itself. The bunds themselves would only be erected when required for a particular phase and would be removed following restoration of the site and therefore would not

exist as permanent features within the local landscape. Upon restoration of the site the final landform would comprise of an open waterbody with new planting and rough grassland which is reflective of other features adjacent and in close proximity to the site. Finally, in order to further reduce the visual impacts of the development on Willoughby Hall, following the recent purchase of land to the west of the site, the applicant has also amended the proposals to now include an area of advanced planting. The advanced planting would be undertaken at the earliest stages of the development and provide an enhancement to the proposals as originally submitted.

41. In conclusion, whilst the mitigation proposals embedded into the proposals would go some way to reduce the visual effects of the development, it is accepted they will not eliminate them completely from all viewpoints. Nevertheless, the measures proposed would help to reduce those impacts to an acceptable degree and the impacts of the development as proposed are not likely to be significant and will be significantly less than was approved in the original planning permissions. I am therefore 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 and 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.

Ecology

42. A significant number of representations have been received which object to the development due to concerns over potential adverse impacts upon local wildlife. These concerns are noted however the ES has appraised the potential impacts of the development through a combination of desk-based study, an Extended Phase 1 Habitat Survey as well as field surveys for particular protected/notable habitats and individual species including great crested newts, reptiles, bats and birds.
43. The information contained within the ES shows that the proposed extraction area is largely confined to an area of intensively farmed arable farmland. Given its current use it is therefore of limited ecological value and does not contain any statutory or non-statutory sites of nature conservation value or show evidence of supporting any protected species within the proposed extraction footprint. Although great crested newts (GCN) have been identified as present in close proximity to the site, these are located outside of the immediate footprint of the proposed working area which, given its current use and low ecological value, is in any case considered to offer limited value to support this protected species in terms of terrestrial or foraging habitat. Nevertheless, in order to protect, minimise and mitigate any impacts upon this species, as well as other local wildlife species, measures have been built into the development and conditions proposed to ensure suitable safeguards are adopted and implemented. Following completion of the extraction operations the site would be restored mainly to

large open waterbody however blocks of peripheral woodland and wildflower grassland is also proposed which would enhance the ecological value of the site (when compared to its current state) and provide a net gain in biodiversity through and increase in habitat diversity post development.

44. Despite the information contained with the ES, South Kesteven District Council along with some of the representations received, have requested that a full independent study of the potential impacts of the development on wildlife be carried out or commissioned by the Mineral Planning Authority. These objections are acknowledged but this is not considered necessary or justified. Lincolnshire Wildlife Trust and Natural England have both been consulted on the proposals and raised no objection regarding the information contained within the ES or the proposed mitigation measures identified by the applicant in order to protect, minimise, mitigate or compensate for any impacts arising from the development. Given this I am satisfied that the information provided and contained with the ES provides sufficient information and evidence to enable the impacts of the proposals on flora and fauna to be properly understood and the suitability of any mitigation identified to be properly assessed. Consequently, whilst the objections of local residents are acknowledged and noted, given the lack of any objection from the statutory and non-statutory nature conservation bodies, and subject the development being carried out in accordance with the details as submitted and proposed planning conditions set out in this report, it can be concluded that appropriate provision has been made to minimise, mitigate and compensate for the impacts arising from the development and these would help to reduce the significance of the impacts of the development to an acceptable level. Therefore the development would not be contrary to the general principles of the NPPF and not conflict with CSDMP Policies DM8 and DM9 and SKLP Policy EN1 and EN2.

Archaeology & Historic Environment

45. The original ES contained an archaeological desk-based assessment (DBA) which concluded that on the basis of the evidence and sources of information referenced, there was a moderate potential for the recovery of archaeological remains within the proposed quarry development. Whilst the findings of the DBA were noted your Officers, and consultees responding to the first round of consultation, felt that the information presented did not accord with the requirements of the EIA Regulations. Further evidence or information was therefore required to enable a proper assessment and understanding of the potential impacts of the development on heritage assets and therefore suitability of any mitigation proposed. As a consequence, additional assessments and information was sought as part of the Regulation 25 Notice and this was submitted as part of the Further Information. The Further Information included a more detailed report and assessment of the impact of the development on the setting of heritage assets along with the results of a geophysical survey and Written Scheme of Investigation (WSI). The geophysical survey had found that there were limited findings of unambiguous archaeological features within the site and that given the limited findings of the survey the archaeological potential of

the site was deemed to be low. The WSI therefore proposed that a 'Strip, Map and Sample' approach be adopted and implemented as part of the development so as to record any archaeological features that may be and therefore mitigate any impacts.

46. Following consultation on the Further Information, no objections have been received from Historic England or Lincolnshire County Council's Historic Places Team. The updated assessment and information presented by the applicant, along with the Written Scheme of Investigation which proposes that the applicant implement a 'Strip, Map and Sample' approach to record and presence of any archaeological remains prior to extraction works taking place have been considered acceptable and now provide sufficient information. To further ensure that this mitigation is secured the applicant has proposed and agreed to a condition that would ensure that this Written Scheme of Investigation is implemented as part of the development. Such a condition would ensure that all reasonable measures are taken to record and preserve (by record) any features found during the development and would therefore ensure that the development accords with the objectives of the NPPF, CSDMP Policies DM1 and DM4 and Policy EN6 of the SKLP.

Hydrology & Flood Risk

47. A hydrogeological, hydrological and flood risk assessment has been carried out as part of the ES. This assessment considers the potential impacts of the proposed quarrying activities and restoration proposals on the water environment and environmentally water sensitive features. A substantial number of the objections have been received to the proposals on the grounds that the development could result in an adverse impact upon the existing surface and groundwater systems. As well as the general objections and comments from members of the public, a local resident has also commissioned a consultant (Groundwater Solutions Ltd) to review the findings and conclusions of the assessments undertaken by the applicant as part of the ES and the Further Information and a report has been submitted which criticises and challenges the conclusions made by the applicant.
48. The assessments undertaken as part of the ES confirm that the site would be worked wet and as such dewatering of the site would not be required. As a result, the assessments conclude that the development would not have any adverse impacts on the nearby watercourses or groundwater levels and conditions are proposed 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. In terms of flood risk issues, the site lies within Flood Zone 1 and as such is at low risk of flooding due to its distance from any main watercourses or rivers. During the working of the site surface water runoff generated from the working areas and surrounding land would be directed to and captured by the quarry void or continue to drain naturally to the ground. No new areas of hardstanding are to be created and water and potential runoff associated

with the drainage of the excavated mineral would be managed so as to ensure there is not an increased risk of flooding at the site or elsewhere.

49. The Environment Agency has reviewed all the information contained within the original ES as well as the Further Information provided by the applicant. They have also reviewed the consultant's report commissioned by a local resident and the applicant's additional response to that report. Having reviewed all of this information and despite the issues raised in the representations, the Environment Agency (who are the statutory body responsible for providing advice to Mineral Planning Authorities on matters relating to hydrology and hydrogeology) are satisfied with the proposed method of working and the proposed mitigation and water management conditions proposed within the application. Although the objections and issues raised by members of the public and the third party commissioned consultant reports are therefore noted, I have no reason to question the observations from the Environment Agency who have raised no objection to the proposals. Consequently, 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 SKLP.

Highways

50. A significant number of representations have been received which object to the proposals due to the impacts associated with HGV traffic and other highway related concerns. These objections not only relate to concerns about HGV numbers but also question the suitability of Rookery Lane given its poor condition and narrow carriageway width. Questions have also been raised regarding whether there is suitable visibility along the length of Rookery Lane for HGV drivers and whether there is sufficient turning room for HGVs when exiting both the site entrance and the A153 junction. Due to the lack of any street lighting and pavement or footway alongside Rookery Lane many of the objections have also raised concerns about the safety of pedestrians, especially school children given the potential increased use and therefore conflict with HGV traffic. Before the quarry is re-opened therefore many of the objectors have called for the applicant to provide a footway along the entire length of Rookery Lane. As well as the general objections and comments from members of the public, a local resident has also commissioned a consultant (Turvey Consultancy Ltd) to review the findings and conclusions made by the Transport Assessment (TA) contained within the ES. A detailed and technical report has been submitted which criticises and challenges the conclusions made by the TA and the applicant which similarly raises questions and concerns regarding the suitability and therefore proposed use of Rookery Lane.
51. The Highways Authority has been consulted throughout and has reviewed all the information contained within the original ES as well as the Further Information provided by the applicant. They have also reviewed the

highway consultant's report commissioned by a local resident as well as the applicant's additional response to that report. Having reviewed all of this information whilst the criticisms and issues raised by the local residents and the consultant are noted, the Highway Authority is satisfied that the highway issues identified and associated with this development can be adequately managed and/or measures implemented to make the development acceptable from a highway safety perspective. These measures include securing the provision of the two passing places along Rookery Lane, improved warning signage in and around the area to warn other drivers of HGV quarry traffic as well as more general conditions which define the permitted hours for deliveries, require wheel cleaning and sheeting of vehicles when exiting the site, etc. All HGV traffic would be routed south from the site and therefore approach and leave via the A153 and this would therefore avoid the need to travel across the railway level crossing and village which lie to the north of the site entrance. The Highways Officer is satisfied that suitable space is available to enable HGVs to safely exit both the site entrance and the A153 junction and that suitable visibility can also be achieved in both directions.

52. With regard to the calls from the public for the applicant to widen or provide a footway along the entire length of Rookery Lane, although I can understand and appreciate the local residents desire to secure such improvements, it would not be proportionate or reasonable for the Mineral Planning Authority to require the applicant to provide such large scale improvements given the scale of the impacts arising from this development. The number of HGC movements proposed by this development are relatively low (i.e. 6 two-way movements per hour) and as a result any improvements secured can only be limited to those that are necessary and required to safely accommodate such traffic. The Highway Authority is satisfied that the provision of two passing places along Rookery Lane would be sufficient to achieve this end and that with these, despite the objections leveled to this proposal, the use of Rookery Lane by HGV traffic would be acceptable. Given this it would be unreasonable and unjustified to require the applicant to carry out any improvements above and beyond this. Any improvements over and above these, or the provision of infrastructure such as new street lighting and footways along Rookery Lane are therefore matter that are more rightly the responsibility for the Highway Authority to provide and not the applicant.
53. Overall therefore, although the objections and issues raised by members of the public and the third party commissioned consultant report is noted, I have no reason to question the observations from the Highway Authority who have reviewed all the information presented and have raised no objection to the proposals. Consequently, 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 function or safety of the local highway network and as such would not be contrary to the objectives of the NPPF or Policies DM3, DM13 and DM14 of the CSDMP and Policy ID2 of the SKLP which all seek to ensure that highway safety and network capacity are not adversely affected by new development.

Public Rights of Way

54. There are a number of existing Public Rights of Way/Restricted Byways which run around and across the site. During the consideration of the application the applicant has amended the proposed working and restoration schemes so as to accurately reflect the position of those routes as shown on the Definitive Map and to avoid the need to divert or amend the route of any existing routes. This revision would ensure there is no reduction in access to, or ability of, the local community to use the existing network and routes which are popular and well used. Measures have been proposed and in-built into the proposals to safeguard users of those routes. This includes the construction of screening bunds around the site as well as the erection of fencing to separate members of the public from the operational quarry areas. All Rights of Way would be fenced off from the quarry and the fencing used would typically comprise of wooden post stock fencing around the exterior of the site with single strand wire above the stock netting. Warning signs would also be mounted on or near the fence. In respect of the Restricted Byway Anca 7/2 which cuts across the site, this would also be fenced off from the operational areas of the site in line with the Quarry Regulations 1999. As the Byway crosses the Plant Site access road a gated crossing point would be provided and the gates on the crossing point would be permanently closed but unlocked. This forces Byway users to stop before crossing and is intentional to avoid horse, bikes, carriages etc from blindly crossing the quarry access points. The width of this fenced corridor around the route of Anca 7/2 would be retained at 4 metres.
55. No in principle objection or adverse comments have been received from the Ramblers Association and no objection made by the Lincolnshire County Council Countryside Access (Public Rights of Way) Officer. Having reviewed the proposals I am therefore satisfied that, subject to the development being carried out in accordance with the details contained within the application and the Further Information submitted in support of the application, the development would not have an unacceptable adverse impact upon existing public rights of way or users of those routes.

Dust & Health

56. A dust and air quality assessment was undertaken and contained within the original ES which assessed the potential impacts of dust and particulate matter arising from the development. A number of objections and comments were received from members of the public as a result of the first round of consultation and these raised criticisms regarding the content of this assessment. Having reviewed the information provided, your Officers also identified that there were discrepancies contained within the assessment undertaken and therefore further information was sought and requested as part of the Regulation 25 Notice. This request resulted in the submission of a revised and updated assessment which addresses the previous deficiencies identified by including the use of more localised meteorological data so as to reflect local patterns and information on wind

direction and speeds as well as amendments to reflect more accurately the estimated throughout of the site and therefore anticipated traffic flows. The updated report also contained an assessment of the potential effects of crystalline silica resulting from the mineral workings on nearby sensitive receptors.

57. Following the submission of this report, as well the previous and more general objections and comments from members of the public, a local resident also commissioned a consultant (DustScanAQ) to review the findings and conclusions of the updated dust assessment submitted by the applicant and a report has been submitted which criticises and challenges the conclusions of this assessment. The applicant has also reviewed this third-party commissioned report and has provided comments in response to it.
58. The revised and updated dust and air quality assessment identifies the main sources of dust and particulate matter as being those arising from the site operations and activities and, without mitigation, confirms that there is a potential for dust sensitive receptors close to the site to experience increased levels of dust and particulate matter. It is concluded however that these potential impacts could be appropriately managed through the adoption of best practice and good site management techniques and these have in part been embedded into the proposed design and working proposals for the site and/or would be adopted and implemented as part of the development. The applicant proposes that these measures could be secured through the implementation of a Dust Management Plan which would set out a range of site-specific mitigation measures and practices, including a procedure for monitoring weather and site conditions as well as for the logging and the investigation of complaints. A draft DMP is contained within the ES and conditions proposed by the applicant to control and address site operations so as to reduce dust emissions.
59. No objections have been received from the Environment Agency or any concerns raised from the nature conservation bodies (i.e. Natural England or Lincolnshire Wildlife Trust) regarding the potential impacts of dust and its implications and potential impacts of local flora and fauna. The Environmental Health Officer has expressed major concerns regarding the potential impacts of dust on nearby residents given their close proximity to the site (in particular Norwood, Sudbrook Old Hall and the Old Stables) but did also recommend that should permission be granted then any DMP should incorporate the best practice mitigation measures identified in the ES and include a regime for monitoring dust emissions including establishing baseline particulate levels, identify the location for monitoring points, give details of equipment used and frequency for carrying out checks.
60. Having reviewed the information and comments received during consultation on this application, I am satisfied that the information presented in the application is proportionate and appropriate and that the measures and controls identified as capable of being able to minimise and control the incidence and impacts of any fugitive dust emissions are reasonable,

realistic and deliverable. The draft DMP submitted as part of the application identifies the general measures and practices that could be adopted and these are all well-known techniques and best practice measures that are appropriate and sufficient to control dust emissions to an acceptable level. Nevertheless it is recommended that a condition be imposed which would require a more detailed DMP to be submitted for approval as this conditional requirement would give Officers a further opportunity to review and ensure that the site specific measures identified and to be adopted at the site are appropriate to ensure the impacts are minimised to an acceptable degree.

61. Finally, a number of representations have raised objections regarding the potential health implications on local residents as a consequence of fugitive dust emissions from the site. The updated dust and air quality assessment submitted by the applicant as part of the Further Information has considered this and concludes that, with the mitigation measures identified being in place, there is a very low risk of crystalline silica being airborne from the proposed working. As a result, there are unlikely to be any health effects as a result of silica exposure from dust associated with works at Sudbrook Quarry. No objections or comments have been received from Lincolnshire County Council Public Health and therefore whilst the concerns and objections of local residents regarding the potential adverse effects on health and wellbeing are noted, based on the information presented, these fears are not supported by the findings of the assessments commissioned by the applicant or responses from other organisations consulted.
62. In conclusion therefore, subject to the development being carried out in accordance with the details as proposed within the application, and subject to the conditions recommended and set out within this report, 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.

Noise

63. A significant number of representations object to the proposals due to the potential impacts of noise and concerns have similarly been raised from the Parish Council's, the District Council and Environmental Health Officer. The ES has assessed the potential impacts of noise on the nearest receptors to the site by comparing the existing background noise levels experienced with those which are predicted as likely to arise and be experienced as a result of the quarry operations and activities. The assessment concludes that, with the mitigation measures identified and to be implemented as part of the development, 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. Consequently, whilst the objections and criticisms raised by local residents are noted it has been demonstrated that the quarrying operations could be carried out without exceeding the recognised acceptable noise limits and therefore operate to modern environmental standards. The measures identified and embedded into the

working proposals and/or to be adopted and incorporated as part of the development are established and effective good site management practices and these, along with 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.

64. Overall therefore I am satisfied that the development would be acceptable in relation to noise and that the development 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 DM3 of the CSDMP and Policies DE1 and EN4 of the SKLP.

Extraction Design and Slope Ground

65. Representations have been received which have raised concerns regarding the proposed method and depth of working and about potential slope and ground stability in and around the development. These concerns are also raised in the consultant report produced by Groundwater Solutions Ltd (GWS) which was commissioned by a local resident and which criticises and challenges the conclusions made by the applicant and assessment contained within the ES.
66. The GWS report challenges the proposed method of working and argues that the creation of 1 in 3 slopes around the edges of the site is unrealistic given the non-cohesive nature and degree of saturation of the minerals and therefore raises concerns that this could lead to slope instability. It also questions the applicants proposed ability to excavate the site to a depth of 15m (as proposed) given the size and reach of the proposed long arm excavator that the applicant proposes to use rather than a dragline. In response to these challenges, the applicant has commissioned its own consultant (Touchstone Geological Services - TGS) to review and respond to the GWS report. The TGS report claims that the GWS report has failed to recognise that unlike loose, unconsolidated sand, wet sand that is consolidated and remains in situ and that is worked below water level can be excavated to create slopes of 1 in 3 (approx. 18° angle). It is added that the creation of slopes of this angle is a well-understood principle and long-standing quarrying best-practice and so is therefore feasible and achievable.
67. In respect of the proposed depth of working, whilst the applicant has proposed a maximum depth of 15m, it is expected that this will only likely be achieved toward the central areas of the site and not the outer limits. Therefore it is likely that the extraction depth achieved across the site would vary but be lower than the 15m proposed and which has been assessed.
68. The National Planning Practice Guidance 'Minerals' advises that the consideration of slope stability needed at the time of an application will vary between mineral workings depending on a number of factors such as the depth of working; the nature of materials excavated; the life of the working

the length of time interim slopes are expected to be in place; and the nature of the restoration proposals. Appraisal of slope stability for new workings should be based on existing information, which aims to identify any potential hazard to people and property and environmental assets and assess its significance, and identify any features which could adversely affect the stability of the working to enable basic quarry design to be undertaken. In this case, it is noted that planning permission for the working of minerals at Sudbrook Quarry already exists and that the proposed working method promoted as part of this Initial Review is reflective of that which was originally proposed and permitted. The applicant states the proposals have been designed to conform to requirements of the Quarries Regulations 1999 and this has not identified any significant hazards in terms of the proposed method of working, depth or slope design. It is proposed to wet work the site using a long-arm excavator rather than use of a dragline and I am satisfied that based on the information presented the use of an excavator to extract and remove minerals as proposed from a wet site is feasible and practicable. Whilst there is some disagreement regarding the total depth of excavation, the proposed working method has been designed to reflect that already permitted and in a manner similar to that which has been used at former sites nearby. Given this I have no reason to believe the site could not be worked in a safe and stable manner.

69. Notwithstanding the above, the Quarries Regulations 1999 places a duty on operators to ensure that excavation and tips are designed, constructed, operated and maintained so as to ensure that instability or movement which is likely to give rise to a risk to the health and safety of any person is avoided. This obligation exists irrespective of any land-use planning requirements or conditions and requires a quarry operator to assess the hazards posed by a quarry via a process of appraisal. The appraisal is used to determine if any hazards (excavations/tips or lagoons) should be considered as a Significant Hazard and where the appraisal identifies a hazard or hazards a Geotechnical Assessment must be carried out to assess the risks posed and to determine any remedial measures or working changes required. The appraisal process is a continued obligation and is required to be reviewed regularly or following any significant changes such as to the working methods, experiences of the site geology, changes outside the site which might increase the hazard or evidence of failure or movement. Given this, in the event any issues are identified then sufficient safeguards are in place under other regulatory regimes which would ensure action can be taken to address and maintain safe working and safeguard any adverse impacts on surrounding land-uses.

Human Rights

70. 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.

71. 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.
72. 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

73. 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.
74. As a dormant mineral site, mineral extraction cannot recommence until an updated scheme of planning conditions in line with modern environmental standards has been agreed. The proposed conditions set out in this report would ensure that the development addresses and overcomes the concerns raised and/or secures further details where these are required. Whilst the conditions proposed in this report differ to those first proposed and submitted by the applicant, discussions have on-going with the applicant and they have indicated their overall agreement to those as set out in this report. In any event should the applicant disagree with any of the conditions proposed they do have a right of appeal although, unlike active mineral sites, no compensation would be payable by the Mineral Planning Authority for imposing updated planning conditions on dormant sites.

75. Overall 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 set out in this report are therefore considered to be acceptable and appropriate.

RECOMMENDATIONS

It is recommended that:

- A.** The applicant be invited to enter into a Section 106 Planning Obligation to secure a sum of £3,600 to cover the costs of the Highway Authority in removing existing advisory signage on Rookery Lane and the production and provision of new road HGV route direction and advance warning signage on Rookery Lane and the A153; and
- B.** Subject to the conclusion of the Planning Obligation in (A) above, the Executive Director for Place be authorised to issue the decision notice with the revised schedule of conditions as set out in Appendix A of this report; and
- C.** That this report forms part of the Council's Statement pursuant to Regulation 30 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which requires the Council to make available for public inspection at the District Council's Offices specified information regarding the decision. Pursuant to Regulation 30(1)(d) the Council must make available for public inspection a statement which contains:
- the reasoned conclusion of the Council on the significant effects of the development on the environment, taking into account an examination of the environmental information;
 - any conditions to which the decision is subject which relate to the likely significant environmental effects of the development on the environment;
 - a description of any features of the development and any measures envisaged in order to avoid, prevent, reduce and, if possible, offset likely significant adverse effects on the environment;
 - any monitoring measures considered appropriate by the Council;
 - the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed;
 - information regarding the right to challenge the validity of the decision and the procedures for doing so.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Schedule of Updated Planning Conditions
Appendix B	Committee Plan

Background Papers

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

Document title	Where the document can be viewed
Planning Application File	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2020) and National Planning Policy Guidance	The Government's website www.gov.uk
Lincolnshire Mineral and Waste Local Plan Core Strategy and Development Management Plan (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
South Kesteven Local Plan 2011-36	South Kesteven District Council website www.southkesteven.gov.uk

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

APPENDIX A – SCHEDULE OF UPDATED PLANNING CONDITIONS

General

1. These planning conditions apply to the mineral site (hereafter referred to as the Site) edged red on Drawing Nos. LD55/SQ/001a and LD55/SQ/004a.

Reason: To define the extent of the permission area.

Duration

2. The winning and working of minerals or depositing of mineral waste shall cease not later than 21 February 2042.

Reason: To comply with the statutory end date for mineral planning permissions.

Approved Details

3. Unless modified by conditions attached to this notice or details subsequently approved pursuant to those conditions, the development shall be carried out strictly in accordance with the details contained in the Environment Act ROMP application, the Environmental Statement (including supporting technical appendices) as amended by the Further Information (received 28 April 2020) and the following accompanying drawings:

Drawing No. LD55/SQ/001a – Sequence of Works

Drawing No. LD55/SQ/002a – Proposed Restoration Plan

Drawing No. LD55/SQ/003a – Location Plan

Drawing No. LD55/SQ/004a – Mineral Site Boundary and Landholding

Drawing No. LD55/SQ/006a – Working Plan – Phase 1

Drawing No. LD55/SQ/007a – Working Plan – Phase 2

Reason: - To define the extent and scope of the planning permission.

Extent of mineral extraction

4. The site shall be progressively worked and restored in accordance with the phased programme as set out in Section 10 of the Environmental Statement and as shown on Drawing Nos. LD55/SQ/001a, LD55/SQ/006a and LD55/SQ/007a.
5. No winning or working of mineral shall take place outside the area edged by the brown line (i.e. Phases 1a, 1b and 2) as shown on Drawing No. LD55/SQ/001a.

Reason: In order to define the extent of permitted mineral extraction operations authorised by this decision.

6. Only on-site derived mineral wastes, overburden and soils shall be used in the site restoration. Nothing in this decision shall be construed as permitting the use of imported materials to achieve site screening, site restoration or for any other purpose.

Reason: To manage the restoration of the site, avoid unnecessary stock piles of imported materials. This condition shall not prevent the importation of materials for the construction of ecological mitigation measures such as GCN Refugia.

7. The maximum depth of working shall not exceed 15 metres.

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

Archaeology

8. Prior to further soil stripping, the Specification for Archaeological Works dated 9th April 2020 (contained within the Further Information) shall be carried out in a phased manner for each working area in accordance with the approved scheme or such updated or amended scheme as may be approved by the Mineral Planning Authority.

Reason: To ensure that archaeological remains are properly recorded as necessary and to an appropriate standard.

Lighting

9. 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 potential nuisance and disturbances to the local wildlife and the surrounding area.

Ecology

10. Prior to stripping any soils from the Site, the operator shall first undertake a Great Crested Newt survey of the Site to update its original GCN survey and provide a copy of the results to the Mineral Planning Authority.

Reason: To provide an up to date GCN survey of the site prior to any earth works on site. In the event that GCN are still present on site the operator is under a statutory duty to obtain the necessary statutory licenses from DEFRA to undertake any works that might affect GCN.

Water Management & Groundwater Protection

11. No dewatering or external discharge of waters from the site shall take place.
12. No winning and working of mineral shall take place until the operator has installed a minimum of three piezometers around the site in a formation that will enable the site's hydrogeological gradient to be identified, recorded and thereafter monitored. Following the installation of those piezometers, water levels shall be measured every 2 weeks for a minimum period of 3 months in order to establish a baseline and the results recorded sent to the MPA for their review and consideration along with details of an on-going monitoring scheme which shall provide for the following:
 - a) details of the levels recorded and a timetable setting out the frequency for the on-going monitoring of levels and reporting of results to the Mineral Planning Authority;
 - b) identify a trigger level to be used to ascertain when mitigation measures shall be implemented;
 - c) details of the mitigation measures to be implemented in the event the trigger level is reached and what actions would be taken to address and issues identified.

Following the approval of the scheme, the winning and working of mineral shall be permitted to commence and the scheme shall thereafter be implemented in accordance with the approved details for the duration of the development.

Reason: To protect the local ground water and water courses.

Stock Piling of Sand

13. No grading of sand shall take place except adjacent to the active working face or within the plant site and stocking area shown on Drawing No. LD55/SQ/001a. No materials or stockpiles shall exceed a height of 4m above the original ground level.

Reason: To control the visual effect of the development.

Soils and Soil Handling

14. Soils shall only be stripped, stored and replaced when they have been assessed in accordance with the methodology set out in Schedule 1 'Soil Condition' contained within Appendix B of the Environmental Statement.
15. All available topsoil, to a minimum depth of 300mm, shall be stripped separately from the following areas within the site:
 - i. All areas that are to be excavated.

- ii. All areas that will be traversed by heavy vehicles, machinery (except for the purpose of stripping topsoil from, or stacking topsoil on, that part of the site).
 - iii. All areas that will be used for the stacking of subsoil, soil making material or overburden.
 - iv. Any areas used for storing and stacking processed or unprocessed mineral.
 - v. The plant site, site access and the site administration area.
16. No topsoil, subsoil or overburden shall be removed from the Site unless a scheme has first been submitted to and approved by the Mineral Planning Authority to show that sufficient soils remain on site to completely restore the site in accordance with the approved restoration scheme.
17. All topsoil, subsoil or overburden shall be handled in accordance with the requirements of Schedule 2 'Soil Handling and Management' as contained within Appendix B of the Environmental Statement.

Reason: To protect the soil resource and ensure sufficient soil is retained on site to achieve final restoration of the site whilst allowing excess soils to be removed from site for beneficial use elsewhere.

18. All parts of the Site left undisturbed and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from weeds. All reasonable steps shall be taken to control weeds at an early stage of growth to prevent seeding.

Reason: To ensure that the site is managed in a proper way that is unlikely to result in the spread of notifiable weeds onto adjacent land.

Hours of Operation

19. Other than for essential maintenance or in an emergency to maintain safe quarry working, operations and activities associated with the Site shall only be carried out between the following times:

Mineral extraction, processing and soil stripping / restoration

- Monday to Friday - 0800 hours to 1900 hours
- Saturdays - 0900 hours to 1300 hours
- No operations shall be carried out on Sundays or Bank/Public Holidays.

HGV Traffic

- Monday to Friday - 0700 hours to 19.00 hours except between for the following times during school term time:
 - 0715 hours to 0800 hours;
 - 1630 hours to 1700 hours;
 - 1730 hours to 1800 hours.
- Saturdays 08:00 hours to 13:00 hours
- No operations shall be carried out on Sundays or Public and Bank Holidays.

Reason: To control the traffic effects of the permitted operations and to avoid No 27 school bus times at the Rookery Lane / Willoughby Road bus stop.

Landscaping

20. Prior to the commencement of mineral extraction operations within each phase of mineral extraction, the relevant temporary screening mounds shall be erected in accordance with details as shown on Drawing Nos. LD55/SQ/006a and LD55/SQ/007a.
21. No development shall take place until details of the advanced woodland planting to be carried out on the land adjacent to the south-western corner of the Site (as shown on Drawing No. LDD55/SQ/006a) have been submitted and approved in writing by the Mineral Planning Authority. The scheme shall include details such as the species, sizes, spacing and means of protection along with details of the aftercare measures to be adopted to ensure their successful establishment for a minimum period of 10 years. The advanced planting shall be undertaken within the first available planting season following the written approval of the Mineral Planning Authority and prior to the winning and working operations taking place within the Site and shall thereafter be maintained in accordance the approved details.

Reason: To ensure that advanced screen planting and screening mounds are in place to minimise views into the site and to protect noise sensitive properties on Rookery Lane and in the vicinity of Sudbrook Old Hall, Old Hall Stables and Norwood.

Access and Highways

22. No export of mineral from the site shall take place until the highway improvement works comprising of the construction of two passing places on Rookery Lane have first been carried out and completed to the satisfaction of the Mineral Planning Authority (in consultation with the Highway Authority). The passing places shall be constructed between the Site entrance and the junction of Rookery Lane and the A153 in locations as may be agreed with the Highway Authority. Such passing places shall be constructed within the limits of the public highway or land in the applicant's control.

Reason: To provide a mechanism to improve Rookery Lane and allow quarry traffic to safely pass on the public highway.

*See Informative for further information.

23. Upon exiting the Site all Heavy Goods Vehicles (HGVs) and commercial vehicles shall turn right onto Rookery Lane and head towards the A153 Willoughby Road and shall not turn left unless specifically delivering to a customer in Sudbrook village. A sign(s) advising all drivers of the route to

be taken upon exiting the Site shall be erected at the Site entrance and thereafter maintained for the duration of the development hereby permitted.

24. The existing metalled surface of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development. This shall remain the only means of access for HGV traffic to and from Rookery Lane.
25. Any internal haul roads shall be maintained in good condition, free of pot holes and a 10mph speed limit shall be kept in force.
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.
27. No Heavy Goods Vehicle (HGVs) or commercial vehicle shall enter Rookery Lane unless its wheels and chassis have been cleaned to prevent mud, sand and any other deleterious material being deposited on the public highway. In the event that mud, sand or any other deleterious material does occur on the public highway as a result of the operations permitted under this permission, the operator shall immediately take such necessary action to clear such material.
28. The developer shall ensure that there is available vehicular turning space within the Site so that Heavy Goods Vehicles are able to enter and leave the public highway in a forward gear.
29. All loaded HGVs leaving the site shall be securely sheeted before entering Rookery Lane.

Reason: To ensure traffic associated with the development does not detrimentally effect nearby residents and to prevent mud or other materials from the site being transferred onto the public highway in the interests of cleanliness and highway safety.

Noise

30. Except for temporary operations, the noise level at the noise sensitive locations identified in Table 3.3 of the Noise Assessment report (contained within Appendix 7 of the Environmental Statement) shall not exceed 50dB(A) LAeq, 1h (free field).
31. For temporary operations such as soil stripping, movement and replacement and bund formation, the noise level at the noise sensitive locations identified in Table 3.3 of the Noise Assessment report (contained within Appendix 7 of the Environmental Statement) shall not exceed 70dB(A) LAeq, 1h (free

field). These operations shall not exceed a total of eight weeks in any 12-month period.

32. The noise mitigation and control measures as identified in the Environmental Statement accompanying the application shall be fully implemented and all operations shall be carried out in accordance with this scheme throughout the course of the development.
33. All plant and machinery and vehicles used on the Site shall be properly maintained and silenced so as to comply with the best practicable standard. No plant or machinery shall be left to idle for extensive periods if not in use.
34. Unless otherwise agreed in writing with the Mineral Planning Authority all pumps used at the site shall be electric powered.

Reason: To control noise levels from the development in the interests of minimising the impacts of the development on nearby residents and the surrounding area.

Dust

35. No winning and working of mineral shall take place until a scheme and programme of measures for the suppression of dust has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be based upon the operational mitigation measures and practices as set out within the Dust Management Plan (contained within Schedule 4 of Appendix B of the Environmental Statement) and include details of:
 - (i) the measures to suppress dust caused by the moving, processing and storage of soil, overburden, stone and other materials within the site;
 - (ii) details of the dust suppression on haul roads, including speed limits;
 - (iii) the provision of dust collection and storage facilities around the Site;
 - (iv) details of a scheme for the on-going monitoring and review of dust from the Site.

The development shall be implemented in accordance with the approved scheme and programme for the duration of the development hereby permitted.

Reason: To control dust emissions from the site in the interests of minimising the impacts of the development on nearby residents and the surrounding area.

Surface Drainage and Pollution Protection

36. 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.

37. There shall be no discharge of foul or contaminated drainage from the Site into either the ground water or any surface waters, whether direct or via soakaway. Prior to the installation of any buildings requiring the disposal of foul drainage, details of the method of managing such foul water shall be first submitted to and agreed with the Mineral Planning Authority.

Reason: To minimise the risk of pollution arising from the operations.

Aerodrome Protection

38. The developer will implement the Bird Hazard Management Plan, as set out in Schedule 3 of Appendix B of the Environmental Statement throughout the duration of this permission.

Reason: To control the use of the Site by Canada Geese and Starling in relation to the potential threat to aerodrome safety.

Restoration & Aftercare

39. Within 12 months of the recommencement of mineral extraction operations, a 5 year aftercare scheme based on the permitted restoration scheme shall be submitted for the written approval of the Mineral Planning Authority. The aftercare scheme shall specify such steps necessary to bring the land to the required standard for amenity, biodiversity gain and agricultural use and shall include details for: -

- Full details of the 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. The scheme shall include planting around the restored lake;
- Full details of the fertilising regime and management of the land so as to bring the agricultural land back to a suitable condition for its intended after-use and purpose;
- Full details of drainage management proposals for the Site following completion of the restoration works;
- Full details of all fencing and other boundary treatment and management of the land.

Following approval, the scheme shall be implemented accordingly.

Reason: To ensure satisfactory restoration of the site following the completion of mineral operations.

40. At least once each year during the five-year aftercare period relating to each restoration phase, a formal annual review shall be held to consider the operations which have taken place on the site during the previous year and the likely excavation and restoration and works proposed for the following year.

Reason: To ensure satisfactory restoration of the site in a phased manner during and following the completion of mineral operations.

41. 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, an interim restoration scheme shall be submitted for the written approval of the Mineral Planning Authority. The interim restoration works shall thereafter be carried out and implemented in accordance with the revised scheme of restoration and aftercare.

42. All plant, machinery, buildings and equipment erected or stationed at the Site shall be removed within 12 months of the permanent cessation of mineral working and the land restored and maintained in accordance with the approved restoration scheme and aftercare requirements.

Reason: To ensure satisfactory restoration of the site following the completion of mineral operations.

Informatives

Attention is drawn to:

- (i) Condition 22 - The highway improvement works referred to in the condition are also required to be carried out by means of a Minor Works Permit granted by the County Council, as Local Highway Authority.

Prior to the submission of details relating to the highway improvements you must contact the Highways Department 01522 782070 for advice on the required specification and construction information. Details relating to the materials, specification and construction methods as agreed with the Highway Authority should then be included in the details submitted pursuant to Condition 22 of this decision.

- (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/enhancements to the proposal and processed the application as efficiently as possible so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.

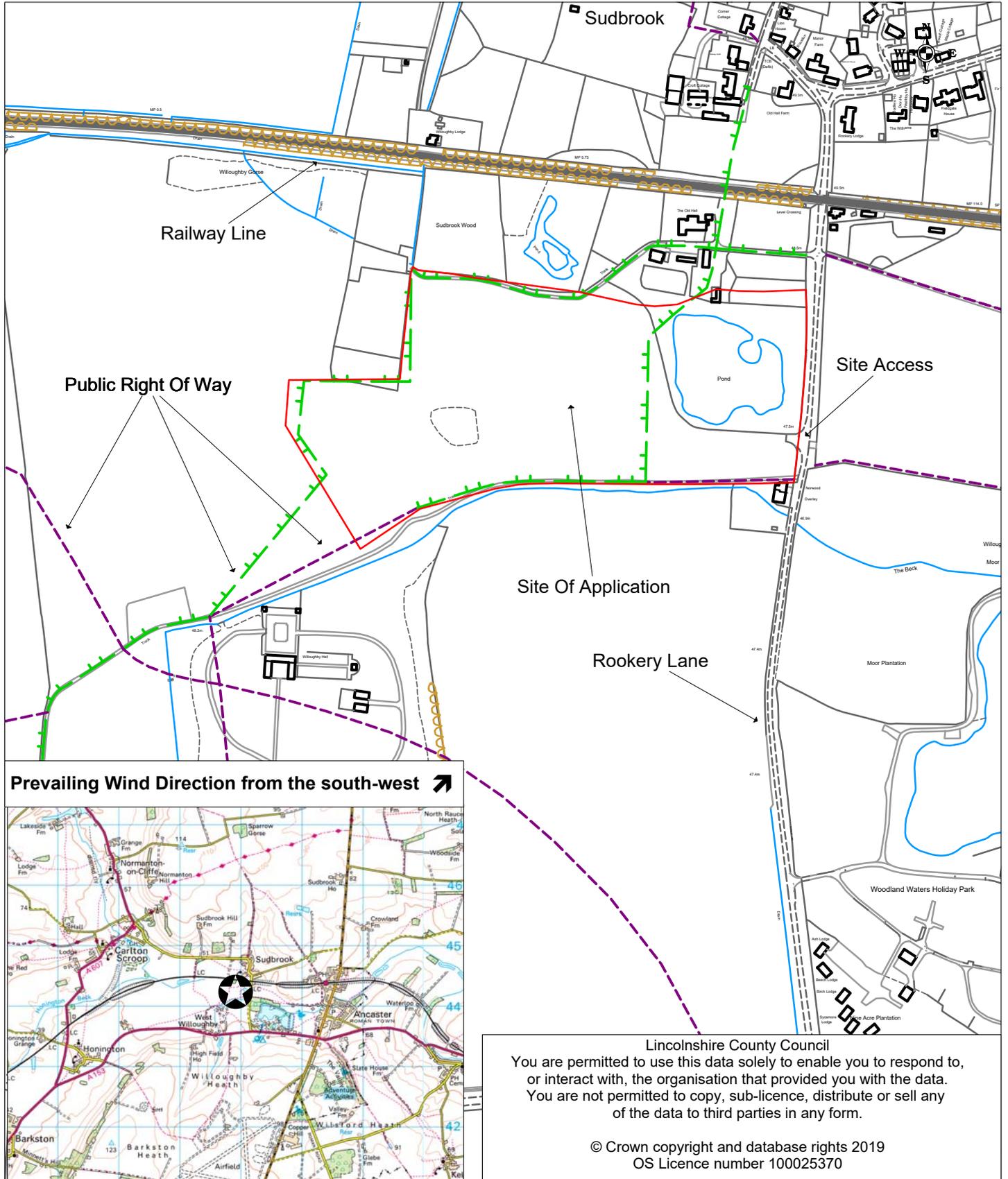
- (iii) The applicant's attention is drawn to the existence of a Restricted Byways and Public Footpaths which surround and cross the site. This decision does not give the applicant the right to interfere, obstruct or divert any Restricted Byway or Public Right of Way and so these must be kept open and 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 should this be required.

- (iv) 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.

- (v) 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.

LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 5 OCTOBER 2020



Location:
 Sudbrook Quarry
 Land west of Rookery Lane
 Sudbrook

Application No: S19/1244
Scale: 1:5000

Description:
 Application for the determination of updated conditions
 for planning permission WK1139 and WK4645

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