

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

Report to:	Planning and Regulation Committee
Date:	4 July 2022
Subject:	County Matter Applications - S22/0756 and S22/0757

Summary:

This report deals with two concurrent applications that have been made by Cemex UK Operations Ltd for proposals which relate to their West Deeping Quarry, King Street, West Deeping.

A. S22/0756 - for the proposed southern extension to existing sand and gravel extraction operations with restoration to low level agriculture and amenity/nature conservation at land south of the existing quarry.

The proposed development would allow the removal of approximately 150,000 tonnes of sand and gravel from a field covering an area of 2.8 hectares to the south of the operational quarry.

The proposal is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Statement has been submitted which assesses the potential impacts of the proposed development together with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.

The key issues to be considered in this case are the need and justification for the extraction of the mineral reserves and the principle of extracting sand and gravel from this site; the potential impacts (including cumulative impacts) arising from the development on the highways; water environment (surface and ground); historic setting; Fenland landscape; amenity impacts, including arising from fugitive emissions, on surrounding land-users and residential properties; the natural environment, and the potential for impacts on agricultural land as the land is Grade 3a and biodiversity net gain.

It is concluded that the principle of the extraction of sand and gravel is acceptable and would contribute to providing an adequate, steady supply of minerals. Mitigation measures are proposed, or are recommended to be secured through planning conditions, to ensure that any impacts are reduced and ameliorated to ensure that there would not be harmful impacts on the amenities of local residents and land users and would not give rise to unacceptable impacts.

B. S22/0757 - to vary conditions 2 and 4 of planning permission S19/2127 to allow for an amended phasing programme and revisions to the approved restoration scheme.

The proposed amendments are sought to reflect the proposed extraction and restoration of the extension area to the south of the existing site. Although an Environmental Statement (ES) has not been submitted in support of this application, the ES supporting the application for the proposed extension does give consideration to the wider quarry and therefore both applications are referenced throughout that document.

The key issues to be considered in this case are whether the proposed amendments are necessary and whether they would give rise to adverse impacts on the amenity of local residents and land users, unacceptable impacts on the highways network or highway safety, unreasonably delay restoration of the existing quarry and fail to deliver an appropriate restoration strategy.

Recommendation:

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

Background

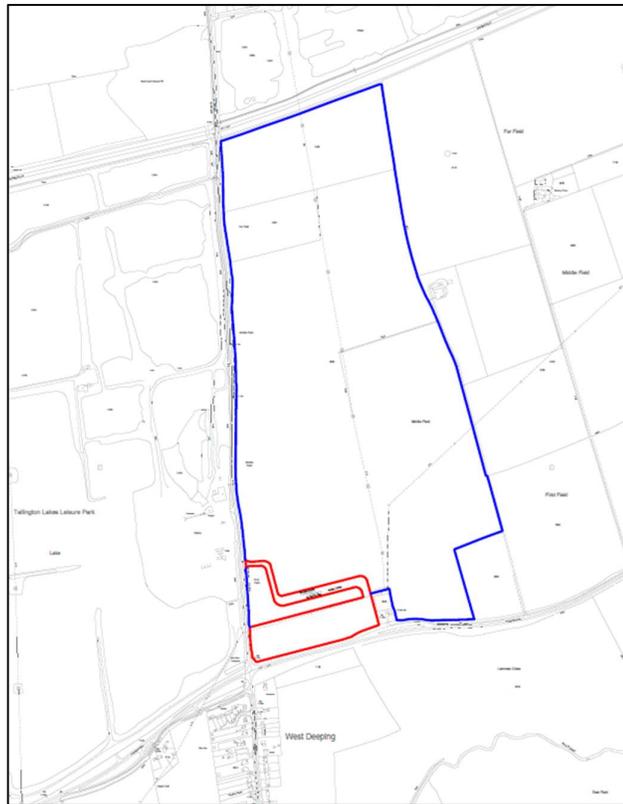
1. West Deeping Quarry lies to the east of King Street and was first granted planning permission in 1997 (reference S81/1588/89). Since that time, a number of subsequent amendments have been approved to the original planning permission as well as permissions for new and replacement ancillary facilities such as welfare and office units and the installation of a bagging plant. The most recent variation to the original permission was granted 31 January 2020 (reference S19/2127) which is now the main permission covering the site operations.
2. Following the recent closure of Manor Pit Quarry, Baston the quarry has become Cemex's principal site in South Lincolnshire Production Area. Reserves within the current permitted working area are nearing exhaustion and so Cemex have submitted an application that seeks permission for a small lateral extension to the south of the site. Should permission for the extension be obtained then amendments to the approved scheme of working and restoration proposals for the wider quarry would be required to reflect the new area of working. This report contains detail relating to both of these proposals with a summary of the main issues raised by each of these applications considered in turn below.

The Applications

3. This report deals with two concurrent applications that have been made by Cemex UK Operations Ltd for proposals which relate to their West Deeping Quarry, King Street, West Deeping.

S22/0756: for the proposed southern extension to existing sand and gravel extraction operations with restoration to low level agriculture and amenity/nature conservation.

4. This proposal would release approximately 150,000 tonnes of sand and gravel from a field which covers an area of 2.1 hectares lying to the south of the current quarry. The land is currently in use as agricultural pasture and it is proposed to be worked as a small lateral extension to the current quarry with subsequent restoration back to low level agriculture and amenity/nature conservation uses. The mineral extracted would be transported to the existing quarry Plant Site via an internal haul route and therefore there would be no need for HGVs to access/egress onto the publicly maintained highway over and above that already associated with the site.



Location plan

5. A Planning Statement (Volume 1) has been submitted in support of the application which also includes reference to the second concurrent application (reference S22/0757) which is detailed later in this report. The additional reserves identified within the proposed extension would extend the current operations at the quarry

by approximately four to six months with the output of the quarry remaining the same as it is currently at around 350-400,000 tonnes per year. The additional reserves would continue to be used to supply existing markets within approximately 40 miles from the site. The proposed extension would be worked as part of the existing quarry operation and therefore the same operational controls and conditions currently controlling the development would continue to apply. This includes the proposed hours of working which would continue to be between 07:00 and 17:00 hours Monday to Friday; 07:00 and 12:00 hours Saturdays with no operations carried out on Sundays or Bank Holidays.

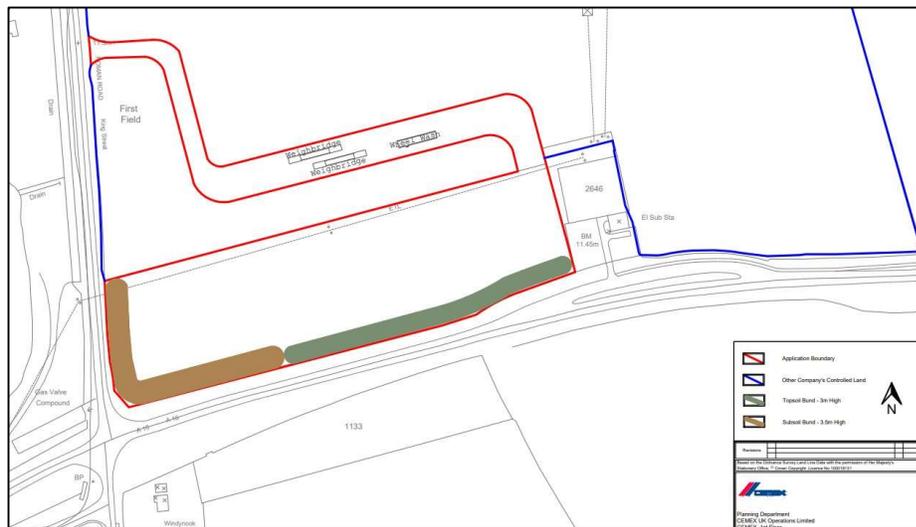
Environmental Statement

6. This application is also subject of an Environmental Impact Assessment which has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'). An Environmental Statement (ES) has therefore been submitted in support of the application which comprises of two volumes.
 - Volume 2: Environmental Statement (ES) – this provides an overview of the application and identifies the various development plans, policies, and other material consideration in relation to the proposed development and where necessary reference to the potential cumulative of impacts of this proposal with that of the concurrent application (reference S22/0757). This volume also summarises the findings of the individual technical assessments in 18 Chapters with related appendices.
 - Volume 3 – Non-Technical Summary (NTS) – summarises the content of Volume 2 in an easily understandable and accessible format.

Volume 2: Environmental Statement

7. An outline and brief summary of the content of each of the chapters contained within this Volume is set out below.
8. **Chapter 1: Introduction and Site Description** – this chapter describes the site, the location and surroundings, being an area south of the existing plant site at Cemex West Deeping Quarry, which is approximately 1 kilometre north of the village of West Deeping. The site entrance would be via the existing plant site, which benefits from an established access to the east of King Street. The surrounding countryside is predominantly agriculture, active and former sand and gravel pits restored to wetland habitats or low-level agriculture. The boundary of the site is defined to south by a mature native species hedgerow running parallel with the A1175. The western boundary is mature native species hedgerow running parallel with King Street. The eastern boundary is a post and rail fence, and the northern boundary is another mature native hedgerow backed by the perimeter bund of the existing quarry. The nearest property is located to the south of the A1175 approximately 50 metres to the south of the site boundary.

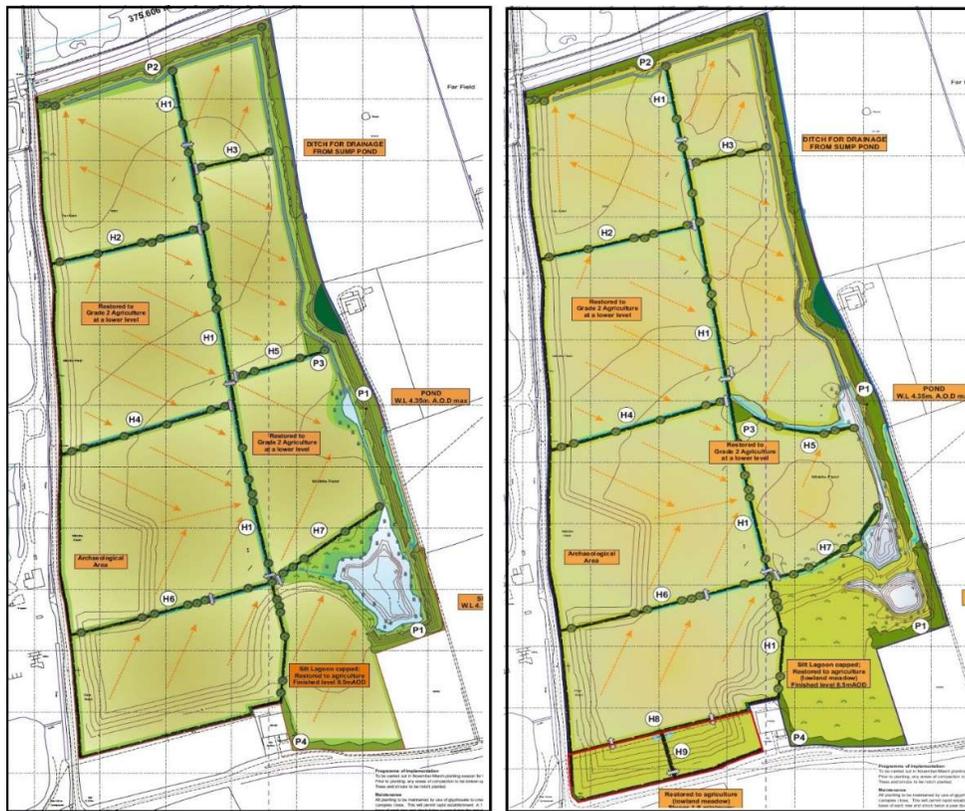
9. No Public Rights of Way cross or abut the site. The site lies mainly with Flood Zone 1. The nearest statutory ecological designation is SSSI's Langtoft Gravel Pits that lies approximately 1.2 kilometres to the north of the Greatford Cut drain. Baston Fen Special Area of Conservation (SAC) that lies more than 7 kilometres to the northeast. The SAC is encompassed by Baston and Thurlby Fens Site of Special Scientific Interest (SSSI), Cross Drain lies 6.4 kilometres to the northeast. A Scheduled Monument (SM) Maxey Castle lies approximately 1.7 kilometres to the southeast and the closest Listed Building being the Parish Boundary Marker at the junction of King Street and the A1175 just outside the southwest corner of the proposed extension area.
10. A brief outline of the geological environment has been included that identifies the underlying River Terrace Deposits to a depth of 5 metres that would equate to 150,000 tonnes of workable sand and gravel with a soil profile of 1 metre over. The southern and western boundary hedges would be subject to a root protection area (RPA) with a 2 metre standoff would be maintained throughout the development and the existing field entrance onto the A1175 would be closed off for the duration of the development.
11. **Chapter 2: Proposed Development** – this chapter summarises how the proposed development would be integrated into the phasing of the existing quarry to the north as a single - Phase 11.



Phase 11 plan

12. The top and subsoils stripped from the site would be stored in separate bunds created alongside the retained perimeter hedgerows to not only help screen the operations but also to ensure they are available for use in final restoration. The mineral would be extracted using an excavator with a dump truck transporting the excavated mineral back to the Plant Site area for stockpiling and processing. Following completion of the mineral extraction phase the land would be restored to create an area of low-level agricultural land (Grade 3a) that would be integrated into the restoration of the final extraction area of the existing quarry to the north.

The proposed operations at the site would be carried out in accordance with the existing mitigation management protocols in operation at the quarry including hours of work, dust, noise and lighting controls. The rate of extraction would be in line with that of the existing regime and all mineral would be processed through the existing plant site with no increase in the rate of export. The drainage of the site would be directed to the water management regime already in place for the existing quarry, which accommodates the silt lagoons, drainage ditches and balancing ponds.



Approved and Proposed Restoration plans

13. **Chapter 3: Environmental Impact Assessment Regulations and Scope of the Assessment** – this chapter defines the EIA Regulations, the purpose of the Regulations, and where the proposed development sits within the schedules of the regulations. The applicant had chosen not to seek a screening opinion and concluded that it would be appropriate to volunteer an Environmental Statement to support the application.
14. The chapter expands on the definition of the Regulations by identifying that the ES explains any significant environmental effects arising from the proposal and the mitigation measures proposed to address them.
15. **Chapter 4: Methodology** – this chapter sets out the objectives of the EIA process in relation to the extraction of sand and gravel from the application site and the potential of cumulative affects arising from the concurrent application (reference

S22/0757). The aim of the ES is to consider the potential for significant environmental impacts affecting the baseline conditions of the existing site as a direct or indirect result of the proposed development. Predictions of future impacts are assessed in accordance with the best practice guidelines published by relevant professional bodies.

16. The criteria considered are receptor sensitivity, impact magnitude, significance of effect, levels of confidence, mitigation measures, limitations and cumulative impacts. The general structure for each chapter covering specialisms has been identified.
17. **Chapter 5: The Assessment Team** - in producing an ES the applicant has employed independent professionals and, in line with the EIA Regulations, this chapter sets out the credentials of the planning agent and various specialist consultants that have contributed to compiling the ES.
18. **Chapter 6: Consideration of Alternatives** – this chapter provides commentary on the need for sand and gravel as promoted by the National Planning Policy Framework (NPPF) and the requirement for local development plans to make provision to meet the country's need. As referenced previously, the proposal site lies within the South Lincolnshire Production Area (SLPA) and the applicant references the latest Local Aggregates Assessment (LAA) which currently reports that the SLPA has a land bank equating to 6.22 years supply and so is below the seven years minimum advised by the NPPF.
19. As an alternative to the extraction of virgin minerals, this chapter notes that there are two recognised alternatives these being recycled or secondary aggregates. The former is generally associated with construction, demolition and excavation waste material and the latter being the by-product of other industrial processes. The chapter then, through analysis of the LAA, identifies the level of recycling within the County and states that this equates to approximately 13.5% of market demand and that factors such as the quality and consistency of supply can therefore affect the availability and suitability of such products as an alternative to virgin mineral. In the case of secondary aggregates, the only identified source in the County is currently bottom ash from the Energy from Waste Plant at North Hykeham and this equates to less than 1% of the permitted primary reserves. Whilst marine aggregates are also another possible alternative source of aggregate, there is no evidence that marine aggregates would contribute to supply options in the foreseeable future.
20. With regards to supply within the South Lincolnshire Production Area, the Site Locations Document of the Lincolnshire Minerals and Waste Local Plan identifies three allocated sites which aim to ensure that there is an adequate and steady supply of minerals available during the current Plan period. None of these allocated sites are in the control of the applicant and except for one (Greatford Quarry which is currently pending the completion of a S106 Planning Obligation) none of the others have yet been brought forward as a formal planning application

and therefore the applicant argues it is unlikely these will be brought on-stream in the near future or during the current Plan period.

21. The chapter further explains the relationship between the proposal site and the company's operational site off King Street West Deeping, stating that the mineral from the southern extension would be processed, so as not to increase the overall annual throughput of that site thereby extending the life of the King Street site. The exploitation of this mineral reserve would ensure that the site to the north be fully restored to provide a coherent restoration profile in keeping with the wider landscape.
22. The 'do nothing' scenario would result in the loss of high-quality mineral, that could supply to the local market and could result in mineral importation from outside the region. To return at a future date would not be economically or practically feasible and would effectively sterilise a mineral reserve that would contribute to current landbank shortfall in South Lincolnshire.
23. **Chapter 7: 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.
24. A baseline monitoring survey has been carried out and site noise calculations undertaken for five locations taken to be representative of the nearest dwellings to the proposed working area. Factored into the site noise calculations are the types of mobile plant and vehicles that would access the site during the operations and nature of the extraction operations proposed (e.g. no night-time working or dewatering). The assessment shows that the existing background noise levels recorded at each of the noise sensitive locations are between 37 and 50dB LA90. The National Planning Practice Guidance (NPPG) for Minerals advises that noise limits for quarry developments should not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (i.e. 07:00-19:00 hours) 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.
25. The noise assessment shows that some of the noise sensitive locations are exposed to higher background noise levels than others however, with the mitigation measures proposed and embedded within the proposed working scheme (e.g. bunds around the extension area) noise from normal operations would still be capable of falling within the maximum noise level limit of 55dB(A) LAeq, 1h as advised in the NPPG. Similarly for short-term temporary operations works could be carried out that fall below the higher 70dB(A) limit. The development would therefore accord with the guidance within the NPPF and Planning Practice and Guidance and so the former Plant Site can be worked while keeping noise emissions to within environmentally acceptable limits.

26. **Chapter 8: Hydrogeology and Flood Risk** – this chapter considers the potential hydrological and hydrogeological impacts associated with the proposed excavation of sand and gravel, together with progressive restoration of the site.
27. The sand and gravel deposit is identified as having a maximum thickness of 5.5 metres and the base is approximately 6 metres below ground level. Groundwater levels in the area are generally artificial insofar as the mineral in the existing quarry are worked de-watered. Consistent with the water management regime for the existing quarry the site would be de-watered that would result in a predicted rate of 4568.7 m³/d (52.9 l/s). The sides of the quarry void would be progressively lined using basal clay and thereby reduce the rate on ingress and reduce the rate of de-watering. No direct discharge to surrounding watercourses would result from the proposed southern extension. Post restoration the drainage from the low level agricultural land would be directed via field drains and ditches to the proposed restoration ponds to the north east that would maintain levels throughout the whole quarry by means of perpetual pumping subject of an Environment Agency discharge permit.
28. In terms of flood risk, whilst the site itself lies in Flood Zone 1 the surrounding area is largely protected from fluvial flood risk by virtue of the flood defences near the site include an embankment 1 kilometre to the north, and 1.3 kilometre to the west of the proposal site, along the Greatford Cut Drain. Further Flood Defence embankments are also present along the River Welland and the Maxey Cut Drain, located 1 kilometre and 2 kilometres to the southwest of the proposal site respectively.
29. Overall, it is concluded that the proposed development would not increase flood risk either to the site itself or the surrounding area and as such, the development satisfies the flood risk requirements of the NPPF, associated technical guidance and local policy. Mitigation measures are not considered to be required and no cumulative impacts from the proposed development have been identified.
30. **Chapter 9: Outline Landscape and Visual Impacts Appraisal** - this chapter provides commentary on the potential landscape and visual impacts of this proposal. The section expands on the site and setting outlined in Chapter 1 of the ES and includes consideration of the restoration strategy that would have resulted in a substantial area of the existing quarry site being restored to low level best and most versatile agricultural land, together with a summary of this proposal and restoration strategy.
31. The proposal site is set in an area of extensive sand and gravel mineral extraction, including areas currently being extracted to the north and east. The site has no outstanding features of nature conservation interest and there are no public rights of way in proximity to it. Given the topography of the area and intervening mature hedgerow planting, no or obscured views are available from the nearest residential properties and the public highway.

32. The short-term mineral extraction would have a short-term impact upon the landscape value of the area. During the operations however all existing boundary vegetation would be retained and would be supplemented by the creation of soil bunds internal to the hedgerows and would continue to offer screening of the site from external views. The proposed restoration scheme will be complementary to the existing landscape character of the low level agricultural landscapes to the north and east and the revised restoration proposals for the existing quarry would present an opportunity to create more wetland habitat with marginal enhancements.
33. Overall, the capacity of the local landscape around the application area to accommodate the development is assessed as being moderate to high, and as the additional landscaping measures for the application area and its wider setting are undertaken and maintained, the proposed extension and revised phasing of the existing extraction area could proceed without further detriment to the local area.
34. **Chapter 10: Ecology** – this chapter considers impacts arising as a result of the proposal. The methodology established the baseline conditions currently at the site and surroundings by way of Desk Study and Extended Phase 1 Habitat Survey.
35. The assessment reports that there are a number of statutory protected sites in the vicinity with the nearest Langtoft Pits SSSI lying close to the north of the existing quarry and north of the Greatford Cut drain. Habitats present on the extension area are predominantly species-poor semi-improved grassland and native species hedgerows without the presence of trees.
36. Impacts arising from the proposed changes to the phasing of the existing site and the extension area would be avoided by the implementation of a Construction Environmental Management Plan (CEMP) which forms part of submitted documentation in support of the ES. The CEMP details measures to be adopted including pollution prevention and measures to ensure impacts on the SSSI to the north of the site and other valued ecological resources (species and habitats) are avoided. The CEMP also outlines what measures would be taken to avoid accidental killing or injury to fauna such as nesting birds and protected species. Including measures to check the site during the bird breeding season or undertaken following a pre-clearance nesting check by a suitably qualified ecologist.
37. The chapter concludes that the main impact of the proposed mineral extraction in combination with the proposed revision to the existing quarry restoration would be beneficial for wildlife because of the creation of more wetland habitat and a wildflower meadow. Habitats to be created within the restoration scheme include the creation of new drainage ditch and replacement hedgerows with native species rich hedgerow planting, two ponds, sump ditch and reedbed system with associated wet woodland. These habitats will also ensure the provision of terrestrial and aquatic habitat for a variety of fauna that is present on and adjacent to the site. To ensure that habitats are created and maintained to maximise

biodiversity gains and the success of the improved agricultural land to Grade 3a, an aftercare scheme has been submitted and this would provide for the long-term management of the restoration.

38. **Chapter 11: Archaeology** - this chapter introduces the position with regards to archaeological assets already documented within the existing quarry and proposes to extend the already approved Written Scheme of Investigation to encompass the proposed extension area. The works to be carried out in tandem with the mineral extraction operations would therefore consist of:
- fieldwork being continuous observation of the topsoil (and any upper subsoil if any present) excavation by sampling and recording of the exposed archaeology; and
 - post excavation being archive consolidation including finds/environmental sample processing and production of `all features plan`; basic assessment of results and integration with King Street assessments; analysis and publication with the King Street Results at a level appropriate to the significance levels of the assessment results, archive deposition.
39. An assessment was also provided of the impacts of the proposals on the historic setting of known historic assets in the surrounding landscape, which concluded that the cumulative impacts of the operations would give rise to less than substantial harm.
40. **Chapter 12: Air Quality** – this chapter assesses the potential air quality impacts associated with the proposed development and follows the principles set out in Planning Practice Guidance (PPG) to the NPPF– Assessing environmental impacts from mineral extraction, Dust Emissions, the Institute of Air Quality Management guidance on the Assessment of Mineral Dust Impacts², and the Secretary of State Guidance Note PG3/8 (12).
41. The assessment methodology considers the site design, mitigation and control measures and comparison of the design against identified industry best practice and acknowledged research. A total of three sensitive receptors were identified as part of the assessment however the closest lies southwest of the proposed extraction site. An analysis of wind patterns in the area identifies prevailing south-westerly winds and so given the prevailing wind direction and separation distances from the site, with effective on-site controls, would not be adversely affected by dust migration. The only receptor likely to be directly affected would be the farmstead to the east of the existing extraction site for which mitigation measures have already been assessed and approved. Mitigation measures are nevertheless identified for the new proposals and would be implemented as part of the development and include:
- monitoring weather conditions during dust sensitive periods;
 - identifying and monitoring the intensity of potential dust generating activities;
 - responding to potential and actual dust problems;

- planning contingency measures; and
 - ceasing operations when major impacts cannot be avoided.
42. A complaints procedure already in place for the existing quarry would be adopted to ensure that any nuisance caused to local residents is dealt with effectively and a register of complaints would be kept on-site to record all concerns made either directly to the Site Manager or via the regulatory authorities. Any complaint received would be investigated, and reports of the findings and any action taken presented to the Minerals Planning Authority (and any other relevant regulatory authority) within two weeks of any dust complaint received.
 43. Overall, this chapter of the ES concludes that with the mitigation measures proposed the development would not give rise to unacceptable adverse impacts on residential properties in the area.
 44. **Chapter 13: Transport** – this chapter sets out the current regime maintained at the existing quarry and concludes that given mineral from the extension areas would be transported internally and the rate of extraction would form part of the existing operations then traffic generated by both this development and the current operations would not give rise to any significant environmental impacts.
 45. **Chapter 14: Land Use and Soils** – this chapter considers the impact of the proposed extension to the existing quarry on soil resources and agricultural land quality. The site benefits from a 1 metre depth of topsoil and sub-soil over approximately 5 metres of workable mineral. The extension area is a level field at 10 metres Above Ordnance Datum (AOD). It has already been referenced that all soil stripped from the site would be retained for restoration purposes and this would be carried out in accordance with Good Practice Guide for Handling Soils in Mineral Workings, Institute of Quarrying, 2021.
 46. The design of the proposed restoration across the extension area and the wider quarry would result consolidating an ALC of Grade 3a following a period of five years aftercare to include cropping schedules.
 47. **Chapter 15: Implications of ‘No Development’ Scenario** – this chapter considers the environmental and commercial potential of the site in the event of the development proposed was not carried out.
 48. If the mineral extraction proposed does not go ahead as proposed, then the land would remain as a species poor semi-improved grassland. There are no other proposed uses for the site nor any prospect of any other use excepting the release of mineral that given the geographical relationship with the existing quarry would be the only sustainable use that would not sterilize the mineral reserve.
 49. **Chapter 16: Human Health** – this chapter addresses the requirements of the 2017 Regulations in respect of consideration of the likely significant effects of the development including the risks to human health.

50. The effects on human health could be caused by a number of ‘pathways’ such as water contamination, dust, noise etc. It is concluded that sufficient mitigation as set out in previous chapters, addressing specific potential sources of adverse impact and reiterated here would not give rise to significant adverse effects to human health as a result of the proposed development.
51. **Chapter 17: Vulnerability to Accidents and Disaster** – this chapter identifies the location of Western Power infrastructure to the proposed excavations. It is concluded that in implementing health and safety protocols during the preparatory and extraction phases no likely significant effects on the environment because of potential accidents and disasters are likely to arise.
52. **Chapter 18: Climate Change and Sustainability** – this chapter sets out the legislative background and how planning development should consider both in terms of economy, social and environmental objectives. The section reiterates the potential in respect of climate change as initially set out in Chapter 2:
- Flood risk (evaluation Chapter 8)
 - Vehicle emissions (evaluation Chapter 12)
 - Use of renewable energy – Cemex identify that all UK sites use 100% renewable electricity and monitor all energy used in plant and machinery to ensure efficiency
 - Site location relative to market – the site would produce mineral to contribute to the maintenance of the seven year supply to meet the increasing market demand
 - Changes to habitat – (see detailed CEMP and evaluation Chapter 10).
53. The chapter concludes that the proposal constitutes sustainable development, given that the mineral is required by Lincolnshire to maintain their landbank, and to supply housing, infrastructure and other building projects in the Lincolnshire area, and vulnerability to, climate change has been fully considered and minimised as far as possible.
54. **Chapter 19: Summary and Conclusions** – this chapter provides a synopsis of the conclusions set out in the technical chapters of the ES. It is stated that overall, the proposal for extraction of sand and gravel and revisions to the phased working and restoration of the existing quarry, can be worked with no unacceptable adverse effects occurring on the environment or amenity with the proposed mitigation measures implemented, including cumulative impacts. The necessary mitigation measures can be secured through conditions as necessary. The project will include significant environmental, economic, and social benefits and as such it is sustainable development.
55. **Chapter 20: Glossary and Abbreviations** – this chapter provides a generic list of some of the terms used in the ES and accompanying documentation.

Volume 3: Non-technical Summary

56. This volume contains an overview of the main findings of the ES in an easily understandable and accessible format.

Additional Information

57. In addition to the ES, a Construction and Environmental Management Plan (CEMP) and a Written Scheme of Investigation (Project Design Specification) for Archaeological Strip, Map and Sample (WSI) has been submitted which provides for detailed management, method statements, and where appropriate, mitigation for each of the ecological designations, sensitive habitats and of the protected species and, that have the potential to be adversely affected by the proposed work.

S22/0757: to vary conditions 2 and 4 of planning permission S19/2127 to allow for an amended phasing programme and revisions to the approved restoration scheme.

58. This application seeks to vary conditions 2 and 4 of planning permission S19/2127 to allow for an amended phasing programme and revisions to the approved restoration scheme of the existing West Deeping Quarry which adjoins the proposed extension area subject of the concurrent application (detailed above).
59. The proposed amendments are sought to accommodate the proposed extraction and restoration of the extension area to the south of the existing Plant Site. A Planning Statement (PS) has been submitted in support of this application and provides details of the proposed variations sought. Although an Environmental Statement (ES) has not been submitted in support of this application, the ES supporting the application for the proposed extension does give consideration to the wider quarry and therefore both applications are referenced throughout that document.
60. The conditions (with specific proposed changes emboldened) to be amended are set out as follows:

Condition 2 which states:

The site shall be worked and restored in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:

- *Statement in Amplification dated September 1989 and Report on the Soils and Agricultural Land Classification dated October 1989 as amended by the Revised Working and Restoration Scheme dated November 1995 and letter of clarification dated 24 November 1995 and details contained within the Planning Statement entitled 'S73 Application for Variation of Conditions 2, 10, 11 of*

S81/1588/89 and Discharge of Conditions 2 and 3 of S81/1112/07' dated December 2016

- *Drawing No. 16_C033_WTDP – Site Plan (received 7 December 2016)*
- *Drawing No. 1607_P169_WD_001 to WD_0004 – Method of Working (received 7 December 2016)*
- *Drawing No. 1908_P197_WD_005a to WD_008a – Method of Working (received 12 November 2019)*
- *Drawing No. 1607_P169_WD_009 – Method of Working (received 7 December 2016)*
- *Drawing No. 1607_P169_WD_0010 Method of Working (received 12 November 2019)*
- ***Drawing No. 1607_P169_WD_0011 to WD_0020 – Method of Working (received 7 December 2016)***
- ***Drawing No. P1/1425/4/8 - Final Restoration (received 7 December 2016)***
- *Drawing No. 16_C033_WTDP-009 Rev.O – Aggregate Plant Layout and Traffic Management Plan (received 7 December 2016)*
- *Drawing No. 16_C033_WTDP-010 Rev.O – Site Plan (received 7 December 2016)*
- *Drawing No. 16_C033_WTDP-011 Rev.O – Elevation Through Aggregate Plant (received 7 December 2016)*
- *Drawing No. 1611_P245_D_PWJ_A – Sections Through Bund (received 7 December 2016)*
- *Drawing No. 1611_P246_D_PWJ_D – Section Locations (received 7 December 2016)*
- *Drawing No. P1/1425/6 - Base of Mineral Contours (received 2 October 1995)*
- *Drawing No. P1/1425/7 - Mineral Isopachyte Contours (received 2 October 1995)*
- *Drawing No. P1/1425/11/3 - Advance Planting (received 7 November 1995)*
- *Drawing No. 16_C033_WTDP_004 – Office/Weighbridge (received 7 December 2016)*
- *Drawing No. 16_C033_WTDP_005 – Canteen (received 7 December 2016)*
- *Drawing No. 16_C033_WTDP_006 – Changing Room (received 7 December 2016)*
- *Drawing No. 16_C033_WTDP_007 – Weighbridge Details (received 7 December 2016)*
- *Drawing No. 16_C033_WTDP_008 – Bagging Building (received 7 December 2016).*

Reason: To ensure the development is carried out in accordance with the details contained and approved within the original application and to ensure that the Mineral Planning Authority can adequately control the development to minimise its impacts on the amenities of the local area.

Condition 4 which states:

In addition to the details required and by Condition 13, the advanced planting as shown on Drawing No. P1/1425/11/3 (received 7 November 1995) shall be retained

*and all future hedgerow, tree planting and soft landscaping to be undertaken as part of the development shall be carried out in accordance with the sequence/phasing as set out in the RMC letter dated 19 November 2007 (as previously approved by the Mineral Planning Authority pursuant to Condition 4 of permission S81/1588/89) and **Drawing No. P1/1425/4/8 (received 7 December 2016)**. All trees, shrubs and bushes shall be adequately maintained for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.*

Reason: In accordance with the details previously approved by the Mineral Planning Authority dated 19 January 1998 pursuant to permission S81/1588/89.

Revised Phasing

61. The proposal seeks to make minor modifications to the currently approved phasing plan to accommodate the concurrent proposal for extraction in the area to the south of the site. Currently, extraction is centred around Phase 8 which would remain unaffected by the proposed changes. The remaining approved phases would be split to create two additional phases. These would accommodate the creation of new access and extraction from the proposed extension area to the south and allow for additional temporary stockpiling at the Plant Site. The soils removed from the bund to the south of the site would be redeployed to the eastern and southern boundary of the proposed extension area to ensure that they remain available for use in the final restoration.



Current phased working and proposed phasing plans

Revised restoration including agriculture and ecology

62. The approved restoration programme would also require minor changes to incorporate the proposed southern extension area as there would be a need to amend the restoration profiles along the site's current southern boundary. The resulting landform in this area would create an area of Grade 3a agricultural land with native hedgerow. The area to the southeast of the existing quarry would also be modified to allow for the creation of lowland meadows and wetland habitats comprising ponds and marginal aquatic areas, alongside reinstated and new hedgerows and planting of native trees.
63. No part of this application seeks to change other existing controls or conditions such as current hours of work or measures that exist to control light, noise and dust and archaeology. As stated earlier, the proposed extension area would be worked as part of the current site operations and therefore not result in any additional HGV movements to and from the site. Existing measures that ensure no deleterious material is deposited on the public highway would be maintained and the changes proposed to accommodate the extension area would not result in any increased visual impacts of the existing quarry as the bunding and screen planting around the perimeter of the site would be maintained. Where existing bunds are to be removed to gain access to the extension area, the soils would be retained and used to create new bunds along the southern and western margins of the site and therefore maintain visual screening around the site. The retention of these soils would also ensure they are available for use as part of the final restoration.
64. The Planning Statement concludes that the proposed modifications to the site existing phasing and restoration in order to accommodate the proposed southern extension area would not, when considered in combination, result in significant adverse cumulative impacts or any harmful environmental or amenity impacts.

Site and Surroundings

65. Cemex's existing West Deeping Quarry covers an area of 51.4 hectares and is located east of and adjacent to King Street, approximately 1 kilometre north of the centre of West Deeping village, and 9 kilometres northwest of Stamford. The nearest residential property (Lodge Farm) lies adjacent to the eastern boundary of the quarry. To the south and west of the plant site and silt lagoon is a Western Power sub-station which will be bounded to the east by the haul route into the proposed new southern extension. The site is at varying stages of operations with areas to the east and north already undergoing restoration and aftercare. Within the existing quarry site is an area of archaeological importance that would continue to be preserved in situ.
66. The site is screened from external views through the placement of soil bunds to the perimeter of the site inside native species hedgerows. The quarry lies within the National Landscape Character Area - Kesteven Uplands.



Access between quarry and extension

67. The proposed southern extension lies north of the A1175 and east of King Street and is currently bound on three sides by mature native hedgerows and to the east by a post and rail fence adjacent to the electricity substation.



View east



View west

68. To the east of the quarry lies an area of farmland known as Rectory Farm which is also subject of sand and gravel extraction by Breedon, and to the northern boundary of the Cemex quarry is the route of the conveyor to the plant site operated by Breedon to the west of King Street. The northern boundary of the quarry is defined by the Greatford Cut drain, that separates the site from the Langtoft Pits Site of Special Scientific Interest (SSSI). The nearest Special Area of Conservation (SAC) is the Baston Fen lies 7 kilometres to the northeast with Tallington Lakes Site of Nature Conservation Interest (SNCI) to the west of the Breedon plant site.
69. There are Scheduled Monuments within 2 kilometres of the site being at Maxey to the southeast and Barholm to the northwest. A number of Listed Building lie

within 1 kilometre of the site the nearest being a Grade II listed Boundary Marker at the junction of King Street and the A1175 south of the existing site entrance.

Main Planning Considerations

Planning Policy Context

70. The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 12 (Sustainable development) – presumption in favour, which identifies three overarching objectives - social progress, economic well-being and environmental protection, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.

Paragraph 47 and 48 (Planning law) - requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible. Local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).

Paragraphs 84 and 85 (Supporting a rural economy) – states that planning decisions should enable development and diversification of agricultural and other land-based rural businesses and sustainable rural tourism and leisure developments which respect the character of the countryside. Rural sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraphs 110 to 112 (Promoting sustainable transport) – states that when considering development proposals it is necessary to ensure that there is safe and suitable access to the site and that any significant impact from the development on highway safety is mitigated, would not have severe residual cumulative impacts on the road network and addresses the needs of people with disabilities and reduced mobility.

Paragraph 120 and 122 (Making effective use of land) – states that decisions should encourage benefits from rural land and take opportunities to achieve net environmental gains such as new habitat creation.

Paragraph 166 and 167 (Planning and flood risk) – directs that decisions should ensure that the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.

Paragraph 174 (Conserving and enhancing the natural environment) – directs that planning decisions should contribute to and enhance the natural and local environment, recognising and minimising impacts on best and most versatile agricultural land and providing net gains for biodiversity.

Paragraph 180 (Habitats and biodiversity) – states that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

Paragraph 183, 185 and 187 (Ground conditions and pollution) – state that decision should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). Ensuring development appropriate for its location by taking into account the likely effects on health, living condition and the natural environment through mitigation and reduction of potential adverse impacts. The focus should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

Paragraph 199 (Historic environment) – states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Paragraph 209 to 211 (Facilitating the sustainable use of minerals) – ensure sufficient supply of minerals, which can only be worked where they are found, that do not have unacceptable adverse impacts on the natural and historic environment and weigh the benefits of mineral extraction but ensure that there are no unacceptable local adverse impacts and provide for restoration and aftercare at the earliest opportunity.

Paragraph 213 (Maintaining Supply) - Minerals planning authorities should plan for a steady and adequate supply of aggregates and make provision in the form of specific sites, preferred areas and/or areas of search and locational criteria and ensure that large landbanks bound up in very few sites do not stifle competition. Authorities should use landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and

maintaining landbanks of at least seven years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised.

Annex 1: Implementation

Annex 3: Flood risk vulnerability classification

In addition to the NPPF, in March 2014 the Government published a series of web-based National Planning Policy Guidance notes (NPPGs). The NPPGs sets out the overall requirements for minerals sites, including the need to ensure a steady supply of minerals; the need to ensure the information provided in support of an application is sufficient to enable the environmental impacts to be assessed and that sites are restored at the earliest opportunity to high environmental standards.

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

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

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

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

- a proven need that cannot be met from the existing permitted reserve; or
- a specific shortfall in the landbank of the relevant Production Area and either:
 - (i) forms an extension to an existing Active Mining Site; or
 - (ii) is located in the relevant Area of Search as shown on the Policies Map (Figure 5) and will replace an existing Active Mining Site that is nearing exhaustion.

Policy M11 (Safeguarding of Mineral Resources) states that sand and gravel resources that are considered to be of current or future economic importance

within the Mineral Safeguarding Area will be protected from permanent sterilisation.

Policy DM1 (Presumption in favour of sustainable development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM2 (Climate Change) states that proposals for minerals and waste management developments should address the following matters where applicable:

- Minerals and Waste – Locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste; and
- Waste – Implement the Waste Hierarchy and reduce waste to landfill.
- Minerals – encourage ways of working which reduce the overall carbon footprint of a mineral site; promote new/enhanced biodiversity levels/habitats as part of the restoration proposals to provide carbon sinks and/or better connected ecological networks, and; encourage the most efficient use of primary minerals.

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

Policy DM4 (Historic Environment) states that proposals that have the potential to affect heritage assets including features of historic or archaeological importance should be assessed and the potential impacts of the development upon those assets and their settings taking into account and details of any mitigation measures identified. Planning permission will be granted for minerals and waste development where heritage assets, and their settings, are conserved and, where possible enhanced and where adverse impacts are identified planning permission will only be granted provided that:

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

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

be required and where new planting is required it will be subject to a minimum 10-year maintenance period. Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

Policy DM7 (Internationally Designated Sites of Biodiversity Conservation Value) states that proposals for minerals development that are likely to have significant effects on internationally important wildlife sites should be supported by sufficient, current information for the purposes of an appropriate assessment and show that a proposal can be delivered without adverse impacts on any SAC.

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

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

Policy DM11 (Soils) – states that proposals for minerals development should protect and, wherever possible, enhance soils.

Policy DM12 (Best and Most Versatile Agricultural Land) – states that proposals for minerals development that include significant areas of best and most versatile agricultural land will only be permitted where it can be demonstrated that: for mineral sites, the site will be restored to an after-use that safeguards the long-term potential of the best and most versatile agricultural land.

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

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

Policy DM15 (Flooding and Flood Risk) states that proposals for minerals and waste developments will need to demonstrate that they can be developed without increasing the risk of flooding both to the site of the proposal and the surrounding area, taking into account all potential sources of flooding and increased risks from climate change induced flooding. Minerals and waste development proposals

should be designed to avoid and wherever possible reduce the risk of flooding both during and following the completion of operations. Development that is likely to create a material increase in the risk of off-site flooding will not be permitted.

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

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

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

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

Policy R3 (Restoration of Sand and Gravel Operations within Areas of Search) refers specifically to South Lincolnshire (West Deeping/Langtoft):

- creation of wet fenland habitat or enhancement of existing wetland habitats.

Lincolnshire Minerals and Waste Local Plan: Site Locations (2017) – the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy SL1 (Mineral Site Allocations) – states that a steady and adequate supply of sand and gravel for aggregate purposes, in accordance with Policy M2 of the Core Strategy and Development Management Policies document, will be provided through the continued provision of sand and gravel from remaining permitted reserves at existing sites and also the identified allocated sites. The proposal site is not identified as an allocated site.

South Kesteven District Council Local Plan 2011- 2036 (2020) – as an adopted document, the policies contained therein should be given great weight in the

determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy SP5 (Development in the Open Countryside) states development in the open countryside will be limited to that which has an essential need to be located outside of the existing built form of a settlement.

Policy E8 (Other Employment Proposals) states that other employment proposals in locations not covered by the above policies will be supported, provided there is a clear demonstration that;

- a. there are no suitable or appropriate sites or buildings within allocated sites or the built up area of existing settlements;
- b. there is no significant adverse impact on the character and appearance of the area and the amenity of neighbouring uses;
- c. there is no significant impact on the local highway network;
- d. there is no significant likely adverse impact on the viability of delivering any allocated employment site.

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

Policy EN2 (Protecting Biodiversity and Geodiversity) states that the Council working in partnership with all relevant stakeholders will facilitate the conservation, enhancement and promotion of the District's biodiversity and geological interest of the natural environment. This includes seeking to enhance ecological networks and seeking to deliver a net gain on all proposals, where possible. Proposals that are likely to have a significant impact on sites designated internationally, nationally or locally for their biodiversity and geodiversity importance, species populations and habitats identified in the Lincolnshire Biodiversity Action Plan, Geodiversity Strategy and the Natural Environment and Rural Communities (NERC) Act 2006 will only be permitted in exceptional circumstances:

- In the case of internationally designated sites (alone or in combination), where there is no alternative solution and there are overriding reasons of public interest for the development.
- In the case of National Sites (alone or in combination) where the benefits of development in that location clearly outweigh both the impact on the site and any broader impacts on the wider network of National Sites.
- In the case of Local Sites (e.g. Local Wildlife Sites) or sites which meet the designation criteria for Local Sites, the reasons for development must clearly outweigh the long term need to protect the site.

In exceptional circumstances where detrimental impacts of development cannot be avoided (through locating an alternative site) the Council will require appropriate mitigation to be undertaken by the developers or as a final resort compensation. Where none of these can be achieved then planning permission will be refused. Where any mitigation and compensation measures are required, they should be in place before development activities start that may disturb protected or important species. Development proposals that are likely to result in a significant adverse effect, either alone or in combination, on any internationally designated site, must satisfy the requirements of the Habitats Regulations. Development requiring Appropriate Assessment will only be allowed where it can be determined, taking into account mitigation, that the proposal would not result in significant adverse effects on the site's integrity.

Policy EN3 (Green Infrastructure) states that the Council will maintain and improve the green infrastructure network in the District by enhancing, creating and managing green space within and around settlements that are well connected to each other and the wider countryside. Development proposals should ensure that existing and new green infrastructure is considered and integrated into the scheme design, taking opportunities to enrich biodiversity habitats, enable greater connectivity and provide sustainable access for all. Where adverse impacts on green infrastructure are unavoidable, development will only be permitted if suitable mitigation measures for the network are provided.

Policy EN4 (Pollution Control) states that development should seek to minimise pollution and where possible contribute to the protection and improvement of the quality of air, land and water. In achieving this:

Development should be designed from the outset to improve air, land and water quality and promote environmental benefits. Development that, on its own or cumulatively, would result in significant air, light, noise, land, water or other environmental pollution or harm to amenity, health well-being or safety will not be permitted. New development proposals should not have an adverse impact on existing operations. Development will only be permitted if the potential adverse effects can be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. Development that would lead to deterioration or may compromise the ability of a water body or underlying groundwater to meet good status standards in the Anglian River Basin Management Plan (required by the Water Framework Directive) will not be permitted.

Policy EN5 (Water Environment and Flood Risk Management) directs that development should be located in the lowest areas of flood risk, in accordance with the South Kesteven Strategic Flood Risk Assessment (SFRA). Where this is not possible the sequential approach to development will be applied. Where the requirements of the sequential test are met, the exception test will be applied, where necessary. A Flood Risk Assessment (FRA) will be required for all development in Flood Zones 2 and 3 and for sites greater than 1 hectare in Flood

Zone 1, and where a development site is located in an area known to have experienced flood problems from any flood source, including critical drainage. All development must avoid increasing flood risk elsewhere. Runoff from the site post development must not exceed pre-development rates for all storm events up to and including the 1% Annual Exceedance Probability (AEP)* storm event with an allowance for climate change. The appropriate climate change allowances should be defined using relevant Environment Agency guidance. Surface water should be managed effectively on site through the use of Sustainable Drainage Systems (SuDs) unless it is demonstrated to be technically unfeasible. All planning applications should be accompanied by a statement of how surface water is to be managed and in particular where it is to be discharged. On-site attenuation and infiltration will be required as part of any new development wherever possible. Opportunities must be sought to achieve multiple benefits, for example through green infrastructure provision and biodiversity enhancements in addition to their drainage function. The long-term maintenance of structures such as swales and balancing ponds must be agreed in principle prior to permission being granted. Suitable access should be maintained for water resource and drainage infrastructure. Where development takes place in Flood Zones 2 and 3, opportunities should be sought to:

- a. Reduce flooding by considering the layout and form of the development and the appropriate application of sustainable drainage techniques;
- b. Relocate existing development to land in zones with a lower probability of flooding; and
- c. Create space for flooding to occur by restoring functional floodplains and flood flow pathways and by identifying, allocating and safeguarding open space for storage.

Policy EN6 (The Historic Environment) states that the Council will seek to protect and enhance heritage assets and their settings in keeping with the policies in the National Planning Policy Framework. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm. Proposals which would conserve or enhance the significance of the asset shall be considered favourably.

Policy DE1 (Promoting Good Quality Design) states that to ensure high quality design is achieved throughout the District, all development proposals will be expected to:

- a. Make a positive contribution to the local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape/townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area;

- b. Ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and have regard to features that minimise crime and the fear of crime; and
- c. Provide sufficient private amenity space, suitable to the type and amount of development proposed.

Development proposals should seek to:

- d. Retain and incorporate important on site features, such as trees and hedgerows and incorporate, where possible, nature conservation and biodiversity enhancement into the development;
- e. Provide well designed hard and soft landscaping; and
- f. Effectively incorporate onsite infrastructure, such as flood mitigation systems or green infrastructure, as appropriate.

Results of Consultation and Publicity

71. (a) Local County Council Member, Councillor A Baxter – was notified of both applications but no response or comments had been received by the time this report was prepared.
- (b) West Deeping Parish Council – have no comments or objections to the proposal to vary condition 2 and 4 (reference S22/0757). Comments were submitted in respect of the application for the proposed southern extension (reference 22/0756) however, the Parish Council has made reference to a Scoping Opinion response they submitted in respect of a site to the south of the A1175 which is not related to this application.
- (c) Baston Parish Council (adjacent) - has raised no objections to either application but do have serious concerns regarding increased volumes of traffic, particularly HGV's coming through the village. The Council therefore insist that a S106 Planning Obligation be secured to restrict HGV's (employed or sub-contracted) from using Main Street or Greatford Road during the hours of 17:30 to 08:00 weekdays, weekends and Bank Holidays.
- (d) Environment Agency (EA) – has no comment to make on the proposed variation to conditions attached to the existing quarry (reference S22/0757). The EA has no objection to the proposed extension to the quarry to the south (reference S22/0756), however advised that Informatives be attached to any decision issued relating to their permit regimes.
- (e) Historic England – has no comment to make on the merits of either application.
- (f) Natural England - has no comment to make on the variation of conditions 2 and 4 (reference 22/0757) and no objection to the extension (reference 22/0756). Based on the information submitted, it is considered that the

proposed development(s) will not have significant adverse impacts on designated sites but has provided an informative relating to standing advice in respect of these sites, biodiversity net gain and protected species.

- (g) Environmental Health Officer (South Kesteven District Council) – has reviewed the documents submitted with both applications and have no comments to make.
- (h) Highway and Lead Local Flood Authority (Lincolnshire County Council) – does not wish to restrict the grant of either permission. The quarry's existing access arrangements will prevail for the proposed amendments to the phasing programme with no increase in the rate of exportation of materials from the site being expected. Although the nearby King Street junction with the A1175 has an historic record of vehicle collisions, the incidents do not involve HGVs.
- (i) Welland and Deepings Internal Drainage Board – has not objected and has identified their assets in and around both site and have requested an informative relating to their byelaws to be attached to any decisions issued.
- (j) Lincolnshire Police (Force Designing out Crime) – do not have any objections to either application.
- (k) Western Power Distribution – identified assets in proximity to the proposal sites and requested an informative be attached to any decisions issued.
- (l) Cadent Gas – identified assets in proximity to the proposal sites and requested an informative be attached to any decisions issued.

The following bodies/persons were consulted on the application. No response or comments had been received within the statutory consultation period or by the time this report was prepared:

Tallington Parish Council (adjacent)
Barholm and Stow Parish Council (adjacent)
Market Deeping Town Council (adjacent)
Langtoft Parish Council (adjacent)
Historic Places – Quarries and Mineral Sites (Lincolnshire County Council)
Public Health – (Lincolnshire County Council)
CPRE The Countryside Charity
Health & Safety Executive – Quarries
Ministry of Defence (Safeguarding)
Arboricultural Officer (Lincolnshire County Council)
Lincolnshire Wildlife Trust.

- 72. The applications have been publicised by site notices posted at the entrance to the site and in the local press (Lincolnshire Echo on 14 April 2022) and letters of

notification were sent to the three nearest occupied sites/properties to the site. No response or comments had been received within the statutory consultation period or by the time this report was prepared.

District Council's Recommendations

73. South Kesteven District Council has no objection to raise for either application subject to suitable conditions regarding operating procedures and the restoration of the southern extension (reference 22/0756).

Conclusions

74. This report deals with two concurrent applications that have been made by Cemex UK Operations Ltd for proposals which relate to their West Deeping Quarry, King Street, West Deeping.

S22/0756: for the proposed southern extension to existing sand and gravel extraction operations with restoration to low level agriculture and amenity/nature conservation.

75. Section 38(6) of the Planning & Compulsory Purchase Act 2004, states that all applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking and in fact confirms that proposed developments which conflict with an up-to-date development plan should be refused unless other material considerations indicate otherwise.
76. The proposed development would constitute an extension to an existing sand and gravel quarry with restoration back to Best and Most Versatile Agricultural Land, wetland habitat and species rich meadow. The proposed development is subject of an Environmental Impact Assessment submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which assesses the potential impacts of the proposed development along with the mitigation measures proposed to avoid, reduce and, if possible, remedy any significant adverse impacts.
77. The key issues to be considered in this case are:
- the need and justification for new mineral reserves and the principle of extracting sand and gravel from this unallocated site; and
 - the environmental and amenity impacts associated with the development including flood risk and drainage; highways and traffic; landscape; nature conservation and biodiversity net gain; historic environment considerations; and including amenity impacts on local residents, in particular traffic, noise, dust and visual impacts given the developments proximity.

Need and justification for sand and gravel aggregate

78. The NPPF advises that Mineral Planning Authorities make provision for a landbank of at least seven years for sand and gravel and Policies M2 and M3 of the CSDMP reflect this policy by seeking to ensure that there is an adequate and steady supply of sand and gravel to meet projected demands and that a landbank of at least seven years is maintained within each of the Production Areas. Policy M2 confirms that 42.66 million tonnes (Mt) of sand and gravel is required to meet projected demands up to 2031 and that 15.66 Mt of this would be required within the South Lincolnshire Production Area. In order to meet this demand provision for the release of new sand and gravel reserves has been provided for in the Site Locations Document and this includes the allocation of three specific sites in the South Lincolnshire Production Area. Policy M4 states that sites not allocated in the Site Locations Document will be granted planning permission for aggregate purposes provided that, in the case of an extension to an existing quarry, there is a proven need that cannot be met from the existing permitted reserve; or a specific shortfall in the landbank of the relevant Production Area and either:
- (i) forms an extension to an existing Active Mining Site; or
 - (ii) is located in the relevant Area of Search as shown on the Policies Map (Figure 5) and will replace an existing Active Mining Site that is nearing exhaustion.
79. The Lincolnshire Local Aggregates Assessment (LAA) dated September 2021 contains the most recent published data on aggregate sales and reserves within the County. The LAA shows that at the end of 2020, the amount of permitted sand and gravel reserve at a sub-county level, the South Lincolnshire Production Area, amounts to 4.91Mt which equates to a landbank of 6.22 years. This was below that recommended by the NPPF and Policy M2.
80. There are a total of five permitted sand and gravel quarries within the South Lincolnshire Production Area. Four of these are active however two of these have around three/four years of production left based on current permitted reserve estimates. Another (Manor Pit Quarry) has now ceased extraction having exhausted all permitted mineral reserves and is now within its aftercare period. During 2019 planning permissions were granted for the release of new sand and gravel reserves from two sites within the South Lincolnshire Production Area – one being an extension to an existing quarry and another for the construction of an irrigation reservoir. These permissions pre-date the information and figures cited in the current LAA. A further new sand and gravel quarry (Manor Farm, Greatford) has also recently been granted planning permission subject to the completion of a S106 Planning Obligation. Manor Farm, Greatford is a site allocated within the Site Locations Document of the Minerals & Waste Local Plan however at the time of writing this report the S106 Planning Obligation has not yet been completed and therefore the planning permission has not been issued. These reserves are therefore not reflected within the latest LAA although it is accepted that once the permission has been released this would likely increase the landbank in the South

Lincolnshire Production Area above the seven year minimum as recommended by the NPPF.

81. In this instance the proposed extension area is small, logical extension to Cemex's West Deeping Quarry. The site would be excavated as an additional phase (Phase 11) to the current working of the adjoining existing quarry and utilise the existing Plant Site - which would become the final phase, Phase 12. Following extraction the extension area would be incorporated into the overall progressive restoration programme for the quarry and result in the creation of a larger area/landform that includes low level agricultural land along with new native species rich hedgerow and drainage ditches feeding into the existing water management regime of the quarry to the northeast of the site. The extraction period would extend the life of the existing quarry by an additional six months and the additional reserves released would contribute to bridging a small shortfall in the current landbank whilst sites allocated in the Local Plan to meet market demands come on-line. The additional reserves would not therefore undermine the overall objective of the Plan but would ensure continuity in terms of sufficient reserves to meet market demands whilst securing continued employment for the existing workforce. Alternatives have been considered, including 'do nothing' that would result in sterilisation of a mineral reserve and the likelihood of importation of mineral to the area from outside of the county.
82. Overall, in principle, your Officers are satisfied that the proposed extension to Cemex West Deeping Quarry would be acceptable and would prevent the sterilisation of a known reserve of saleable sand and gravel and meets the aims and objectives of the NPPF, Policies M2, M3, M4 and M11 of the CSDMP which seeks to provide for and maintain a seven-year supply of sand and gravel and to protect against sterilisation of mineral resources.

S22/0757: to vary conditions 2 and 4 of planning permission S19/2127 to allow for an amended phasing programme and revisions to the approved restoration scheme.

83. Section 73A of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with conditions previously imposed on a planning permission. In this instance the amendments are sought to reflect the proposed extraction and restoration of the extension area to the south of the existing site. Although an Environmental Statement (ES) has not been submitted in support of this application, the ES supporting the application for the proposed extension does give consideration to the wider quarry and therefore both applications are referenced throughout that document.
84. The key issues to be considered in this case are whether the proposed amendments are necessary and whether they would give rise to adverse impacts on the amenity of local residents and land users, unacceptable impacts on the highways network or highway safety, unreasonably delay restoration of the existing quarry and fail to deliver an appropriate restoration strategy.

Environmental and Amenity Impacts

Dust, Noise and Pollution Control

85. The ES was supported by a number of technical assessments and reports relating to the potential adverse impacts of the proposal and include mitigation measures to ameliorate any effects arising from the development on both the environment and neighbouring land users. Examples of measures to be adopted and implemented as part of the development include:
- restricting hours of operation to between 07:00 to 17:00 hours Monday to Friday; 07:00 to 12:00 hours Saturday with no operations Sundays, Bank and Public Holidays;
 - setting noise limits that ensure noise levels experienced at the nearest noise sensitive receptors do not exceed the recommended limits as set out in the Planning Practice Guidance;
 - adoption of good site management and best practices measures to minimise and reduce the potential for fugitive dust from the site.
86. The mitigation measures identified and embedded into the working proposals and to be adopted and incorporated as part of the development as amended are established and effective good site management practices and these, would ensure that the amenities of nearby residential properties and land-users would not be significantly adversely affected. No objections have been received from the Environmental Health Officer, District Council or Environment Agency and no objections have been received from the local community. Overall, I am therefore satisfied that both developments would be acceptable in relation to noise, dust and pollution and so accord with the objectives of the NPPF, NPPG and Policy DM3 of the CSDMP and Policies E8, DE1 and EN4 of the SKLP that seek to ensure employment proposals do not give rise to adverse impacts through appropriate pollution control and the design of development.

Water Environment and Flood Risk

87. The ES was supported by a Hydrogeological, Hydrological and Flood Risk Assessment (FRA), the excavations would be carried out in line with the existing quarry using de-watering, with drainage of the whole quarry including extension to a series of ditches, settlement, clean water and balancing ponds. With a final discharge to an adjacent watercourse in line with the requirements of an existing Discharge Permit issued by the Environment Agency. In terms of flood risk, the FRA identifies that the proposal is considered water compatible in terms of vulnerability to flood risk and would not give rise to flooding outside of the application boundary.
88. Welland and Deeping Internal Drainage Board and the Environment Agency have not raised objections to the proposal, but both have referred to their own

permitting regimes to be attached to any decisions should the applications be approved.

89. It is therefore considered that subject to conditions both developments would be acceptable. Conditions for the southern extension area are however recommended which would restrict the depth of extraction to the underlying basal clay as well as other conditions to ensure that the development would not give rise to adverse impacts on the environment including water environment, flood risk as well as any nearby residents. This would ensure the developments accord with the aims and objectives of the NPPF, NPPG and Policies DM2, DM16 and R3 of the CSDMP and would not conflict with or compromise Policies E8, EN1, EN4, EN5 and DE1 of the SKLP.

Transport and Highways

90. The Transport Assessment provided evidence of the potential for impacts arising from the proposed operations and the applicant has indicated that the HGV traffic from the site would not exceed that already permitted. The Highways Officer (Lincolnshire County Council) has confirmed that the existing access onto King Street is suitable and whilst Baston Parish Council have requested a S106 Planning Obligation to restrict the routes and hours affecting HGV traffic, such an Obligation is not considered reasonable or necessary as there are no proposals to work the site during the evening or overnight and HGV traffic from West Deeping Quarry is already subject of a S106 planning obligation which includes a clause preventing vehicles using the King Street route north to Baston.
91. Subject to suitable conditions on both developments which would reflect and/or reiterate existing conditions such as hours of work and retention of the existing cleaning regimes, etc the proposal would meet the aims and objectives of the NPPF, NPPG and Policies DM13 and DM14 of the CSDMP and would not conflict or compromise Policy E8 of the SKLP that seeks Employment proposals that do not give rise to adverse impact on the highway network or highway safety.

Ecology, Landscape, Soils and Restoration

92. The applications and ES contain and are supported by a Phase 1 Habitat survey; Construction Environmental Management Plan (CEMP); Soil Management; Restoration and Aftercare Plan (RAP); and a Landscape and Visual Impact Assessment (LVIA).
93. The LVIA concluded that given the separation of the site from public external viewpoints and sites of historic and environmental sensitivity it would be unlikely that any adverse visual impacts would result from the proposed workings. In addition, the proposed restoration would be consistent with other features in the surrounding landscape.

94. The accompanying CEMP provides a comprehensive mitigation programme to ensure that the operations at West Deeping Quarry would not have adverse impacts on wildlife (including protected species), retained habitats in and around the quarry including maintaining stand-off from perimeter planting to protect roots.
95. The proposed extension would not result in a significant loss of Best and Most Versatile Agricultural Land but would, on replacement of soils, provide for a consistent ALC Grade 3a across the whole of the West Deeping Quarry. The creation of an area of wetland would serve as a sump for a network of field drains and drainage ditches. The RAP submitted with the application would ensure the successful establishment of high quality agricultural land and wetland habitat.
96. Natural England made reference to the Environment Act 2021 and the proposed introduction of the Biodiversity Metric 3.0 to demonstrate that development would provide a minimum of 10% Biodiversity Net Gain (BNG), however the use of the Metric has not yet been enacted. In this instance the Phase 1 Habitat Survey and proposed restoration programme are sufficiently robust to demonstrate that the 10% BNG will be exceeded as a consequence of the extraction of mineral that would deliver a higher value wetland habitat and meadow area than had previously been envisaged for the site.
97. It is concluded that both proposals would not give rise to adverse impacts on the natural environment including designated and non-designated site of wildlife interest. Therefore subject to conditions the proposed developments would meet the aims and objectives of the NPPF, NPPG and Policies DM2, DM3, DM6, DM7, DM8, DM9, DM11, DM12, R1, R2 and R3 of the CSDMP and would not conflict with or compromise Policies SP5, E8, EN1, EN2, EN3, EN6 and DE1 that requires employment proposals do not adversely impact on the landscape of the district and where possible seek to enhance the natural environment through good design.

Historic Environment

98. The supporting Desk Study provided a comprehensive assessment of the known heritage assets in and around the site. In addition, the application was supported by documentary evidence to the ongoing archaeological scheme of investigation being currently undertaken in the existing quarry and provided an Archaeological Written Scheme of Investigation (WSI) relating to the proposed southern extension. This latter document has been drafted in accordance with the recommendation of the Historic Places Manager of Lincolnshire County Council. Historic England have in their response deferred to the engagement with the Historic Place Manager.
99. It is considered that subject to a condition securing the WSI the proposed extraction and amendments to the working of the existing quarry would be consistent with the aims and objective of the NPPF and Policy DM4 of the SDMP

and would not compromise or conflict with Policy EN1 of the SKLP which seeks to protect the historic character of the district.

Cumulative Impacts

100. Having taken into account the content of the ES and all supporting documentation it is considered that the proposed development would not contribute adversely on the local area insofar any cumulative impacts would be very localised to the site and that overall, the proposal is time limited, and any cumulative impact would diminish over time. Consequently, the proposal would meet the aims and objectives of the NPPF and Policy DM17 of the CSDMP.

Human Rights Implications

101. The Committee's role is to consider and assess the effects that the proposal 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 planning permission should be granted. This is a balancing exercise and matter of planning judgement. In this case, having considered the information and facts as set out within this report, should planning permission be granted the decision would be proportionate and not in breach of the Human Rights Act (Articles 1 & 8) 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.

RECOMMENDATIONS

It is recommended that:

- A. S22/0756 - for the proposed southern extension to existing sand and gravel extraction operations with restoration to low level agriculture and amenity/nature conservation at land south of the existing quarry.**
- (i) That planning permission be granted subject to the conditions as set out in Appendix B.
- (ii) This report (including appendices) forms part of the Council's Statement pursuant to Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 – which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 24(1)(c) the Council must make available for public inspection a statement which contains:
- the content of the decision and any conditions attached to it;
 - the main reasons and consideration on which the decision is based,
 - including, if relevant, information about the participation of the public;

- a description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
- information recording the right to challenge the validity of the decision and the procedures for doing so.

B. S22/0757 - to vary Conditions 2 and 4 of planning permission S19/2127 to allow for an amended phasing programme and revisions to the approved restoration scheme at Cemex West Deeping Quarry, King Street, West Deeping.

- (i) That planning permission be granted subject to the conditions set out in Appendix C.

Appendices

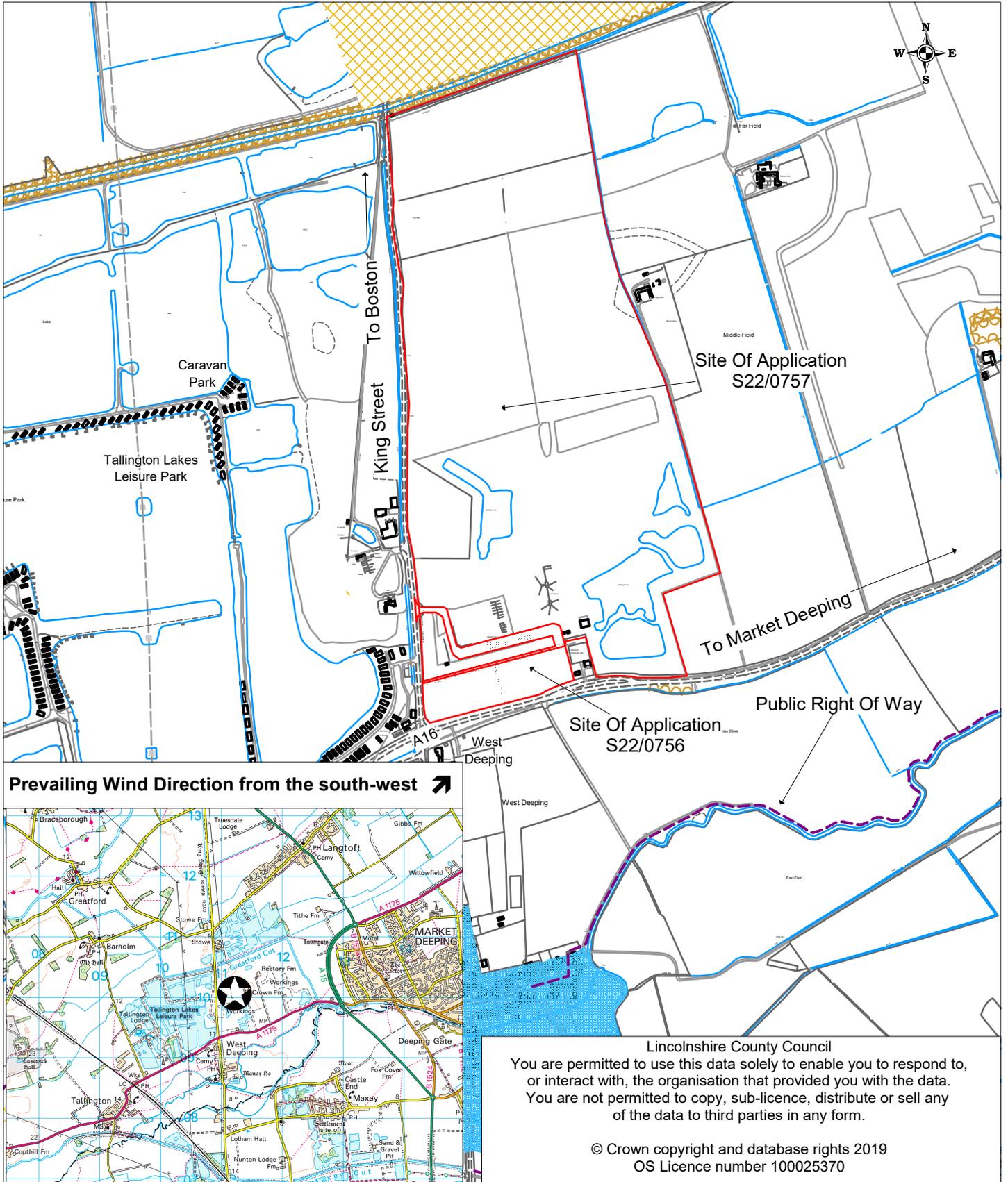
These are listed below and attached at the back of the report	
Appendix A	Committee Plan
Appendix B	Draft Conditions, Reasons and Informatives relating to application - S22/0756
Appendix C	Draft Conditions, Reasons and Informatives relating to application - S22/0757

Background Papers

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

Document title	Where the document can be viewed
Planning Application Files SS22/0756 S22/0757	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021) National Planning Policy Guidance (2014)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan (2016) Site Locations (2017) Lincolnshire Minerals & Waste Local Plan Authority Monitoring Report (2021)	Lincolnshire County Council's website www.lincolnshire.gov.uk
South Kesteven Local Plan (2020)	South Kesteven District Council's website www.southkesteven.gov.uk

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



Location:

West Deeping Quarry
 King Street
 West Deeping

Application Nos: S22/0756 & S22/0757

Scale: 1:10000

Description:

For the proposed southern extension to existing sand and gravel extraction operations with restoration to low level agriculture and amenity/nature conservation
 To vary conditions 2 and 4 of planning permission

APPENDIX B

S22/0756 - for the proposed southern extension to existing sand and gravel extraction operations with restoration to low level agriculture and amenity/nature conservation at land south of the existing quarry.

Commencement and Duration

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The winning and working of minerals must cease not later than the expiration of the period of 12 months beginning with the date of commencement.

Reason: In accordance with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended).

Approved Documents and Plans

3. The development and operations hereby permitted shall only be carried out in accordance with the following documents and drawings, unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions:

Documents

- Planning Application Form and Covering Letter (received 14 February 2022);
- Planning Statement (Including Appendices 2 to 5 inclusive) – Volume 1 (received 14 February 2022);
- Environmental Statement (including Appendices 1 to 9 inclusive) – Volume 2 (received 14 February 2022); and
- Non-Technical Summary – Volume 3 (received 14 February 2022); and
- Document Reference: BOW17/1293 V1 – ‘Construction Environmental Management Plan’ (received 21 April 2022)
- Site Code: CQWD22 – ‘Southern Extension, Cemex Quarry, West Deeping (King Street) Lincolnshire Working Scheme of Investigation’ (received 14 February 2022).

Plans/Drawings received 14 February 2022

- Drawing No. 21-12/P4/WSTDEEPING/1 – ‘Location Plan’;
- Drawing No. 21-12/P4/WSTDEEPING/2 – ‘Phasing 11 Detail’; and
- Drawing No. P1/1425/4/9 – ‘Final Restoration: Southern Extension’.

Permitted operations inc. phasing and stockpile heights and locations

4. The site shall be worked and soils stored in accordance with the phased programme as shown on Drawing No. 21-12/P4/WSTDEEPING/2 – ‘Phasing 11 Detail’ and approved subject of condition 3 above.
5. All soils shall be handled in accordance with ‘Good Practice Guide for Handling Soils in Mineral Workings, Institute of Quarrying, 2021’ and Section 14.6 of the Environmental Statement and approved subject of condition 3 above shall be implemented in full for the duration of the development.

Reason: To ensure the development is carried out in accordance with the details contained within the application and that soils are retained and maintained to ensure restoration of Best and Most Versatile Agricultural Land.

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 prevent the importation of material to aid the restoration of the site as this lies outside the scope of the development hereby permitted.

7. Stockpiles of ‘as raised’ and dry-screened sand and gravel shall not exceed 3 metres in height above surrounding ground level.

Reason: To ensure that the stockpiles in the southern extraction area do not give rise to external adverse visual impacts.

8. No processing except dry-screening of sand and gravel shall take place at any time on the site.
9. All sand and gravel shall be transported to the adjacent West Deeping Quarry site prior to export.

Reason: To ensure the development is carried out in accordance with the details contained within the application.

Hours of Operation

10. Other than in an emergency, no operations and activities authorised or required in association with this development, including the entry and egress of quarry traffic, shall take place except between the following hours:

07:00 hours to 17:00 hours Mondays to Friday;
07:00 hours to 12:00 hours Saturday;

and no such operations or activities shall be carried out on Sundays, Public or Bank Holidays.

Reason: To minimise potential impacts and disturbance from the operations on local residents and the surrounding areas.

Noise Controls

11. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use effective silencers and white noise reversing devices.
12. Except for temporary operations, noise levels at the noise sensitive locations (identified in Appendix 1.1 of the Environmental Statement and approved subject of condition 3 above) shall not exceed shall not exceed 55dB(A) LAeq, 1 hour free field.
13. For temporary operations, such as soil stripping, replacement and bund formation, the noise level at any of the identified noise sensitive locations (identified in Appendix 1.1 of the Environmental Statement and approved subject of condition 3 above) shall not exceed 70dB(A) LAeq, 1 hour free field. Temporary operations shall be limited to a total of eight weeks in any twelve month period.
14. In the event of a substantiated complaint being notified to the operator by the Mineral Planning Authority relating to noise arising as a result of the operations undertaken at the site, the operator shall carry out a noise survey to establish whether or not the relevant permitted noise levels are being breached. The results of the noise survey, along with details of any additional mitigation measures to be implemented to address and remedy any identified breaches, shall be submitted for the attention of the Mineral Planning Authority. Any additional measures identified as part of the survey shall be implemented and thereafter maintained for the duration of the development.

Reasons: To minimise potential impacts and disturbance from the operations on local residents and the surrounding areas as a result of noise. To reflect the recommendations as set out in the Environmental Statement and to ensure that noise levels arising from the development do not have an adverse impact upon local amenity or the surrounding environment and to reduce the impacts of dust disturbance from the site.

Dust Management

15. All dust mitigation measures as set out in the Section 12.6 of the Environmental Statement and approved subject of condition 3 above shall be implemented in full for the duration of the development.

Reason: To ensure that local amenity is protected from fugitive dust emissions.

Ecology

16. All operations including site preparation works shall only be carried out following implementation of Sections 3.6 to 3.23 inclusive of the Construction Environmental Management Plan: Ecology and approved subject of condition 3 above.

Reason: To ensure the interests of wildlife amenity and wildlife conservation.

Water Environment and Pollution Control

17. The final depth of extraction shall not exceed 4.0m AOD and no basal clay shall be exported from the site.

Reason: For avoidance of doubt as to the maximum depth of extraction.

18. No facilities for the storage of oils, fuels or chemicals shall be sited within the southern extraction area.

19. 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.

Reason: To prevent and minimise the risk of pollution to watercourses and groundwater.

External Lighting

20. No fixed lighting, including security lighting, shall be erected, or installed within the southern extraction area 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 minimize the potential nuisance of light spillage outside of the site. 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.

Restoration and Aftercare

21. All restoration planting shall be carried out in accordance with P1/1425/4/9 and Planning Statement Appendix 4.1 Restoration and Aftercare Plan of the approved condition 3 above. Any planting which dies, becomes severely damaged or diseased within the five years of being planted shall be replaced in the planting season immediately following such occurrence.

22. The approved aftercare programme, shall be implemented in accordance with the details set out in Planning Statement Appendix 4.1 Restoration and Aftercare Plan of the approved condition 3 above.

Reason: To ensure that the Best and Most Versatile Agricultural Land and biodiversity gain habitats created are established and remain healthy.

Informatives

Attention is drawn to:

- (i) Welland and Deepings Internal Drainage Board letter reference: NSM/JP/P/D/1 dated 13 April 2022;
- (ii) Western Power Distribution letter reference: 25172304 dated 29 March 2022;
- (iii) Cadent Gas LSBUD reference: 25172304;
- (iv) Environment Agency letter reference: AN/2022/132975/01-L01 dated 20 April 2022;
- (v) Natural England letter reference: 389261 dated 16 May 2022;
- (vi) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015; and
- (vii) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings shall be brought promptly and within six weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the six weeks has expired. Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for these rules.

APPENDIX C

S22/0757 - to vary conditions 2 and 4 of planning permission S19/2127 to allow for an amended phasing programme and revisions to the approved restoration scheme at Cemex West Deeping Quarry, King Street, West Deeping.

1. This permission (being granted under Section 73A of the Town and Country Planning Act 1990, as amended) has effect from the date of this decision notice as the development subject of planning permission S81/1588/89 (as amended by permissions S/0787/01, S81/1112/07, S81/0053/17 and S19/2127) has been implemented and therefore commenced.

Reason: To comply with Section 73A of The Town and Country Planning Act 1990 (as amended).

2. The site shall be worked and restored in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
 - Statement in Amplification dated September 1989 and Report on the Soils and Agricultural Land Classification dated October 1989 as amended by the Revised Working and Restoration Scheme dated November 1995 and letter of clarification dated 24 November 1995 and details contained within the Planning Statement entitled 'S73 Application for Variation of Conditions 2, 10, 11 of S81/1588/89 and Discharge of Conditions 2 and 3 of S81/1112/07' dated December 2016.
 - Drawing No. 16_C033_WTDP – Site Plan (received 7 December 2016)
 - Drawing No. 1607_P169_WD_001 to WD_0004 – Method of Working (received 7 December 2016)
 - Drawing No. 1908_P197_WD_005a to WD_008a – Method of Working (received 12 November 2019)
 - Drawing No. 1607_P169_WD_009 – Method of Working (received 7 December 2016)
 - Drawing No. 1607_P169_WD_0010 - Method of Working (received 12 November 2019)
 - Drawing No. 21-11-1194-001 Phase 9 (received 17 February 2022)
 - Drawing No. 21-11-1194-002 Phase 10 (received 17 February 2022)
 - Drawing No. 21-11-1194-003 Phase 11 (received 17 February 2022)
 - Drawing No. 21-11-1194-004 Phase 12 (received 17 February 2022)
 - Drawing No. P1/1425/4/9 – FINAL RESTORATION: Southern Extension (received 17 February 2022)
 - Drawing No. 16_C033_WTDP-009 Rev.O – Aggregate Plant Layout and Traffic Management Plan (received 7 December 2016)
 - Drawing No. 16_C033_WTDP-010 Rev.O – Site Plan (received 7 December 2016)

- Drawing No. 16_C033_WTDP-011 Rev.O – Elevation Through Aggregate Plant (received 7 December 2016)
- Drawing No. 1611_P245_D_PWJ_A – Sections Through Bund (received 7 December 2016)
- Drawing No. 1611_P246_D_PWJ_D – Section Locations (received 7 December 2016)
- Drawing No. P1/1425/6 - Base of Mineral Contours (received 2 October 1995)
- Drawing No. P1/1425/7 - Mineral Isopachyte Contours (received 2 October 1995)
- Drawing No. P1/1425/11/3 - Advance Planting (received 7 November 1995)
- Drawing No. 16_C033_WTDP_004 – Office/Weighbridge (received 7 December 2016)
- Drawing No. 16_C033_WTDP_005 – Canteen (received 7 December 2016)
- Drawing No. 16_C033_WTDP_006 – Changing Room (received 7 December 2016)
- Drawing No. 16_C033_WTDP_007 – Weighbridge Details (received 7 December 2016)
- Drawing No. 16_C033_WTDP_008 – Bagging Building (received 7 December 2016).

Reason: To ensure the development is carried out in accordance with the details contained and approved within the original application and to ensure that the Mineral Planning Authority can adequately control the development to minimise its impacts on the amenities of the local area.

3. No operations authorised or required under this permission shall be carried out except between the following times other than with the written consent of the Mineral Planning Authority:-

07:00 hours to 17:00 hours Monday to Friday

07:00 hours to 12:00 hours Saturday

and no such operations shall be carried out on Sundays or Bank Holidays.

Reason: To reflect the permitted hours of operation and protect the amenities of local residents.

4. The advanced planting as shown on Drawing No. P1/1425/11/3 (received 7 November 1995) shall be retained and all future hedgerow, tree planting and soft landscaping to be undertaken as part of the development shall be carried out in accordance with the sequence/phasing as set out in the RMC letter dated 19 November 2007 (as previously approved by the Mineral Planning Authority pursuant to Condition 4 of permission S81/1588/89) and Drawing No. P1/1425/4/9 – FINAL RESTORATION: Southern Extension (received 17 February 2022). All trees, shrubs and bushes shall be adequately maintained for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: In accordance with the details previously approved by the Mineral Planning Authority dated 19 January 1998 pursuant to permission S81/1588/89.

5. With the exception of the existing bunds as shown on Drawing No. 16-CO33_WTDP_010 Rev.O all screening bunds shall be 3m in height and constructed in accordance with the details as shown on Drawing Nos. 1067- P169-WD-001 to 1067-P169-WD-020 (received 7 December 2016).

Reason: In accordance with the details previously approved by the Mineral Planning Authority dated 19 January 1998 pursuant to permission S81/1588/89.

6. Unless otherwise agreed in writing by the Mineral Planning Authority all archaeological works undertaken as part of the development shall continue to be undertaken in accordance with the requirements previously approved and secured as part of the existing S106 Planning Obligation dated 24 September 1997.

Reason: To ensure the archaeological interests of the site are adequately recorded in accordance with the requirements and details previously approved by the Mineral Planning Authority and secured as part of the accompanying S106 Planning Obligation.

7. The dust mitigation and monitoring measures as identified in the document entitled "Dust Monitoring Scheme" (received 7 December 2016) shall be fully implemented and all operations shall be carried out in accordance with this scheme throughout the course of the development.

Reason: To minimise the disturbance from operations and avoid nuisance to local residents from the effects of dust.

8. No stockpiles of extracted and processed sand and gravel shall exceed 9 metres in height.

Reason: In accordance with the details previously approved by the Mineral Planning Authority dated 19 January 1998 pursuant to permission S81/1588/89.

9. The site access, car parking and internal and vehicular turning and circulation areas as shown on Drawing No. 16_CO33_WTDP-009 Rev.O (received 7 December 2016) and shall be kept available for use and swept or otherwise cleaned to prevent the accumulation of mud, dirt or debris whilst ever the development hereby permitted subsists.

Reason: To ensure that the means of access to the site and vehicular circulation and parking spaces are provided in the interests of highways safety.

10. During temporary operations, which include soil stripping, overburden removal and the construction of overburden mounds/screening bunds, noise levels shall not exceed 70dB LAeq (1 hour, free-field) at any noise sensitive property.

Reason: To minimise the disturbance from operations and avoid noise nuisance to local residents.

11. Except for temporary operations, noise levels emitted from the site associated with the winning and working of minerals shall not exceed 55dB LAeq (1 hour, free-field) at any noise sensitive property.

Reason: To minimise the disturbance from operations and avoid noise nuisance to local residents.

Informatives

Attention is drawn to:

- (i) Welland and Deepings Internal Drainage Board letter reference: NSM/JP/P/D/1 dated 13 April 2022;
- (ii) Western Power Distribution letter reference: 25172304 dated 29 March 2022;
- (iii) Cadent Gas LSBUD reference: 25172304; and
- (iv) In dealing with this application the Mineral Planning Authority has worked with the applicant in a positive and proactive manner by giving pre-application advice in advance of the application and processed the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development which is consistent with the requirements of the National Planning Policy Framework and as required by Article 35(2) of the Town & Country Planning (Development Management Procedure)(England) Order 2015.