Agenda Item 5.2



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

Report to: Planning and Regulation Committee

Date: 4 July 2022

Subject: County Matter Application - S22/0758

Summary:

Planning permission is sought by Cemex UK Operations Ltd for the extraction of sand and gravel beneath former plant site with enhanced restoration to amenity/nature conservation at Manor Pit, Baston Outgang Road, Baston in the parish of Baston.

The proposed development would allow the removal of approximately 175,000 tonnes of sand and gravel from the former plant site associated with Manor Pit Quarry and covers an area of 9.6 hectares. The mineral is proposed to be extracted and transported off-site 'as raised' for processing at Cemex UK's existing operational quarry to the east of King Street, West Deeping. Planning permission to allow the importation and processing of mineral is subject of a separate, concurrent planning application and so this application focuses solely on the mineral extraction operations only.

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 highways, water environment (surface and ground), historic setting, the Fenland landscape; amenity impacts, including arising from fugitive emissions, on surrounding land-users and residential properties, and; the natural environment and the potential for 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.

It is considered that, following implementation, the restored plant site would provide for a mosaic habitat and represent biodiversity net gain in excess of 10% above that originally proposed and therefore contribute to the enhancement of biodiversity network connections in the area. Therefore, the proposed restoration would be consistent with the aims set out in the Environment Act 2021.

Recommendation:

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

Background

- 1. The Manor Pit Plant Site has been subject of mineral activity since the early 1950's (references: SK1283 and SK5540) when the site was, in part, excavated for sand and gravel before being used later as the Plant Site for the quarry. Since that time Manor Pit Quarry has extended with operations initially moving to the west and then south with an extension south of Baston Outgang Road, to the east of the Plant Site known as South Meadow (Front and Rear Fen). At this point extraction operations also commenced to the north of Baston Outgang Road with mineral being transported to the Plant Site via field conveyor. All sand and gravel extraction has now ceased and the Plant Site has been cleared of infrastructure, except for a concrete batching plant that was granted permission to remain permanently in 2016.
- 2. The Plant Site area is subject of a Section 106 Planning Obligation dated 15 February 2006 which was secured as part of the planning permission S03/1083/07 which allowed the eastern extension of the existing workings at Manor Pit. The Planning Obligation included a clause requiring the submission of a Restoration Scheme for the Plant Site area as no scheme existed prior to this agreement. The restoration scheme for the Plant Site area required by the S106 is still outstanding however rather than submit this scheme the applicant is now seeking permission to extract reserves which have been identified within the Plant Site area and to then provide a comprehensive restoration scheme for the site which would supersede the requirements of the current S106. This application seeks permission to extract the mineral reserves and transport them 'as raised' for processing at Cemex UK's existing operational quarry to the east of King Street, West Deeping. A separate planning application (reference: S22/0759) has been submitted seeking permission to allow the importation of the mineral to the King Street, West Deeping Quarry for processing and therefore this application and report focuses solely on the mineral extraction operations.
- 3. Prior to submitting this application, the applicant sought pre-application advice from Lincolnshire County Council.

The Application

- 4. Planning permission is sought for the extraction of sand and gravel beneath former Plant Site with enhanced restoration to amenity/nature conservation at Manor Pit, Baston Outgang Road, Baston. The submitted application would in the event of being granted permission supersede any obligations set out in the Section 106 referenced above.
- 5. The proposal would release approximately 175,000 tonnes of sand and gravel from the former plant site associated with Manor Pit Quarry, which covers an area of 9.6 hectares. As much of the Plant Site infrastructure has already been removed from the site, the applicant proposes to extract the mineral 'as raised' and then transport it to their operational quarry east of King Street, West Deeping where it would be processed ready for sale.
- 6. A Planning Statement (Volume 1) has been submitted in support of the application which outlines aspects of the proposed development including plans showing the proposed phasing and restoration proposals for the site; proposed hours of working; anticipated timeframe for extraction and completion of the development; anticipated HGV movements; summary of the geological assessment of the site; restoration and aftercare details and an archaeological watching brief.
- 7. The proposed hours of work are proposed to reflect those of the operational site at West Deeping being 07:00 hours to 17:00 hours Monday to Friday; 07:00 hours to 12:00 hours on Saturdays, and no operations carried out on Sundays or Bank Holidays. The period proposed to carry out the extraction would be between nine to 12 months and result in maximum daily of 88 HGV movements associated with the transport of the mineral from the site (44 in and 44 out). The proposed route for HGVs would be consistent with the restrictions associated with the Manor Pit Quarry and existing Concrete Batching Plant being via Baston Outgang Road Cross Road A1175 Stamford Road King Street. This route would ensure no HGV traffic enters the village of Baston.

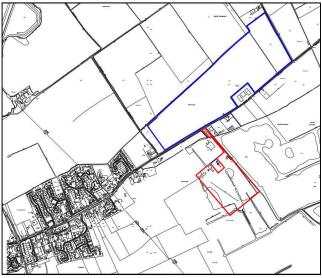
Environmental Statement

- 8. The 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 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. 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

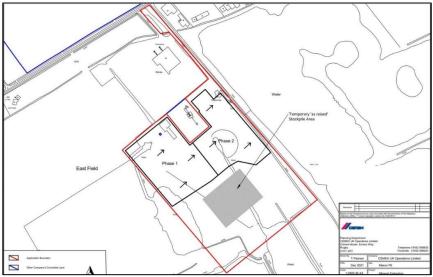
- 9. An outline and summary of the content of each of the chapters contained within this Volume is set out below.
- 10. Chapter 1: Introduction and Site Description this chapter describes the site location and surroundings, being the former plant site at Manor Pit, which is located on the edge and to the east of Baston village. The site entrance lies south of Baston Outgang Road between a recycling facility and small industrial units. The surrounding countryside is predominantly former sand and gravel pits restored to wetland habitats or low-level agriculture. The boundary of the site is defined to the north and east by a band of mixed scrub and tree species. The southern boundary is a post and wire fence, and the eastern boundary is largely a deep drainage channel. A low-level bund separates the site from a concrete batching plant (not operational) together with a security fence along the northern boundary surrounding the recycling facility. The nearest property is located approximately 200 metres north, and a further property approximately 300 metres to the south of the site.



Location Plan

11. No Public Rights of Way cross or abut the site. The site lies mainly with Flood Zone 1 with small areas to the east and south in Flood Zone 2. The nearest statutory ecological designation is Baston Fen Special Area of Conservation (SAC) that lies more than 2 kilometres to the north. The SAC is encompassed by Baston and Thurlby Fens Site of Special Scientific Interest (SSSI), further SSSI's Langtoft Gravel Pits and Cross Drain lies 3 kilometres to the southwest and 2.3 kilometres to the east respectively. A Scheduled Monument (SM) Earthworks of Car Dyke lies approximately 3 kilometres to the northwest.

- 12. The site lies within the South Lincolnshire Production Area as defined in the Lincolnshire Minerals and Waste Local Plan and a Sand and Gravel Minerals Safeguarding Area. The Geological Report referenced in the Planning Statement identified the underlying River Terrace Deposits to a depth of 4 metres and it is not proposed to dewater during extraction. Except for the mature trees to the boundaries of the site, no other trees of merit were identified however to safeguard those that do exist a root protection area (RPA) with a 15-metre standoff would be maintained throughout the development with fencing along the inside edge of the access track.
- 13. Chapter 2: Proposed Development this chapter summarises the proposed development identifying and states that the aggregate is an important resource and if not extracted would likely become permanently sterilised. This proposal therefore seeks to enable the removal of the reserves that are present over a nine to 12 month period with subsequent restoration to create a scheme with a high level of biodiversity gain, combining a mix of restored wetland and acid grassland. The proposed restoration scheme would represent an improvement to that which was required under the terms of the current S106 Planning Obligation and would be supported by an aftercare programme. As previously stated, the proposed extraction would not require dewatering but the 'as raised' wet mineral would need to drain in temporary stockpiles prior to removal from site for processing at King Street.
- 14. The mineral extraction would be focused to the northern part of the site in two phases with working moving from west to east around the existing concrete batching plant. The southern area has been previously worked and benefits from hard standing associated with the former bagging plant at the site and this area would be used for stockpiling the 'as raised' mineral prior to being transported offsite.



- 15. The mineral would be extracted using an excavator with a dump truck transporting to the stockpile area. The mineral would be stockpiled on site for around four weeks in a succession of stockpiles to allow for drainage with the driest material being removed from the site by HGV. Stockpiles would contain approximately 60,000 tonnes of mineral and be to a height not exceeding 5 metres. All road vehicles would use the remnants of the former internal haul road to access the stockpile area. Provision of facilities to ensure there is no mud drag out from the site would be put in place prior to mineral being exported from the site.
- 16. Following extraction, the site would be restored to a mix of predominantly dry, acid grassland interspersed with sand/rubble piles, shallow scrapes and bare ground, occupying the southern half of the site, while the former extraction zone would be restored to create an aquifer-fed lake-based restoration with fringe habitat including wet woodland and reedbed. The edges of the former limit of extraction would be restored to provide graded shallow slopes in certain areas, with protrusions of deeper reedbed and wetland created along the southwest perimeter of the lake, surrounded by shallower reedbed and wetland on slightly higher adjacent land. The restoration proposal has been informed by the ecological surveys undertaken as part of the ES, local planning policy and biodiversity priorities, and take account of input provided by the RSPB. It is intended that the site would contain a range of successional variations and gradations of habitat from woodland to grassland, reedbed and aquatic margins, and wetlands, so that these habitats would sustain the richest possible diversity of viable plant and animal populations.
- 17. The restoration and aftercare programme set out in the Planning Statement provides for the created habitats to be maintained in the short and long term, and includes the restoration aims and management objectives, timing of works for the various operations and planting.
- 18. 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.
- 19. 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.
- 20. **Chapter 4: Methodology** this chapter sets out the objectives of the EIA process in relation to the extraction of sand and gravel beneath the former plant site at Manor Pit Quarry. 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

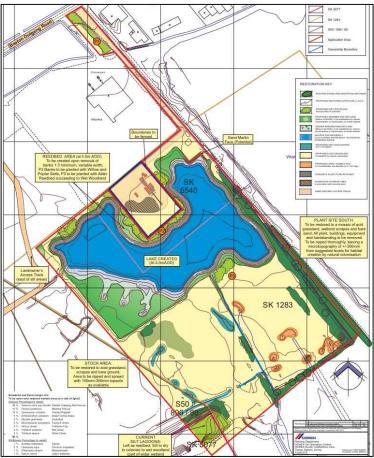
- impacts are assessed in accordance with the best practice guidelines published by relevant professional bodies.
- 21. The criteria considered are receptor sensitivity, impact magnitude, significance of effect, levels of confidence, mitigation measures, limitations and cumulative impacts. The general structure for each chapter covering specialisms has been identified.
- 22. **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.
- 23. 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 countries 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.
- 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.
- 25. 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 \$106 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.

- 26. 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 Manor Pit would be processed, so as not to increase the overall annual throughput of that site thereby extending the life of the King Street site and notwithstanding the extraction period is time limited and seeks only to exploit all the mineral reserve at Manor Pit prior to the site closing permanently with restoration back to a diverse wildlife habitat. In transporting the as raised mineral away from Manor Pit Quarry would also mean that there would be no disturbance caused to sensitive receptors through the processing of the mineral in situ.
- 27. The 'do nothing' scenario would result in the loss of high-quality mineral that could supply to the local market and result in mineral importation from outside the region and the sterilisation of a mineral reserve that would contribute to current landbank shortfall in South Lincolnshire.
- 28. The following chapters are the technical assessments, which considered the impact of the proposal on the following matters:
- 29. **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.
- 30. 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 35 and 40dB L_{A90}. The Planning Practice Guidance (PPG) 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.
- 31. The noise assessment shows that site noise levels for both normal and temporary operations at the nearest noise sensitive locations would all fall well within the maximum noise limits advised by the PPG (e.g. the levels experienced would not be expected to exceed the existing background noise levels by more than 10dB(A) and for short-term temporary operations would be 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.

- 32. **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.
- 33. The sand and gravel deposit is identified as having a maximum thickness of 4 metres and is approximately 5 metres below ground level. Groundwater levels have been encountered at a level around 1.3 metres below ground level meaning that there would be a saturated mineral thickness of between 3.5 and 4 metres. Mineral extraction would therefore be undertaken below the watertable using a long reach excavator, however, no active dewatering is proposed nor discharge of waters off-site. The relatively slow rate of mineral extraction is such that groundwater ingress to the workings is expected to be small with the level of the waterbody within the extraction area expected to equilibrate rapidly and continuously with the surrounding water environment resulting in no significant change in the groundwater levels or flows resulting from mineral extraction.
- 34. During operation, increased surface water run-off would be contained within the quarry void and so not lead to an increase in flood risk to external areas. Following restoration, the quarry void will comprise an open waterbody which would have sufficient freeboard between normal water levels and the perimeter crest to retain incidental rainfall during a storm event. Notwithstanding this an overflow has been designed into the proposed restoration scheme that would direct any surplus waters during extreme events into fields to the south and therefore away from industrial properties to the north of the site.
- 35. 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.
- 36. **Chapter 9: Landscape and Visual Impacts** 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 S106 restoration strategy that would have resulted in a substantial area of the site being restored to acid grassland over bare substrate together with a summary of this proposal and restoration strategy.
- 37. The proposal site is set between rural arable land to the north and west, and further areas of sand and gravel mineral extraction and regenerating low-lying wetlands to the south and east. The existing 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 planting and structures, limited views are available from the nearest residential properties and the public highway.

- 38. The short-term resumption of mineral extraction to the northwest part of the former Plant Site will 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 continue to offer screening of the site from external views. The proposed restoration scheme will be complementary to the existing landscape character of the wetland landscapes to the south-east and the revised restoration proposals for this part of the quarry would present an opportunity to create more varied habitats and final marginal enhancements, with different aspects.
- 39. 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 revised proposal for the remaining extraction area could proceed without further detriment to the local area.
- 40. **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.
- 41. The assessment reports that there are a number of statutory protected sites in the vicinity however, these all lie in excess of 1 kilometre from the proposal site with only a single non-statutory designation (Fenland Lakes, Local Wildlife Site LWS) lying adjacent to the proposal site to the east. Habitats present are predominantly bare ground with a belt of woodland to the east; other small and isolated habitats include, spoil piles, ponds with swamp habitat, scrub, ephemeral vegetation and tall ruderal vegetation.
- 42. Impacts to the adjacent LWS, the belt of woodland and local reedbed habitats will be avoided by the implementation of a Construction Environmental Management Plan (CEMP) which forms part of the Further Information submitted in support of the ES. The CEMP details measures to be adopted including pollution prevention and lighting management measures to ensure impacts on the LWS are avoided and which serve to avoid disturbance to bats that may use the retained woodland habitat. The CEMP also outlines what measures would be taken to avoid accidental killing or injury to fauna such as nesting birds. This would include the avoidance of accidental killing or injury to nesting birds by timing initial clearance outside the breeding season or undertaken following a pre-clearance nesting check by a suitably qualified ecologist.
- 43. The chapter concludes that the main impact of the proposed mineral extraction will be beneficial for wildlife as a consequence of the creation of a new mosaic of habitats of greater ecological value than currently present on site. Habitats to be created within the restoration scheme include a new lake and reedbed system with associated wet woodland and scrub and a mosaic of short grassland, spoil piles, scrapes and bare ground. 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, an aftercare scheme has been submitted and tis would long term management of the restoration.



Restoration plan (excluding concrete batching plant)

- 44. **Chapter 11: Transport** this chapter is supported by a Transport Assessment that considers the potential environmental impacts of road traffic associated with the application both residual and cumulative.
- 45. The assessment takes into consideration existing traffic movements associated with the operation of the concrete batching plant which operates independently of the quarry and the proposed mineral extraction operations associated with the Plant Site area. The assessment has included a consideration of the most recent accident data covering a five year period which confirms that there have been no accidents recorded at the Plant Site access to Baston Outgang Road or along Main Street between the site and the A15. At the Main Street / A15 junction a total of three accidents were recorded with one classed as serious in severity. HGV traffic associated with this development however would not use this junction as all traffic is proposed to travel to and from the Plant Site via a route along Baston Outgang, turning onto Cross Road and then continuing south to the junction onto the A1175. Mineral would be transported to King Street, West Deeping Quarry for processing and movements are anticipated to be a maximum of 88 (44 in and 44 out) per day.

- 46. Mitigation measures would be put in place to minimise the effects of mud, dust, noise, and vibration for the duration of operations which are expected to cease in 2023. Overall, it is concluded that traffic generated by the proposal would not give rise to any significant environmental impacts.
- 47. **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).
- 48. 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 six sensitive receptors were identified as part of the assessment however the majority of these are located over 200 metres from the site at their closest points. 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 recycling facility directly to the north of the extraction site, however, given that the sand and gravel would be extracted 'wet' the potential for fugitive emissions from this source would be limited. Mitigation measures are nevertheless identified 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.
- 49. A complaints procedure 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.
- 50. 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.
- 51. **Chapter 13: 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.

- 52. If the mineral extraction proposed does not go ahead as proposed, then the land would be restored in accordance with a restoration scheme as required by the current S106 Planning Obligation. The restoration of the site would result in the sterilisation of workable and recoverable sand and gravel reserves which could otherwise be released to increase the current landbank in the South Lincolnshire Production whilst allocated sites come on stream and so make a contribution to ensuring there is a steady and adequate supply of mineral available. Furthermore, if the site was not worked as proposed, it is highly likely that the biodiversity value of the site would be significantly less than that which could be achieved through the enhanced restoration proposals presented as part of this application.
- 53. **Chapter 14: 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.
- 54. 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.
- 55. **Chapter 15: Vulnerability to Accidents and Disaster** this chapter identifies the location of Western Power infrastructure to the proposed excavations. It is concluded that in implement 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.
- 56. **Chapter 16: 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).
- 57. 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.

- 58. Chapter 17: 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 beneath the former plant site at Manor Pit, Baston, 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.
- 59. **Chapter 18: 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

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

Additional Information

61. In addition to the ES, a Construction and Environmental Management Plan (CEMP) has been submitted in support of the ES 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.

Site and Surroundings

- The village of Baston is located approximately 6.5 kilometres south of the town of Bourne and approximately 4 kilometres north west of Market Deeping. The village bisected by the A15. The area around the village has been extensively worked for sand and gravel and the landscape reflects this in the existence of many water bodies and low-level agricultural restoration profiles. The whole area is predominantly arable agricultural, generally flat with an extensive network of field drains. Within the wider landscape are isolated farmsteads and hamlets.
- 63. There are a number of designated historic and wildlife features in the area surrounding the application site and within the village of Baston, which have been identified in the supporting ES.
- 64. The site access off Baston Outgang Road and internal haul road has been established for decades and is surfaced with concrete and is shared with the concrete batching plant. The site itself reflects the most recent use and is dominated by the concrete batching plant to the north of the proposed extraction area.



Concrete Batching Plant

65. Within the site are concrete surfaces and remnants of the plant site infrastructure, rubble from demolished structures and residual mineral stockpiles. One small building has been retained and would be used to secure equipment at the site, to be removed as part of Phase 2. There are areas of naturally regenerated scrub in and around the site.





Phase 1 Phase 2

Main Planning Considerations

Planning Policy Context

66. 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 improving 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, minimize impacts on 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 7 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 purposed 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 DM1 (Presumption in favour of sustainable development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

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

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

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

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

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

Policy DM6 (Impact on Landscape and Townscape) – states that planning permission will be granted provided that due regard has been given to the likely impact of the proposed development on the landscape, including landscape character, valued or distinctive landscape features and elements and important views. If necessary additional design, landscaping, planting and screening will also be required and where new planting is required it will be subject to a minimum 10-year maintenance period. Development that would result in residual, adverse landscape and visual impacts will only be approved if the impacts are acceptable when weighed against the benefits of the scheme. Where there would be significant adverse impacts on a valued landscape considered weight will be given to the conservation of that landscape.

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

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

Policy 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;
- 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

- 67. (a) Local County Council Member, Councillor A Baxter was notified of the application but no response or comments had been received by the time this report was prepared.
 - (b) <u>Baston Parish Council</u> has raised no objections to the application but 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 at all times.
 - (c) <u>Environment Agency (EA)</u> has no objections but have requested an informative be attached should the application be approved in respect of their permitting regime.
 - (d) <u>Environmental Health Officer (South Kesteven District Council)</u> have reviewed the documents and has no comments to make.

- (e) Highway and Lead Local Flood Authority (Lincolnshire County Council) does not object to this application. The proposed extraction activity would be accessed through the access that served the former gravel extraction operations and which still serves the ready mixed concrete facility. This access has therefore proven to be safe and suitable for the proposed use. Provided the route to be used by HGVs to and from the site to the West Deeping Quarry is restricted to that described and illustrated in the application, the development would not be expected to have an unacceptable impact on highway safety or a severe residual cumulative impact upon the capacity of the local highway network.
- (f) <u>Lincolnshire Police (Force Designing out Crime)</u> do not have any objections to this application.
- (g) <u>Lincolnshire Wildlife Trust</u> consider the Environmental Statement and Phase 1 habitat survey are appropriate and provide details of the importance of the site within the surrounding fenland landscape. The restoration plans are positive and although the Environment Act 2021 has not yet been fully enacted, the proposals do provide for biodiversity gain enhancements that are in keeping with current legislation. It is however, recommended that further details be secured regarding the depth of water within the lake and how water levels would be managed, and that consideration be given to public access to the site and for shallower profiles to the edges of the lake in order to provide greater habitat and foraging opportunities for wildlife.

Finally, it is advised that the recommendations and mitigation measures identified to minimise the impacts of the development as identified within the ES and Phase 1 Survey should be a conditional requirement of the planning permission.

- (h) <u>Natural England</u> has no objection as it considers that the proposed development will not have significant adverse impacts on designated site. An informative relating to further advice on designated sites and advice on other natural environment issues has been provided.
- (i) Welland and Deepings Internal Drainage Board has provided an informative map identifying the location of Drain 3 and requests that any fencing and planting proposals are carried out respecting a 9 metre stand-off from their drainage asset.
- (j) <u>Cadent Gas</u> has no objection and have provided an informative note.
- (k) <u>Western Power</u> have identified assets in their ownership in relation to this application and have provided an informative.

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:

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).

68. The application has been publicised by a site notice 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 nearest occupied sites adjacent 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

69. South Kesteven District Council has no objections in principle to the above application but request that the comments from Baston Parish Council be taken into consideration.

Conclusions

- 70. 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.
- 71. The proposed development would constitute a new sand and gravel quarry with restoration back to wetland habitat and acid grassland. 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.
- 72. 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

- 73. 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 a of new 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 (Figure5) and will replace an existing Active Mining Site that is nearing exhaustion.
- 74. 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.
- 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. This site 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 also 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 NPFF.
- 76. In this instance the proposed area for extraction is an unallocated site but is small and comprises of the former plant site which supported the (now closed) Manor Pit Quarry. The mineral would be extracted over a relatively short time period of between 9 to 12 months with the mineral extracted being transported 'as raised' to Cemex's West Deeping Quarry for processing. The reserves released are not planned or allocated within the Minerals and Waste Local Plan however there is currently a small shortfall in the landbank of sand and gravel for the South Lincolnshire Production Area as sites allocated and/or approved to ensure there are sufficient reserves available during the current Plan have yet to come on-line. The additional reserves that would arise from this development would therefore help to bridge the current gap and ensure continuity in terms of sufficient reserves to meet market demands whilst not fundamentally undermining the overall objectives of the Minerals and Waste Local Plan. Any impacts associated with this operation would be temporary and short-term with the resulting restored landform providing for a larger area of higher value wetland habitat than that originally approved.
- 77. Overall, it is therefore considered that the proposed extraction of sand and gravel from the former plant site of Manor Pit Quarry would be acceptable and would prevent the sterilisation of a known reserve of saleable sand and gravel and help to bolster the current landbank. The development would therefore not undermine the overall objectives of the Minerals and Waste Local Plan accord with 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.

Environmental and Amenity Impacts

Dust, Noise and Pollution Control

- 78. 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.
- 79. The mitigation measures identified and embedded into the working proposals and/or to be adopted and incorporated as part of the development are established and effective good site management practices and these, along with suitable conditions, 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 the development 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

- 80. The ES was supported by a Hydrogeological, Hydrological and Flood Risk Assessment (FRA), the excavations would be carried out without the need to dewater the void space and as a consequence the surrounding ground and surface water environments would not be affected by the proposed operations. Post extraction the restoration proposals would create a substantial unsealed waterbody that would fluctuate seasonally but maintain a freeboard of between varying between 0.3 and 1.0 metre AOD. The overall depth of extraction to the underlying clay would not exceed 4.0 metres with the maximum depth of the water body not exceeding 3.0 metres at the margins. As the mineral is to be transported off-site for processing there would be no requirement for silt management or discharge of water to adjacent water courses. 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.
- 81. Welland and Deeping Internal Drainage Board and the Environment Agency have not raised objections to the proposal, but both have made reference to their own permitting regimes.
- 82. It is therefore considered that subject to conditions restricting the depth of extraction the proposal is consistent 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 that seeks that employment proposals should not give rise to adverse impacts on the water environment or increase flood risk through the design of development.

Transport and Highways

- 83. The Transport Assessment provided evidence of the potential for impacts arising from the proposed operations and the applicant has indicated that the HGV traffic to and from the site would not use Main Street or Greatford Road Baston as a route. The long-established route from Manor Pit Quarry to the plant site off King Street West Deeping would be adhered to, being via Baston Outgang Road, Cross Road and the A1175. The Highways Officer (Lincolnshire County Council) confirms that the existing access onto Baston Outgang Road is suitable and considers the route proposed acceptable and recommends a condition to secure this.
- 84. Baston Parish Council, supported by South Kesteven District Council have requested a S106 planning obligation to restrict the use of Main Street and Greatford Road at all times. However, such a request is not considered necessary or reasonable and that the applicant has identified the route to be used and has long used the specified route as the only means of access by HGV traffic.
- 85. It is therefore considered that subject to conditions to restrict the hours of work and signage to be erected and retained at the site directing all HGV's to turn right onto Baston Outgang Road the proposal meets 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 and Designated Sites

- 86. The application and ES contain and are supported by a Phase 1 Habitat survey; Construction Environmental Management Plan (CEMP); Archaeological Watch Brief Report; Restoration and Aftercare Plan (RAP) and a Landscape and Visual Impact Assessment (LVIA).
- 87. The plant site at Manor Pit Quarry has been operational since the site was originally excavated in the 1950's consequently a Watching Brief exercise was carried out during the period the site was investigated to quantify the reserve of mineral in situ. The report of the brief indicated that no archaeological remains survive on site. The only remaining historic reference was contained within the LVIA.
- 88. 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 and contribute to linking habitat networks. Natural England and Lincolnshire Wildlife Trust concurred with this conclusion.

- 89. The proposal would not result in loss of the existing vegetation to the perimeter of the site and the submitted CEMP provides a mitigation strategy to ensure that wildlife would not be adversely impacted by the excavation operations. In addition to the Phase 1 Habitat Survey, a RAP was submitted, that set out the details on how the site would be restored to create a mosaic of habitat. There would be two principal habitats being Wetland with reed bed margins and Acid Grassland. In addition there would be small areas of shrub and woodland planting both around the wetland and to site entrance on Baston Outgang Road and within the site there are already wetland species that would relocated into the new wetland areas but otherwise the wetland would be allowed to recolonise naturally. The acid grass land would be created using the retained topsoils around the perimeter of the site and would be sewn with a grass and wildflower mix. A rolling programme of aftercare is proposed to ensure that the habitats become well established.
- 90. Lincolnshire Wildlife Trust and 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. However, in this instance the Phase 1 Habitat Survey and proposed restoration programme are sufficiently robust to demonstrate that the 10% BNG will be exceeded through the extraction of mineral that would deliver a higher value wetland habitat than had previously been envisaged for the site.
- 91. It is therefore considered that subject to conditions to secure the CEMP and RAP the proposed development would meet the aims and objectives of the NPPF, NPPG and Policies DM2, DM3, DM4, DM6, DM8, DM9, 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 to not adversely impact on the visual, historic and natural landscape of the district and where possible seek to enhance and connect green networks through good design.

Cumulative Impacts

92. 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 adjacent industrial units 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

93. 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:

- (i) 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; and
- (ii) That planning permission be granted subject to the conditions set out below.

Commencement and Duration

- 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).
- 3. The restoration shall be completed within 12 months of the cessation of winning and working of minerals.

Reason: To ensure the timely restoration of the site and minimise impacts on the amenity of local residents.

Approved Documents and Plans

4. 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 25 February 2022);
 Planning Statement (Including Appendices 1 to 7 inclusive) Volume 1 (received 28 February 2022);
- Environmental Statement (including Appendices 4 to 9 inclusive) Volume 2 (received 25 February 2022); and
- Non-Technical Summary Volume 3 (received 25 February 2022); and
- Document Ref: BOW17/1294 V1 'Construction Environmental Management Plan' (received 01 April 2022).

Plans/Drawings received 28 February 2022

- Drawing No. 21-12/P5/MANORPIT/1 'Location Plan';
- Drawing No. 21-12/P5/MANORPIT/2 'Phasing Plan'; and
- Drawing No. P1/1880/18B 'Restoration of Plant Site (Excluding Concrete Plant).

Permitted operations inc. phasing and stockpile heights and locations

- 5. The site shall be progressively worked in accordance with the phased programme as shown on Drawing Nos. 21-12/P5/MANORPIT/2 Phasing Plan.
 - Reason: To ensure the development is carried out in accordance with the details contained within the application.
- 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. The 'Temporary 'As raised' Stockpile Area identified in Drawing No. 21-12/P5/MANORPIT/2 – 'Phasing Plan' shall be the only area within the site used for the purpose of storing mineral prior to export from site.

8. Stockpiles shall not exceed 5 metres in height above surrounding ground level.

Reason: To ensure that all water draining from the as-raised mineral does not enter drains or watercourses and to minimise any visual and dust impacts arising from the storage of mineral on site.

9. All mineral shall be exported off-site 'as raised' and no processing of any minerals shall take place at any time on the site.

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

Hours of Operation

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.

Highways and Traffic

- 11. The surface of the Site Access and internal site roads shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development, so as to prevent such materials being deposited on the public highway.
- 12. No Heavy Commercial Vehicle (HCVs) shall enter Baston Outgang Road unless its wheels and chassis have been cleaned to prevent mud, sand and any other deleterious material being deposited on the public highway. Any deposition of mud, debris or other deleterious materials onto the public highway shall be removed immediately.
- 13. No HCV loaded with aggregate shall leave the site un-sheeted.
- 14. Upon exiting the site all Heavy Commercial Vehicles (HCVs) shall turn right onto Baston Outgang Road and shall not turn left at any time. A sign directing drivers to turn right upon exiting the site shall be erected at the Site Access and thereafter maintained for the duration of the development hereby permitted.

Reason: To ensure a safe access to the Site and to prevent mud or other deleterious materials derived from the development being transferred onto the public highway in the interests of highway safety and safeguarding the local amenity and the environment.

Noise Controls

- 15. 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.
- 16. Except for temporary operations, noise levels at the noise sensitive locations (as identified in Appendix 1.1 of the Environmental Statement and in the table below) shall not exceed the following limits:

Location	Noise Limit (dBLAeq, 1 hour freefield)
The Hovel	48
Fen Fringes / 86 Manor Street	47
Manor Drive	45
Starsmore Fields	50
Cardyke Drive	48

- 17. 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 in the table subject of condition 14) 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.
- 18. 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

19. All dust mitigation measures as set out in the Section 12.6 of the Environmental Statement shall be implemented in full for the duration of the development.

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

Ecology

20. All operations including site preparation works shall only be carried out following implementation of Sections 3.6 to 3.35 inclusive of the Construction Environmental Management Plan: Ecology and approved subject of condition 4 above.

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

Water Environment and Pollution Control

21. The final depth of extraction shall not exceed 0.0 mAOD and no basal clay shall be exported from the site.

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

- 22. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound shall be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 23. 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.

24. No dewatering to external discharge of waters from the site shall take place.

Reason: To protect the local ground water and watercourses.

External Lighting

25. No fixed lighting, including security lighting, shall be erected, or installed until details of the location, height, design, sensors, and luminance have been submitted

to and approved in writing by the Mineral Planning Authority. The details shall ensure that the lighting is designed to 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

- 26. All restoration planting shall be carried out in accordance with Drawing No. P1/1880/18B and Appendix 4.1 Restoration and Aftercare Plan of the approved Planning Statement. 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.
- 27. The approved aftercare programme, shall be implemented in accordance with the details set out in Appendix 4.1 Restoration and Aftercare Plan of the approved Planning Statement.

Reason: To ensure that the habitats created are established and remain healthy.

Informatives

Attention is drawn to:

- (i) Environment Agency letter reference: AN/2022/132976/01-L01 dated 20 April 2022;
- (ii) Natural England letter reference: 389368 dated 3 May 2022;
- (iii) Welland and Deeping Internal Drainage Board letter ref: NSM/JP/P/B/3 dated 8 April 2022;
- (iv) Cadent Gas letter LinesearchbeforeUdig reference: 25271036 dated 7 April 2022;
- (v) Western Power letter reference: 25171046 dated 29 March 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

These are listed below and attached at the back of the report		
Appendix A	Committee Plan	

Background Papers

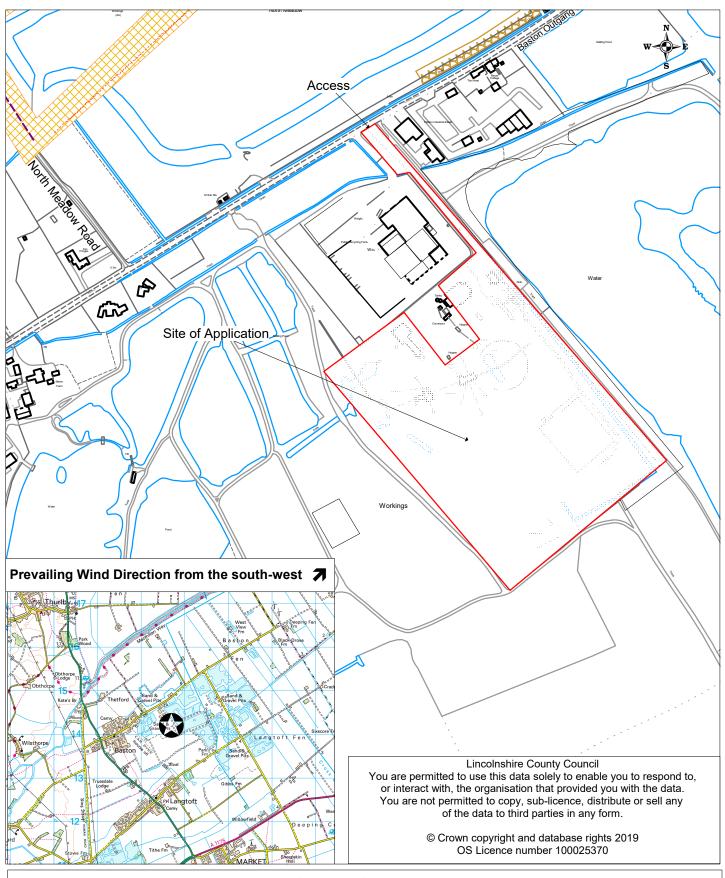
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File S22/0758	Lincolnshire County Council's website https://lincolnshire.planning-register.co.uk/
National Planning Policy Framework (2021)	The Government's website www.gov.uk
Planning Policy Guidance (2014)	
Lincolnshire Minerals & Waste Local Plan (2016)	Lincolnshire County Council's website www.lincolnshire.gov.uk
Site Locations (2017)	
Lincolnshire Minerals & Waste Local Plan Authority Monitoring Report (2021)	
South Kesteven Local Plan (2020)	South Kesteven District Council's website www.southkesteven.gov.uk

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 4 JULY 2022



Location:

Manor Pit

Baston Outgang Road

Baston

Application No: S22/0758

Scale: 1:5000

Description:

For the extraction of sand and gravel beneath former plant site with enhanced restoration to amenity/nature conservation

Page 122