

APPLICATION NO	MIN/2007/1129
APPLICANT	Singleton Birch Ltd
DEVELOPMENT	Planning permission for the extension of a quarry with restoration to agriculture, woodland and nature conservation
LOCATION	Land to the north and east of Melton Ross Quarries, North side of the A18, Croxton
PARISH	CROXTON
WARD	Brigg and Wolds
SUMMARY RECOMMENDATION	That the committee advise the Secretary of State that it is minded to support this application subject to the completion of a Section 106 legal requirement relating to archaeology, public bridleway and footpath issues and the imposition of conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion
POLICIES	<p>National Policy: This is set out in a series of Planning Policy Guidance Notes and Statements which address general principles and policies, together with detailed guidance on land use issues and related subjects. For mineral extraction development, Mineral Planning Guidance Notes supplement the guidance provided by the Policy Guidance notes.</p> <p>In relation to this proposal the following Planning Policy Guidance notes and extracts are of relevance:</p> <p>PPS1 ‘Delivering Sustainable Development and General Principles Statement’</p> <p>PPS7 ‘Sustainable Development in Rural Areas’</p> <p>PPG16 ‘Archaeology and Planning’</p> <p>The following Mineral Planning Guidance Notes are also relevant:</p> <p>MPG1 ‘General Considerations and the Development Plan System’</p> <p>MPG10 ‘Provision of Raw Materials for the Cement Industry’</p>

MPS2 'Controlling and Mitigating the Environmental Effects of Minerals Extraction in England'

Regional Spatial Strategy for Yorkshire and the Humber: This sets out the national guidance in a regional context:

Policy R4 (Mineral extraction):

- (a) Mineral planning authorities should make provision in their development plans for the supply of minerals including both aggregates extraction and recycled and secondary materials in accordance with current Government guidance. In particular:
 - (i) the contribution made by substitute materials should be maximised wherever possible and suitable facilities provided for recycling (including blending with primary aggregates), reprocessing and the transfer of materials;
 - (ii) mineral planning authorities should indicate in general terms areas within which sites for land won mineral extraction should be safeguarded. Sites in areas subject to international or national designations, such as national parks, AONBs, special protection areas, or sites of special scientific interest, should be considered only in exceptional circumstances (and after most rigorous examination) and where they are demonstrated to be in the public interest.
- (b) Mineral planning authorities should seek a progressive reduction in the proportion and amount of aggregate production from national parks and AONBs.
- (c) The environmental impacts of minerals extraction should be minimised through:
 - (i) sound environmental management of extractive operations, including adopting a comprehensive and integrated approach to large scale resource areas likely to be worked over a long timescale;
 - (ii) high quality restoration;

- (iii) aftercare of the land affected by mineral extraction where appropriate;
- (iv) promotion of the use of rail and water for the movement of minerals.

North Lincolnshire Local Plan: Policy M1 (Applications for Mineral Working) – proposals for mineral extraction will be permitted provided that:

- (i) adequate proposals are made to minimise the visual and other amenity impacts to an acceptable level; and
- (ii) the proposed order and method of working and overall programme for extraction are satisfactory; and
- (iii) the proposals and programme for progressive restoration are satisfactory and are accompanied by proposals for beneficial after-use and management of the land; and
- (iv) the local road network or other proposed transport facilities are adequate.

Policy M4 (Ancient Monuments and Archaeological Sites) – proposals for minerals development affecting known or potential archaeological importance must be accompanied by an archaeological assessment and where necessary a field evaluation which includes proposals for the preserving in situ of the archaeological interest or where this is not justified, for excavating and recording remains.

Minerals development affecting scheduled ancient monuments or other nationally important archaeological sites will not be allowed unless the reasons for the development outweigh the archaeological value of the site itself. In such cases there shall be a presumption in favour of the physical preservation in situ of such sites and their settings.

Policy M5 (Best and Most Versatile Agricultural Land) – applications for new mineral working on the best and most versatile agricultural land (grades 1, 2 and 3a) will be allowed only where it can be shown that restoration and aftercare will preserve the long-term potential of the land as a national high quality agricultural resource. Where non-agricultural uses are proposed as after-uses on the best and most versatile agricultural land, the

methods used in restoration and aftercare should enable the land to retain its longer-term capacity to be farmed to its former land classification potential thus retaining a high quality resource for the future.

Policy HE8 relating to Ancient Monuments also applies which indicates that ‘...proposals which would result in an adverse effect on Scheduled Ancient Monuments and other nationally important monuments, or their settings, will not be permitted.’

Policy HE9 also applies relating to archaeological evaluation. This states that ‘where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will be required to be submitted prior to the determination of a planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them. Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.’

Policy DS1 states that ‘a high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against a number of criteria including:

Amenity

- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance or through the effects of overlooking or overshadowing; and
- (iv) amenity open space in the area should be retained wherever possible; and
- (v) no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

North Lincolnshire Landscape Character Assessment: The site lies in the Lincolnshire Wolds, the key landscape characteristics of which are defined as follows:

- rolling upland arable landscape of cohesive identity dissected by gently graded dales
- pronounced scarp slopes to north and west, characterised by a mixture of woodland and farmland with springline villages, affording panoramic views across the Vale of Ancholme and the Humber Estuary
- large rectilinear late enclosure fields with clipped and degraded hedgerows and few hedgerow trees
- field amalgamation which has led to hedgerow loss in places
- small blocks of woodland and shelterbelts often associated with isolated farmsteads punctuate the otherwise open landscape of the escarpment top
- sparsely settled with scattered farmsteads and villages concentrated on the springline of the escarpment
- character best developed towards the southern edge of the area

CONSULTATIONS

Highways: No objection.

Environment Agency: No objection subject to conditions.

North Lincolnshire Primary Care Trust: No objections.

Anglian Water: No reply received.

East Midlands Airport (re Humberside Airport): No objections subject to conditions re lighting, landscaping, drainage and appropriate restoration.

English Heritage: Objected to the original scheme for an extension to this quarry which was to be the subject of a public inquiry but which was withdrawn by the applicant (2003/0852). English Heritage welcomes the amendments in this latest scheme and has agreed the archaeological mitigation strategy document. A Section 106 legal agreement is required to be prepared before English Heritage will finally confirm support for this application.

HSE: No objection.

Highways Agency: No objections subject to conditions.

CAA: No reply received.

Natural England: No objection subject to the imposition of conditions.

DEFRA: No reply received.

National Grid: No objections.

Ancient Monuments Society: No reply received.

**MELTON ROSS
PARISH COUNCIL**

No objections.

**KIRMINGTON &
CROXTON PARISH
COUNCIL**

No parish council at present, but the council did object to the original scheme on the grounds of noise, dust and the encroachment of the quarry towards the village.

**BARNETBY PARISH
COUNCIL**

Object on the grounds that the infrastructure is not suitable for the long-term effects of traffic and express concerns over the quantity of water to be pumped into local watercourses.

BACKGROUND

A previous application for mineral extraction (2003/0852) was submitted to the council by Singleton Birch Limited which was subsequently called in by the Secretary of State and was to be the subject of a public inquiry. The application was later withdrawn. This new application is a revised scheme for the extraction of chalk. The main difference to the original application is that the area to the south of the A180 has now been removed in order to ensure no impact on Yarborough Camp and the area to the north of the A180 is to be accessed via an existing underpass at the western end.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. Only one response has been received from the British Horse Society 'who are concerned about the implications for horse riding in the area by the effect of the scheme on bridleways, especially the route of the national trail (Viking Way).' They also express concern that the scheme should not affect the underpass used by horse riders beneath the A180.

ASSESSMENT

The application site lies to the west of the village of Croxton and to the north-east of the village of Melton

Ross. Camp Covert lies to the south of the application area and to the east of the current permitted area. Within the wood is the Scheduled Ancient Monument of Yarborough Camp, and to the east of the monument lie extensive buried archaeological remains of national importance. Further archaeological remains extend to the north of the Camp and north of the A180 across the area of the current application. To the south-east of the application site is the scheduled monument of the medieval village earthworks at Croxton, which is 800 metres from the proposed application site.

The development proposals would establish a long-term reserve of extractable chalk for the quarry and would incorporate a comprehensive working and restoration scheme for the site, including areas that already have planning permission for mineral extraction.

It is proposed that on completion of extraction within the main part of the current permitted area to the south of the A180, extraction would progress to the area to the north of the A180 the subject of this application.

The applicants have indicated that there is unlikely to be any change to the current levels of activity or production output proposed from the site.

The main issues for determination of this application are whether the proposal is needed, its impact on amenities of nearby villages, and whether it will have an adverse effect on a scheduled archaeological site and nationally important associated remains.

In assessing this application current national, regional and local planning guidance needs to be considered. A number of key documents, legislation and directives influence the development of mineral site facilities. The main ones of relevance are listed earlier in the Policies section.

In assessing the application along with relevant policy and planning guidance, consideration must also be given to the issues raised as a result of consultation on the application.

Need

Melton Ross Quarry produces chalk for a number of major industrial applications including iron and steel-making, water treatment and chemical processes. Based on current output levels less than 15 years of reserves

remain with the benefit of planning permission. In order to secure sufficient reserves for the longer-term future, this application proposes the extension of the quarry by some 83 hectares which would yield a further 39 million tonnes of chalk reserves and give a further reserve of just over 21 years.

The applicant cites MPG 10 as significant and quotes the need for an adequate and continuous supply of raw materials and sufficient reserves for at least 25 years' production at capital intensive sites in order to allow continued capital investment to be made.

Amenity

Policy DS1 of the North Lincolnshire Local Plan states that 'a high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against a number of criteria, the relevant part of which is set out below:

Amenity:

- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance or through the effects of overlooking or overshadowing; and
- (iv) amenity open space in the area should be retained wherever possible; and
- (v) no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.'

The application includes an environmental statement in which a detailed assessment of the likely impacts of noise and dust is made and mitigation measures for minimising any adverse impacts are proposed. These include: monitoring of operations likely to cause the generation of dust within the site boundary, recording of prevailing weather conditions and maintenance of an adequate supply of water for spraying equipment; plant to be used on site will be fitted with upward-facing exhausts to reduce dust generation; enforcement of on-site speed limits for vehicles; maintaining wheel and tyre cleaning equipment; and the establishment and maintenance of appropriate landscaping works. Noise mitigation measures include: the phasing of operations to enable

operations to be carried out behind a screening barrier wherever possible; appropriate routing of the conveyors; and fitting of vehicles with silencers.

With regard to the noise and dust implications, it is considered that any environmental impacts would be minimal and the proposed development will not conflict with development plan policies or other material considerations.

Archaeology

The North Lincolnshire Sites and Monuments Officer advises that North Lincolnshire Local Plan policy M4 requires that proposals for minerals development affecting sites of known or potential archaeological importance must be accompanied by an archaeological assessment and where necessary a field evaluation which includes proposals for the preserving in situ of the archaeological interest or, where this is not justified, for excavating and recording remains.

Minerals development affecting scheduled ancient monuments or other nationally important archaeological sites need to be carefully considered within the context of policies HE8 and HE9.

Archaeological assessment of the current and previous application sites was undertaken between March 2004 and May 2005. Assessment comprised a staged programme of archaeological fieldwalking, geophysical survey and the excavation of sample trial trenches to confirm the nature and significance of the archaeological remains. These investigations revealed extensive buried remains ranging in date from the Early Bronze Age to the later Roman period, and represent occupation, funerary monuments and landuse over 2500 years. The most significant of these features is a Romano-British settlement located south of the A180 and east of Camp Covert, **outside** the current application area.

Beyond the core of the nationally important Roman remains, a large prehistoric enclosure was identified within the current application area. These prehistoric remains form an important component of the evolution of the historic landscape and the NLSMR (North Lincolnshire Sites and Monuments Record) assesses them to be of regional archaeological importance. The NLSMR fully accepts that the current application will not adversely affect the scheduled ancient monument or the other associated nationally important remains, or their

settings, to the south of the A180. The remains within the application site, whilst at least regionally significant, do not justify physical preservation in situ; here preservation by record prior to quarrying is considered acceptable.

To this end a written scheme of archaeological investigation has been agreed with the applicant which would secure the preservation by record of the remains within the application area. The scheme will provide for a programme of archaeological monitoring, recording and excavation, followed by post-excavation assessment and analysis of the findings, and the publication of the results for public dissemination.

A section 106 agreement has also been drafted to cover the following issues:

- temporary closure of a bridleway
- provision of new bridleways
- compliance with a written scheme of investigation for archaeology.

Relevant parties have been consulted on this and it would be entered into in the event that members are minded to support the application.

Summary

The main reasons for the decision are summarised as follows:

- (1) The need for the development is explained in the assessment to give the quarry at least 25 years' supply to allow continued capital investment at the site as suggested by MPG 10.

The applicant company employs approximately 100 people and a number of related service industries are supported by the operations. Continued investment would be maintained by the long-term and fully integrated working and restoration plan.

- (2) It is considered that any potential impacts on the village of Croxton would be minimal due to the design of the working scheme, restoration plan and stringent environmental conditions.

- (3) It is considered that the quarrying will not physically disturb the scheduled ancient monuments – they are near to the application site but not in it. The quarry base will be returned to agricultural use following excavation and landscaping carried out.
- (4) The archaeological surveys undertaken appear to indicate extensive multi-period archaeological remains within the application site area. Any quarrying of the application site will inevitably result in their loss. It is important that before such areas are mined all measures have been taken to ensure that such remains have been properly excavated and recorded before being destroyed by the mining of the area.

The current policies have been assessed in the context of the relevant guidance and the planning framework. It is concluded that provided that the mitigation strategy proposed is put in place there should be no significant impact on features of recognised importance.

It should also be noted that an Article 14 notice was issued by Government Office for Yorkshire and the Humber with respect to the previous application and this is still in place. The effect of this notice is that it would prevent a decision being made by the committee for development of the same type on the same land. Approaches have been made to have the notice lifted and this is reflected in the recommendation.

RECOMMENDATION

That the Secretary of State be advised that, subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990, providing for the implementation of an archaeological mitigation strategy (including a written scheme of investigation), temporary closure of a section of Bridleway 34 and creation of new bridleways and public footpaths, the committee resolves:

- (i) **it is mindful to support the development subject to the Section 106 agreement;**
- (ii) **if the agreement is not completed by 30 September 2008 the Head of Planning be authorised to refuse the application on grounds of the adverse impact of the development on Yarborough Camp and Public Bridleway 34; and**

(iii) on completion of the Section 106 agreement the Head of Planning advise the Secretary of State that the council is mindful to grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out strictly in accordance with the application, plans and accompanying statement as amended dated 21 November 2007 unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the development is carried out in accordance with the details as submitted and to comply with policy M1 of the North Lincolnshire Local Plan.

3.

Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage, to include attenuation and associated discharge rates, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved plans.

Reason

To prevent the increased risk of flooding through the provision of a satisfactory method of surface water drainage and to comply with policy DS13 of the North Lincolnshire Local Plan.

4.

The works/scheme shall be constructed and completed in accordance with the approved plans in respect of existing and restored land levels and shall include the softening of the margins of the low-level restoration.

Reason

To prevent the increased risk of flooding and to comply with policy DS16 of the North Lincolnshire Local Plan.

5.

All machinery and vehicles employed on site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent the undue emission of dust from the site, plant and tipping areas, and all surfaces used by vehicular traffic shall be maintained to a high standard to minimise dust emissions.

Reason

In the interests of amenity and to comply with policy DS1 of the North Lincolnshire Local Plan.

6.

Throughout the period of working, restoration and aftercare, the company shall take all reasonable steps to ensure that the drainage from the areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The company shall take all reasonable steps, including the provision of any necessary to prevent damage by erosion, silting or flooding, and make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

Reason

To ensure proper drainage of the site and to comply with policy DS13 of the North Lincolnshire Local Plan.

7.

At all times the best practicable means shall be used by the operator to prevent the pollution or silting up of any adjoining watercourses or pollution of the underlying strata arising from operations on site. In particular, any fixed oil or fuel supply tanks shall be surrounded by bund walls of sufficient height so as to contain the contents of the tanks and any associated pipework, pumps and valves in the event of spillage. The floor and walls of the bund must be impervious to water and oil to the satisfaction of the Local Planning Authority.

Reason

To ensure that the development does not give rise to the pollution of the underlying aquifer or other problems for the surrounding land and watercourses and to comply with policy DS13 of the North Lincolnshire Local Plan.

8.

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 bundled

compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage then the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be located above ground and prevented from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

9.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason

To prevent pollution of the water environment and to comply with policy DS13 of the North Lincolnshire Local Plan.

10.

Upon the satisfactory completion of restoration, each phase shall be managed for a period of five years in accordance with an aftercare programme to be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure the satisfactory restoration and aftercare of the site and to comply with policy M1 of the North Lincolnshire Local Plan.

11.

In the event of premature cessation of operations on the site for any reason, then within six months of such cessation an amended scheme for the restoration of the site shall be submitted to and agreed in writing by the Local Planning Authority. Restoration shall thereafter proceed in accordance with the revised scheme.

Reason

To ensure the satisfactory restoration and aftercare of the site and to comply with policy M1 of the North Lincolnshire Local Plan.

12.

No advanced planting or landscaping shall take place until a scheme of archaeological work has been undertaken in accordance with the archaeological written scheme of investigation, and approved in writing by the Local Planning Authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as tree roots and landscaping may damage archaeological remains of importance.

13.

The developer shall, at all times, maintain access to both underpasses for the purpose of inspection and/or maintenance by the Highways Agency or any other Agency with responsibility for the A180 in that location.

Reason

In the interests of highway safety.

14.

No structure, plant or equipment, whether temporary or permanent, shall be fixed or connected to either the structure of or the ground beneath either underpass without prior written technical approval from the Highways Agency.

Reason

In the interests of highway safety.

15.

All external lighting shall be of flat glass, full cut-off design with horizontal mountings, and shall ensure that there is no light spill above the horizontal.

Reason

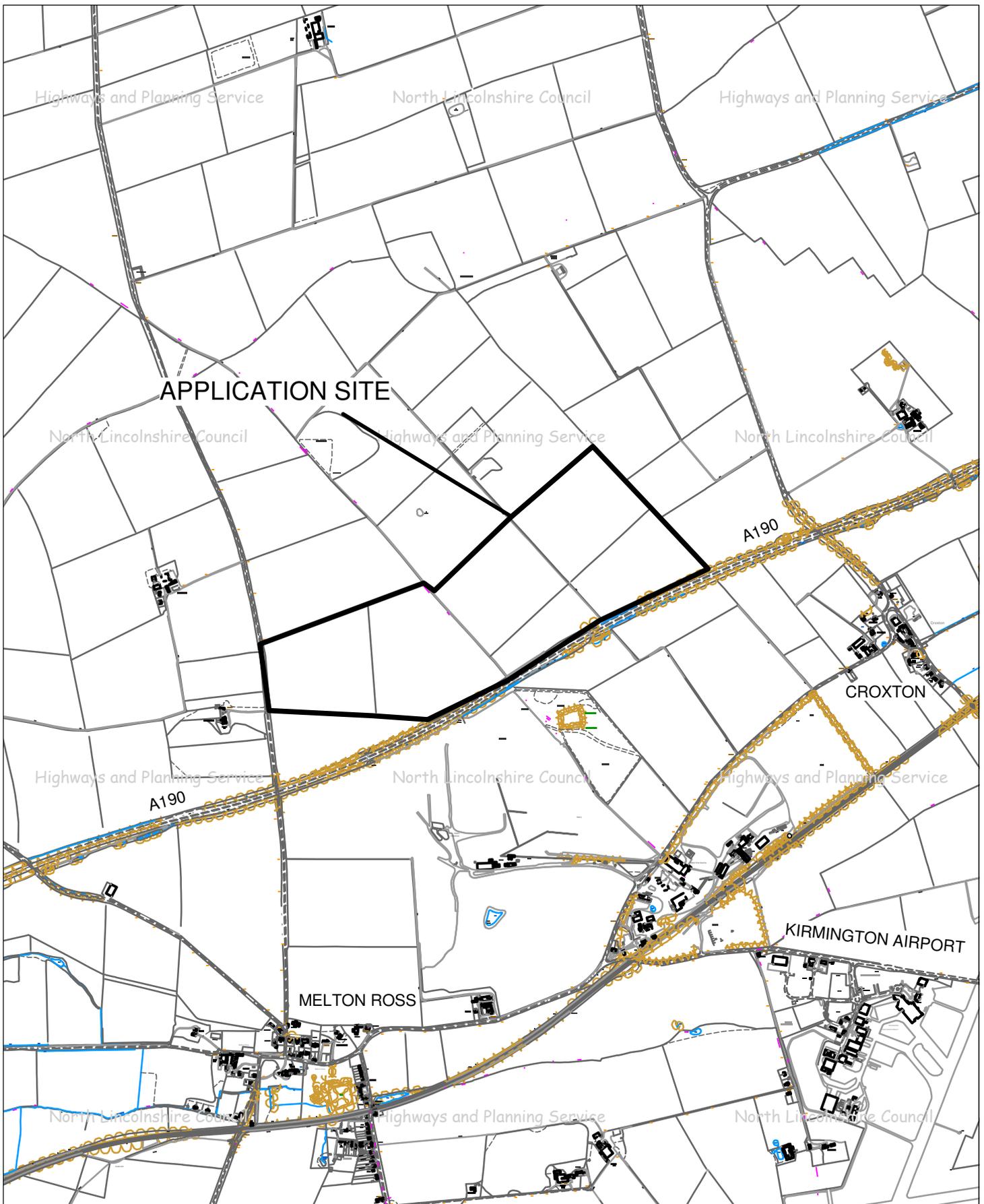
In the interests of airport safety.

16.

No element of the proposed planting shall be permitted to grow above a maximum height of 60 metres AOD unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of airport safety.



Drawing Title: MIN/2007/1129

OS Grid Ref: TA07791246

Drawn by: SB

Scale: 1:20000

Date: 06/05/2008



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

NORTH LINCOLNSHIRE COUNCIL 100013349 2008



Highways and Planning Service

Service Director,
G Popple

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under license from Ordnance Survey in order to fulfil its public function to act as a highways and planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to license Ordnance Survey map data for their own use.