

APPLICATION NO	WD/2013/0339
APPLICANT	Mr B Chapman, Villecom Ltd
DEVELOPMENT	Planning permission for restoration of a former chalk pit to a conservation afteruse including the import of construction, demolition and excavation wastes
LOCATION	Former Chalk Pit, Thornton Road, Thornton Curtis
PARISH	THORNTON CURTIS
WARD	Ferry
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Thornton Curtis Parish Council Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 14 sets out that there is a presumption in favour of sustainable development which lies at the heart of the NPPF.

Paragraph 109 sets out a variety of ways in which the planning system should contribute to and enhance the natural and local environment.

Paragraph 118 advocates the conservation and enhancement of biodiversity.

Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location and that the effects of pollution on health, the natural environment, general amenity and the sensitivity of the area or development to adverse effects from pollution should be taken into account.

Paragraph 121 further advocates that sites must be suitable for their new use taking account of ground conditions and land instability and that after remediation, as a minimum, land should not be capable of being determined as contaminated land.

Paragraph 122 states that local planning authorities should focus on whether the development itself is acceptable use of the land, and the impact of the use, rather than the control of processes or emission which are subject to approval under pollution control regimes.

Paragraph 123 aims to protect health and quality of life by avoiding or mitigating noise impacts.

Paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

National Planning Policy Guidance:

Waste

Noise

National Planning Policy for Waste

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy RD7 (Agriculture, Forestry and Farm Diversification)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T14 (The North Lincolnshire Strategic Road Network)

Policy R5 (Recreational Paths Network)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy LC15 (Landscape Enhancement)

Policy M3 (Residential Amenity and Protection Zones)

Policy W2 (Groundwater Protection)

Policy W3 (Flood Risk Areas)

Policy W7 (Waste Management Facilities and Humberside International Airport)

Policy W20 (Land Raising)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS6 (Historic Environment)

Policy CS11 (Provision and Distribution of Employment Land)

Policy CS16 (North Lincolnshire's Landscape, Waterscape and Greenspace)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS20 (Sustainable Waste Management)

Policy CS25 (Promoting Sustainable Transport)

CONSULTATIONS

Highways: Raise concerns relating to the vagueness with regard to the level of traffic generation but do not object to the application subject to conditions.

Drainage: Proposals need to make adequate provision for surface water into the pit area and provision for the continuation of drainage into the existing pit. It is considered that securing surface water drainage details via condition is now an acceptable way forward.

Archaeology: No objection or comments.

Environmental Health: Raised concerns with regard to the impact of the proposed development on the amenity of neighbouring properties. Additional information was subsequently submitted with regard to noise and Environmental Health were re-consulted. This department is still of the opinion that the site is unsuitable for the proposed activity due to the change in the acoustic character of the area, as per sections 109, 120, 122 and 123 of the NPPF, as well as the precedent set for this type of activity (or similar) to grow in Thornton Curtis. Therefore recommend refusal of this application. Recommend conditions should planning permission be granted.

Ecology: Works would result in harm to Great Crested Newts (GCN). Consent can only be given if sufficient evidence is presented that the tests of European Protected Species (EPS) licensing are met. The submitted GCN report outlines newt fencing and pitfall trapping proposals which allow the development to go ahead without adversely affecting the GCN

population. There are also proposals to improve the management of the pond and surrounding habitats to favour GCNs. Conditions are recommended which ensure the necessary licences are obtained from Natural England and a biodiversity management plan is secured and enforced.

Historic Environment Record: No objection to the application, however it is highlighted that the Design and Access Statement incorrectly advises that there are no designated heritage assets within 1 kilometre of the site when there are actually five, including the Grade 1 Church of St Lawrence.

Tree Officer: The proposal does not impact on mature trees and the existing landscape provides screening.

Public Health: No objection.

Humberside Fire: No objection, but make informative comments relating to the provision of water for fire-fighting.

Anglian Water: With regard to this current application, the activity itself of infilling this old chalk quarry with 'inert' material poses no significant risk in itself to Anglian Water, however there is a concern with regard to a risk of contamination of this 'inert' material.

For example, a single container of pesticide leaching into the local chalk aquifer could have an impact on the quality of the locally abstracted water used for public water supply that could last decades and have very costly implications. Anglian Water would therefore want to be assured that very stringent and robust quality control policies are strictly and consistently implemented on all the material that arrives at the site for infilling of the quarry.

Furthermore, Anglian Water would want assurance that the management of security of the site is adequate to prevent the unlawful and unmanaged dumping of material and would recommend that a daily site walkover is carried out to confirm that such an activity had not taken place.

Environment Agency: No objection but comment that the applicants will require an Environmental Permit before infilling of the former chalk pit can be commenced.

Natural England: The proposed development is not likely to result in significant impacts on statutory designated sites, landscapes or species. Provide informative comments with regard to specific issues that need to be considered.

Lincolnshire Wildlife Trust: We note that further protected species surveys for great crested newts and reptiles are still required along with additional botanical surveys of the site. This application should not be determined until the results of these surveys are available, to allow any necessary mitigation to be included as appropriate into the plans for the restoration of the site.

The Trust supports the creation of chalk (or calcareous) grassland, which is a UK and Lincolnshire Biodiversity Action Plan (BAP) priority habitat. Recreation of chalk grassland at this site would help to meet targets in the UK and Lincolnshire BAP.

Campaign for the Protection of Rural England: The adopted Core Strategy includes a chapter on Sustainable Waste Management, paragraph 12.11 of which states: 'The majority of waste in North Lincolnshire is landfilled in redundant quarries, the legacy of aggregates

and ironstone extraction for steel and associated industries. The area has an abundance of landfill capacity, with currently 14 million cubic metres of void space having planning permission for waste disposal.'

In addition, paragraph 12.22 says: 'In support of the draft MWMS (Municipal Wastes Management Strategy) no new waste landfill sites will be provided because of the existence of a very high surplus of void space capacity, the unsuitability of final disposal of untreated waste, and the presence of environmental constraints, sometimes high, at abandoned quarry sites.'

From this it is concluded that using this quarry as a landfill site is unacceptable in policy terms. It could be suggested that the applicant is aware of this and decided to argue that the quarry needs to be filled in because it is dangerous, despite it not being publicly accessible, and the only way of achieving this is to fill it with construction material.

In addition, we note that Thornton Parish Council has reported the removal from the site of wildlife features which the applicant has undertaken in the past few years to make the site appear to be more 'suitable' for landfill.

Finally, the impact (mainly noise, dust and traffic) on the village of Thornton Curtis of landfilling activities at this site would, in our view, be unacceptable.

Forestry Commission: Within the area of the application the Forestry Commission is aiding work under the woodland grant scheme to establish woodland. Felling activity on the site has been investigated in the past and at the time there was no breach of Felling Regulations. If further felling has been undertaken then it is the responsibility of the Forestry Commission to determine whether action is appropriate.

Humberside Airport: Humberside Airport has assessed the development with regard to aerodrome safeguarding criteria, namely the bird attractant risk in this case. Humberside Airport is not satisfied that the potential increased bird attractant risk has been appropriately assessed. The Design and Access Statement details very much a 'reactive' approach to nesting birds. Humberside Airport would like to learn how the developer plans to 'proactively' manage the bird attractant risk.

With reference to the above, Humberside Airport would **object** to the proposal unless an appropriate bird management plan is adopted.

Robin Hood Airport: The site lies outside the 30 kilometre safeguarding zone, but it should be noted that the development may increase the risk of bird strike towards aircraft approaching from the west.

PARISH COUNCIL

23 April 2013

The proposal claims to be for restoration of a former chalk pit to a conservation afteruse including the import of construction, demolition and excavation wastes. This is erroneous. It is an application for a waste disposal landfill. The land which is the subject of this proposal was already a most attractive wildlife area when the applicant purchased it some 2-3 years ago. The former 12th century chalk pit had not been in use for more than 200 years, and had developed naturally into a calcareous grassland habitat with flora, fauna, protected species and a vast range of unique wetland features due to the hydrology of the site. Prior

to purchase by the applicant it was agricultural grazing land, with additional trees planted under Woodland Grant Scheme No 012003806. Since purchase, the applicant has spent two years removing the trees and hedgerows, thus destroying the habitat and presenting the area of the chalk pit and its surroundings as a wasteland ready for filling.

The following concerns are summarised by Thornton Curtis Parish Council and expanded upon in their formal consultation response:

- An operation of the size and length of time proposed would be very disruptive to the lives of the residents of this small rural community.
- The proposed infilling of the chalk pit presents a flood risk to a major part of the village, including residential properties, farmland and roads.
- The proposed infilling of the chalk pit presents a risk of aquifer contamination.
- Traffic engaged in filling the chalk pit would overload the infrastructure of this small village.
- Noise from the machinery used to distribute the material filling the chalk pit and from traffic visiting the site would be a daily constant disruption for many years to come.
- Dust from the movement of material in the chalk pit would be a constant nuisance for many years to come.
- Adequate landfill sites already exist in North Lincolnshire. Paragraph 16.34 of the North Lincolnshire Local Plan states, 'All North Lincolnshire sites have an estimated life well beyond the plan period...' and at 16.34 states, 'it is considered that there will not be a need for the authority to consider the development of new waste disposal capacity as part of its strategy.'
- Restoration of the land to 'conservation afteruse' can easily be achieved by new plantings. Landfill of the chalk pit is not necessary to achieve this.

6 February 2014

An NLC drainage team under the direction of Mr Chapman has recently met with local farmers at Thornton Curtis and has now conclusively established that water from Main Street combines with water from the field drainage systems of nearby farms and then discharges into the former chalk pit known as the Hilly Pits.

The Main Street drainage system joins the Home Farm yard drainage system and then this feeds along a 9 inch pot parallel to the A1077 under a Home Farm field to a soakaway which, when at capacity, discharges overflow water into the Hilly Pits. This system also links into the Home Farm field drainage system which also feeds into the Hilly Pits. The field drains collect water across about a third of Home Farm and also bring water from the Limestone's land as well. On the Limestone's side of the road, their field drains run straight into the Hilly Pits. Additionally, an overflow from the pond on the East side of Dam Lane feeds into the Hilly Pits. Highways water from the A1077 runs into a drainage ditch on the west side of the highway and then back into the Hilly Pits, as well as surface water more generally from various directions.

Currently, NLC's drainage team is assisting with the clearance of silt from the drainage system. Once the jetting is complete the system will work more efficiently and feed even more water into the Hilly Pits more quickly than at present.

It has become apparent that any attempt to infill the Hilly Pits is likely to have serious consequences for drainage of the village and surrounding land with increased potential for flooding of homes and land, particularly during any period of heavy and continuous rain which causes overtopping of the soakaways, sumps and ponds incorporated in the existing systems.

PUBLICITY

Neighbouring properties have been notified by letter, and site and press notices have been posted.

A significant number of objections have been received on the following grounds:

- The pits act as a natural flood alleviation scheme for the village. They prevented the village from flooding in 2007 when they were almost full with water.
- Water drains into the pits through a series of land drains to the east and from the ponds to the south. Water also runs into the pits from the adjacent A1077.
- Infilling the pits will affect their storage and drainage characteristics, resulting in increased risk of flooding and also impact on the commercial viability of local agricultural land.
- The submitted drainage report is not adequate and is not based on local knowledge. Neither North Lincolnshire Council nor the Drainage Board has accurate details of the drainage of the village; only local landowners have this information.
- Granting consent for the proposed development would be contrary to the council's Drainage Enforcement Policy.
- There is no need for the development and it would be contrary to policies in the Core Strategy which highlight an oversupply of consented landfill capacity in the area.
- The amount of material proposed exceeds that required to stabilise the banks of the pit.
- The dust management plan is inadequate as it relies on the prevailing wind direction to take dust away from the nearest receptors; the wind does not exclusively blow from the south-west and as such is not adequate to protect amenity.
- Noise and disturbance has already been experienced by local residents during work already carried out on the site. This is real nuisance, not perceived.
- The proposed working hours are totally unacceptable for residents of a quiet country village.
- Artificial lighting would be required to facilitate the proposed hours of operation, resulting in light pollution.

- Annex E of PPS10 requires special consideration to be given to any sensitive receptors. There is insufficient evidence provided with the application to show that this is the case and that impact on receptors can be adequately mitigated.
- The proposed development represents an unacceptable risk of ground and water pollution.
- What controls will there be over the waste entering the site to ensure that it is not hazardous?
- There is potential for fly-tipping to occur should the site be given over to a landfill use.
- Works have already been carried out in the pits which will have damaged habitats and affected protected species.
- Existing mature trees and shrubbery have been removed from site.
- Whilst promoting the development as a restoration scheme the applicant has destroyed a naturally occurring habitat which has developed over hundreds of years.
- Infilling the pit with imported, foreign material will not enable restoration of a calcareous habitat.
- Infilling of the site will disturb an existing badger sett in the locality, which is illegal.
- The applicant has infilled a wet/pond area at the eastern end of the site – an ideal habitat for great crested newts which are known to exist in the local area.
- An existing barn owl nesting box has been removed from site by the applicant.
- The activities to extract chalk are undated, there are no known planning consents. There is no requirement for restoration as the pit is now an accepted and established feature in the local landscape.
- There is no planning policy reason to support the application as it is located in a small village with no relationship with any source of inert material.
- The proposal does not contribute to the natural, built and historic environment and the proposed planting will only replace vegetation removed by the applicant.
- It is not possible to control the routing of HGVs to and from the site and operators will use the shortest and cheapest route.
- The access is totally inappropriate for heavy goods vehicles, will cause major damage to infrastructure in the village and will result in slow-moving vehicles pulling out blindly into the highway.
- The proposed social benefit of a permissive footpath through the site would not be available for 10 years and would not link into a local footpath network as one does not exist.
- There is the potential for the development to generate up to 90,000 journeys per year.

- The proposed development will result in a reduction in local house prices.

ASSESSMENT

The application site is a former chalk pit located approximately 200 metres to the north-west of Thornton Curtis, immediately to the west of the A1077 (Thornton Road). The site is largely defined by the extent of the former mineral workings and, including the access to the public highway, extends to 1.7 hectares. It is bounded to the north and west by agricultural land and its southern boundary is shared with immature plantation woodland. The nearest residential property lies approximately 60 metres to the south-west of the site, on Northfield Lane. The residual void lies between 7 metres and 11 metres below the original ground level. The site is reported to have last been used for mineral extraction approximately 200 years ago and has largely been disused since that time, although local residents do refer to grazing taking place within the pit since its original use. The site is screened along its eastern boundary by a mature hedgerow which restricts views into the site from the adjacent highway. The existing access to the site lies to the south-east of the pit and is shared with nearby residential properties.

The proposed development involves the filling of the former quarry with construction, demolition and excavation waste materials which will be sourced primarily from the Humber Bank, North East Lincolnshire and Scunthorpe areas. The resultant landform will grade down into the quarry at gradients of between 1 in 7 and 1 in 4. The lowest parts of the refilled quarry are to be set at approximately 15 metres AOD and these low parts will be lined with low permeability materials to create relatively regular water bodies.

The filling of the quarry requires up to 80,000 cubic metres of materials, including soils for fill and restoration. 20,000 cubic metres of materials are considered capable of being sourced from within an economic haul distance from the site and operations are anticipated to be completed within five years. Regular amounts of infill materials are not, however, anticipated over the next five years and significant fluctuations can be expected should major developments take place in the local area.

Part of the former quarry, located to the south-west of the site, is omitted from the application as its slopes are considered to be graded shallowly and pose no risk to safety.

The main issues in the determination of this planning application are:

- **whether the principle of the development is acceptable in this location;**
- **whether the proposed infilling operations will result in flooding to surrounding land and Thornton Curtis village;**
- **whether the proposed development will have an unacceptable impact on the amenity of neighbouring residential properties; and**
- **whether the proposal will have an unacceptable impact on protected species.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North

Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The development plan policies of most relevance to establishing the principle of this development are policy W20 of the NLLP and policy CS20 of the NLCS.

Policy W20 guides proposals for the disposal of waste via land raising. Such developments will only be supported where there is a need for the disposal of wastes and where the benefits of the proposals outweigh any environmental harm which may be caused. The NLCS clearly outlines, at policy CS20, that new facilities for the treatment and management of waste will be considered, especially in strategic locations such as the South Humber Bank Employment Area. As such the need for the site is considered to be established by the wording of policy CS20, which is the most recent local guidance on the demand for waste facilities. Environmental harm, such as the loss of habitats and biodiversity, are considered below, however no objections have been made by statutory consultees and the environmental impact of the development, in the longer term, is considered to be positive.

Policy W20 also requires the local planning authority to consider the visual and noise impacts associated with such developments and the permanence of the impacts identified.

Policy CS20 of the NLCS outlines a hierarchical approach to the identification of new waste management and treatment facilities. The application site is considered to comply with this hierarchy as it is located close to a high contributor source of materials in the form of the South Humber Bank Employment Area and the use of an existing mineral extraction site is also listed as the fourth most preferable type of site. It is noted that the quarry is not an 'existing' quarry given that it has not operated for many years; however, it displays characteristics which make such mineral working ideal for waste disposal.

It is therefore concluded that the application is acceptable in principle and complies with policy CS20 of the NLCS. Compliance with policy W20 of the NLLP is dependent upon the acceptability of the scheme when assessed against environmental and visual harm and the potential loss of residential amenity.

The suitability of the location for the proposed use must also be assessed against the Locational Criteria at Appendix B of the National Planning Policy for Waste (NPPW), which superseded Planning Policy Statement 10 on 16 October 2014. The subsections below all assess this application with due regard to this guidance. The NPPG also provides guidance on waste developments and more specific guidance on related subjects such as noise.

Flood risk and drainage

The application has raised a number of concerns from residents and the parish council regarding the loss of this site as a means to attenuate flood water for the village of Thornton Curtis. It is noted that the site has historically been partially flooded and the applicants have accepted that this quarry has historically accommodated up to 0.5 metres of water.

Although some 'capacity' for flood attenuation purposes will be lost by this development, it is not considered that this application will significantly displace water into adjoining lands. The site will remain permeable, with the exception of one small area which will be made less permeable to create water features for ecological enhancement reasons. The existing quarry will not be overfilled; there will remain a slope into the quarry which will still be

approximately 3 metres from the crest of the lowest side wall. It should also be noted that part of the former quarry, located to the south-west of the site, is omitted from the application and will remain as an open void. The proposal has been designed with a valley connected to the remaining quarry void to the south-west, which will allow surface water to drain into this area.

The protection of the aquifer is the responsibility of the Environment Agency and they have not objected to this application. As such, contamination of ground waters is not anticipated by this application. Operations on this site would be subject to an environmental permit, obtained from the Environment Agency, should planning permission be granted. Furthermore, a condition has been recommended which would mitigate the potential for any unauthorised tipping on the site. For these reasons the application is considered to comply with NLLP policy W2 which seeks to protect groundwater supplies.

Policy W3 places restrictions on waste applications in flood zones and adjacent to rivers, reservoirs and ponds. The application site is not located within a flood risk area and as such no flood waters will be displaced. Surface water will be affected by this application but, as explained above, these flows are not considered to be adversely affected by this application and the application therefore complies with policy W3.

Policies DS13, DS14, DS15 and DS16 of the NLLP are general policies which aim to protect groundwaters, reduce flood risk and secure details of drainage. It is again considered that the application complies with these policies as the development is not expected to increase flood risk elsewhere, and groundwaters are not affected by the development. Furthermore, the council's drainage team has confirmed that surface water drainage details can be secured by condition.

Drainage consultees have not objected to this application, and the Environment Agency has highlighted the need for an Environmental Permit which adds a further layer of environmental protection. Anglian Water has highlighted the need to protect groundwater and this matter is considered to fall within the remit of the Environment Agency.

Residential amenity

The application site is located approximately 60 metres to the north-east of the nearest residential property; another property is located 140 metres to the south-east with other properties located just over 200 metres from the application site within Thornton Curtis. This application has resulted in an objection from the council's Environmental Health team due to the change that the development would bring to the acoustic character of the area, as well as the precedent set for this type of activity (or similar) to grow in Thornton Curtis.

The applicants have submitted a Noise Impact Assessment in support of the application which outlines that operations on the site have the potential to generate a noise output, at the nearest noise sensitive receptor, of 55dB. It is outlined that this noise impact is a worst case scenario if both vehicles (tracked excavator and wheeled backhoe loader) are operating together at the nearest point on the site to the receptor. This reading also assumes that both vehicles are in line of sight of the receptor; given that these vehicles will be operating within the quarry, it is likely that vehicles will be screened from line of sight views. The submitted Noise Impact Assessment therefore concludes that a further attenuation of up to 10dB could be achieved. A condition has been recommended to secure this lower noise level of 45dB and the applicant has confirmed that this noise level is achievable.

It is considered that conditions could be imposed to regulate the extent of the use and restrict the number of operational days per year to 10 weeks. Any permission granted could also be temporary, requiring operations on site to be completed after five years. Standard conditions regulating working hours would also be imposed if planning permission was granted.

The submitted Noise Impact Assessment considers the application against minerals extraction guidance, which allows a maximum impact of 55dB during normal working hours. Environmental Health considers that this policy should not be applied to this application as minerals must be worked where they are found and as a waste disposal application lower limits should be set. It is the opinion of officers that minerals guidance within the Technical Guidance to the NPPF should be applied, namely paragraphs 30 and 31. The quarry which is subject to this application has never been formally restored and the proposed development constitutes a restoration scheme which will ultimately deliver environmental benefits. The length of time since the quarry was last worked is not considered to change the fact that this application represents a restoration of a former minerals working.

The most recent response and objection by the council's Environmental Health department relates, in part, to the acoustic character of the area outlining that there are no similar uses in the locality, and that should the development be approved, it would set a precedent for this type of activity (or similar) to grow in the area. It should be noted that each development must be judged on its own merits and should this application be approved, it would not set a precedent for future developments in the area. The judgement that has to be made is whether the proposed development would result in an unacceptable impact on the amenity of neighbouring residential properties. In this instance it is considered that the use of appropriate conditions (hours of operation, duration of works etc), which have been suggested by Environmental Health should permission be granted, will mitigate the potential impact to neighbouring properties. This judgement has been made giving due regard to the fact that the proposed operations are transient in nature and that there will be large periods with no infill operations taking place. On this basis, subject to the recommended conditions, the development will not have an unacceptable impact on the amenity of neighbouring properties.

Should further applications for developments of this nature be received then these will also have to be judged on their own merits also.

Ecology

The application proposes a 'conservation afteruse' which involves the establishment of calcareous grassland on the site. Such a strategy is supported by the council's ecologist, the North Lincolnshire Wildlife Trust and Natural England. Calcareous grassland is a Biodiversity Action Plan priority habitat and the establishment of such a habitat would weigh in favour of this application.

The applicants have commissioned ecological surveys of the site, including an assessment of great crested newts. A great crested newt habitat has been identified close to the site and the proposals do have the potential to affect these legally protected species. However the report outlines mitigation in the form of newt fencing and pitfall trapping proposals which allow the development to go ahead without adversely affecting the great crested newt population. There are also proposals to improve the management of the pond and surrounding habitats to favour great crested newts. Officers therefore agree with the

conclusions of the council's ecologist that the development, as currently proposed, is acceptable, subject to conditions which secure a biodiversity management plan.

Subject to condition, it is considered that the application complies with policies LC5 and LC6 of the NLLP, policy CS17 of the NLCS and Section 11 of the NPPF.

Highways

Concerns have been raised with regard to the suitability of the access to the site and also relating to the impact of HGV movements on the existing highway network which is already damaged in places.

The movement of staff and visitors to the site will be minimal and the majority of traffic movements will be HGVs transporting fill material to the site. The applicant has confirmed that HGV movements will average approximately 6.5 loads per day with a maximum of approximately 30 loads per day during peak periods. Due to the nature and source of the fill material there will be significant fluctuation in vehicular movements as material becomes available, with large periods where there are no movements to and from the site. The council's Highways department has raised concerns relating to the vagueness with regard to anticipated traffic generation; however the applicant has stated that it is not possible to be more accurate in this regard as the level of traffic generated at any one point will be dependent on the availability of fill material.

As part of the development the applicant intends to create a new vehicular access to serve the former chalk pit, as the existing access is shared with residential properties and is deemed to be inadequate to serve HGVs. This new access is to the north of the existing access, directly adjacent to the pit itself. This new access will actually constitute the re-opening of a historical access which used to exist and is overgrown at present. The council's Highways department has raised concerns relating to the number of HGV movements that could be generated through Thornton Curtis. They are also of the opinion that the proposed access point would need to be improved in order to provide adequate visibility when accessing/exiting the site. The applicants have suggested that it is possible to design the access point in order that it will only be possible for HGVs to enter/exit the site from a northerly direction, away from Thornton Curtis and that this can be secured via condition. Highways have confirmed that, should the suggested design of the access point be secured via condition, then they would not object to the proposed development. Subject to this condition preventing access to the site from Thornton Curtis to the south, it is considered that the proposed development would not have an unacceptable impact on highway safety in the area.

Contamination

The proposed development will, as well as planning permission, require an Environmental Permit from the Environment Agency. This permit will require the applicant to comply with restrictions with regard to the material that enters the site. The applicant has confirmed that as part of the statutory regulatory requirements for the receipt of incoming waste stringent acceptance criteria will be applied to incoming waste material at all times. A visual inspection will be carried out on every load, both upon initial receipt and after tipping. Furthermore, as statutorily required, records will be kept of each load delivered and accepted; these will include date, nature, quantity, quality, place of origin (where known), its carrier and supplier. A condition has been recommended to secure a detailed and enforceable security and management plan which details how unauthorised tipping will be

prevented. Subject to this condition, and the statutory control under the Environmental Permitting Regulations, it is considered that the proposed development will not result in unacceptable potential for contamination of the site or the underlying groundwater aquifer.

Lighting

As set out in the submitted Design and Access Statement, there will be no artificial lighting on site other than that on plant for safety reasons and around the site office, also for health and safety reasons. This lighting will be minimal, will be directed downwards and will not result in light pollution to neighbouring properties or the surrounding area. The applicant has confirmed that the proposed operational hours are designed to allow working during daylight hours during the lighter months and are not intended to allow operation during hours of darkness during the winter.

Aviation safety

The application resulted in an objection from Humberside Airport due to the potential for the ecological enhancements to increase the number of birds on the site, which in turn increased the potential for aircraft to strike individual and flocking birds. The application site lies within with Humberside Airport's 'off airport' bird attractant site assessment area as detailed within Civil Aviation Publication 772, Chapter 3, Paragraph 5. NLLP policy W7 states that applications will not be supported in areas likely to pose a threat to the safety of flights at Humberside International Airport.

The applicants have since submitted an amended plan which removes previously proposed blocks of tree planting from the proposed restoration scheme. Trees which will still be planted, on the site boundary for screening reasons, will not include taller species and will not include species which provide fruit and berries. Bodies of water within the site will not be stocked with fish, will be kept clear of vegetation and will be regular in shape with no islands or inlets. These proposals will further support the establishment of calcareous grassland which further supports the aims of ecological consultees.

Humberside International Airport has confirmed that the proposed mitigation measures suggested by the applicants have adequately resolved their concerns and that they now withdraw their original objection. On this basis it is considered that proposed scheme would now comply with policy W7 of the NLLP and is acceptable with regard to aviation safety.

Conclusion

The proposed development has raised concerns from local residents, the parish council and consultees. Many of the concerns raised have been subject to revised/additional information from the applicants and can be overcome by the imposition of conditions. On balance it is considered that the concerns raised can be made acceptable and the benefits generated by this application (ecological and economic) outweigh the adverse impacts which have been identified.

RECOMMENDATION 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 in accordance with the following approved plans: 0722-1-3 Site Boundary Plan, 0722-1-4 Rev A Proposed Site Layout and Landform and 0722-1-4 Proposed Cross Section.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until a plan for the management and security of the site to prevent unlawful and unmanaged dumping of material has been submitted to and agreed in writing by the local planning authority. The agreed plan shall be carried out in full for the duration of the infilling operations hereby approved.

Reason

To protect the local chalk aquifer from contamination, in accordance with policy W2 of the North Lincolnshire Local Plan.

4.

No development shall take place until a bird management plan has been submitted to and approved in writing by the local planning authority. The agreed plan shall be carried out in full for the duration of the infilling operations hereby approved.

Reason

In the interest of aviation safety.

5.

No development shall take place until a European Protected Species licence has been obtained with respect to great crested newts.

Reason

To protect features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

6.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) aims and objectives of management;
- (b) details of measures to be carried out to avoid harm to great crested newts, reptiles, other protected species and nesting birds during the operational and restoration phases of development;
- (c) details for the creation and maintenance of chalk grassland and open mosaic habitats using soils and chalky materials gained on site and native species of UK origin;

- (d) details for the creation and maintenance of wetland habitats, to benefit great crested newts in particular;
- (e) details for features to be created to improve the value of the site for roosting bats and breeding birds;
- (f) details for the planting and aftercare of 220 metres length of mixed native hedgerow;
- (g) details of woodland management measures to be carried out along the proposed access route;
- (h) details of other measures to be carried out in accordance with the submitted Great Crested Newt Survey and Mitigation Plan ref BE-R-1486-02;
- (i) monitoring procedures and remedial measures triggered by monitoring;
- (j) persons responsible for:
 - (i) compliance with legal consents relating to nature conservation;
 - (ii) compliance with planning conditions relating to nature conservation; and
 - (iii) implementation of the management plan.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

7.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

8.

The site operation shall be restricted to the following hours:

8am to 6pm Monday to Friday; and

8am to 1pm on Saturdays.

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

Reason

To protect the amenity of neighbouring properties in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

9.

Infilling operations shall cease within five years of the date which material is first brought onto site unless otherwise agreed in writing by the local planning authority.

Reason

To protect the amenity of neighbouring properties in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

10.

The rating level of noise emitted from activities on site shall not exceed 45dB, measured as LAeq(1hour) at any residential boundary. The definition of rating level shall be as described in BS4142:1977.

Reason

To protect the amenity of neighbouring properties in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

11.

No development shall take place until a dust mitigation scheme has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be carried out in full for the duration of the infilling operations hereby approved.

Reason

To protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

No development shall take place until details of wheel cleaning facilities have been submitted to and approved in writing by the local planning authority. The agreed facilities shall be put in place prior to material being brought onto site and shall be in operation for the duration of the infilling operations hereby approved.

Reason

In the interest of highway safety.

13.

No development shall take place until a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. Once agreed this scheme shall be implemented in full.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

14.

No development shall take place until all details of the proposed vehicular access to the site have been submitted to and approved in writing by the local planning authority. These details shall include:

- (i) a minimum visibility splay of 4.5 metres by 9 metres, including removal/realignment of hedgerows where needed;

- (ii) a suitable layout and width to manage two-way vehicle movements;
- (iii) geometry of the access, including provision of suitable physical features to control the direction of entry and exit.

Reason

In the interest of highway safety.

15.

The proposed development shall not be brought into use until all works approved under condition 15 above have been completed.

Reason

In the interest of highway safety.

16.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

17.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

18.

The proposed development shall not be brought into use until adequate parking and turning facilities for all vehicles have been provided in accordance with details to be submitted to and agreed in writing by the local planning authority beforehand.

Reason

In the interest of highway safety.

Informative 1

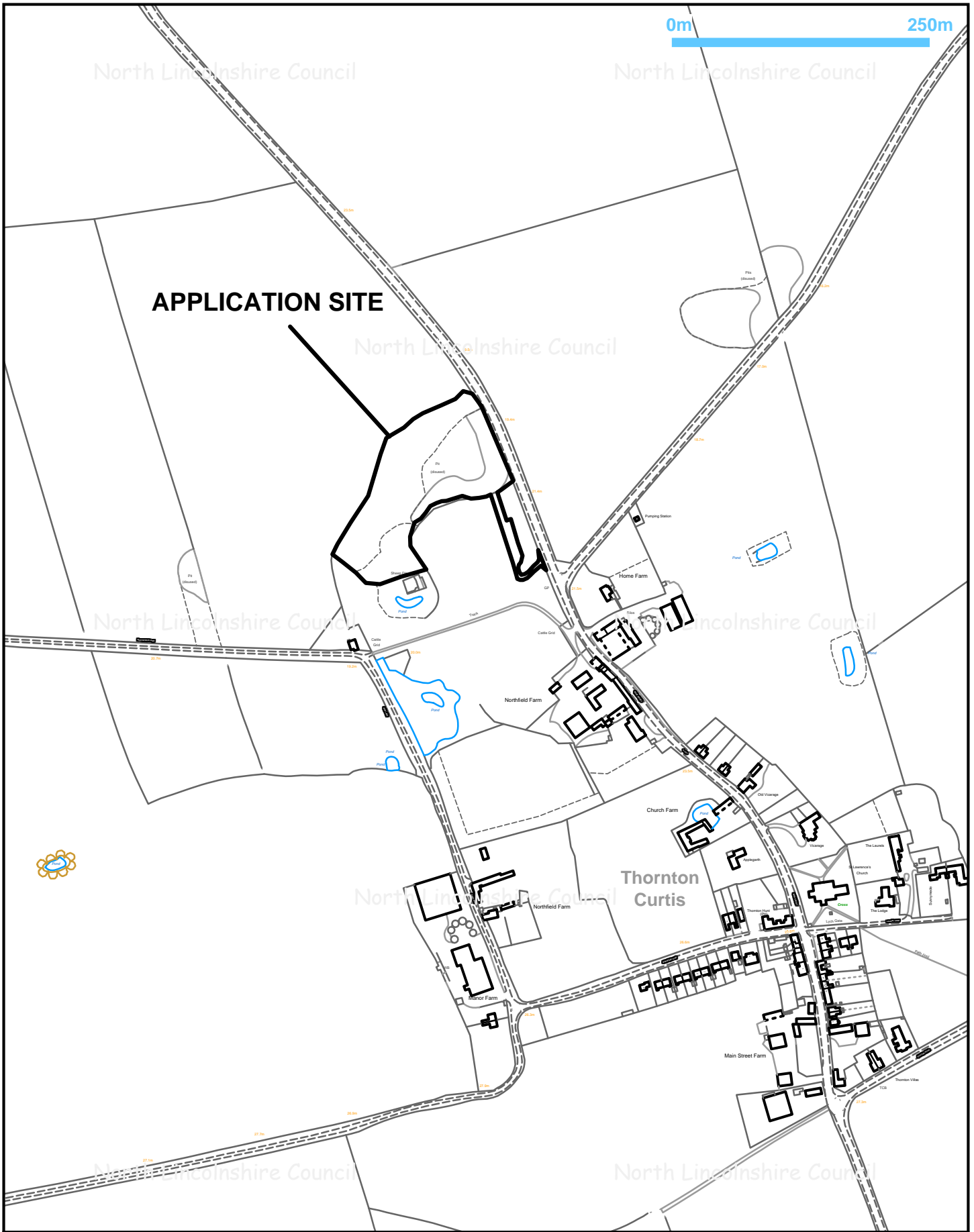
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;

- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

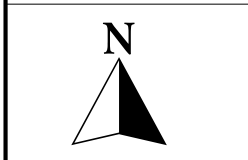


Title: WD/2013/0339

Drawn by: Sue Barden

Date: 27/01/2015

Scale 1:5000



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