

SCOPING OPINION

Opinion requested by:

Breedon Trading Limited
C/o agent

Name and address of agent (if any)

Heatons
6 Mallard Way
Pride Park
Derby
DE24 8GX

Part I - Particulars of request

Date of request:

21 December 2023

LCC Ref No:

EIA/15/23

Description of development:

Proposed replacement quarry site to the current West Deeping Quarry

Location:

Land to the south of Stamford Road, West Deeping

Type of review (ROMP development only)

Part 2 - Particulars of decision

The Lincolnshire County Council hereby gives notice that it has adopted the Scoping Opinion that an Environmental Statement submitted with an EIA application for the development described in Part 1 should include the information set out below.

Date: 21 February 2024

Planning
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL

N McBride
Head of Planning

General Comments

Allocation Status - the land subject of this request is the same as that which was subject of an earlier Scoping Request and subsequent Scoping Decision issued by the Mineral Planning Authority (ref: EIA.28/22). At the time of that request/decision, the land was however still being promoted and proposed as an extension to the existing West Deeping Quarry therefore reflecting the terms upon which this land is identified and allocated for within the adopted 'Lincolnshire Minerals and Waste Local Plan – Site Locations' (adopted 2017).

The proposal subject of the current Scoping Request however confirms that the land is now to be promoted and worked as replacement and wholly new operation to that of Breedon's West Deeping Quarry - save for a temporary 12 month period when mineral from the site would be exported for processing at the existing West Deeping Quarry Plant Site whilst this sites Plant Site is installed. This clarification is welcomed however it is noted that occasional references within the Scoping Request and its supporting documentation are made to the land still being worked as an extension rather than as a new stand-alone site. For the avoidance of doubt, the MPA has considered the development proposed within the Scoping Request on the basis of it being worked as a stand-alone site rather than an extension and accordingly the comments contained within this decision are made on that basis. West Deeping Parish Council has also highlighted a number of other inconsistencies within and across the documentation supporting the Scoping Request (refer to their individual response for specific examples). When the final ES is prepared, it is recommended that all reports, assessments and supporting documentations be corrected to ensure that they are consistent and accurate and also reflect the position that the land will be worked as new site as opposed to an extension so as to avoid any confusion or doubt about how the site is proposed to be worked.

Given the above change in circumstance, whilst the footprint of the site is the same as that of the allocated site, any application submitted and made will need to be considered as an unallocated site rather than an allocated site within the Site Locations document. Therefore, a future application would be assessed against the relevant criteria for such proposals as set out in Policy M4 of the Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies document (2016) as well as other relevant policies contained within that Plan and those which form the Development Plan at that time.

EIA development – Section 3 of the Scoping Request states that the proposed development falls within Schedule 2(a) of the EIA Regulations 2017, however, as the size of the extension exceeds 25 hectares then this falls within Schedule 1(19) of the EIA Regulations and so an Environmental Impact Assessment is required in every case. The ES submitted in support of any future application should therefore make this clear.

Information to be supplied in the Environmental Statement

Having reviewed the information contained within the document entitled "*Scoping Request – West Deeping Quarry Replacement Extension, Land to the south of Stamford Road, Lincolnshire - prepared by Heatons dated December 2023*" (the Scoping Request) and taking into account comments received from the consultation bodies, an Environmental Statement (ES) should be prepared and include the information as set out in this decision.

You are also advised to refer to the advice/comments contained within the responses from those persons/bodies that have commented on the Scoping Request and which are available on our website - <https://lincolnshire.planning-register.co.uk/Disclaimer?returnUrl=%2F> – search using ref: EIA/15/23.

Description of the development

A full description of the site, the existing permitted mineral operations and the surrounding area including the following information:

- details of the site's location and the existing features;
- the existing land uses surrounding the site;
- the planning history of the site;
- details of all existing boundary treatments and screening measures including trees, shrubs, hedges and bunds within or adjacent to the site;
- details of the proposed phasing and restoration proposals;
- details of any new or upgraded means of access to the site;
- details of mitigation measures embedded or proposed as part of the development.

Methodology & Expertise

The ES should identify, describe and assess the likely significant effects of the development. A description of the methods used for data collection should be given together with an indication of any difficulties, including technical deficiencies, unavailable data and gaps in knowledge that have been encountered.

The ES must be prepared by competent experts and should be accompanied by a statement, or the assessments contained therein should contain, information outlining the relevant expertise or qualifications of such experts.

Data required to identify and assess the main effects which the development is likely to have on the environment.

The Mineral Planning Authority (MPA) agrees that the topics listed in Section 4, Paragraph 4.1.1 should form the basis of the Environmental Statement.

In addition to the topics identified the MPA considers that the following topics should also be 'scoped in' and assessed as part of the ES.

- **Human Health** – the MPA notes that no specific chapter on impacts on human health is proposed within the ES. Effects on human health can be caused by a number of 'pathways' such as water contamination, dust, noise, etc and whilst potential impacts will be considered as part of technical assessments supporting each of the individual chapters/topics within the ES, it is important that any impacts or benefits to people's health and wellbeing are properly identified and/or secured as part of the development. The MPA therefore considers that a separate chapter on human health should be included within the ES which can draw upon the conclusions contained within the individual and other assessments.
- **Socio Economics** – the Scoping Request states that socio-economic considerations will be limited to the direct and indirect employment benefits arising from the mineral extraction operations and not that of other businesses. This is noted however the MPA does consider a wider assessment should be undertaken which includes a consideration of the potential economic impact arising from the permanent loss of agricultural land as result of this proposal and upon the consented adjoining wedding and events business at Molecey Mill and The Granary.

Landscape and Visual Impacts (including Lighting)

The MPA agrees that a Landscape and Visual Impact Assessment (LVIA) should be undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA3). The LVIA should assess any visual effects on the surrounding area and landscape together with any physical effects arising from the proposed working and restoration proposals including as a result of the use of artificial lighting.

The extent of the proposed study area has not been identified within the Scoping Request and so the ES will need to confirm and explain how this has been derived to ensure it is informed by the extent of likely effects and takes into account localised features rather than just being based on some arbitrary area. The ES should include details of any measures adopted to reduce any perceived impacts including those in-built into the working design or to be achieved through the provision of specific mitigation measures such as landscape bunds, planting, etc. Details of any landscaping proposals, including timeframes for its implementation and establishment, should also be included within the ES and form part of the assessment of impacts undertaken within the LVIA. The potential effects of the development on the setting of cultural heritage assets will also need to be included as part of the assessment of any necessary mitigation and inter alia, an appropriate landscaping strategy.

In terms of viewpoint locations, the Scoping Request identifies the proposed viewpoints on Drawing W31_LAN_LVIA_004 – Visual Context contained at Appendix B. The selected viewpoint locations are acceptable however the MPA is of the opinion that (subject to access being obtainable) additional viewpoints should also be provided to include:

- views looking towards the site from the rear of the residential properties that lie on the eastern edge of West Deeping village;
- to/from or within the grounds of Molecey's Mill and The Granary (unless viewpoints I and J are intended to represent such views already);
- views looking west along the A1175 towards West Deeping village (e.g. opposite direction to viewpoints K, L, M and N) in order to demonstrate potential views of the site (in particular Plant Site location) on approaches from the east.

The impact of the development on the Grade II* Listed Molecey's Mill and The Granary should also form part of the LVIA and this assessment should form part of the overall assessment of the impact of the development on cultural heritage assets (see comments below).

As the site lies within a rural setting artificial lighting, especially associated with the Plant Site, has the potential to have impacts on ecology (in particular bats), residential amenity and give rise to landscape and visual impacts. It is therefore necessary to consider the location and specification of any artificial lighting to ensure that any impacts can be avoided where possible and mitigated if avoidance is not possible. The MPA therefore requires a outline lighting assessment to be carried out and submitted as part of the ES and details provided on the design, location and specification of any artificial lighting to be used in the site. The MPA agrees that the guidelines and principles set out in paragraphs 5.3.3 & 5.3.4 of the Preliminary Ecological Appraisal (Appendix C of the Scoping Request) should be used to inform the design of any such lighting and the assessment.

The LVIA will also need to consider the cumulative impact of the proposals alongside the existing quarrying operations, and the future restoration of all quarrying sites within the immediate vicinity of the site (i.e. the operators existing quarry site and the adjacent competitor site).

Ecology & Nature Conservation

The MPA agrees that the ES should contain appropriate assessments to assess the impacts of the development on ecology and nature conservation interests that may be affected by the proposal. The proposed approach set out within the Scoping Request is generally acceptable and the MPA agrees that this should include a desk-based study, Preliminary Ecological Assessment (Extended Phase 1 Habitat Survey) species specific surveys as identified within the Scoping Request. At this stage however it is unclear whether the proposed assessment work will analyse the impact of the development proposals on Langtoft Gravel Pits (which is a nationally designated Site of Special Scientific Interest) as paragraph 5.1.1 of the Preliminary Ecological Assessment (contained within Appendix C of the Scoping Request) recognises that there could be indirect effects but does not confirm this will be assessed at this stage. Given the status of these two sites the MPA expects any assessment work to appropriately consider the potential impact of the proposals on these two sites and therefore this should be clarified and reflected within the ES. The ES should also contain an assessment of any protected hedgerows under the Hedgerow Regulations 1997 especially those which may need to be removed as part of the development (e.g. field hedgerows and any required to create the new site access).

The ES should contain a specific chapter that describes the methods used to assess the impacts, the baseline conditions currently existing at the site and surroundings; the potential direct and indirect impacts of the proposal arising from habitat loss and restoration, disturbance and changes in the site; the mitigation measures required to prevent, reduce, or offset the impacts; and any residual impacts. All surveys will need to be conducted at the appropriate time(s) of year for the species concerned by a suitably trained and licenced individual. Methodologies, dates of survey, times of survey (where appropriate), and survey personnel should be clearly stated.

The application (either within the ES or supporting documentation) should also contain a baseline habitat assessment which identifies the pre-development biodiversity value of the site using the Statutory Biodiversity Metric. The proposals should ensure that the development secures a minimum 10% increase in biodiversity net gain when compared to the baseline condition of the site as is now mandatory for all planning applications relating to major development submitted from 12 February 2024. If this cannot be secured and delivered onsite then you will be required to demonstrate how this can be secured offsite or through the statutory credit system.

Highways & Traffic

The ES should contain appropriate assessments to assess the impacts of the development on the highway network. The Scoping Request confirms that the proposed development will be operated as a separate and wholly new mineral extraction site and will therefore have its own Plant Site and new access/egress off the A1175.

A Transport Assessment will be required and should form part of the ES. The Transport Assessment will need to assess the suitability of the proposed access onto the A1175, as well as the impact of any additional HGVs on the highway network. Whilst the site is to have its own Plant Site, for a temporary period of 12 months whilst the site is prepared and the Plant Site installed, mineral extracted from the site is proposed to be transported to Breedon's West Deeping Quarry for processing. The ES should therefore identify and assess the potential impact of HGV movements travelling along the A1175 before making a right-turn into King Street and whether there are any prospective impacts of an increased number of HGV vehicles making this manoeuvre in respect of highways safety and potential capacity/queueing impacts. Any associated mitigation measures that may be required should be identified and detailed within the ES.

Noise

The MPA agrees that a noise assessment will be required and should form part of the ES. The noise assessment should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding area and any noise sensitive properties. The Planning Practice Guidance 'Minerals' (PPGM) does not contain advice or details on noise prediction methods and the proposed methodology and standards to be applied in carrying out the noise assessment have not been identified within the Scoping Request. Therefore, the ES should identify what methodology has been applied and which standards have been used in carrying out the assessment (e.g. BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites. Part 1: Noise' or other such British Standard).

Baseline noise surveys should be carried out at positions representative of the closest noise sensitive properties to the proposed extension area. The Scoping Request does not identify the location of the proposed noise monitoring locations and so these should be agreed in advance with the South Kesteven District Council Environmental Health Officer and MPA and the ES should explain how these have been derived. The noise assessment should contain an assessment of the predicted noise levels arising from the proposed workings and review of these in relation to the existing background noise levels and the noise that is likely to be experienced at the nearest noise sensitive premises to the site. The assessment should identify any embedded or proposed mitigation measures designed to minimise the impacts of the proposed development and identify any anticipated residual effects.

The Scoping Request (paragraphs 4.5.2 and 4.5.3) refers to existing conditions and noise limits attached to the West Deeping Quarry which require noise levels for the operation of plant and machinery during normal day-time operations to not exceed 55dB LAeq (1 hour, free-field) when measured at any noise sensitive property. Whilst this is an existing condition/limit on the current mineral operations it should not be assumed this is an acceptable limit for this development. The PPGM makes clear that noise limits on mineral operations at a noise-sensitive property should not exceed the background noise level by more than 10dB(A) during normal working hours and only where it will be difficult not to exceed the background level by more than 10dB(A) should a higher level be considered. In such cases any noise limit should be as near the background +10dB(A) level as practicable and the higher level of 55dB(A) LAeq, 1h (free field) therefore is the maximum level not an automatic limit. Therefore the ES and noise assessment should start from the basis of demonstrating that the site can be worked in such a way that the background +10dB level is achieved and not the higher 55dB limit

It is not yet clear if de-watering is proposed, however, if this is deemed necessary then the noise assessment should also consider and assess any impacts of noise associated with the running of a generator/pump during night-time hours. The PPGM advises that for any operations during the period 22.00 – 07.00 noise limits not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property as a worst-case and therefore the assessment should contain an assessment of any noise arising from such activities and demonstrate compliance with these limits.

Air Quality and Dust

The MPA agrees that an air quality and dust assessment will be required and should form part of the ES. The assessment should be carried out in accordance with the Institute of Air Quality Management (IAQM) '*Guidance on the Assessment of Mineral Dust Impacts for Planning*' and reflect that contained within the PPGM.

In relation to dust, the Scoping Request confirms baseline dust monitoring is already being carried out around the proposal site and that several dust monitors have been positioned in locations around the site (as illustrated on Drawing D01 contained with Appendix D). The chosen locations for these monitors is acceptable to the MPA as these are considered representative of the most sensitive receptors to the site. The findings of this monitoring programme should be used to inform the air quality assessment which should contain a baseline study of the existing dust climate around the site; identify site activities that could lead to dust emissions without mitigation; identify site parameters which may increase potential impacts from dust; recommend mitigation measures, including modification of site design, and; make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

Whilst paragraphs 4.6.8 and 4.8.9 refer to existing dust control measures employed at the West Deeping Quarry it should not be assumed that these measures will automatically prevent or suppress the impacts of dust on the local area. Instead the ES will need to assess and consider the nature of the development and operations proposed within this specific site taking into account the proximity of the workings and Plant Site to sensitive receptors. The ES should therefore assess and determine the appropriateness of these measures to prevent, control and manage dust from this specific site and associated activities and if these are to be relied upon as mitigation then a Dust Management Plan should accompany the application or form part of the ES.

Although the focus of the ES chapter will be on dust the ES should also consider any indirect impacts of vehicular movements in respect of air quality.

Archaeology and Cultural Heritage

The MPA agrees that an assessment of the potential effects of the development on cultural heritage and archaeological receptors should be undertaken. The Scoping Request confirms that there are two listed buildings which abut the site - these being the Grade II listed Milepost opposite the lane to Rectory Farmhouse and also the Grade II* 'Molecey's Mill and The Granary' which is adjacent to the eastern boundary. The site also has a high potential for archaeological remains potentially of national importance and also contains the route of the former Stamford Canal which Historic England and the West Deeping Heritage Group consider to be an undesignated feature of high importance.

In respect of the designated heritage assets, appropriate assessments should be undertaken to assess the impacts of the development on the setting of the heritage assets that lie immediately adjacent to the site, and in the locality, that could be affected by the proposals. A detailed Built Heritage Impact Assessment should be completed, identifying the relevant assets and assessing the potential impact of the proposals on these assets, using the terms set out within the National Planning Policy Framework. The MPA's Historic Environment Officer and Historic England should be engaged in the agreement of the appropriate methodology for this assessment. Historic England has also advised that setting impacts be considered not simply in terms of fixed-point visualisations but thoroughly and robustly as set out in Historic England's Good Practice Advice 3 '*Setting of Heritage Assets*'.

Consideration should also be given to the contribution the land (marked Lammas Close on OS mapping) makes to the significance of heritage assets including those designated in West Deeping and Maxey and in particular the Grade II* listed Molecey's Mill and its relationship to the stream forming the southern application area boundary. Given the proposed restoration to waterbodies/lakes, rather than that of agricultural land, the assessment should consider the potential implications and impacts of this change to the character and appearance of the existing and historic landscape.

In respect of archaeology, the Scoping Request contains copies of a desk-based assessment and geophysical survey (Appendix E) and a programme of trial trenching has already been carried out across the site in accordance with the written scheme of investigation contained within Appendix F. Copies of these baseline reports and the results of the trial trenching undertaken (when available) should be provided as part of the ES and support the archaeology and heritage chapter of the ES.

Water Environment (inc. Flood Risk)

The MPA agrees that a full Hydrogeological and Hydrological Impact Assessment (HIA) and Flood Risk Assessment (FRA) will be required and should form part of the ES.

The HIA should contain an assessment of the baseline conditions of the water environment at the site and its environs; identify potential impacts of the proposed development; assess the magnitude and significance of potential impacts, and identify appropriate mitigation measures for any identified potential impacts. The Scoping Request states it is not yet clear whether dewatering would be required albeit the proposed restoration plans indicate the site is to be restored to a waterbody which suggests dewatering during the extraction phase will be necessary (unless the site is to be worked wet). The ES will therefore need to make clear if dewatering is proposed and assess the potential impacts of this on the water environment and surrounding area during both the operational and restoration phases of the development. For example, if dewatering is proposed then groundwater flows tend to be induced towards the point of dewatering within a radius of influence surrounding the active mineral extraction phase. Any potential impacts therefore need to be identified and mitigation measures identified to minimise the extent of the radius of influence of dewatering on the surrounding area both during and post-restoration.

A site-specific FRA will need to be submitted which is compliant with the National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance 'Flood Risk and Coastal Change'. The FRA should include an appraisal of flood risk and any flood levels for the application area and demonstrate surface water flood risk is not increased as a result the development during its operation and identify any necessary proposed mitigation measures following the Sustainable Urban Drainage hierarchy. The FRA should also take into account the potential impact of the proposed restoration profiles on the hydrological environments, drainage and flood risk to ensure that there will be no long-term effects.

Recreation and Public Rights of Way

The MPA agrees that the ES should explain what consideration has been given to mitigating the effect of the development on the experience of footpath users and full details of the measures to be taken to protect this route, including any proposed screening, stand-offs etc should be detailed within the application details.

The Scoping Request confirms that there is an existing Public Right of Way (West Deeping Public Footpath No. 1) running through the site however this is to be retained in-situ and available for use during the life of the development. The MPA welcomes this commitment as this route is a well-used footpath connecting the communities of West Deeping and Market Deeping. The indicative plans submitted in support of the Scoping Request suggest the possible creation of permissive routes both during and post-restoration of the site. The creation of additional routes is welcomed although it would be desirable if these proposed routes could be dedicated as permanent routes as opposed to being only permissive. It would also be preferable if the surface of any routes created could also be appropriately treated to improve accessibility and all year round use as this would result in enhanced and improved routes in the area.

The MPA does not necessarily require a specific chapter in the ES to be produced to consider the impacts of the development on the Public Right of Way so long as the impacts of the development on this route and users are covered elsewhere (e.g. the relevant chapters dealing with visual impact, noise and dust).

Soils and Land-use

The MPA agrees that this matter should be 'scoped in' and appropriate assessments included as part of the ES. The Scoping Request states that, based on the provisional agricultural land data published by Natural England, the land is a mixture of ALC Grade 2 and Grade 3. In order to fully understand the impact of the development on soil resources and agricultural land quality, the assessment within the ES should be based on a combination of desk-based, site survey and sampling and testing techniques to identify and confirm the grade of the soils that lie within the site. This includes a detailed ALC survey which demonstrates the extent and grade (or sub-grade) of the agricultural land affected by this proposal. This information is necessary as the plans submitted as part of the Scoping Request propose to restore the site to waterbodies/lakes and not back to agricultural land. The ALC survey and ES therefore need to identify the full extent of potential BMV land affected and which would be permanently lost by this development and also explain and justify why it is not proposed or possible to restore the site back to agricultural land in order to safeguard this important soil resource. This includes why restoration to a lower level is not possible especially when this has been achieved on the existing mineral sites to the north of this site.

Evidence will need to be presented to demonstrate that measures have been taken to minimise the extent of the loss of any BMV soils or why the benefits of the restoration proposals being presented outweigh the permanent loss of this resource or any impacts on the historic character and appearance of the landscape given the change in land-use/after-use. You will also need to give consideration to the implications of how this proposal accords with the position set out in the NPPF and Policy R3 of the Minerals & Waste Local Plan with regard to BMV and restoration objectives for sites that contain BMV.

Climate Change

The MPA agrees that climate change effects should be considered as part of the ES and the proposed approach that potential effects will be assessed within individual topic areas as well as a specific chapter to assess any potential over-arching effects related to climate change.

Alternatives

A number of alternative options relating to this proposed development have been identified within the Scoping Request. These include the location of the proposed Plant Site within the sites footprint (referred to as Options A, B & C as illustrated on Drawings W31_LAN_005 to 007); transporting mineral from the site via conveyor either over or under the A1175 to the existing Plant Site at King Street; possible alternatives to the proposed priority access junction on the A1175 as well as any operational alternatives such as phasing/scheme design and restoration (as referenced in paragraph 5.32 of the Scoping Request albeit details of these latter options are not detailed within the Scoping Request).

Although the Scoping Request contains commentary explaining how the preferred option in relation to Plant Site location, access design and transportation method for mineral has been derived and why the alternatives considered were discounted, the ES should nevertheless still include a description of these reasonable alternatives studied and set out the main reasons for the option chosen, including a comparison of the environmental effects.

Cumulative and in-combination effects

The ES should identify, describe and evaluate the effects that are likely to result from the proposed development in combination with other projects and activities that are being, have been or will be carried out. In this case, such projects include:

- the existing mineral extraction operations being carried out at the CEMEX West Deeping Quarry, King Street;
- Tithe Farm Irrigation Reservoir, Market Deeping (LCC ref: PL/0126/17);
- proposed Greatford Quarry, King Street (LCC ref: PL/0082/22 - pending completion of S106 Planning Obligation);
- Maxey Quarry, Peterborough

Informative

You are advised to refer to the advice/comments contained within the responses from those persons/bodies that have commented on the Scoping Request and which are available on our website - <https://lincolnshire.planning-register.co.uk/Disclaimer?returnUrl=%2F> – search using ref: EIA/15/23. These include the following:

Environment Agency dated 12/02/2024

Deeping St James Parish Council dated 21/02/2024

Historic England dated 09/02/2024

Lincolnshire County Council - Countryside Services dated 25/01/2024

Lincolnshire County Council - Highways & Lead Local Flood Authority dated 24/01/2024

Lincolnshire County Council - Historic Places dated 30/01/2024

Lincolnshire Police dated 25/01/2024

Lincolnshire Wildlife Trust dated 15/02/2024

Market Deeping Town Council dated 15/02/2024

South Kesteven District Council - Environmental Health dated 01/02/2024

South Kesteven District Council dated 07/02/2024

West Deeping Heritage Group dated 12/02/2024

West Deeping Parish Council received 12/2/2024