



## **Colsterworth & District Parish Council**

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**FROM:** COLSTERWORTH AND DISTRICT PARISH COUNCIL  
Contact: Sue Grant, Parish Clerk & Responsible Financial Officer  
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Date: 3<sup>rd</sup> January 2019

**TO:** Marc Willis Case Officer, Lincolnshire County Council

**CC:** South Kesteven District Council (SKDC)  
Cllr Bob Adams  
Skillington Parish Council

**Subject:**

Initial Review Consultation (Parish Council)

**Application for the determination of new (updated) conditions to which a mineral site is to be subject**

**PLANNING REFERENCE: PL/0076/18**

**MINERAL SITE: PROPOSED SKILLINGTON QUARRY, LAND TO THE EAST AND WEST OF SKILLINGTON ROAD, COLSTERWORTH**

**The Colsterworth and District Council share the concerns of Parishioners and are formally raising their objections to this plan as set out below.**

**SUMMARY OF KEY OBJECTIONS TO THE APPLICATION**

1. The fundamental objection is that there is no established need to quarry limestone in either quantity or of the quality from this application and this is in direct contravention of the Authority's own Mineral and Waste Plan (2016) and Lincolnshire Aggregate Assessment 2018.
2. There has been insufficient time for consultation (despite our request) to consider properly all the information and data which is contradictory and confusing and extremely technical.
3. This is a controversial development and this matter should be referred to the Planning and Regulation Committee for further consideration/consultation/process and not through "delegated" powers.
4. We believe that the leases/permissions expired several years ago, and the ROMP should be rescinded.
5. We do not believe that the application identifies without doubt who holds the current and legitimate government licence for extraction from the areas in question and we must assume that this has been clarified by LCC with the applicant.
6. We would expect that all areas referenced in DA1, DA9 and DA11 (not the subject of the "Study Area" identified to be worked at Stainby) are permanently deleted and all historical permissions are declared void under a legally binding variation document
7. We have been advised by the current Contractor that the life of the limestone extraction is six years (not 25-30 years as suggested) and therefore, a legally binding variation document should ensure that there will be no further working on all the referenced areas in the permissions after that date other than for reinstatement of the land within an agreed timeframe. The Traffic Assessment (3.1.) has stated that the peak traffic movement will be 2026 therefore, this variation must be imposed, or this contradiction clarified

8. In respect of reinstatement of the land; there must be no new landfill site in the area which again has been identified in the Authority's own Plan as not being required. This would also include taking inert waste from other contractors within or without the County.
9. There is apparently, a plan currently in place for the existing contractor that stipulates that there is no traffic movement on the B676 through Stainby and Colsterworth and that all lorries use the A1 corridor (North and South bound) to ensure access to the site in and out of Crabtree Road, without crossing the A1. This is not what the Traffic Assessment states, so this condition needs to be imposed.
10. The Traffic Assessment submitted also states that there will be traffic to and from Melton Mowbray passing through Stainby. The information from the current contractor states that there will be no traffic along this route; again, this condition needs to be formally imposed.
11. The application does not therefore, sufficiently provide a satisfactory traffic management plan and the assessments did not take account of all the roads affected (A1, B676) and current cumulative effects of current excessive HGV and quarry traffic on the B676, speeding and other associated noise, air and dirt pollution and degrading of the roads in the Parish.
12. A clear Traffic Management Plan must be imposed and adopted by any contractor using the site with systems put in place for consistent and independent monitoring and enforcement.
13. We must emphasise that if this application is successful despite all the objections, access must come from the A1 at Crabtree Road both North and South with trucks using the bridges at Colsterworth and Little Ponton with no use of the B676 at Colsterworth or Stainby for all quarry traffic (that applies to current, new or other contractors picking)
14. Any work being carried out should be restricted to five days a week (Monday to Friday) to preserve the rural nature of the Parish which offers amenities to residents and visitors through nature trails, walking and cycling.
15. Footpath 1, Stainby, runs inside the Southern boundary of the proposed site. This was determined by an Inspector at a Public Inquiry held in 2016 and is therefore legally binding and indisputable. This footpath is a valuable and well-used amenity for the residents of the parishes.
16. There is no benefit identified for the community in terms of employment.
17. A Section 106 agreement should be imposed as a minimum. The content of the S106 agreement should be agreed through the consultation period of the planning application with the relevant parties and planning officer and most specifically include the Parish Council. This should include paying for substantial improvements to the Crabtree Road/A1 junction.

Minute Ref:- 18/112.2

**Sue Grant**  
**Clerk & Responsible Financial Officer**  
**On behalf of Colsterworth & District Parish Council**

## 1. GENERAL STATEMENT

1. This is the first notification of any amendments to plans first proposed in 2016, to the affected Parish Councils, namely Colsterworth and District and Skillington Parish Councils. This application has caused a considerable amount of confusion in respect of the size, specific location of the proposed working and timeframe of the work. Whilst there has been very little time and expertise to prepare a response to what has clearly been an extensive application process for the applicant, our main concerns are shown in more detail in subsequent sections of this response and are not exhaustive.
2. Unfortunately, LCC did not engage with the communities as requested in 2016 following the formal response by Colsterworth and District and Skillington Parish Councils to understand fully the fundamental principle that:

*“... the position over historic licensing and planning applications/permissions necessary (1940s, 1950’s and 1960’s) to work these sites is unclear. Both parish councils request an urgent meeting with Lincolnshire County Council Development Planning to clarify this and explain why the applicant should not be obliged to seek a new “planning application” specifically for the extraction of LIMESTONE at a particular site. “*

3. LCC has confirmed in their email dated 21 November 2018 “The MPA cannot refuse the application although it can determine that different conditions to those put forward should apply to the quarry”  
It is our understanding therefore, that a new planning application for a specific area of land is not being sought and we are being asked to comment on the impact assessments against the historical permissions to ensure that LCC as the delegated Minerals Planning Authority can consider any conditions commensurate with current legislation, policy and standards.
4. It would be a major breach of trust and confidence to the communities affected if there is not full involvement of the Planning and Regulation Committee and that decisions are made in undue haste through “delegation” based purely on commercial grounds.
5. It is also our understanding that SKDC are not required to consult on this application and have raised no objections to the LCC process. SKDC did not list Colsterworth and District Parish Council in their Planning Schedule for this application; only Skillington was identified despite this falling within our Parish.

## 2. CONSULTATION PERIOD AND ACCESS TO INFORMATION

1. We were directed by LCC to PL/0076/18 for comments in an email 21 November 2018 (with a closing date of 18 December 2018). Documentation was not available on the website under the referenced application for some time. This was substantiated by Parishioners who attended the Parish Council meeting on 04 December 2018. Whilst this was explained as a software problem it added to the distress and confusion caused to consultees who were unaware of the actual proposals and unable to formulate a view.
2. This application also refers to PL/0121/18 and this has caused further confusion. It is understood that all the permissions referenced in both applications covering DA1, DA9 and DA11 are being reviewed. This has implications within the legislation for areas that have already been worked and potentially new works using the old permissions. We are not clear which areas have been worked and reinstated and fall outside of this application.
3. If there is only one area being proposed (Phase 1, 2 and 3 on the land west of Skillington Road identified on the maps as a “study area”), then we would expect that all other areas referenced in DA1, DA9 and DA11 are permanently deleted and all historical permissions are declared void under a legal binding document. This will then clarify exactly what we are being expected to comment on and expectations for the future, particularly in relation to the pocket of land east along the Woolsthorpe Roadside Nature Reserve and the old railway line Nature Trail.
4. Considering this untimely submission, a formal application by Colsterworth and District Council for an extension was submitted until the end of February 2019 to take account of the Christmas and New Year period. This was necessary to ensure that due diligence had been done in compiling these applications and to convey the information to all Parishioners, who were not aware of these applications. In addition, it would allow the Parish Councils to schedule a meeting to formulate an informed response on behalf of the Parish. This was not granted but a short extension to 07 January 2019 agreed.

5. It has taken two years for the application to be formulated and the timeframe allowed for parishioners to comment on such a large amount of documentation/information is clearly inadequate. We would, therefore, expect that the Authority will put reasonable and fair measures in place to ensure that this is rectified through a proper planning process that respects the fundamental rights of residents:
  - The right to know – open and transparent with no gaps in the information that informs decision making
  - The right to participate – through fair and reasonable consultation and Planning Committee phase
  - The right to challenge – justice and redress

### **3. HISTORICAL UNDERSTANDING AND VALIDITY OF THE OLD PERMISSIONS**

1. It is difficult to understand how the Ministerial Decisions provided 50 years ago for the operation of leases lasting only 15 years can be described as 'dormant'. It is our view that an entirely fresh application under modern legislation would be more appropriate for each individual site identified in the areas marked DA1, DA9 and DA11 as each area requires specific impact assessments which are not provided. This is supported under the Environment Act 1995
2. In respect of the decision history; DA1 refers to a Ministerial Decision of 21st March 1953. Analysis of historical documentation suggests this decision was gained just in time, with just 16 months left to run, on a lease first offered by the Earl of Dysart in 1884. It took another few years of short-term arrangements to get the paperwork in place, while mining continued ad hoc until a new lease of 50 years was agreed in 1958 to continue the mining. The lease survived just 15 years and was surrendered on 31st March 1973 on the determined date, and mining was formally brought to a close.
3. DA9 refers to another Ministerial Decision of 21st August 1961. This was just four months after obtaining a lease to mine the land from 1st April 1961 for 50 years, but which survived just 12 years into the 1970s.
4. It is also unclear as to who holds the current and legitimate government licence for extraction from the areas in question and we must assume that this has been clarified by LCC.
5. It is our view that both leases, had they remained extant, would have expired years ago, DA1 in 2008, and DA9 in 2011.
6. Presumably, LCC has established under its statutory duty to review and update mineral planning permissions granted after 30 June 1948, that the permissions were renewed by application from the operator and continued to be reviewed every 15 years thereafter? If this is not the case, we would suggest that the assumptions listed above are correct and the application may actually be invalid. We would request that evidence of these reviews is provided to Colsterworth and District Parish Council.

### **4. LEGISLATIVE FRAMEWORK**

1. We believe that this application does not comply with Lincolnshire County Councils own Mineral Waste Plan (2016) – Policy M5: Limestone.
2. Whilst the Planning Officer (very late in the consultation) suggested that there is no relevance to Policy M5 which clearly does not demonstrate a need for additional limestone, the whole point of this consultation is to look at imposing the conditions that exist today and be compliant with current policy, legislation and standards. It is unlikely that during the 1940s, 1950s and 1960s there was this level of assessment and restrictions in place.
3. The permissions being sought are for the extraction of ironstone (limestone effectively being the waste product). Points 5.43 and 5.44 in the Mineral Waste Plan confirm that there are enough reserves *[of limestone]* and "... no need for any additional provision to be made for aggregate"; there being a 29 million tonne surplus.
4. This is supported by the current Local Aggregate Assessment 2018 (forecast to 2031) which states that the actual need of Lincolnshire limestone (particularly due to the limitations on its use due to the quality of the limestone) "does not indicate a need to increase supply" (Point 3.31) ..... "Limestone aggregate is in plentiful supply elsewhere in the county".
5. The Local Aggregate Assessment 2018 also references the South Witham and Little Ponton Quarries (3.35 and 3.36) where there are several similar concerns that impacts on the Skillington Quarry permissions and application; this needs more consideration regarding the cumulative impact including references to a S.106 Agreement and actions to mitigate "less environmentally sensitive location".

6. It is also unclear how the cumulative outcomes of the Denton Quarry proposal also link to these other developments in the South Kesteven District for limestone extraction have been considered alongside this particular application?
7. Table 12 in the Local Aggregate Assessment 2018 also specifically excludes Colsterworth and the proposed 2,250,000 tonnes to be extracted suggests that there is no “proven need that that cannot be met by existing sites/sources” and there is already an identified 29 million tonne surplus.
8. The Local Aggregate Assessment also cites the South Kesteven Local Plan and the planned number of new houses for the period to 2031. This Plan is still to be adopted but suggests 625 new homes arguably within the 30-mile radius of the quarry area; it is our view that the proposed tonnage is in excess of the requirements for this number of homes. The limestone is also reported to be of no benefit for roads due to its characteristics within the 30-mile radius (which complies with sustainable development policy for climate change)
9. Whilst bigger developments are proposed in Grantham the most recent Local Aggregate Assessment (2018) goes on to say that “Some of the local considerations set out .... indicate that the annual demand for aggregate up to 2031 could be higher than in the preceding 10-year period. **In practice, however, this may not be the case:**
  - Attempts to link future aggregate demand with planned housing provision and economic considerations in the Council's Local Aggregate Assessment 2014 significantly over-estimated demand levels and resulted in the Council having to significantly revise the basis for calculating the landbank in subsequent LAAs.
  - The Local Economic Assessment is relatively old (2011), and the growth forecast has not resulted in a significant increase in aggregate demand in the intervening period.
  - Recent updates to the Local Economic Assessment for Lincolnshire have indicated that a period of constrained growth and uncertainty will continue for a while.
  - Whilst limestone sales rose sharply in 2016, this may be an isolated spike associated with a specific infrastructure project - particularly as the three-year average remains below the 10-year average.”
10. We also understand that the Planning Officer (very late in the consultation) has suggested that we ignore the current Local Aggregate Assessment 2018 as there is another one being formulated (even though it is not adopted or published). This is quite a frivolous suggestion in terms of a meaningful consultation process. If the “need” for limestone is being re-written, then we would suggest that this while consultation process should be suspended.
11. It is our understanding that the current National Planning Policy Framework came into force in July 2018 which is not referenced in the application.

## 5. SPECIFIC RESPONSE TO APPLICATION DOCUMENTATION

In respect of the specific documentation provided in support of the application for a review of old mineral permissions (ROMP) there are several contradictions: -

1. Planning permission is not being sought for the processing of mineral waste (limestone) or for the disposal of mineral waste (limestone). The application states it will be taking, grading and processing the extracted limestone; this is therefore, contradictory with the overall application and brings into doubt whether the permissions are valid.
2. Planning permission is being sought for a review to the existing mineral permissions. Our interpretation is that this application is for an extension to the area already being worked. This is contradictory and disproportionate to the Lincolnshire Waste Plan (2016) and LAA (2018) as discussed above and the 1995 Legislation.
3. The limestone will be processed on site which did not form part of the original permissions as far as we can ascertain.
4. The proposal is also asking for a 6 day a week operation from five days a week currently. This will have a major impact on the rural community, environment, the wildlife and safety of other road users including cyclists as well as all other relevant considerations including the wellbeing of residents for a generation.
5. The application states that the permissions will grant work in the areas DA1, DA9 and DA11 until 2042. At the public meeting the indications now are that the specific site at Stainby will be exhausted in approx. 6 years. There must be conditions to alter the timeframe accordingly to ensure that there is no additional working of the area (i.e.,

legally binding agreement that the permissions will be varied to delete the land not assessed and the timeframes discussed)

6. The impact on a designated area, namely the limestone grassland along the nature trail and Woolsthorpe Nature Reserve has not been appropriately and proportionately taken into account with impact assessments not being carried out for DA9 (limiting these to phase 1, 2 and 3 in Stainby as a “study area”). Again, if this is excluded as these areas have already been worked there must be a clear statement to that effect.

## 6. COLSTERWORTH AND DISTRICT NEIGHBOURHOOD PLAN

### Colsterworth and District Neighbourhood Plan

1. The land affected, particularly along the Nature Trail/Nature Reserve, can be regarded as a pleasant countryside view of thriving traditional arable farming, at the edge of the Parish, consistent with the rural village environment and most inhabitants. Any aggressive industrial impact such as this does not fit with the aspirations of the Neighbourhood Plan at all.
2. A thriving community and prosperity with local jobs is an aspiration of the Neighbourhood Plan but the proposal and associated works does not provide this to the Parish; no employment opportunities have been identified.
3. Colsterworth and Woolsthorpe by Colsterworth are classified by SKDC as a “Sustainable Community”. As such the villages have expanded considerably over the last 45 years and will continue to do so. The communities will be less than a mile from the proposed excavation areas of DA1 and DA9 and Stainby less than half a mile.
4. LCC is responsible for Mineral and Waste Planning, and the Neighbourhood Plan had to conform with the Mineral and Waste local plan. In accordance with statutory requirements the Neighbourhood Plan does not contain any policies related to excluded development, including mineral extraction and waste development. (See Neighbourhood Plan Consultation Statement, page 46, Appendix 11, response S2 – additional comment from LCC)
5. The Neighbourhood Plan policies which may apply to an eventual planning application and adopted by SKDC are:

#### **Policy 4 (f)– Open Countryside;**

The remainder of the Neighbourhood Area outside the built-up area is regarded as open countryside where development will be restricted. Proposals for development in the open countryside will only be supported..... for agriculture, forestry or equine purposes. There is no mention of mineral extraction or quarrying.

#### **Policy 12 – Local Green Spaces;**

States that (including the Nature Trail which ends diagonally opposite the north east corner of the site identified West of Skillington Road (albeit the part which is protected for archaeological reasons) - Development on other areas of open space will be resisted unless it can be demonstrated that . . . .the proposal will bring about community benefits that outweigh the loss of the facility; or .. the open space is surplus to requirements or is little used

#### **Policy 16 – Public Rights of Way and village walkways.**

States that proposals for development will be supported if it protects and enhances the existing network of public rights of way and village walkways.

In 2016 a Public Inquiry (PI) was held into LCC’s proposal to close Colsterworth FP14 and divert Stainby FP1. The Inspector agreed to the closure of FP14, but also determined that FP1 should remain on its Definitive Map line, which means that the legal route of this path is within the Southern edge of all 3 phases of the proposed site. Having been to PI this is a final, indisputable and legally binding decision.

## 7. TRAFFIC MANAGEMENT AND IMPACT ASSESSMENT

1. We would challenge the statement that “*Predictions of traffic volumes have been determined to be not significant on any road link for each of the potential environmental effects, including severance, driver stress and delay, pedestrian delay and amenity, fear and intimidation, and accidents and road safety. **No additional mitigation measures are proposed and there are no residual significant effects due to traffic***”.

2. Based on the figures provided we can forecast that the removed minerals from the study site equates to 120,000 tonnes pa. Using vehicles that have a capacity of 20 tonnes (32 tonnes including vehicle) it is calculated there would be 6000 loaded vehicles pa equating to approximately 125 vehicle per week (based on 48 weeks). This does not include the number of vehicles transiting empty to the quarries.
3. The contradictions in the assessments and technical data and verbal report from the current contractor however, submitted however, suggests that the length of time to empty the quarry is only six years, not 20 years as proposed which brings into question the amount of traffic flow required.
4. In the past the quarries exported their material by rail. Any current expansion of road transport will put an unacceptable strain on road infrastructure, exacerbated by the current difficulties experienced by LCC Highways in maintaining the county roads.
5. The sheer number of HGV movements adversely impacts on the communities of Stainby to the west and Colsterworth to the east on the B676 and this has not been adequately assessed with the impact assessment focussing on the minor rural roads around the quarry and landfill.
6. The assumptions made need to be reviewed with the local communities and a thorough assessment of the long-term road infrastructure maintenance, restrictions and enforcement of all roads affected to ensure adequate conditions are imposed, specifically there is no traffic along the B676 and that the roads and junctions along Crabtree Road and onto the A1 are brought up to standard.
7. Safety, air, noise pollution and dirt along with the nuisance factor (such as vibration and additional noise from empty lorries) impacting on everyday lives of the community will increase due to extensive programme of works indicated in terms of tonnage, traffic movements, increased days of working and life of the permissions to 2042. The application fails to cover the impact on the communities involved and restricts itself to two rural roads immediately around the existing quarry workings. This is not sufficient to properly assess the impact of these permissions.
8. South Kesteven is already identified as an area with poor air quality exacerbated by the A1; this has not been included in the dust assessment which needs further assessment.
9. There is a massive expansion planned for HGV movements in the future with the development of Easton along with developments on Honeypot Lane and Truckstop not included in the impact assessment. Highways England have stated that they are to conduct a survey of the A1 which has had at least a 20% increase in traffic over the past 3 years and which is expected to get worse. Highways England do not appear to be consultees.
10. The rate of accidents due to the inadequacies of the A1 is well documented with fatalities and severe traffic disruption. The slip road joining the A1 from Crabtree Lane is insufficient to safeguard the drivers and other road users, having to join the A1. Any suggestion of drivers cutting across the A1 is a high-risk management plan. Any suggestion of mitigation for this would be to use the B676 causing continually unacceptable levels of heavy traffic six days a week. conditions must be imposed, specifically there is no traffic along the B676 and that the roads and junctions along Crabtree Road and onto the A1 are brought up to standard.
11. Whilst an excellent record of road safety for the current operators (CESL) is documented in the application, we would expect a stringent traffic management plan to minimise the impact of such an extensive expansion and that this is properly enforced by authorities. There is a lack of enforcement already of traffic management plans and routine speed, weight and axle width of HGVs which primarily impacts on the B676 which is not covered sufficiently in the impact assessment data.
12. Enforcement should not be reactive in relation to members of the public raising concerns or a "possible/ad hoc" action by LCC as indicated in the application; there should be a proper systematic and frequent monitoring programme implemented by the Authority independent of the operating company, which is presented on a monthly basis to coincide with other vehicle management of the B and C roads affected. This must include air quality data, damage, dirt, debris, blocked drains from lorry silt, speeding, rate of flow (this can be funded via a S106 Agreement)
13. The Traffic Assessment shows a surprisingly high number of speeding traffic on Crabtree Road over 60mph; there needs to be some form of traffic monitoring or speed restrictions imposed. Voluntary speed restrictions have been discussed with the current contractors in the past and this should be vigorously pursued through all the villages of 20mph if there is any requirement for them to do so.

14. It is also noted in the application that reference has been made to road networks near Telford; and reference to the M1 – this is outside of the 30mph radius of transporting processed limestone. This is undoubtedly an error in preparing the reports undermining the accuracy and integrity of the assessments carried out.

## **8. SECTION 106 AGREEMENT**

1. It is very disappointing to note that there is no provision for a Section 106 Agreement bearing in mind the permissions are until 2042 – a whole generation within the community being affected by loss of amenities, noise, nuisance, dirt, pollution and loss of wildlife.
2. A Section 106 agreement should be drafted as a minimum as this development will have a significant impact. The content of the S106 agreement should be agreed through the consultation period of the planning application with the relevant parties and planning officer and most specifically include the Parish Council's concerned.

## **9. ENVIRONMENT AND BIO-DIVERSITY**

1. As stated above the impact on a designated area, namely the limestone grassland along the nature trail and Woolsthorpe Nature Reserve has not been appropriately and proportionately taken into account due to size of the operations (DA9).
2. In 2014 the Parish Council secured a 99-year lease on the old railway track bed belonging to Lincs Waste Ltd. It is located on the northern boundary of Woolsthorpe and stretches for 2 miles from B6403 westward to the Skillington Road crossroads directly adjacent to areas DA1 and DA9. (Presumably as leaseholders there is no requirement for the Colsterworth and District Parish Council to be included in the Certificate forming part of this application?)
3. This is an important Lincolnshire Wildlife Trust enclosure (designated "Colsterworth Bank and Woolsthorpe reserve") with protected verges flora and fauna and habitat including home to the rare grizzled butterfly. The Nature Trail is an important recreational facility for parishioners and visitors to enjoy and is supported by a very successful voluntary project.
4. The risks to the Nature Trail and Woolsthorpe Nature Reserve have been underestimated although we understand that a response has been received from Lincolnshire Wildlife regarding the concerns about the proposed reinstatement of the site there needs to be much more consideration into how this will be implemented in 25 years' time.
5. The impact assessments did not comprehensively demonstrate that all species were considered as there have been important anecdotal sightings of birds in particular not identified.
6. There is also concern that the impact assessments did not adequately include the spring and River Witham towards Woolsthorpe and Colsterworth or any assessments undertaken to track run off into the villages. There is evidence that when ironstone was still being mined, dye was flushed into the worked areas in question to see where it emerged. This was into Woolsthorpe by Colsterworth Springs and an area known as Foxhole Springs south B676 and alongside the River Witham.

-End-