

Town and Country Planning Act 1990 Section 96A**Application for a non-material amendment for:**

- **Amendments to the approved Ecological Design Strategy and Ecological Management Plan,**
- **Amendments to the approved phasing sequence**
- **Amendments to site layout**

Planning Permission ref : E/3008/14/14/CM**Extension to Quarry for extraction of limestone, provision of new storage building, importation of inert fill material and revised restoration****Dimmock's Cote Quarry****1.0 Introduction**

1.1 In June 2016, planning permission (ref E/3008/14/CM) was granted for Extension to Quarry for extraction of limestone, provision of new storage building, importation of inert fill, ancillary recycling of inert material and revised restoration at Dimmocks Cote Quarry, Stretham Road, Wicken, subject to conditions.

1.2 Condition 26 states:

'No development shall commence until an ecological design strategy (EDS) addressing mitigation, compensation, enhancements and restoration for protected species, and habitats of ecological value, including but not limited to measures to take account of and protect:-

- *Great crested newts (to include a protection and translocation scheme);*
- *Water vole (to include a protection and translocation scheme as required);*
- *Breeding birds (to include compensatory measures and provision for removal of habitat that could support breeding birds outside of the nesting season);*
- *Reptiles (to include a translocation scheme and enhancement of habitat);*
- *Badgers (to include consideration);*

has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The EDS shall include, but not be limited to, the following:-

- a) Purpose and conservation objectives for the proposed works;*
- b) Review of site potential and constraints including an update of the survey and monitoring work;*
- c) Updated detailed design(s) and/or working method(s) to achieve stated objectives;*
- d) Final details of ecological features including cross-sections of proposed Great Crested Newt translocation ponds and the depths and grading of water bodies to be formed (including cross sections) and levels;*
- e) Timetable for implementation of all measures, demonstrating that works are aligned with the proposed phasing of development;*
- f) Persons responsible for implementing the works; and*

g) Details for monitoring and remedial measures.

The EDS shall be implemented entirely in accordance with the approved details and timetable and all features shall be retained in their entirety.'

- 1.3 An ecological design strategy dated October 2017 was submitted as required by this condition. It was approved in April 2019.
- 1.4 Condition 42 requires the implementation of Management Plan (August 2015) within the Existing Wetland Habitat Area. The original wording of the condition has been amended by the Non-Material Amendment application (ref E/3008/14/14/CM/N2, see below) and currently states:

'Within three months of the implementation of the planning permission hereby granted, in relation to the area identified as Area A, and coloured red on Plan CCC5 Existing Wetland Habitat Area to be Protected attached to the decision notice dated 20 June 2016, details of the start date for the implementation of the programme within the Management Plan revised 13 August 2015 for the first 5 year period and the date by which the annual reports shall be provided, which shall include any necessary proposed mitigation measures shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. Within three months of the expiry of the end of year 5 of the implementation of the approved Management Plan in relation to Area A, a review report and proposals for the further management of Area A (for the period until the aftercare scheme for phase 13 as shown on the phasing drawing CP/FF/DCN/04m Rev c is completed) shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. Area A as shown on Plan CCC5 Existing Wetland Habitat Area to be Protected attached to the decision notice dated 20 June 2016, shall be managed in accordance with the revised approved details until the aftercare scheme for Phase 13 is implemented.'

- 1.5 Condition 25 requires:

'No development hereby permitted shall commence until a scheme to provide a surface water management plan for the proposed landfill and recycling facility, including a timetable, has been submitted to and approved in writing by the Mineral and Waste Planning Authority in consultation with the Environment Agency. The approved development shall be implemented wholly in accordance with the scheme in accordance with the approved timetable'

A Surface Water Management Plan dated September 2017 was submitted as required by this condition. It was approved in April 2019.

- 1.6 Following the grant of planning permission, a Non-Material Amendment (NMA) application (ref E/3008/14/CM/N1) was submitted to amend the approved phasing sequence and final restoration scheme. These revised plans were approved on the 11th April 2019. Approval of the NMA required amendments to the wording of conditions 2, 5, 19, 21, 24, 27, 31, 32, 40, 42, & 43 in order that they referred to the revised plans.

- 1.7 A further Non-Material Amendment application (ref E/3008/14/14/CM/N2) was approved on the 20th January 2020 for amendments to the final restoration scheme (as shown on drawing number CP-FF-DCN-05 Revision e) to ensure consistency with the scheme approved under Condition 31 (Relocation of Geological Interest and Maintenance) of planning permission E/3008/14/CM. Approval of this NMA also required further amendments to the wording of conditions 2, 5, 19, 21, 24, 27, 31, 32, 40, 42, & 43 in order that they referred to additional revised plans.
- 1.8 Also following the granting of planning permission (ref E/3008/14/CM), an Environmental Permit relating to the waste disposal and recycling operations was granted (February 2019). As a direct consequence of the Permit's requirements to incorporate additional water management control within the site, it has proved necessary to retain an additional water body.

2.0 Proposal

- 2.1. This application proposes a number of minor amendments to the approved Ecological Design Strategy and Ecological Management Plan, the approved phasing sequence and site layout.

Ecological Design Strategy and the Ecological Management Plan Amendments

- 2.2. As outlined above the planning permission (ref E/3008/14/CM) for the extension to quarry was subject to conditions these included the submission, approval and implementation of an ecological design strategy (condition 26) and the implementation of a management plan (condition 42). The ecological design strategy (submitted in October 2017) was prepared with reference to the management plan required by condition 42.
- 2.3. As a consequence of the delays to the implementation of the planning permission in part due to the time needed to secure the Environmental Permit, implementation of the original timetable has not been possible. In seeking to review the progression of the ecological design strategy, it has become apparent that the management plan, which was intertwined with the strategy, is over five years old and needs some reconsideration.
- 2.4. A new revised document 'Consolidation and update of Outline Management Plan and The Ecological Design Strategy' (appended) is being submitted to update and replace the scheme approved under Condition 26 and the scheme required by Condition 42. The proposed scheme is intended to form a composite strategy and updated management plan, based on the latest information available, and on the up-to-date surveys undertaken to address the requirements of Conditions 26 and 42.

Revised Site Layout

- 2.5. On the 4th February 2019 the Environment Agency granted an Environmental Permit ref: EPR/EB3407SY/A001. The Permit regulates the operation of the landfill site and waste treatment (recycling) at Dimmocks Cote Quarry. In order to be granted this Permit, LKAB had to satisfy the Environment Agency with regard to water

management and the effective control of pollutants. One of the measures introduced to achieve this, is an additional control on the release of drainage water. This requires the retention of an additional water body (identified as OW6 in the Ecological Assessment see Chapter 5 of the Environmental Statement). This water body was originally proposed to be drained at an early stage in the development. The site of this water body was then to be used for the establishment of recycling area. In order to comply with the Environmental Permit, the water body (OW6) now needs to be retained as forms part of the water management/pollution control measures used on site. As a consequence, the original site for the recycling plant is no longer available and it is proposed to relocate this facility some 50 metres further to the south, to a position shown on drawing number CP/FF/DCN/04a Rev e. The layout of the recycling plant has also been amended to include its own drainage sump. Again, this change has been introduced to meet the requirements of the Environmental Permit which require drainage water from the recycling area to initially be kept separate and tested prior to discharge/removal from site. Appended drawing numbers CP/FF/DCN/04a to CP/FF/DCN/04k and CP/FF/DCN/13 have been amended to reflect these changes.

- 2.6. The approved Surface Water Management Plan dated September 2017 submitted as required by condition 25, included an illustrative diagram (Drawing number 2230/ESSD/04) of surface and groundwater management during the operation of the landfill and recycling plan. Although the proposed amendments to the site layout, as shown on Drawings CP/FF/DCN/04a to CP/FF/DCN/04k and CP/FF/DCN/13 retain an additional water body, there is no change to the principles of the approved surface management scheme as indicated on the illustrative diagram. The retained water body is effectively a further sump and provides an additional control on the release of drainage water. All surface water from the infill area now passes through this sump and is tested for contaminants, subject to the water quality being acceptable, the drainage water can then be pumped into the main drainage sump which drains the site as a whole. This retained water body provides a further mechanism to intercept and contain pollutants in the event of a realise, prior to drainage water reaching the main sump. The principles of surface and groundwater management remain the same as those shown on Drawing number 2230/ESSD/04.
- 2.7. As mentioned above water body OW6 is to be retained for longer than originally proposed. The original Ecological Assessment (Chapter 5 Environmental Statement Now 2016) identified this operational lagoon as hosting a small population of great crested newts and providing a small area of terrestrial habitat. As part of the original scheme of mitigation, it was proposed to create new habitat and compensation ponds to accommodate the relocated Great Crested Newt population at an early stage in the development. This water body is now proposed to be retained for longer and thus as described in the updated Ecological Design Strategy the mitigation is not required at such an early stage and will be provided in later phases of the development prior to the loss of the retained water body. The phasing drawings have been amended accordingly.

Revised Phasing

- 2.8. Drawings CP/FF/DCN/04 and CP/FF/DCN/04a to CP/FF/DCN/04d have also been amended to propose a new phasing scheme. The original scheme proposed to work phases 1 to 4 in the north eastern corner of the site in an anticlockwise direction. So works would have started in phase 1 proceeded east into phase 2, north into phase 3 and then west into phase 4. The NMA (ref E/3008/14/CM/N1) approved in April 2019, amended this to scheme and proposed working phase 1 then moving north to work phase 2 (the area which was originally phase 4). Workings would then have proceeded eastwards in 2 phases (phases 3 and 4) which would have stretched across the entire width of extension area. The reason for this change was to reflect the recommendations of the engineering and drainage assessment prepared as part of the Environmental Permit. The issue with this revised phasing scheme is that the approved scheme of archaeological investigation requires the area broadly occupied by phases 2 and 5 to be soil stripped and investigated in one block. This effectively means in order to work what is currently phase 2 the soils would have to be stripped in phase 5 at the same time. The area of Phase 5 would then either be left open for some years until workings reached that phase or the soils would have to be replaced to removed again at a future date. However, now excavations have commenced in the extension area and having reviewed drainage scheme, it is considered that much the same drainage arrangements can be put into place with a further revision to the working scheme. The new scheme of working starts in Phase 1 then have proceeds eastwards in 2 phases (phases 2 and 3) which would stretch along the entire width of extension area. Under the proposed revised scheme Phase 4 returns to its original approved position (see appended revised drawing number CP/FF/DCN/04).
- 2.9. The proposed amendment are shown in the attached revised plans:
- CP/FF/DCN/04 Rev d Phasing Plan Revision March 2021
 - CP/FF/DCN/04a Rev e(-ww) Phase 1 Revision April 2022
 - CP/FF/DCN/04b Rev d(-ww) Phase 2 Revision April 2022
 - CP/FF/DCN/04c Rev e(-ww) Phase 3 Revision April 2022
 - CP/FF/DCN/04d Rev e(-ww) Phase 4 Revision April 2022
 - CP/FF/DCN/04e Rev e Phase 5 Revision April 2022
 - CP/FF/DCN/04f Rev e Phase 6 Revision June 2021
 - CP/FF/DCN/04g Rev d Phase 7 Revision June 2021
 - CP/FF/DCN/04h Rev e Phase 8 Revision June 2021
 - CP/FF/DCN/04i Rev d Phase 9 Revision June 2021
 - CP/FF/DCN/04j Rev d Phase 10 Revision June 2021
 - CP/FF/DCN/04k Rev d Phase 11 Revision June 2021
 - CP/FF/DCN/04l Rev d Phase 12 Revision June 2021
 - CP/FF/DCN/04m Rev d Phase 13 Revision June 2021
 - CP/FF/DCN/13 Rev a Recycling Plant Revision June 2021
- 2.10. Note these drawings have also been updated to include recent survey information.

3.0 Potential impacts

- 3.1. The revised document 'Consolidation and update of Outline Management Plan and The Ecological Design Strategy' being proposed is simply an update and revisions of the scheme approved and required to be implemented under Condition 26 and the scheme required to be implemented by Condition 42. The proposed scheme is still intended to provide the same protection to species and habitat within the quarry area and enhancement to biodiversity. The proposed change has no material impact on the site operations or wider area. The changes provide a better a management and protection scheme that is consistent with the features currently on the site and current and proposed operations.
- 3.2. The need to relocate the waste recycling facility is the result of the enhanced pollution control measures required by the Environmental Permit. These control measures were not anticipated at the time of the planning application and the retention of the additional water body requires some revision to the site layout. The waste recycling area is still located on the floor of the quarry and thus still benefits from all the mitigation measures that were envisaged in the Environmental Statement to protect local amenity. The redesigned layout is simply to incorporate an additional level of pollution control, again it is considered that the changes have no material impact.
- 3.3. The changes to phases 1-4 effectively mean phases 1 and 4 are located in their original approved positions and phases 2 and 3 are orientated north south not east west. There is no material impact as a result of this proposed change. The other revisions to the drawings are to simply to ensure consistency with the proposed revised Management Plan and The Ecological Design Strategy.

4.0 Conclusion

- 4.1. It is considered that these proposals would not have an any significant impact on the local environment or amenity. The proposed changes are minor in nature and are intended to ensure the site is worked in an efficient effective manner which ensures enhanced environmental controls are in place.