

27th September 2022**Agenda Item: 12****REPORT OF SERVICE DIRECTOR, PLACE AND COMMUNITIES****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/00336/CMA**

PROPOSAL: PROPOSED RELOCATION OF THE EXISTING MINERAL PROCESSING PLANT, MINERAL STOCKPILING AREAS, WEIGHBRIDGE, WEIGHBRIDGE OFFICE, CANTEEN, CHANGING ROOMS AND ASSOCIATED INFRASTRUCTURE. THE LAND IS PROPOSED TO BE RESTORED TO BENEFIT WILDLIFE AND BIODIVERSITY ENHANCEMENT.

LOCATION: LAND TO THE NORTH OF THE EXISTING CROMWELL QUARRY, THE GREAT NORTH ROAD, CROMWELL, NOTTINGHAMSHIRE, NG23 6JE

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider a planning application to relocate the existing mineral processing plant site at Cemex's Cromwell Sand and Gravel Quarry onto an adjacent parcel of land. The proposed relocation of the mineral processing plant site and associated infrastructure will enable the applicant to extract previously consented sand and gravel reserves which lie beneath the existing plant site, ensuring these minerals do not become sterilised and thus provide for the sustainable use of this mineral resource as well as ensuring Nottinghamshire continues to meet its year on year supply of sand and gravel to the marketplace in compliance with MLP Policy MP1 and Policy MP2.
2. The key issue relates to the protection of the environment, specifically the ecological effects of the development having regard to the fact that the development site forms part of a Local Wildlife Site ecological designation.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1 and the applicant entering into a Section 106 legal agreement to ensure that existing lorry routeing controls associated with the operation of the quarry are rolled forward into this new planning consent.

The Site and Surroundings

4. Cromwell sand and gravel quarry is located on land between the River Trent to its east and the A1 to its west, approximately 7km north of Newark. The closest settlement is Cromwell village, located to the west on the opposite side of the A1. Carlton on Trent village is located approximately 1.5km to the north, North Muskham village is located approximately 2km to the south and Collingham village is located approximately 2km to the east on the opposite side of the River Trent (see Plan 1).
5. There is a long history of mineral extraction at Cromwell. Mineral extraction is currently ongoing from 35 hectares of land incorporating a southern extension site granted planning permission in 2020. More historical sand and gravel workings were undertaken by Lafarge-Tarmac on land to the immediate north of the operational Cemex site which is now predominantly re-vegetated and re-naturalised. The site is also located close to Besthorpe and Langford Quarries which are sited on the opposite side of the River Trent (see Plan 2).
6. The planning application site for the new Cromwell plant site, the subject of this planning application, is located on land to the north of the operational Cemex site on land which was historically used as a plant site by the former Lafarge-Tarmac sand and gravel quarry. This original Lafarge-Tarmac plant site has not been formally restored but the site has extensively re-vegetated although there are some remnants of hardstanding and concrete remaining from the previous use.
7. The planning application site incorporates part of the wider Cromwell Pits Local Wildlife Site (LWS) designation which extends across the entirety of the former Lafarge-Tarmac Cromwell quarry. The LWS is characterised by its former gravel pits, fringed with willows and marginal plants.
8. The application site falls within flood zone 3 and therefore at high risk of flooding with a likelihood greater than 1% Annual Exceedance Probability (AEP) or 1 in 100 years.
9. There are no public footpaths or bridleways crossing the site. Cromwell Bridleway No. 1 is routed along the River Trent Towpath.

Planning history

10. Planning permission for mineral extraction at Cemex's Cromwell Quarry was originally granted in 1998 (Reference 3/94/1169/CM) and subsequently renewed in 2009 (reference 3/03/02626/CMA).
11. A planning application for a new planning permission to replace extant planning permission 3/03/02626/CMA in order to extend the time limit for implementation and provide new access arrangements was granted planning permission in March 2016 (reference 3/14/1995/CMA) with modifications to the restoration and method of working granted under reference 3/18/01737/CMA in January 2019.

12. On 5th June 2020, planning permission was granted (reference 3/19/02231/CMM) for a southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel, with restoration to nature conservation. Permission was also granted on this date (reference 3/19/02233/CMM) to vary planning conditions of Planning Permission 3/18/01737/CMA to modify the approved quarry restoration scheme and amend the method of working within the quarry complex to facilitate its use in connection with the processing of mineral originating from a southern extension and the retention of a container unit housing a generator.
13. A planning application for a further southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation was received by the County Council in July 2022. The application is currently being assessed by officers and will be reported to Planning and Rights Committee in due course for determination.

Proposed Development

14. Planning permission is sought to relocate Cemex's existing mineral processing plant and associated stockpiling areas, weighbridge, office, canteen, changing rooms and infrastructure at Cromwell Quarry onto 4.73ha of land located 250 metres north of the existing facility. The proposed development site was historically used by Lafarge-Tarmac for a similar purpose and has only partially been restored. The development will enable Cemex to extract approximately 18 months' worth of sand and gravel reserves (circa 395,000 tonnes) which lie beneath their existing plant site and benefit from planning permission under the existing planning consent for the wider Cromwell Quarry site.
15. The general layout of the proposed development is shown on Plan 3 with the development effectively seeking to directly transfer all the existing facilities of the existing plant site area onto this new parcel of land. The main features of the development which are to be relocated are described below:
 - The mineral processing plant which has a maximum height of 14m.
 - The existing wheelwash would be relocated near to the site access and the weighbridge would be installed behind the wheelwash.
 - A parking area for mobile quarry plant.
 - Temporary Site Office/Canteen/Changing Room modular buildings.
 - An 'as dug' mineral stockpile which would be delivered to the plant site by dump truck from the extraction area of the quarry and stored to the south of the plant site area.
 - Stockpiles of processed materials.
16. The mineral processing plant is designed to have a capacity to produce circa 300,000 tonnes per annum which is roughly the current average production rate.
17. Vehicle access to the quarry is obtained from the A1. Southbound A1 traffic accesses and departs the quarry directly from the A1 utilising the existing slip

roads. Northbound A1 traffic obtains access to the quarry via the existing bridge over the A1. These vehicles pass a number of residential properties at the northern edge of Cromwell village between the A1 slip roads and the bridge, but avoid travelling through the main village centre.

18. The existing planning conditions for Cromwell Quarry require the cessation of mineral extraction before the 18th May 2028, however current extraction rates indicate that consented mineral resources will be exhausted by the end of 2024. Restoration of the proposed replacement plant site would be completed within 18 months of the completion of mineral extraction within the quarry. The proposed restoration of the plant site would provide a mosaic of open habitats incorporating early successional communities, bare ground, open flower-rich grassland, open scrub, tall ruderals, marsh/marshy grassland and seasonal ponds and is consistent with the restoration scheme previously approved for the Lafarge-Tarmac development.
19. The planning application submission is supported by a series of technical reports which consider landscape and visual effects, air quality, flood risk, noise, potential for ground contamination and ecological effects with supplementary ecological surveys and a Phase 1 geo-environmental desk study to consider potential ground contamination risks from the historical use of the site submitted during the course of processing the planning application. The content of these technical reports has been examined through the planning consultation process and are discussed within the planning considerations section of the report.

Consultations

20. Newark and Sherwood District Council: *No objection.*
21. *The site provides moderate value foraging and commuting habitat for bats. Further surveys will be required in advance of works to establish potential impacts to this protected species.*
22. Cromwell Parish Meeting: *No objection.*
23. Environment Agency: *No objection.*
24. *The Environment Agency request a planning condition is imposed requiring the development to be carried out in accordance with the flood risk assessment and request a flood evacuation plan should be agreed for the site as part of a planning condition submission. The Environment Agency do not raise any objections in terms of the ecological effects.*
25. National Highways: *No objection.*
26. *There will be no change to the existing transport arrangements (car parking, haul routes, vehicle numbers etc) and therefore the development will have no impact on the operation of the Strategic Road Network.*
27. NCC Highways: *No objection.*

28. *The proposal is considered to have a negligible impact on the surrounding highway network.*
29. Natural England: *No objection.*
30. *Natural England considers that the proposed development will not have significant adverse impacts on designated sites. Natural England encourage NCC to ensure the development results in an ecological net gain and that appropriate protection and mitigation is provided for the Cromwell Pits LWS.*
31. NCC Ecology: *No objection.*
32. *The initial planning consultation response from NCC Ecology acknowledged that the planning submission was supported by an up-to-date Preliminary Ecological Appraisal report which recognised that the proposals would affect c.4.7ha of the Cromwell Pits Local Wildlife Site (5/3439), raising concern that a number of species-specific surveys had not been undertaken. It was requested that these surveys should be submitted prior to the determination of the planning application. Concerns were also raised that the development would result in the loss of some of the local wildlife site, albeit on a temporary basis, and it is questioned why the need to relocate the works/processing area was not recognised previously.*
33. *Further ecological surveys were subsequently undertaken including a breeding bird survey, reptile survey, amphibian survey and botanical survey and the results have been used to inform the preparation of a Construction Environmental Management Plan (CEMP) and avoid/mitigate impacts to ecology.*
34. *Planning conditions are requested to ensure the development is undertaken in accordance with the ecological aspects of the Construction Environmental Management Plan, specifically to provide a minimum 5m stand-off around the site boundary to protect the existing waterbodies and hedgerows, with 10m in place next to woodlands, provide satisfactory pollution controls, tree protection control, lighting controls, seasonal vegetation clearance, further survey works prior to the commencement of development for water vole, amphibians, reptiles and badgers, and measures relating to the control of invasive species.*
35. *In terms of the amended restoration plan which details the retention and re-creation of a variety of habitats that currently occur on site, this is supported subject to the submission of a detailed scheme to be approved under planning condition. As part of this submission, it is requested two small ponds are incorporated in the northern area of the plant site area to provide habitat for amphibians.*
36. VIA Rights of Way: *No objection.*
37. *The proposals do not appear to impact on Cromwell Bridleway No. 1 which is located along the River Trent Towpath.*

38. *The restoration plans indicate an indicative footpath is to be provided across the site which links to the adjacent bridleway which runs adjacent to the riverbank. The applicant has not indicated whether it is proposed to create the path as a permissive path or whether it is the intention to dedicate the route as a Public Footpath (or a path of another status).*
39. VIA Noise: *No objection subject to the re-imposition of previous noise conditions.*
40. Trent Valley Internal Drainage Board: *No objection.*
41. *The IDB note that the Cromwell Drain is situated along the northern and western boundary of the site. The IDB advise their consent is required for alterations to the watercourse or works adjacent to it.*
42. NCC Flood Risk Management: *No objection.*
43. VIA Landscape: *No objection.*
44. *The physical landscape impact of the proposed works is considered to be negligible with no mature vegetation to be removed in order to carry out the proposed works, but there will be some removal of younger self-set vegetation.*
45. *The site is considered to have a low landscape sensitivity and the works will have a low magnitude of effect which will lead to a small scale of landscape effects on the site itself. Beyond the site boundary the development will have no effects on the landscape character of the study area. The restoration of the site will enhance the landscape value of the site and the wider area.*
46. *There will be no significant visual impacts as a result of the development.*
47. VIA Reclamation: *No objection in principle, subject to planning conditions to regulate potential ground contamination legacies connected with the historical use of the site.*
48. *Based on the information provided within the Phase 1 geo-environmental desk study report, some further limited sampling and testing is required to identify any potential risks to construction workers and future site users in terms of potential asbestos contamination within the ground with testing recommended of any remaining stockpiled materials associated with the site's former use as an inert landfill facility, as well as any areas of ground that are likely to be disturbed during the construction works across the application area.*
49. *The ground preparation works may require removal of existing areas of hardstanding. This could potentially increase contamination risks from any significant contaminants present beneath the slabs (e.g. hydrocarbons from fuel spills), but these risks can be managed with a contamination watching brief. However, it would be useful for the applicant to carry out some limited testing of the ground around the edges of the slabs for potential contaminants prior to commencing works.*

50. *No further actions are required in relation to ground gas risk on the basis that there are no permanent structures constructed as part of the proposed development.*
51. Cadent Gas Limited, Severn Trent Water, Western Power Distribution, Nottinghamshire Wildlife Trust: No representations received. Any responses received shall be orally reported.

Publicity

52. The application has been advertised by the posting of site notices adjacent to the development site and within Cromwell village and the publication of a press notice in the Newark Advertiser in accordance with the County Council's Adopted Statement of Community Involvement. No representations have been received.
53. Councillor Bruce Laughton has been notified of the application.

Observations

Need for Development

54. Policy MP1 (Aggregate Provision) of the adopted Nottinghamshire Minerals Local Plan (MLP) states that the County Council should make provision for the maintenance of landbanks of at least 7 years for sand and gravel whilst maintaining a steady and adequate mineral supply over the plan period. The National Planning Policy Framework (NPPF) has similar planning policy guidance relating to aggregate provision.
55. MLP Policy MP2 (Sand and Gravel Provision) states that an adequate supply of sand and gravel will be identified to meet expected demand over the plan period. The policy identifies a series of site allocations including the extraction of the remaining reserves at Cromwell Quarry (site reference MP2e).
56. The planning permission for the extraction of minerals at Cromwell Quarry (reference 3/19/02233/CMM dated 5th June 2020) provides planning permission for the extraction of the sand and gravel reserves beneath the existing processing plant site (circa 395,000 tonnes). The recovery of these minerals cannot be carried out without the prior removal of the plant site.
57. The proposed development would enable the plant site to be relocated, enabling the applicant to access mineral reserves beneath the existing plant site and provide approximately an additional 18 months' worth of production in addition to the 18 months of reserves within the consented southern extension area which is currently being extracted. This means the consented mineral reserves would be exhausted in the quarry towards the end of 2024.

58. It is acknowledged that there are a number of options for managing the sand and gravel excavated from beneath the plant site. These options include the transport of the mineral 'as dug' for processing at a nearby quarry, development of a mobile processing plant within the existing boundaries of the Cemex Cromwell site, or the current proposals which seek to develop a replacement plant site on adjacent land.
59. There are environment benefits associated with processing the mineral at Cromwell rather than removing it 'as dug' and transporting it to a remote site for washing/processing and sale. Processing at Cromwell would retain silt and other non-saleable fractions of the excavated mineral within the quarry to provide restoration benefits. It would also reduce haulage journeys connected with the transport of unsaleable mineral and reduce haulage distances that would otherwise arise with remote processing and the 'double handling' of mineral with reduced environmental effects. Options for a mobile processing plant within the boundaries of the existing Cemex quarry are constrained by the fact that the site has now been predominantly extracted and ground levels have been lowered below the water table with most areas of the worked-out quarry either backfilled with water or extensively damp and unsuitable for use as a plant site.
60. The legacy of quarry workings in the Cromwell area provides an opportunity to relocate the plant site onto former quarry land previously occupied by Lafarge-Tarmac. The land is located directly adjacent to the Cemex site. The planning permission for the Lafarge-Tarmac land expired on 31st December 2020 with a requirement to restore the land during 2021. The former plant site however has not been fully restored due to Cemex's interest in using the site. Since the application site has not been fully restored the development would not encroach onto previously undeveloped countryside land. There has been some quite extensive natural regeneration on the former Lafarge-Tarmac site which has some ecological interest (discussed later in the report) and which would be lost as a result of the current proposals. However, the level of ecological impact is not considered significant and can be mitigated following the restoration of the plant site upon completion of Cemex's use of the site and therefore does not significantly constrain the development. The Cemex restoration would be undertaken to a similar standard to the Lafarge-Tarmac scheme albeit the recommended period of aftercare for this development would be for an enhanced 15-year period compared to five years for the Lafarge-Tarmac scheme.
61. Overall, it is considered that the temporary use of the site as proposed is appropriate and enables efficient extraction of minerals underlying the plant site at Cromwell Quarry consistent with the existing planning permission for the site. The mineral recovered from beneath the plant site would make an important ongoing contribution to an adequate supply of sand gravel resources in the County in compliance with Policy MP1 and MP2 of the MLP. The proposed plant site relocation is therefore considered to be justified in planning policy terms.

Assessment of Environment Impacts

62. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity are avoided or adequately mitigated to an acceptable level. The policy identifies that the types of impacts that need to be considered include but are not restricted to landscape and visual impacts, noise, blast vibration, dust, mud, air emissions, lighting, transport, and stability of the land at and around the site.
63. Other policies within the MLP relevant to the assessment of environmental impacts are MLP Policy DM2: Water Resources and Flood Risk, Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity, Policy DM5: Landscape Character, Policy DM6: Historic Environment, Policy DM7: Public Access and Policy DM9: Highways Safety and Vehicle Movements / Routeing.
64. The significance of environmental effects and compliance with the above policies is considered within the following section of the report.

Ecology

65. MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity provides support for minerals development where it can be demonstrated that the development is not likely to give rise to the loss or deterioration of Local Sites (Local Wildlife Sites or Local Geological Sites) except where the need for and benefits of the development in that location outweighs the impacts and the development would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development in that location outweigh the impacts. The policy seeks to ensure that where there is an impact to a designated site or protected species, adequate mitigation relative to the scale of the impact and the importance of the resource must be put in place, with compensation measures secured as a last resort. The policy also seeks to ensure that minerals developments maintain and enhance ecology networks.
66. The approach within MLP Policy DM4 in terms of seeking to protect designated sites and protected species, mitigate any adverse impacts and secure ecological enhancements is generally consistent with Newark & Sherwood Core Strategy (N&S CS) Core Policy 12: Biodiversity and Green Infrastructure, Newark and Sherwood - Allocations & Development Management Development Plan Document (N&S A&DMD) Policy DM7: Biodiversity and Green Infrastructure, and the NPPF.
67. The planning application site incorporates 4.7ha of the larger Cromwell Pits Local Wildlife Site (LWS) ecological designation. The habitat is considered to be of at least county-level importance for its botanical interest with the wider LWS incorporating county-rare species such as oak-leaved goosefoot (*Chenopodium glaucum*), smooth cat's-ear (*Hypochaeris glabra*) and catmint (*Nepeta cataria*). The area affected by the development supports a range of habitats, including ephemeral/short perennial vegetation, marshy grassland and scrub, all of which have established naturally on the former minerals working area.

68. MLP Policy DM4c provides protection against the loss or deterioration of LWS habitats except where the need for and benefits of the development in that location outweighs the impacts. In this instance it is considered the wider need for the sand and gravel and the locational benefits of developing the plant site adjacent to the operational Cromwell Quarry provide the necessary level of policy justification required within MLP Policy DM4c to support the temporary loss of 4.7ha of the larger Cromwell Pits LWS habitat.
69. Further ecological survey work has been undertaken during the course of processing the planning application, providing additional information including a botanical survey of the application site and areas of similar habitat to identify scarce species, a breeding bird survey, a reptile survey and a survey for common amphibians (frogs, toads and smooth newts) given that the area of the application site around the wheel wash regularly supports standing water
70. This additional ecological survey information confirms that the development would not unacceptably adversely impact any protected species and assists in informing bespoke mitigation measures to address potential ecological impacts. The restoration plans for the site allow for the retention and re-creation of a variety of habitats that currently occur on site and will ensure that any adverse ecological impacts resulting from the development are satisfactorily mitigated.
71. A series of planning conditions are recommended to regulate the ecological effects of the development in accordance with the recommendations of the Preliminary Ecological Assessment and Construction Environmental Management Plan in respect of:
- a. The submission of a detailed restoration scheme to include details of land forming, seed mixes and establishment methods, noting that natural regeneration should be promoted and planting/seeding should be kept to a minimum. This should include details of the proposed Sand Martin and Kingfisher nesting banks.
 - b. The implementation of pollution control measures as outlined in para 5.3 of the ecological assessment.
 - c. The root protection Areas (RPAs) of retained mature and semi-mature trees on the site boundaries and the trees at T5 with moderate potential for roosting bats shall be marked out prior to any works, and no works shall be undertaken within the designated RPAs.
 - d. Any lighting that is required should be designed to minimise light spillage onto adjacent sensitive ecological habitats.
 - e. A standard condition to control vegetation clearance during the bird nesting season.
 - f. A risk avoidance and mitigation strategy for water voles and amphibians shall be adhered to during the site clearance and development.
 - g. Prior to restoration works commencing surveys shall be undertaken for water voles and otters, along with a general re-survey of the site and its habitats to inform the detailed restoration proposals.

- h. A pre-commencement re-survey of the application site for badgers shall be undertaken and adherence to standard measures to protect mammals should be conditioned.
 - i. Adherence to the measures relating to invasive species should be conditioned.
 - j. A minimum 5m stand-off is retained and demarcated around the site boundary to protect the existing waterbodies and hedgerows, with 10m in place next to woodlands (as required by the CEMP).
- 72. Subject to the above planning conditions, it is concluded that satisfactory mitigation and compensation measures are provided for any impacts to habitats and species resulting from site clearance works.
- 73. Whilst the proposed development will result in the loss of wildlife habitat across part of the LWS, this will not be permanent. The post-works restoration plan re-creates a variety of habitats that currently occur on site and are recognised as priority habitats for wildlife conservation including the creation of nesting banks for sand martin and kingfisher, additional breeding scrapes and ponds targeted at amphibians, re-profiling of some areas of steep-sided slopes to create valuable habitat for marginal aquatic plants, and reedbed establishment.
- 74. Following the restoration and re-landscaping of the site the development should result in the reinstatement and enhancement of the existing habitat and a net gain to biodiversity and therefore the development is assessed as being compliant with MLP Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity, N&S CS Core Policy 12: Biodiversity and Green Infrastructure and N&S A&DMD Policy DM7: Biodiversity and Green Infrastructure.

Landscape and Visual Impact

- 75. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse landscape and visual impacts on amenity are avoided or adequately mitigated to an acceptable level.
- 76. MLP Policy DM5: Landscape Character states that proposals for minerals development will be supported where it can be demonstrated that they will not adversely impact on the character and distinctiveness of the landscape and that landscaping, planting and restoration proposals should take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire.
- 77. Similar policy requirements can be found within the Newark and Sherwood Amended Core Strategy Core Policy 13 - Landscape Character and the NPPF.
- 78. The planning application is supported by a landscape and visual assessment which gives consideration to the scale of development sought planning permission and its effect on the surrounding area.

79. In terms of the landscape effects of the development, no mature vegetation will need to be removed in order to carry out the proposed works, but there will be some removal of self-set vegetation within the main body of the site. The physical landscape impact of the proposed works is considered to be negligible.
80. In terms of the impact on the landscape character of the site and study area, the site is located in the River Meadowlands Landscape Character Type of the Newark and Sherwood District Council Landscape Character Assessment, specifically the Trent Washlands Policy Zone - TW PZ 17 Besthorpe River Meadowlands. The landscape condition is assessed as moderate, and the landscape sensitivity is low with landscape actions of create and reinforce.
81. The applicant has assessed the site as having a low landscape sensitivity and the works will have a low magnitude of effect. Via's Landscape Architects accept these conclusions and so the landscape effects of the development are therefore considered to be small scale with no significant effect on the landscape character of the study area.
82. The proposed restoration strategy will have an ecological focus to provide a mosaic of open habitats incorporating early successional communities, bare ground, open flower-rich grassland, open scrub, tall ruderals, marsh/marshy grassland and seasonal ponds, whilst existing wet woodland and scrub vegetation will be retained. The restoration proposals will achieve some of the landscape actions in the Landscape Character Assessment, specifically the reinforcement and strengthening of the continuity and ecological diversity of stream and ditch corridors, the conservation of pastoral character and promotion of measures for enhancing the ecological diversity of alluvial grasslands.
83. In terms of visual impacts, effects have been assessed within a Zone of Theoretical Visibility set at 3km from the site boundary. Six representative viewpoints were chosen to consider effects to public rights of way and recreational users, road and land users. The assessment demonstrates views from the east of the Trent will be screened by intervening vegetation or existing bunding on the edge of the river and views on the west bank of the Trent are screened by intervening vegetation. Views from the elevated viewpoints over the A1(M) are screened by vegetation to the western boundary of the proposed site and from the effects of distance and intervening vegetation on the eastern edge of Cromwell. It is therefore concluded that there would not be significant visual impacts as a result of the development.
84. The development therefore is considered to be compliant with MLP Policies DM1 and DM5.

Noise

85. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse noise impacts on amenity are avoided or adequately mitigated to an acceptable level. The NPPF and its supporting Planning Practice Guidance (PPG) reflect the above requirements.

86. A noise assessment has been undertaken to consider noise impacts from the proposed relocation of the mineral processing plant site. The assessment methodology follows Paragraphs 19 to 22 (inclusive) of the 'Minerals' chapter of the PPG.
87. The nearest residential receptors to the site are those within Cromwell village located around 250m from the proposed plant site. Noise surveys have been undertaken in October 2021 which indicate that the existing noise environment within Cromwell village is dominated by road traffic on the A1.
88. The predicted noise levels from normal daytime activities associated with the operation of the new processing plant area and extraction activities at the former plant area for the receptors in Cromwell village have been calculated to be between 49-51 dB LAeq,1h. The cumulative noise from temporary operations such as soil stripping and construction/removal of bunds has been calculated to be between 51-56 dB LAeq,1h.
89. The predicted noise levels indicate that a daytime noise limit of 55 dB LAeq,1h for day-to-day mineral extraction/processing activities consistent with the levels set out within the PPG would continue to be appropriate, but with scope for noisy short-term activities such as soil-stripping, construction / removal of bunds etc to be undertaken at an increased temporary daytime limit of up to 70 dB LAeq,1h for eight weeks in a year in compliance with the PPG.
90. In conclusion, the noise assessment calculations demonstrate that the operations at Cromwell Quarry, with activity in the proposed relocated plant area (and mineral extraction in the former plant area) can occur whilst meeting appropriate noise limits. The proposed development is therefore compliant with Policy DM1 of the MLP and national planning policy requirements relating to mineral development and noise criterion. Planning conditions are recommended to regulate the level of noise emissions from the site.

Dust

91. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse impacts on amenity including impacts from dust are avoided or adequately mitigated to an acceptable level.
92. The planning application is supported by an air quality assessment report which takes account of the existing baseline conditions and the level of dust emissions from site operations to calculate the likely magnitude of dust effects including consideration of finer particulates (PM10 and PM2.5) on the local environment. The air quality assessment takes account of the Institute of Air Quality Management which advises that adverse impacts from sand and gravel operations are uncommon beyond 250 metres from the nearest dust generating activity. The report notes that particles greater than 30µm, which make up the greatest proportion of dust emitted from mineral processing, largely deposit within 100 metres of their source, whilst smaller particles between 10 and 30µm are likely to travel from 250 to 400 metres. The smallest sub 10µm particles

which make up a small proportion of dust emitted from most mineral processing operations, may travel up to 1 kilometre from sources. The prevailing wind is from the southwest.

93. The air quality assessment reviews potential dust impacts from a number of sources associated with the day-to-day operation of the quarry operation, appraising the magnitude of impact at sensitive residential and ecological receptors in the surrounding area, concluding that the likely magnitude of impact at all residential and ecological receptors is likely to be negligible with the exception of Cromwell Pits Local Wildlife site where the magnitude of impact is calculated to be slight adverse. Potential dust impacts are therefore not considered to be significant, would not exceed air quality standards and not result in adverse health impacts.
94. The air quality report incorporates a dust management plan which sets a series of dust management and mitigation measures. These include the use of water sprays to dampen down dust on road surfaces during dry and windy weather, restrictions of onsite speed limits and minimisation of drop heights when unloading material. It is recommended that the implementation of these dust management controls is regulated through a planning condition. Subject to the implementation of these controls it is concluded that dust impacts will not be significant and the development therefore is considered to be supported by MLP Policy DM1.

Transport

95. Policy DM9 of the MLP deals with Highways Safety and Vehicle Movements / Routeing. The policy is supportive of minerals development where the highway network can satisfactorily and safely accommodate the vehicle movements, there would not be highway amenity issues, appropriate vehicle routeing controls are put in place (where necessary) and appropriate controls are put in place to prevent mud/detritus contaminating the public highway. Policy DM1 also requires minerals related development to avoid adverse residential impacts.
96. The extraction of mineral reserves underlying the existing plant site currently benefits from planning permission and therefore the proposal will not result in any additional quantity of extraction, export or import of any material from Cromwell Quarry. The intended rate of extraction, processing and export of mineral is proposed to remain unchanged, with exported material proposed to be transported in the same manner (vehicle types, payloads, times) as at present, and there will be no change in the number of staff working at the site. Accordingly, the proposal will not result in any additional operational traffic movements, either in total or within any given period of time.
97. Vehicle access to the quarry will continue to be from the A1. Southbound A1 traffic can access and depart the quarry directly from the A1 utilising the existing slip roads. Northbound A1 traffic obtains access to the quarry via the existing bridge over the A1. These vehicles pass a number of residential properties at the northern edge of Cromwell village between the A1 slip roads and the bridge,

but avoid travelling through the main village centre (see Plan 4). Vehicle routing is currently regulated as part of the existing planning permission through a Section 106 legal agreement. To ensure vehicle routing controls continue to regulate all vehicles using this new plant site it will be necessary to impose a further Section 106 legal agreement as part of this planning consent and the recommendation to support a grant of planning permission reflects this.

98. All HGVs departing the quarry will continue to be required to use wheel cleaning facilities and be sheeted.
99. On the basis of the above, it is concluded that there will not be any material transport impacts resulting from the proposed development therefore complying with Policy DM9 and DM1 of the MWLP and the NPPF.

Flood Risk and Water Quality

100. MLP Policy DM2: Water Resources and Flood Risk supports proposals for minerals development where it can be demonstrated that there would not be any unacceptable flood risk impacts and no unacceptable impacts on surface and ground water quality and flows.
101. The planning application is supported by a site-specific flood risk assessment which acknowledges that the site is within flood zone 3 and therefore at a high risk from river flooding with flood events likely to occur more frequently than every 100 years.
102. The Planning Practice Guidance acknowledges that minerals development is classed as 'water compatible', and therefore appropriate in flood zone 3, subject to the development not increasing flood risk to surrounding land or property. The hydraulic flood model which supports the flood risk assessment considers the potential flood effects of the development, confirming that the development would result in no significant change in floodwater levels within the development site or any receptors (such as properties or roads) in the surrounding area and there would be no negative impact on local flood risk.
103. The Environment Agency have reviewed the flood implications of the development and have confirmed that they do not object, subject to planning conditions being imposed to ensure the development is carried out in compliance with the flood risk assessment and subsequently restored in compliance with the restoration plan. The Environment Agency also strongly recommend that the site operators develop a flood risk emergency plan for the site to allow safe evacuation during periods of flooding.
104. In terms of wider drainage implications, the County Council's Lead Local Flood Authority (LLFA) Team have reviewed the application and do not wish to raise any drainage comments on the proposed development.
105. Subject to the imposition of the planning conditions as recommended by the Environment Agency, it is concluded that the proposed development complies

with Policy DM2 of the MLP and NPPF in terms avoiding unacceptable flood risk in the locality.

Historic Environment

106. MLP Policy DM6 deals with the historic environment and supports minerals development where it can be demonstrated that there will not be any harm to the significance of a designated, or non-designated heritage asset including the built environment and sites of archaeological interest and/or their setting. Planning policy requirements are also set out in the NPPF at Chapter 16 (Conserving and enhancing the historic environment) and the Planning Practice Guidance with similar requirements as to those in Policy DM6.
107. In terms of the historic built environment, Cromwell village incorporates two listed buildings, the Grade I listed Church of St Giles and The Old Rectory and Attached Cottage which is Grade II listed. The landscape and visual appraisal report which supports the planning application notes that the topography of the intervening land and presence of trees/vegetation mean that the relocated plant site would not be visible from these heritage assets and adverse impacts to these built heritage assets are therefore not anticipated.
108. In terms of below ground archaeological interest, the development site has historically been subject to minerals development associated with its previous use as a quarry plant site which would have removed any archaeological features within the site. In relation to the wider archaeological setting of the site, a Scheduled Ancient Monument (SAM) known as the National Rectangular Barrows lies approximately 600 metres to the south and SAM Cromwell Villa approximately 650 metres to the north. The small scale, temporary nature and historical context of the use of the site mean that no significant harm to the setting of these SAMs is anticipated.
109. The development is therefore considered to have no unacceptable adverse impacts upon the historic environment in compliance with MLP Policy DM6 and the NPPF.

Rights of Way

110. The planning application site does not incorporate any public rights of way and would not impact on users of Cromwell Bridleway No. 1 which is located adjacent to the wider quarry complex on the River Trent towpath.
111. The final restoration plan identifies that a car park will be retained to serve the informal fishing of the lakes and the conservation management of the restored site. A grass surfaced pathway will be provided between the car park and the riverbank to link to Cromwell Bridleway No. 1. Access along this grass path will be provided on a permissive basis and it is not intended to dedicate it as a public right of way. The permissive access provided by the path is welcomed and it is recommended that the installation, maintenance and continued

availability of the path throughout the aftercare period is regulated by planning condition.

Ground conditions in the context of the historical plant site use of the site

112. The planning application site is located outside the current boundaries of the Cemex sand and gravel quarry on land that has previously been developed by Lafarge-Tarmac for minerals development with consent for the restoration of the site utilising imported inert waste materials and river dredging's.
113. Whilst the development site is unlikely to have any significant contamination issues, potential ground contamination cannot be ruled out having regard to the historical land use of the site. These ground legacy issues have been examined within the applicant's Phase 1 geo-environmental desk study and reviewed by Via Reclamation in their consultation response.
114. The geo-environmental desk study confirms that all works will be carried out above the existing ground level, with no intrusive works beyond possible removal of concrete slabs and other surface obstructions. Furthermore, it is noted that all buildings are temporary portacabin buildings, with no permanent foundations or other permanent construction required.
115. In terms of ground contamination legacy issues
 - i. Moderate / Low risks have been identified for construction workers and future site users from potential asbestos contamination (inhalation risks).
 - ii. Moderate / Low risks have been identified for future site users and buildings related to ground gas risks resulting from the deposition of river dredgings.
 - iii. Moderate / Low risks have been identified for controlled waters related to potential hydrocarbon contamination (most notably associated with the former above ground fuel store).
 - iv. The desk study does not include any information on the ground preparation works required for the proposed development, for example removal of concrete hardstanding areas and the soil / waste stockpiles from the site area and therefore the level of risk from these activities is unclear.
116. Based on the information provided within the desk study report it is recommended that the potential ground contamination issues can be appropriately controlled and regulated by planning condition to require:
 - I. Further sampling and testing to identify any potential risks to construction workers and future site users in relation to asbestos.
 - II. Testing would be required for any stockpiled materials remaining on-site associated with the site's former use, as well as any areas of ground that

are likely to be disturbed during the construction works across the application area.

- III. The ground preparation works may require removal of existing areas of hardstanding. This could potentially increase contamination risks from any contaminants which may be present beneath the slabs (e.g. hydrocarbons from fuel spills). Based on the limited proposals for the site, these risks can be managed through a contamination watching brief. But it may be useful for the applicant to carry out some limited testing of the ground around the edges of the slabs for potential contaminants prior to commencing works.
 - IV. No further actions are required in relation to ground gas risk on the basis that no permanent structures would be constructed as part of the proposed development.
 - V. Additional information is required on the proposed movement and / or disposal of soil stockpiles which currently exist at the site and arisings associated with the proposed development.
117. Subject to the above controls it is concluded that contamination issues associated with the historical use of the site would be appropriately and safely managed as part of the development project.

Restoration

118. Policy DM12 (Restoration, aftercare and after-use) of the MLP requires planning applications for minerals development to include an appropriate scheme for the restoration, aftercare and long term after use to enable long term enhancement of the environment.
119. The proposed restoration strategy will include a mosaic of open habitats and a range of habitat types, including early successional communities, bare ground, open flower-rich grassland, open scrub, tall ruderals, marsh/marshy grassland and seasonal ponds.
120. The proposed restoration scheme, whilst being consistent with the previously approved/restored scheme of the former Tarmac development, will provide additional ecological enhancement measures that will ensure that the long term biodiversity interests of the site are maximised and therefore is consistent with MLP Policy DM12.
121. In terms of the timescale for restoration of the plant site, the existing planning conditions for Cromwell Quarry require the cessation of mineral extraction before the 18th May 2028, albeit current extraction rates indicate that these consented mineral resources could be exhausted by the end of 2024. It is however noted that the applicant has recently applied for planning permission for a southern extension to Cromwell Quarry which, if consented, would add to the life of the quarry and a need for the plant site to be retained for a longer duration. The applicant also owns further land to the south which they have

aspirations to extract in future years, subject to planning permission being granted. To acknowledge the potential that the plant site may be needed to process mineral from extended areas of mineral extraction in the Cromwell area which currently do not have planning permission, it is recommended that the planning condition requiring the restoration of the plant site provides scope with the MPA's written approval to defer the final restoration of the plant site until such time that all mineral reserves in the Cromwell area have been exhausted.

122. The aftercare management for the restored Cromwell Quarry is regulated within the various planning permissions for the site to require the land restored to agricultural use to be managed for five years, the habitats within the main quarry area to be managed for ten years, and the habitats provided within the southern area to be managed for fifteen years. It is recommended that a fifteen-year aftercare period consistent with the southern extraction area is required by planning condition for the restored habitats provided within the replacement plant site area currently proposed.

Cumulative Impacts

123. MLP Policy DM8 states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community.
124. The proposal does not add more plant/building development to the locality but simply its relocation to adjacent land. The suite of technical environmental reports accompanying this planning application have considered the cumulative impact of the existing Cromwell Quarry development and the proposed development. The conclusion of the environmental assessment is that none of the individual environmental impacts are likely to be significant and therefore likely to combine to give rise to unacceptable combined effects and therefore the development is supported by MLP Policy DM8.

Other Options Considered

125. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

126. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

127. The development would relocate the Cromwell Quarry plant site onto an adjacent site, continuing to make use of existing security features within the site including the use of secure site buildings and security fencing.

Data Protection and Information Governance

128. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

Financial Implications

129. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the Section 106 legal agreement which is required to regulate lorry routeing.

Human Resources Implications

130. None arising.

Human Rights Implications

131. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Public Sector Equality Duty Implications

132. None arising.

Safeguarding of Children and Adults at Risk Implications

133. The quarry would continue to comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded. Appropriate safeguarding would also apply in relation to footpath users.

Implications for Service Users

134. The proposed extensions to Cromwell Quarry would assist in ensuring a continuity of local sand and gravel supplies to the construction industry.

Implications for Sustainability and the Environment

135. The development would contribute towards the sustainable use of mineral resources which would contribute to the country's economic growth and quality of life. The relocated plant site enables consented mineral reserves to be extracted and locally processed, ensuring that minerals are not sterilised, minimising environmental emissions associated with mineral haulage and ensuring the land is restored to beneficial purposes at the earliest practical opportunity. The issues have been considered in the Observations section above.

Conclusion

136. The proposed relocation of the mineral processing plant site, and associated infrastructure, will enable the applicant to extract previously consented sand and gravel reserves from beneath the existing plant site, ensuring these minerals do not become sterilised and thus provide for a sustainable use of this mineral resource as well as ensuring Nottinghamshire continues to meet its year on year supply of sand and gravel to the marketplace in compliance with MLP Policy MP1 and Policy MP2.
137. The environmental assessment of the proposal has had regard to MLP Policy DM1 and other relevant material considerations, wherein it is concluded that the proposed development would not result in any unacceptably adverse environmental impacts. The proposed restoration scheme will bring about an overall benefit in terms of landscape character and visual amenity. Any short-term impacts upon the Local Wildlife Site will not be significant and can be controlled to acceptable levels by the imposition of planning conditions and the proposed restoration scheme will ensure that, in the long term, the biodiversity interests of the site are enhanced in compliance with national and local planning policies. The noise calculations conclude that all proposed activities will continue to comply with the relevant noise limit imposed by the extant quarry planning permission and therefore no unacceptable noise impacts are anticipated. Dust emissions can also be satisfactorily controlled. The flood risk assessment report has concluded that the proposed development will not negatively impact on local flood risk with no change in predicted water levels at nearby Cromwell village or any change to downstream river flows. The development will not change existing levels of road transport associated with the operation of the quarry and the controls proposed through the Section 106 agreement will ensure that these vehicles are routed to avoid the centre of Cromwell village.
138. It is therefore recommended that the proposed development be granted planning permission.

Statement of Positive and Proactive Engagement

139. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against

relevant Development Plan policies and the National Planning Policy Framework. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant including the need for further ecological surveys and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and the Mineral Planning Authority has also engaged positively in the initial preparation of the draft S106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

140. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act to secure a lorry routeing agreement to regulate heavy goods vehicles servicing the new quarry plant site.
141. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 13th December 2022 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed before the 13th December 2022, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time. Members need to consider the issues set out in the report and resolve accordingly.

Derek Higton
Service Director, Place and Communities

Constitutional Comments (JL 17/07/2022)

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference

Financial Comments [RWK 02/08/2022]

The financial implications are set out in the report. There are no additional financial implications for the Council arising from the report.

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=F/4395

Electoral Division(s) and Member(s) Affected

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