Nottinghamshire County Council

Report to the Planning and Rights of Way Committee

6 June 2023

Agenda Item 7

REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/01790/CMA

PROPOSAL 1: **PROPOSED SOUTHERN EXTENSION TO THE QUARRY FOR THE EXTRACTION OF APPROXIMATELY 550,000 TONNES OF SAND AND GRAVEL WITH RESTORATION TO AGRICULTURE AND NATURE CONSERVATION**

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/01787/CMA

PROPOSAL 2: **TO ALLOW AN UPDATE TO THE METHOD OF WORKING PLANS AND THE RETENTION AND USE OF THE PLANT SITE, ACCESS, HAUL ROAD AND SILT LAGOONS IN ORDER TO WORK A PROPOSED EXTENSION AT NESS FARM.**

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/22/01788/CMA

PROPOSAL 3: **TO ALLOW FOR AMENDMENTS TO THE WORKING SCHEME AND RESTORATION PLAN, TO FACILITATE WORKING A SOUTHERN EXTENSION AT NESS FARM.**

LOCATION: **NESS FARM AND CROMWELL QUARRY, THE GREAT NORTH ROAD, CROMWELL, NOTTINGHAMSHIRE, NG23 6JE**

APPLICANT: **CEMEX UK OPERATIONS LIMITED**

Purpose of Report

1. To consider three planning applications in connection with a southern extension to Cromwell Quarry.

2. Planning application 3/22/01790/CMA seeks planning permission for a southern extension to the existing operational Cromwell Quarry to extract a further 550,000 tonnes of sand and gravel from land at Ness Farm. The development site is not allocated for mineral extraction within the Minerals Local Plan and therefore the planning application raises key issues in terms of the need for the

additional mineral. The assessment of the environment effects identifies that the development would have a comparatively minor impact with the most notable issues being in relation to the ecological effects and changes to landscape character.

3. Planning applications 3/22/01787/CMA and 3/22/01788/CMA are Section 73 submissions which seek planning permission to vary planning conditions imposed on the existing Cromwell Quarry planning permissions to facilitate amendments to the method of working resulting from the intention to process the mineral originating from the Ness Farm extension. These planning applications do not raise any significant planning issues.

4. The recommendation is to grant planning permission for all three planning applications, subject to the conditions set out in Appendices 1, 2 and 3.

The Site and Surroundings

5. Cromwell sand and gravel quarry is located 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)

6. There is a long history of mineral extraction at Cromwell quarry and the surrounding area. Directly to the north of the operational Cemex Cromwell Quarry are more historical sand and gravel workings which were undertaken by Lafarge-Tarmac. These workings are now predominantly re-vegetated and re-naturalised as a series of lakes and lake verge habitats. To the east is the River Trent and Langford quarry incorporating active mineral extraction areas and extensive wetland restoration managed by the RSPB, and Besthorpe quarry which also incorporates active mineral extraction areas and expansive areas of restored habitats (see Plan 2).

7. The applicant's Cromwell quarry site incorporates former arable agricultural land which is progressively being worked for mineral extraction. The consented scheme provides for mineral extraction over 10 phases with extraction recently completed in Phase 9c leaving remaining consented mineral within phases 9d and 10 which underlay the existing plant site and stocking areas of the quarry (see Plan 3). The operator has not progressed extraction into phase 9d and 10 since the extraction of these areas would necessitate the removal/relocation of the existing plant site facilities and as a result the quarry is currently mothballed pending a decision on these current planning applications.

8. 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, passing a very limited 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.

9. The planning application site for the Ness Farm extension (planning application 3/22/01790/CMA) incorporates 13.37ha of land straddling the Parish boundaries for Cromwell and North Muskham and is located immediately to the south of the most recently worked Phase 9c extraction area. The boundaries of the site are drawn to incorporate part of an arable field on its north-eastern side (within Cromwell parish) and a large arable agricultural field on its south-eastern side (within North Muskham parish) with these fields separated by a belt of trees. (see Plan 4) The application site also incorporates a corridor of land through the existing Phase 9b workings which would be used to provide a haulage corridor between the extraction area and the existing plant site (see Plan 5).

10. The agricultural land classification grade of the extraction area incorporates 48% Grade 2, 35% Grade 3a and 10% Grade 3b. DEFRA classify Grade 2 and 3a as best and most versatile agricultural land.

11. Phase 11 comprises areas of proposed mineral extraction and is referenced as the Ness Farm application site. The north-eastern field (referenced as Phase 11a) is bounded by the existing Phase 9c on the north-eastern side, and by hedgerows on the northern and south-western sides. On the south-eastern side is Cromwell Lock, and its associated facilities and riverside area including Lock-Keepers Cottage and riverside footpath/bridleway. A line of mature trees provide partial screening. The larger south-eastern field (referenced as Phase 11b) is bounded by a hedgerow on the north-eastern side and a line of trees separating it from the lockside area, the River Trent and the riverside footpath on the eastern side (a line of short term moorings also extends from the lock), with open fields to the west and south (see Plan 5).

12. The site is not covered by any ecological or landscape designations. Within 2km of the site there are no statutory designated wildlife sites, the nearest is Besthorpe Warren/Besthorpe Meadows SSSI approximately 2.8km north-east of the site at its nearest point. Within 2km there are nine Local Wildlife Sites, the closest of which is Ness Trentside LWS which extends along the riverbank up to the south-east corner of the site at Phase 11b. Langford Lowfields is across the river to the east, Cromwell Pits to the north, and Horse Pool Collingham to the east.

13. The site lies within Flood Zone 3 and therefore has a high probability of flooding.

14. There are public footpaths and bridleways in the vicinity of the site (see Plan 6). Public footpath Cromwell FP5 runs to the north of the current working phases, separating this land from the main quarry and its plant site. The footpath follows along a metalled lane providing vehicle access to the Lock and for anglers accessing fishing pegs along the river. The quarry haul road will continue to cross this footpath using the existing crossing point. There is a bridleway BW1 running north-south adjacent to the River Trent, through the lock-side area east of the application site, and which continues to North Muskham as FP9.

15. The nearest residential property to the extraction area is the Lock-Keepers Cottage which is located immediately to the east of Phase 11a. Nearby residential properties in the wider area include Ness Farm, located around 400m

to the south-west, and the houses in Church Lane, Cromwell on the western side of the A1 at a distance of around 600m, with the rest of Cromwell village further to the west.

16. The application site does not incorporate any heritage assets. There is a scheduled monument aprox 200m south of the Phase 11b extraction area which incorporates evidence of rectangular barrows (burial place). However, there are no surviving surface features. Cromwell village has four heritage listings which are the Grade I listed Church of St Giles, Grade II listed rectory and attached cottage, Grade II listed headstone south of the church, and the Grade II listed Pigeoncote at Willingham House. There are also records of the remains from an early medieval bridge which was found approximately 44m to the east of the development site, however the remains were later removed through successive improvement works to the river and locks around 100 years ago.

17. Ground investigations confirm the application site incorporates sand and gravel reserves at depths of between 4.5m and 9.3 with the shallower reserves located towards the south and east. The mineral deposit is overlaid by topsoil, overburden and clay.

18. The boundaries of planning applications 3/22/01787/CMA and 3/22/01788/CMA incorporate the existing consented areas of the original Cromwell Quarry and its current Southern extension area (see Plan 4).

Planning history

19. The Ness Farm planning application site is agricultural land with no history of development or previous applications.

20. Planning permission for mineral extraction at the existing Cromwell Quarry was originally granted in 1998 (Reference 3/94/1169/CM) but this planning permission was not implemented. The planning permission was granted again in 2009 (reference 3/03/02626/CMA) and was commenced shortly afterwards, but due to a decline in market conditions it was closed until 2016 when working recommenced.

21. An 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). This permission was subsequently varied by permission 3/19/02233/CMM, granted 5th June 2020 and this is the current planning permission for the main quarry.

22. Planning Permission was sought by Cemex for a new 'Cromwell North Quarry' in January 2019 under reference 3/19/00100/CMM. The planning application seeks consent to develop an entirely new quarry and associated plant site/access on land to the north of the existing quarry and south of Carlton on Trent. The applicant's intention is for this new quarry to replace the existing Cromwell Quarry once mineral resources are depleted. The planning application remains undetermined with Cemex yet to respond to a Regulation

25 request for supplementary information concerning air quality, transport, access, quarry dewatering, amenity, landscape, ecology and noise originally made in 2019.

23. Planning permission 3/19/2231/CMM was granted on 5th June 2020, to allow for 550,000 tonnes to be extracted in a southern extension to the quarry (Phases 9a, 9b and 9c).

24. Planning Permission 3/22/00336/CMA was granted on 30th September 2022 for the relocation of the existing plant site on to land to the north-east of the haul road which was previously used by Lafarge-Tarmac for similar purposes. The relocation of the plant site is necessary to maintain an operational processing facility at the site for the final phase of the quarry which involves the extraction of the consented mineral reserve underlaying the existing plant site.

Proposed Development

Planning Application 3/22/00336/CMA

25. Planning permission is sought for the extraction of circa 550,000 tonnes of sand and gravel from 8.4ha of the Ness Farm site at a rate of approximately 300,000 tonnes per annum. This equates to just under two years for extraction with a further year to complete restoration. The current intention is to process the mineral within the existing plant site rather than the relocated quarry plant site consented under planning permission 3/22/00336/CMA.

26. Mineral would be extracted on a campaign basis with two or three campaigns each year and each campaign lasting approximately 3 months in length. The mineral would be transported by dumper truck from the extraction area along a new haul road to be constructed through Phase 9b to provide access to the existing footpath crossing and the existing haul road to access the plant site. The extracted mineral would be stockpiled adjacent to the plant site prior to processing and dispatch to market by HGV via the existing access onto the A1.

27. The extension area would be worked in two phases, starting with the Phase 11a which is immediately south of Phase 9c. Working would then proceed into the south in Phase 11b (see Plan 5).

28. Around 120 linear metres of the hedgerow between the existing phase 9c and proposed new phase 11a would be removed. The remaining hedgerow between these phases would be retained and a stand-off retained to both extraction areas. Tree protection fencing would be used to protect all retained trees.

29. Prior to the commencement of mineral extraction in Phase 11a the soils and overburden would be stripped from the working area and used to construct bunds around the eastern edge of Phase 11a to visually screen site activities and reduce the transmission of noise out of the site in the direction of Lock-Keepers Cottage and users of the public footpath alongside the River Trent.

The overburden would also be used for the construction of a haul road through Phase 9b to connect with the existing haul road.

30. Phase 11b would be stripped once there is sufficient void space within Phase 11a with the overburden used for creating bunds around the southern and eastern sides of Phase 11b at 3m in height. Remaining overburden would be used for restoration of Phase 11a. Following the completion of mineral extraction Phase 11b would be restored using the material from the bunds around the site once working has ceased, and the material used to construct the haul road through Phase 9b.

31. The water table within the extraction area would be lowered during extraction using a process known as 'ground dewatering', a standard technique extensively used in the quarry industry whereby ground water levels are lowered by water pumping to enable the underlying mineral to be dry worked. Pumped water from the dewatering process is currently discharged into a trench on the western side of the extraction area. However, there have been occasions when the quantity of water discharged into the trench has overtopped its capacity and flooded adjacent land. To avoid further flooding issues a pipe has been installed to provide a drainage connection to the wider network of settlement lagoons within the main quarry area to the north of the footpath and provide greater water storage and thus resolve the flooding issues.

32. The hours of operation are proposed to be the same as the existing permission with mineral extraction, processing, treatment, and soil stripping limited to between 7am to 7pm Monday to Friday and 7am to 1pm on Saturdays. HGV numbers are anticipated to continue at a similar rate to existing, which would be approximately 110 movements (55 lorries) per day.

33. There would be no importation of material for restoration which would be created at a lower level following the removal of mineral and using overburden and soils from the site only. The restoration would be predominantly wetland based with a mixture of neutral grassland meadow, open water with reedbed margins, and wet woodland (as well as a small area of arable farmland reinstatement) which is similar in character to the restoration within Phases 9a – 9c. The restoration would also include a series of shallow ponds to encourage amphibians and other aquatic species, retained sand faces for sand martins, kingfishers and invertebrates, as well as tern rafts, and new hedgerow planting along boundaries to create parallel corridors and links (see Plan 7.)

34. The approximate area in hectares of the various restored habitats (not including those parts of the red line area which are already subject to an approved restoration plan) will be:

- 2.47ha of lowland meadow/conservation grassland margins,
- 1.27ha of reedbed,
- 4.95ha of open water lakes,
- 0.64ha of arable, along the route of the haul road outside the area of mineral extraction.

- 0.19ha of ponds,
- 1.36ha of wet woodland; and
- 0.16h of sand face.

35. The planning application is supported by an Environmental Impact Assessment (EIA) which gives consideration to the main environmental effects of the proposed development and their likely significance of impact. The conclusions reached within the EIA are considered within the planning observations section of the report.

36. To address issues and concerns raised following by the initial planning consultation a series of modifications, additional environmental assessments and clarification information has been provided within two submissions, each formally submitted under Regulation 25 of the Environmental Impact Assessment Regulations.

37. The first Reg. 25 submission provides the following supplementary information:

i. Biodiversity net gain calculation: A calculation of the level of biodiversity benefit has been made based on the latest updated restoration plan. The calculation indicates that following the restoration of the site there would be a net gain in habitat units of 277.77%.

ii. Additional Bat Surveys: Further bat surveys have been undertaken to examine a group of retained trees in close proximity to the development site. The trees have been climbed and inspected for evidence of bat habitat, confirming that no bats or signs of bats were found and the trees provide negligible bat roost features.

iii. Additional hedgerow planting: Additional hedgerow planting along the northern boundary of Phase 11b has been included as part of an amended restoration scheme to supplement the existing hedgerow line and ensure there is a 18.57% net gain in hedgerow length following the restoration of the site. The restoration scheme also has extended the extent of wet woodland along the eastern boundary of the site to ensure there is a continuous vegetation link along this boundary.

iv. Creation of additional areas of dry land and shallows within the restoration of the site: The restoration plan has also been modified to provide a series of smaller ponds around the edges of the phases. Cemex state they have undertaken a wider reappraisal of the extent of open water habitat proposed as part of the restoration of the site, but state that to prevent this would require waste importation over a number of years which would have its own environmental consequences and would delay restoring the habitat to nature conservation. Cemex have also looked into the costs of further under-digging the site, however given the significant costs of earth moving, seeding and restoring the additional areas this would not make the project financially viable.

v. Duration of Aftercare: Cemex have confirmed they would accept a 20-year aftercare period on the parts of the site restored to nature conservation, with 5-years for the land restored to agriculture.

vi. Mitigation of Heritage impacts: Cemex have confirmed that they are willing to provide an information board to raise awareness of the heritage assets of the original landscape of the site, as requested by NCC's Heritage Officer.

vii. Other matters of ecological clarification: Cemex have reviewed various suggestions raised in the ecological consultation responses including the provision of areas of off-site grassland planting, retention and management of wetland habitat adjacent to the development site and the provision of a hydrological connection between the restored site and the River Trent, but state that they are unable to incorporate these suggestions for a variety of reasons including the extent of the company's land ownership, ongoing obligations to tenant farmers and the company's future aspirations for the development of the wider area and in the case of the suggested River Trent hydrological connection, concerns about wider flooding impacts. The company wish it to be noted that the development as submitted results in a significant net gain in biodiversity without these additional features.

viii. Quantity of mineral remaining in quarry: Cemex have provided an updated assessment of the extent of the remaining consented mineral reserves, confirming that the current Phase 9c has now been worked out with the exception of a small haul road. Subsequent phases 9d, 10 and the plant site have not yet been worked as these areas would be required for processing, stockpiling and dispatching mineral from Ness Farm. Within these three phases there is approximately 395,000 tonnes of mineral left, which at current rates of extraction would last 1.3 years approximately. The company state they are currently dispatching mineral from stockpiled material, and this will continue until stocks run out. They state that there is likely to be a gap between the stockpiled material running out and work starting on Ness Farm, (if permission is granted) and this risks losing customers in the long term.

38. The second Reg. 25 submission provides the following supplementary information:

i. Additional technical flood modelling data has been provided in response to requests made by the Environment Agency, providing further sensitivity analysis of the original flood model in terms of using different assumptions regarding ground roughness, different levels of flow during a flood event and a wider review of the effects of the development further downstream from the site. This sensitivity analysis shows that the flood model is affected by different assumptions in terms of ground roughness and flow adjustments but not changes to downstream tidal levels, but these factors do not change the conclusions of the original flood model insofar that the quarry development would have either no or negligible effect on the baseline scenario in terms of flood risk.

ii. A revised biodiversity net gain calculation has been provided which has re-appraised the level of ecological benefit that would be derived from the development to take account of concerns raised through the planning consultation process that the original assessment incorrectly calculated

the level of ecological benefit that would be derived from the restoration of the site. The calculation indicates that following the restoration of the site there would be a net gain in habitat units of +147.78%.

Planning Application: 3/22/01787/CMA

39. Planning Application 3/22/01787/CMA is a Section 73 planning submission which seeks to vary planning conditions 3, 4, 5, 17, 23 and 24 of planning permission 3/19/02233/CMA to allow retention and use of the plant site, access, haul road and silt lagoons in connection with working the extended Ness Farm southern extension, as well as an amendment to the method of working plans to allow Ness Farm to be worked prior to working mineral which underlays the plant site and stocking areas within Phases 9d, and 10 of the quarry. The modifications to the planning conditions are summarised below:

- Condition 3 restricts the existing plant site to only be used for processing mineral originating from the current quarry area. It is requested this condition is modified to also permit the plant site to be used in connection with the processing mineral from the extended Ness Farm area.
- Condition 4 provides a schedule of the approved plans. The amendment is requested to reference the new method of working plans specifically insofar that they detail extraction in Phases 11a and 11b.
- Condition 5 regulates the phasing of working with a modification sought to reflect the new method of working plans including the new phases at Ness Farm as well referencing the proposed internal haulage routing arrangements.
- Condition 17 requires the plant site to be cleared and removed within 12 months of completion of mineral extraction in the existing quarry area. Permission is sought to vary the requirements of this planning condition to allow the plant, ancillary buildings and associated structures to remain whilst the extension area at Ness Farm is worked.
- Condition 23 relates to soil handling, referencing a set of working drawings which need to be updated to reference extraction in the Ness Farm extension.
- Condition 24 states that no soils or overburden shall be removed from the Cromwell Quarry site. This condition needs amending to also reference the Ness Farm area of the extended quarry.

40. The modifications to the phasing would delay the working and subsequent restoration of the plant site and stocking area within phases 9d, and 10 by up to 2 years whilst the extended Ness Farm area is extracted.

Planning Application 3/22/01788/CMA

41. Planning Application 3/22/01788/CMA is a Section 73 planning submission which seeks to vary planning conditions 3, 6 and 49 of planning permission

3/19/02232/CMA to allow an update to the method of working/phasing plans and revise the restoration plans to take account of changes as a result of the implementation of the proposed southern extension at Ness Farm. The proposed amendments comprise a revised suite of Method of Working Plans to allow for the working of Ness Farm prior to the final main quarry phases, a delay to the final restoration of the area proposed for a haul road through Phase 9b to reach Ness Farm, and an amendment to the restoration in the south-western edge of Phase 9c to tie in with the proposed extension at Ness Farm and other minor amendments to the restoration arrangements within phases 9a-9c. (see Plan 8).

42. The modifications to the planning conditions are summarised below:

- Condition 3 provides a schedule of the approved plans. The amendment is requested to reference the new method of working plans specifically insofar that they detail extraction in Phases 11a and 11b and modifications to the restoration of the site.
- Condition 6 regulates the phasing of working. The amendment is requested to reflect the new method of working plans specifically new Phases 11a and 11b and the proposed internal haulage routing arrangements.
- Condition 49 regulates the phased implementation of the restoration of the site. The amendment is requested to reflect the updated Method of Working and Restoration arrangements for the site.

Consultations

43. The planning consultation responses section sets out a summary of the consultation responses received for each of the three planning applications, and in the case of the Planning Application 3/22/01790/CMA, any subsequent representations in connection with the supplementary information provided under the two Regulation 25 submissions.

Summary of Planning consultation responses received in connection with Planning Application 3/22/01790/CMA.

44. Newark and Sherwood District Council: *Raise no objections*.

45. Cromwell Parish Meeting: *Oppose the planning application on the following grounds:*

46. *The extension will produce aggregate for which there is no projected need. The site is not included in the Nottinghamshire Minerals Local Plan and the economy is at a lower level of activity meaning there is not likely to be a need for the extra material in the next couple of years.*

47. *The existing quarry extension which is being worked at the moment has caused, and is continuing to cause, damage to the footpath (FP5) which is at times impassable to pedestrians. Water, mud and the inevitable damage caused by*

heavy vehicles crossing a footpath are the main problems. However well it is repaired, parishioners are being inconvenienced now and wildlife has fled.

48. *Although the transport HGVs were originally well behaved and kept to the agreed access route via the northern entrance to the village, there has been an increase in the incidence of some quarry traffic ignoring the environmental weight restriction and using the southern entrance and passing directly through the village in order to reach the quarry. Further, these lorries are reported anecdotally to be exceeding the village speed limit of 30mph.*

49. North Muskham Parish Council: *No objections.*

50. *The Parish acknowledge that the quarry extension will see the facility come closer to North Muskham but acknowledge that bunds will be put in place so the proposals should not significantly impact on the village.*

51. Environment Agency: *No objections*

52. *The Environment Agency (EA) initially deferred observations on flood risk pending the submission of further technical data.*

53. *The EA have provided comments and advice in terms of the ecological, construction management and groundwater/contaminated land issues associated with the development and encourage the submission of a Biodiversity Net Gain calculation to support the planning application.*

54. *In terms of ecology, the EA support the retention and protection of mature trees and hedgerows where possible, acknowledging that there is a necessity to remove lower quality hedges where necessary for access or when in direct conflict with quarry operations. The EA recommend any tree/vegetation removal is undertaken outside the bird nesting season and the subsequent root removal during spring to avoid impacts to potential hibernating reptiles. The EA are supportive of the proposals to infill retained hedgerows around the site with additional planting and encourage the creation of reptile hibernacula within the site.*

55. *In terms of biodiversity net gain, the EA reference NPPF paragraphs 170(d) and 174(b), which impose a duty to minimise ecological impacts and provide net gains in biodiversity. They also reference legislation within the Environment Act which requires development to deliver a minimum of 10% biodiversity net gain and require ecological enhancements to be managed for 30 years. Whilst the EA acknowledge that after the restoration of the site the development is likely to result in a significant ecological enhancement, they state that this has not been quantified by an official assessment using the Defra 3.1 metric calculation. The EA urge NCC to ensure a biodiversity net gain assessment is carried out or conditioned as part of the determination of the application and require the management of the site for 30 years.*

56. *In terms of construction management, the EA encourage the use of a planning condition to require the submission of a Construction Environmental Management Plan (CEMP) which should incorporate management*

arrangements in respect of the installation of earth ramps, temporary ramps or back fill excavations at the end of each working day to prevent entrapment of mammals, the use of sensitive lighting to minimise impacts to foraging bats and only working during daylight hours within the bat active season (April to September inclusive). The CEMP should also incorporate arrangements for controlling the spread of invasive species which are known to exist on site.

57. *In terms of groundwater and land contamination, the EA do not have any objections in principle to the proposed activity, but acknowledge the site is located in a sensitive area with respect to controlled waters. The removal of the sand and gravel and proposed dewatering will significantly impact the area of groundwater adjacent to the River Trent, disrupting/stopping the groundwater flow from the quarried area to the River Trent. Therefore, it is important that impacts on the local groundwater and groundwater flow to the River Trent are minimised in a meaningful and measurable way with the EA recommending daily visual checks and sampling of water within the outfall to the River Trent to avoid pollution of the River. The EA confirm these issues will be assessed under pollution controls including applications or variations to the abstraction licence, licence for dewatering and through a variation to the existing Environmental Permit. The EA requests informative notes are added to the notice of planning permission to explain the requirement to make these submissions.*

58. *1st Reg. 25 Consultation Response: The EA state that they propose to undertake a detailed flood model review due to the size of the application site exceeding 5 hectares, but to enable this review to take place, supplementary information is required. This information includes the submission of the detailed model files and supporting software, topographical data, consideration against alternative flood model baselines and further sensitivity checks including consideration of changes to inflow, ground roughness and downstream boundary/structures. The EA support the restoration plans and are satisfied that the Biodiversity Net Gain assessment demonstrates that significant biodiversity benefits will be delivered following the restoration of the site. The EA are supportive of the proposed 20-year aftercare period, but would prefer to see 30 years management provided. The EA re-iterate their request for a planning condition requiring the submission of a CEMP to regulate site operations.*

59. *2nd Reg. 25 Consultation Response: The EA have reviewed the detailed flood model provided as part of the 2nd Reg. 25 submission and confirm that it satisfactorily demonstrates that the development proposals will not increase flood risks. The EA re-iterate their previous observations in respect of tree and hedgerow retention/removal and planting, biodiversity net gain/ecological protection/mitigation and groundwater protection, confirming that the development of the quarry will an abstraction license, consent for dewatering & a variation of the existing Environmental Permit from the EA.*

60. <u>NCC (Flood Risk):</u> *No objections.*

61. *1st Reg. 25 Consultation Response: No further observations in response to the supplementary Reg. 25 information.*

62. *2nd Reg. 25 Consultation Response: No objection and no further comments to make on the proposals.*

63. Canal and River Trust: *No objections but raise a number of observations.*

64. *The proposed southern quarry extension adjoins land owned by the Canal and River Trust at Cromwell Lock including Cromwell Lock House. The Trust is the navigation authority for the River Trent and also owner of this section of river. Access to Cromwell Lock and Cromwell Lock House is obtained via public footpath No.5 which runs immediately north of phases 9b and 9c of the quarry. This is the only vehicle access to the lock and lock house and the Trust has an existing right of way over this track.*

65. *It is important that any potential impact on footpath No.5 and its users are carefully considered and that the Trust's access rights along this track are not impeded.*

66. *The Trust notes that potential impacts on the amenity of occupiers of Cromwell Lock House in terms of noise, dust and air quality have been assessed within the Environmental Statement. The Trust ask that all mitigation measures identified within the Environmental Statement are secured by planning conditions to protect the amenity of occupiers.*

67. *1st Reg. 25 Consultation Response: The supplementary information does not raise any further issues for the Canal and River Trust.*

68. *2nd Reg. 25 Consultation Response: The supplementary information does not raise any further issues for the Canal and River Trust.*

69. National Highways: *Raise no objections.*

70. *The proposed area of quarry expansion (phases 11a and 11b) does not share a common boundary with the A1 trunk road, as such boundary related issues are not anticipated. Furthermore, it is considered the volume of traffic movements associated with the development would have a negligible impact on the A1.*

71. *1st Reg. 25 Consultation Response: The supplementary information does not raise any further highway issues.*

72. *2nd Reg. 25 Consultation Response: The supplementary information does not raise any further highway issues.*

73. NCC (Highways): *Raise no objections.*

74. *The proposal would not alter access arrangements from that which are operated at present, and the traffic movements remain unaltered. The Quarry benefits from easy access onto the strategic highway network, i.e., the A1 and it is noted that National Highways, the body responsible for the Strategic Road Network have not objected to this extension either. Previous conditions and S106 obligations with specific reference to wheel washing and sheeting of vehicles*

prior to leaving the site as well as HGV operating hours and routing should be reimposed as part of the planning permission.

75. 1st Reg. 25 Consultation Response: *The supplementary information raises no additional comments over and above the original observations.*

76. *2nd Reg. 25 Consultation Response: The supplementary information raises no additional comments over and above the original observations.*

77. Natural England: *Raise no objections.*

78. *Natural England is satisfied the proposed development will not have any significant adverse impacts on designated sites, specifically Besthorpe Meadows SSSI.*

79. *Natural England welcome the restoration proposals which should work to enhance and further connect the habitats due to be created as part of the previous quarry areas to the north. Although it is acknowledged that Biodiversity Net Gain is not a mandatory requirement yet, it is Natural England's advice that taking the net gain approach and using the recognised metric would make this an exemplar development.*

80. *Natural England has considered this proposal in the light of the statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 174 and 175 of the National Planning Policy Framework. Based on the information provided in support of the planning application, the proposed development would extend to approximately 13.37 ha, including some 11.6ha of 'best and most versatile' (BMV) agricultural land. In view of the limited area of development and classification grading of land affected, Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, but recommend that the soils are stripped, stored and replaced in accordance with industry best practice to ensure the soil resource is appropriately safeguarded.*

81. *1st Reg. 25 Consultation Response: The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.*

82. *2nd Reg. 25 Consultation Response: The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.*

83. NCC (Nature Conservation): *Do not object, but raise the following observations:*

84. *The application is supported by a Preliminary Ecological Appraisal with an appropriate suite of surveys undertaken for protected/notable species, except for a group of trees which are identified as having low or moderate bat roosting potential but have not had a detailed bat survey to confirm the presence of bats. Further surveys are recommended to confirm the presence or otherwise of bats in these trees.*

85. *Overall, it is concluded that significant ecological impacts would not result from the development. The development will result in the removal of agricultural land with boundary vegetation (hedgerows etc) largely retained except to create accesses. No designated sites will be directly affected.*

86. *To ensure that ecological impacts are avoided, minimised and mitigated it is recommended that a Construction Environment Management Plan is produced.*

87. *The restoration of the site is anticipated to provide greater biodiversity value than the habitats currently with the application site, but it is requested that this is quantified by the submission of a Biodiversity Net Gain Assessment. An additional boundary hedgerow should be provided as part of the restoration of the site between Phase 11b and the retained arable farmland to the west and south.*

88. *A 10-year post-restoration period is proposed by the applicant, however, it should be noted that when Biodiversity Net Gain becomes mandatory (in 6 months' time) a 30-year post-restoration period will be required, so it is recommended a longer period should be provided with a 15-20 year period considered more appropriate.*

89. *The surveys indicate that flooding on part of the field identified as Field A (crossed by the access but not to be subject to extraction) caused at least partly by the overtopping of the ditch which runs alongside the track to Cromwell Lock has created a valuable temporary habitat, particularly for breeding birds. It would be very desirable to secure this as a permanent area of shallow standing water, to allow it to develop into a wetland.*

90. *1st Reg. 25 Consultation Response: The Regulation 25 response covers a number of ecological matters with the following observations made:*

    i. *Biodiversity Net Gain calculation: A Biodiversity Net Gain calculation has been carried out which shows a gain in habitat units of 277.77%. This seems exceptionally high and it is difficult to see how this has been achieved and therefore it is requested the Defra metric spreadsheet is provided to evidence this calculation.*

    ii. *Bat surveys: The provision of the requested bat surveys is welcomed. No evidence of roosting bats was found, and this issue has now been given due consideration.*

    iii. *Creation of additional grassland: No observations (this was a NWT request).*

    iv. *New boundary hedgerow to phase 11b: The request to create a new hedgerow around the western and southern boundaries of phase 11b has been declined by Cemex on the basis that they have aspirations to extend the site in the future. Whilst it would indeed be a shame to have to remove this hedgerow in the future, planning permission is obviously not guaranteed. At the very least, the boundary needs to be demarcated e.g. with a post and wire fence – this needs to be specified.*

v. *Retention of wetland area in Field A: It is acknowledged that this wetland area has been formed as a result of flooding from temporary quarry dewatering operations, nevertheless there is disappointment that Cemex cannot take over the ecological management of this area of land. It is hoped that opportunities to manage this area for ecological benefit are explored if the quarry was to be extended in the future.*

vi. *Duration of aftercare: The extended 20-year aftercare period now proposed is welcome.*

vii. *Creation of additional shallows through restoration: No comment (this was a NWT request).*

viii. *Hydrological connection to the Trent: No comment (this was a NWT request).*

91. *2nd Reg. 25 Consultation Response: A revised Biodiversity Net Gain Assessment, and associated Metric spreadsheet has now been submitted in support of this application, which is welcomed. This confirms that the scheme, if delivered as proposed, would deliver a significant level of BNG.*

92. Nottinghamshire Wildlife Trust**:** *Object to the planning application.*

93. *The proposed extension is not allocated for sand and gravel extraction in the adopted Minerals Local Plan. The Wildlife Trust do not agree in principle with applications for unallocated sites and confirm their support for the plan-led approach to select sites informed by a strategic environment assessment to minimise environmental effects.*

94. *The Wildlife Trust welcome the up-to-date ecological surveys which have been prepared to support the planning application which they state have generally been prepared following appropriate methodologies, but they do raise concerns that the bat survey does not include a proper assessment of the location of, or impact on roosts, otter and reptile surveys have not been undertaken and the amphibian surveys only focussed on Great Crested Newts and did not survey for toads, frogs and more common newts.*

95. *In terms of amphibians, the Wildlife Trust state these will be using the northern part of the Ness Farm development area for the terrestrial phases of their lives including the ditch-side grassland, scrub and the bases of hedgerows. The application incorporates a methodology to avoid direct killing or injury of amphibians, which should work if properly implemented and should be conditioned, but this will not overcome the Wildlife Trust's concerns regarding the loss of terrestrial habitat. To compensate for loss of habitat during the operational phase of the development species-rich grassland should be seeded on the soil mounds and bunds and additional species rich grassland seeding on land in the local area within the applicants' control should be undertaken.*

96. *In terms of reptiles, an ecological mitigation strategy should be submitted under planning condition to set out the measures to be taken to ensure these species are not harmed.*

97. *In terms of effects to birds, the site currently provides habitat value for species which favour hedgerow and open farmland habitats. The development would change the site to one of more wetland character and therefore impact this group of birds. Mitigation for impact should be undertaken including allowing hedgerows to grow taller, seeding soil bunds and additional species rich grassland planting on the land in the wider ownership of the applicant in the surrounding area. The restoration of the site should incorporate a higher proportion of wet grassland and species-rich grassland habitat. No assessment has been made of potential indirect impacts to birds from noise, artificial light and disturbance.*

98. *In terms of bats, further surveys are considered necessary of a group of trees within the development site which have potential to incorporate roosts. The site is considered to provide important habitat for bats which feed along the corridor of hedgerows on the site. These hedgerows which predominantly will be retained should be allowed to grow to enhance this habitat to bats. Potential indirect impacts to bats from additional noise, lighting and general disturbance have not been adequately assessed.*

99. *Otter surveys have not been undertaken and therefore it is unknown whether they are using the hedgerows to travel between known habitats within the River Trent and a small watercourse to the west of the site. Although the water course is outside the application site it could be affected by pollution, changes in surface water levels, noise and disturbance. In the absence of survey data, the Wildlife Trust recommend that a precautionary approach towards the likelihood of impacts on Otters should be adopted and a full assessment of potential indirect impacts should be provided by the applicant.*

100. *There should be an assessment of potential increased nitrogen deposition to grassland habitats including Ness Trentside LWS and Cromwell Meadows LWS.*

101. *A biodiversity net gain assessment should be undertaken. The Wildlife Trust consider that given that this proposed extension has no allocation the restoration should achieve exceptional outcomes for biodiversity to justify a grant of planning permission and therefore expect the restoration scheme to maximise the priority habitats for this area, which are wet grassland, reedbed, wet woodland and small ponds suitable for amphibians and are not supportive of more large areas of open water. The Wildlife Trust suggest it may be possible, through under-digging, to generate more restoration material to provide shallower edges to part of the lake, and thus create more marginal habitat. They also recommend the developer should maximise the use of overburden to create large areas of wet grassland and far less open water. The Wildlife Trust would like to see the creation of a river connection and braided channels through wet grassland and fen in the restoration scheme. The applicant should also provide new grassland habitats on the wider landholding in the area. Following the sites restoration, the period of aftercare should be extended to 20 years.*

102. *1st Reg. 25 Consultation Response: Nottinghamshire Wildlife Trust maintain their objection to the development, raising a number of further observations in response to the submission of the supplementary Reg. 25 information.*

i. *The Wildlife Trust restate their view that the two Section 73 planning applications should not be approved until all ecological matters in connection with the main Ness Farm quarry extension planning application have been resolved.*

ii. *The Wildlife Trust restate their view that new mineral developments should be undertaken on sites identified and allocated within the Minerals Local Plan.*

iii. *Bats: The Wildlife Trust is now satisfied that the supplementary bat survey demonstrates that the surveyed trees do not incorporate any bat roosting habitats. The Trust is supportive of the management arrangements which would allow the retained hedgerows to grow taller and wider to enhance their feeding benefit for bats and recommend that this is regulated by planning condition. The trust remains concerned that there has* been no assessment of the indirect impacts on foraging bats from increased artificial light, noise and disturbance.

iv. *No further otter surveys have been provided and therefore original concerns regarding impact to this species have not been addressed.*

v. *The reptile surveys are not considered adequate to provide a complete suite of survey information and satisfactory surveys for frogs and toads have not been undertaken. However, the Wildlife Trust acknowledge that a* methodology statement has been proposed to avoid direct killing or injury of amphibians, which should work if properly implemented and regulated by planning condition.

vi. *The Wildlife Trust continue to have concerns about the loss of terrestrial habitat for amphibians but support the seeding of the soil bunds which they acknowledge assists in mitigating the impact and should be regulated by planning condition.*

vii. *The Wildlife Trust do not agree with Cemex's assessment that the phased delivery of the restored habitat in the existing quarry will satisfactorily compensate for loss of farmland habitat used by breeding birds and they re-state their view that new habitat outside the boundaries of the application site should be grass seeded to provide compensatory habitat for the agricultural land which would be lost and provide benefit for both bird and amphibians.*

viii. *There is no assessment of indirect impacts and disturbance from noise and artificial light.*

ix. *There has been no assessment of the effect of emissions from the quarry machinery on surrounding habitats.*

x. The Wildlife Trust welcome the submission of the Biodiversity Net Gain assessment but raise concerns that the calculation overvalues the ecological value of the lake areas created within the restoration of the site.

xi. In terms of the restoration arrangements for the site, the Wildlife Trust welcome the creation of additional small ponds and their contribution they will make to amphibian breeding habitat. *The trust consider the restoration scheme should provide a higher proportion of wet grassland and species-rich grassland habitat.* The Trust do not agree with Cemex's submissions that there would not be any significant benefits to the restoration of the site derived from under-digging the site and hydrologically connecting the restored site to the River Trent and request these matters are further investigated.

103. Via (Landscape): *Support the planning application, raising no objections on landscape and visual impact issues.*

104. *1st Reg. 25 Consultation Response: Do not raise any additional comments on landscape and visual impact issues in response to the submission of the supplementary information.*

105. *2nd Reg. 25 Consultation Response: Raise no comments on the supplementary information provided under the Regulation 25 submission.*

106. Via (Noise Engineer): *Raise no objections.*

107. *Planning conditions are recommended to regulate noise limits at residential properties and maximum noise levels associated with the use of night-time dewatering pumps.*

108. *1st Reg. 25 Consultation Response: The supplementary information does not raise any further noise issues.*

109. VIA (Countryside Access): *Raise no objections.*

110. *Cromwell Footpath No. 5 is directly to the north of the proposal site. The footpath runs along a private access road/track to Cromwell Lock. It is acknowledged that the impacts on the users of these rights of way are limited to the continuation of occasional vehicles crossing over FP5 from the existing site to the extension area, and visual impacts. A footpath crossing scheme has already been agreed pursuant to a condition on the existing planning permission and this is not proposed to change. As such it is considered that the crossing of this footpath with vehicles remains safe, subject to the applicant continuing to adhere to the agreed footpath crossing scheme.*

111. *1st Reg. 25 Consultation Response: The supplementary information does not raise any further rights of way issues.*

112. NCC (Archaeology): *Raise no objections.*

113. *The archaeological potential of the site is considered to be fairly marginal being located on the edge of relatively standard dryland area. The Environmental Statement recommends that an ongoing programme of archaeological mitigation, adopting a flexible approach scaling up archaeological intervention as necessary is considered to be appropriate and has worked well in the past with dealing with the archaeological resource in previous phases of work at the site.*

114. *Accordingly, it is recommended that if the application is permitted, this should be conditional upon the formulation and implementation of an appropriate programme of archaeological mitigation with agreed procedures for monitoring and addressing the changing understanding of the archaeology of the site as work progresses.*

115. *2nd Reg. 25 Consultation: Comments remain unchanged.*

116. NCC (Built Heritage): *Raise no objections.*

117. *The negative impacts from the proposals on the designated heritage assets will constitute less than substantial harm and as such paragraph 202 of the NPPF is the correct guidance in this case to determine this planning application.*

118. *The development would have some negative impacts on the setting of the Grade 1 listed St Giles Church, Cromwell primarily during the operational phase of the works. Restoration as proposed will largely reverse these negative impacts. There will be some negative impacts to the non-designated medieval bridge where impacts are the greatest (due to proximity). These impacts could be mitigated by installing publicly accessible interpretation boards of the Anglo-Saxon archaeology and the wider Trent landscape adjacent to the site.*

119. *Reg. 25 Consultation Response: It is acknowledged that the supplementary information sets out the arrangements for the provision of an information board relating to the heritage asset of the Trent valley, which would be located in the north-east corner of Phase 9c at the closest point to the historical bridge on land owned by CEMEX but visible to the public from the footpath. These arrangements are acceptable, and it is recommended that a condition be imposed to agree the precise location, content and style of the information board prior to its installation.*

120. Trent Valley Internal Drainage Board: *Raise no objections.*

121. *The internal drainage board state that they maintain the Cromwell Drain, an open watercourse to the west of the development site and advise that the board's consent will be required to make modifications to this watercourse.*

122. National Grid Electricity Distribution: *Raise no objections.*

123. *The operator should ensure that any areas they wish to quarry should be checked for electricity cables to ensure it is safe to excavate first. The company have provided a plan showing the location of the cables which they request is forwarded to the applicant and state that if there is any doubt regarding the*

location of cables, the operator should contact National Grid Electricity Distribution to seek guidance.

124. Severn Trent Water Limited, and Cadent Gas Limited: *No representations received.*

Summary of Planning consultation responses received in connection with Planning Applications 3/22/01787/CMA and 3/22/01788/CMA

125. The consultation responses which have been received in connection with the two Section 73 variation planning applications raise similar observations and therefore in the interests of brevity have been collectively summarised in the following paragraphs.

126. Newark and Sherwood District Council: *Raise no objections.*

127. Cromwell Parish Meeting: *Object to the planning application, for the reasons set out to planning application 3/22/01790/CMA (summarised above).*

128. North Muskham Parish Council: *The application was reported to the 28th September 2022 parish meeting where the Parish raised no objection to the proposals put forward.*

129. National Highways: *Raise no objections.*

130. NCC Highways: *Raise no objections.*

131. *The principle of working Cromwell quarry has already been established, and any impacts considered acceptable when permission was originally granted, and again in 2016 when permission to re-start working was granted. It is not considered that these applications would give rise to any additional or different impacts over and above, given that extraction at the site overall will still be completed, including the further extension area at Ness Farm, well within the 12 years originally anticipated.*

132. Natural England: *No comment.*

133. NCC Ecology: *No objection, confirming the modifications to the planning permissions would not result in any significant ecological effects.*

134. Nottinghamshire Wildlife Trust: *Since the variations to the existing planning permissions would not be necessary unless the main application for the quarry extension is approved, the Wildlife Trust state that these modifications to the existing planning permission should not be approved until the matters raised in objection to planning application 3/22/01790/CMA are resolved.*

135. NCC (Flood Risk): *Have not provided a bespoke response and provided some general flood risk guidance insofar that the site should not increase flood risk off-site, encouraging natural infiltration and sustainable urban drainage (SUDS) and advising that any changes to watercourses will require consent.*

136. Trent Valley Internal Drainage Board: *Do not object, acknowledging that the site is located adjacent to a drainage board maintained watercourse and advise that consent for works adjacent to the water course will be required.*

137. Canal and River Trust: *No comment.*

138. VIA Countryside Access: *No objection.*

139. *The applicant must continue to adhere to the agreed footpath crossing scheme. The representation from Cromwell Parish Meeting in which they state that where the haul road crosses Cromwell Footpath No. 5 the path is impassable at times due water, mud and damage is noted. The applicant must make sure that the surface of the path is swept and cleared of debris regularly and any damage repaired in a timely manner.*

140. National Grid Electricity Distribution: *Do not object, noting the proximity of the development to electricity infrastructure raising similar representations to planning application 3/22/01790/CMA (summarised above).*

141. Environment Agency, Severn Trent Water, Cadent Gas: *No representations received.*

Publicity

142. Each planning application has been separately publicised as affecting a public right of way by means of posting site notices, publication of press notices and the posting of neighbour notification letters sent to the nearest occupiers in accordance with the County Council's Statement of Community Involvement. No representations have been received in connection with any of the three planning applications.

143. Councillor Bruce Laughton has been notified in connection with the three planning applications.

Observations

Introduction

144. In accordance with the statutory requirements, planning applications must be determined in accordance with the Development Plan, unless there are material considerations which indicate otherwise.

145. The primary part of the Development Plan in the context of this minerals proposal is the Nottinghamshire Minerals Local Plan (2021) (MLP) but policies within the Newark and Sherwood Amended Core Strategy Development Plan Document (March 2019) and the Newark and Sherwood Allocations and Development Management Policies Plan Document (July 2013) are also of relevance.

146. The National Planning Policy Framework (NPPF) and supporting Minerals Planning Practice Guidance are not part of the local development plan but are an important material consideration in the determination of planning applications on the basis that they set out the government's planning policies for England and how these are expected to be applied.

Need for Development

147. The Nottinghamshire Minerals Local Plan (MLP) was adopted in March 2021 following extensive public consultation and examination by an independently appointed Planning Inspector. The plan aims to ensure that there is a sufficient supply of minerals for the plan period up to 2035 consistent with NPPF Paragraph 209 by maintaining a steady and adequate supply of sand and gravel and a landbank of at least seven years mineral reserves consistent with NPPF Paragraph 213.

148. MLP Policy SP1 (Minerals Provision) confirms the strategy of the plan is to ensure there is a steady and adequate supply of minerals in Nottinghamshire. The policy confirms that maintaining satisfactory supply of sand and gravel will primarily be met through the identification of suitable land through site allocations for mineral extraction, but the policy does provide scope for the development on non-allocated sites where a need can be demonstrated with the policy favouring the extension of existing sites rather than the development of new sites on the basis that it is often more sustainable than developing a new site since it allows the reuse of site infrastructure, access processing plant etc.

149. MLP Policy MP1 (Aggregate Provision) quantifies the level of sand and gravel reserves which are required in the Nottinghamshire area over the plan period between 2018-2036 at 32.3 million tonnes. The policy confirms that provision will be made by a series of site allocations to ensure that adequate mineral is made available and to ensure a landbank of at least 7 years of sand and gravel is provided.

150. Site allocations for the extraction of sand and gravel to ensure there is sufficient supply consistent with MLP Policy MP1 are set out within Policy MP2: Sand and Gravel Provision. In terms of Cromwell Quarry, MP2e is of relevance and confirms the role that the extraction of the remaining consented reserves at Cromwell Quarry serves in providing adequate mineral supply. Policy MP2 does not allocate any further land at Cromwell Quarry for the extraction of sand and gravel. The Ness Farm site, the subject of this current planning application therefore is not allocated for mineral extraction within the MLP.

151. Policies SP1 and MP1 gives priority to mineral extraction progressing from the sites allocated within Policy MP2. However, the policies do not preclude mineral extraction from unallocated sites, identifying scope to grant planning permission for such development where a need can be demonstrated.

152. The applicant has supported their planning application with a statement of need within which they state there is a need for an extension to Cromwell Quarry to

address shortfalls of sand and gravel supply at both a county/regional level as well as a more specific local need for an extension at Cromwell Quarry.

153. In terms of the level of mineral reserves to maintain county/regional reserves, the applicant states:

- The covid pandemic as well as some temporary closures of Nottinghamshire's quarries for operational reasons (site flooding etc.) have supressed recent years of mineral production which has had the effect of inflating the level of the county's sand and gravel landbank, even though the level of consented mineral reserves is not increasing.
- The current low levels of production will not satisfy anticipated higher demand for building aggregates associated with population growth, new house builds, economic regeneration and infrastructure projects planned across the region.
- The published landbank within Nottinghamshire is not representative of the actual level of supply of minerals in the area which Cemex consider is constrained because a high proportion of the identified mineral reserve is tied up in non-operational quarries and therefore not available for market.
- Around 40% of the County landbank reserves are contained within Sturton le Steeple Quarry which despite having originally been granted permission in 2008 has not yet entered production. Added to this, Girton Quarry has been mothballed for over a decade. Although these sites contribute to the landbank, they do not make any contribution to the annual sand and gravel output within Nottinghamshire.
- New quarries which have been allocated within the MLP have not obtained planning permission/entered production including Mill Hill Quarry at Barton in Fabis.
- The figures within the MLP over-estimate the level of reserves remaining in Cromwell Quarry by 0.76mt.

154. The applicant concludes that the published landbank level is not representative of actual mineral supply levels in the County with the shortfall of minerals production in Nottinghamshire being made up by high levels of sand and gravel imports into the County from surrounding areas.

155. In terms of the current availability of consented mineral reserves at Cromwell Quarry, the applicant states that extraction is now complete in the current Phase 9c with the exception of a small volume of mineral underlying the route of the proposed haul road. The remaining consented reserves (circa 395,000 tonnes or 1.3 years production) is contained in Phases 9d, 10 and the plant site. Although there is planning permission in place to relocate the plant site onto the former Tarmac quarry land to the north, the applicants' preference is to retain these parts of the site in their existing use to process, stockpile and access the mineral from Ness Farm. The quarry therefore is very close to exhausting its mineral reserves and because of the constraints in relation to Phases 9d, 10 and the plant site it is currently working from stockpiled reserves which will be

exhausted in the very near future. The applicant states that a shortfall of mineral at Cromwell Quarry strongly supports a local need for an extension, stating that:

- If permission is not granted for this development the quarry would extract its remaining consented reserves in Phases 9d, 10 & the plant site before closure and thereafter be restored with these actions removing the infrastructure required to process and dispatch mineral to market. The applicant states that if this was to occur before the extraction of mineral from the current planning application site this would effectively sterilise the mineral which underlays the Ness Farm site because the infrastructure to process the mineral and dispatch it to market would be lost and the extraction Phases 9d, 10 and the plant site would also remove the access between the Ness Farm mineral and the consented replacement plant site located further north on the former Tarmac Quarry site.
- Cromwell Quarry serves established markets in the local area which this extension would provide a continuity of mineral supply.
- The extension would secure the continuity of employment at the site which in turn supports the local economy and contributes to the local community through the payment of business rates, taxes and aggregate levy. Given that there will be a gap between the existing site running out of material and starting to work Ness Farm, if permission is granted, it will be necessary to deploy staff to other sites nearby or undertake jobs around the site unrelated to the extraction.
- The mineral originating from Cromwell Quarry is a high-quality aggregate which supports building and construction projects in the local area.

156. To understand whether there is a need for the extraction of the additional minerals from the proposed Cromwell Ness Farm extension to serve the wider county/region, the starting point is to assess the County's landbank. The landbank sets the duration that existing consented mineral reserves will last before exhaustion and is calculated by comparing the average mineral production figures over the last ten-year period against the level of permitted reserves of sand and gravel.

157. The current landbank of mineral reserves within Nottinghamshire is set out in the Council's Local Aggregate Assessment (LAA) with the most recent data published in December 2022. This data shows that the sand and gravel landbank within Nottinghamshire stands at 15.69 years and therefore well above 7-year requirement set out within the NPPF and MLP Policy MP1. The level of landbank strongly indicates that further mineral reserves originating from non-allocated sites are not needed to maintain a steady and adequate supply of sand and gravel across the Nottinghamshire area.

158. However, the Government's Planning Practice Guidance makes clear that landbanks are principally a monitoring tool and that there is no maximum landbank level. Clearly a low landbank level could indicate an urgent need for additional reserves/sites but the Guidance also states that there may be circumstances in which to proceed with proposals where an adequate or healthy

landbank already exists and so a healthy sand and gravel landbank should not be used as the sole reason to refuse a planning application. Such circumstances could include where:

- significant future increases in demand have been forecast with reasonable certainty;
- the location of the consented reserve is inappropriately located relative to the main market areas;
- there are issues with the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and
- there are known constraints on the availability of consented reserves that might limit output over the plan period.

159. Each planning application is required to be assessed on its own merits (as confirmed by the PPG and MLP Policy MP2), having regard to the need to ensure there is capacity to supply a wide range and type of aggregates in a variety of locations of permitted reserves relative to markets, and productive capacity of permitted sites and competition should not be stifled by bounding resources in a limited number of sites. These further considerations need to be assessed to understand whether there is a specific need for further extraction within the Cromwell Ness Farm extension.

160. The applicant's statement of need for an extension to Cromwell Quarry at Ness Farm has been structured around demonstrating compliance with the criteria set out in the Planning Practice Guidance. The applicant's submissions are considered below.

161. In terms of mineral supply and demand, the Local Aggregate Assessment acknowledges that covid lockdowns and operational closures have impacted mineral production levels, particularly during 2020 and that this has had an effect in terms of extending the life of the landbank. Notwithstanding this fact, the sand and gravel landbank is currently over double the minimum 7-year level and therefore the data strongly indicates that there currently is an adequate supply of sand and gravel within Nottinghamshire, even after allowing for some variability of data. The size of the landbank also provides assurances that these consented sand and gravel reserves are capable of supplying higher levels of demand in future years to respond to planned growth across the plan area.

162. In terms of the location of the consented reserves to serve the main market areas and the suitability of consented reserves to serve specific market needs, the existing landbank of sites is considered satisfactory, but it is acknowledged that the continued availability of mineral reserves at Cromwell Quarry would assist in maintaining a spread of sites across the County.

163. In terms of potential constraints on the availability of consented reserves that might limit output over the plan period, it is acknowledged that the Mill Hill, Barton in Fabis allocation has not been granted planning permission. However, the landbank calculation does not include the mineral originating from Barton in

Fabis and therefore the fact this quarry does not currently benefit from planning permission is not at present creating any significant mineral supply issues in the context of the landbank availability. In terms of Sturton le Steeple and Girton Quarries, it is acknowledged that these are not currently operational but the Mineral Planning Authority (MPA) has applied an appropriate methodology consistent with national policy in including the mineral reserves from these quarries in its landbank calculation with these sites expected to play a full and active role in the supply of mineral in the medium to longer term. However, in the short term, it is considered that there is some merit in maintaining operational capacity at Cromwell Quarry to provide a geographical spread of mineral production across a number of sites whilst Sturton le Steeple and Girton Quarries are not productive. The proposed 550,000 tonnes of mineral sought planning permission in this planning application would secure the short-term future of Cromwell Quarry as an operational facility until these more strategic allocations come on stream and therefore the planning application is considered to have merit in this respect.

164. In terms the applicant's claimed anomalies concerning the level of remaining reserves at Cromwell Quarry at the time of the MLP adoption, the most recent Local Aggregates Assessment is drawn from the up-to-date data supplied by the industry and therefore provides an accurate assessment of current mineral supplies across the County. Cemex's concerns relating to the data which informed the MLP was because 2016 data was referenced. Although newer data was available by the time the examination of the plan was undertaken, the Inspector agreed with the Council that there has to be a cut off at some point to choose a baseline as otherwise planning decision makers would forever be changing/updating the evidence data and never adopting a plan.

165. In terms of local considerations specific to Cromwell Quarry, the proposed extension would provide nearly two years additional reserves. Mineral extraction is now complete in the final phase before it will be necessary to remove the minerals processing and stockpiling areas. A timely decision on this planning application is therefore required before the plant site is removed since this would severely restrict the ability of the operator to process and dispatch the mineral from the Ness Farm extension to market. It is also acknowledged that if the existing quarry workings were fully restored prior to the extraction of mineral from the Ness Farm extension this would remove the land that would be used to haul the mineral to the plant site, severely constraining the ability to extract mineral from the Ness Farm extension area in future years, effectively sterilising the mineral resource contrary to the objectives of MLP Strategic Policy SP7 which seeks to protect mineral resources from needless sterilisation. There is therefore a limited time window within which it is operationally possible to work the Ness Farm area using the existing site infrastructure and this is the reason why the planning application has come forward at this stage.

166. The quantity of mineral within the Ness Farm extension area is comparatively minor and is unlikely to be sufficiently large enough to justify the reinvestment in a new processing facility. The removal of the plant site would also take away the existing access to the public highway network with no readily available alternative route of access which could be provided at a later date.

167. The continued use of the existing Cromwell plant site and infrastructure would almost certainly have a lesser impact on the local environment and amenity than setting up a brand-new site. This conclusion is supported by MLP Strategic Objective S01 which gives priority to the improved use or extension of existing sites before considering new locations on the basis that they are generally more sustainable and will often have lower environmental effects than new greenfield sites.

168. The additional 550,000 tonnes of mineral which would be recovered from the Ness Farm extension is a comparatively small amount of mineral in comparison to Nottinghamshire's overall annual sand and gravel production levels, equating to about four months of the county's annual production rate. It is therefore concluded it would not strategically affect the wider timetable for mineral extraction within nearby quarries or prejudice the implementation of site allocations identified within the MLP.

169. The near two years additional operational life of the quarry would secure the continuity of existing jobs and associated benefits to the local economy. These benefits are a material consideration in the assessment of the planning application which NPPF paragraph 211 states planning authorities should give great weight to when determining planning applications.

170. In conclusion, the site is not allocated for mineral extraction within the MLP and the current status of the landbank indicates that there is no immediate need for additional mineral resources to maintain a steady and adequate supply of sand and gravel production across the Nottinghamshire area.

171. Notwithstanding the above, there are benefits derived from undertaking the development at this time including the avoidance of mineral sterilisation, maintaining the continuity of sand and gravel production at Cromwell Quarry to serve established markets, and the economic benefits which this brings. The proposed extension would not result in an oversupply of sand and gravel in Nottinghamshire and therefore not prejudice the delivery of other mineral extraction sites which are allocated within the MLP. A number of the allocated sand and gravel quarries identified within the MLP are not currently operational, meaning that the county's sand and gravel production capacity is concentrated in a limited number of sites. An extension to the life of Cromwell Quarry will maintain a greater spread of operational capacity across the county, particularly until such time that Sturton le Steeple and Mill Hill, Barton in Fabis become operational. An increase in the landbank would also provide some increased security of mineral supply.

172. A timely decision on this planning application is now required so that the mineral within the Ness Farm extension can be sustainably worked on a phased basis and utilising the existing plant site thus avoiding the sterilisation of this mineral.

173. Subject to there being no unacceptable environment impacts, these factors argue in favour of granting the development planning permission.

Assessment of Environmental Effects

174. To assist in assessing the significance of the environmental effects of the development the planning application is supported by an Environment Statement (ES) prepared under the Environmental Impact Assessment (EIA) Regulations. The ES, including the supplementary information provided within the two Reg. 25 submissions made during the course of processing the planning application thoroughly assesses the environmental implications of the development with its conclusions considered against the development management policies of the MLP, as set out below:

Landscape Character

175. MLP Policy DM5: Landscape Character states that proposals for mineral development will be supported where it is demonstrated that they will not adversely impact the character and distinctiveness of the landscape. Development which has an unacceptable effect on the landscape will be supported if it is demonstrated there are no available alternative locations and the need for the mineral outweighs the landscape impact. Mitigation of landscape effects should be carried out utilising landscape planting which is appropriate to the local landscape character.

176. The site and surrounding area are located in the River Meadowlands landscape character type of the Newark and Sherwood District Council Landscape Character Assessment and the Trent Washlands Policy Zone - TW PZ 17 Besthorpe River Meadowlands. The landscape condition of the policy zone is assessed as moderate and the landscape sensitivity is low with landscape actions of create and reinforce with an emphasis of strengthening and re-enforcing the historic field patterns in the area, re-instating permanent pastureland, promoting tree cover and ecological diversity, particularly grassland habitats and conserving the pattern of hedgerows. The area is not designated for its landscape value.

177. The ES which supports the planning application submission incorporates a detailed landscape and visual assessment report which has been examined through the planning consultation process by VIA's Landscape Officer and have confirmed that its findings are accurate and representative.

178. The landscape assessment identifies that during the operational period (2-3 years), the Ness Farm development would result in a significant change to the landscape character of the development site, removing the existing arable fields and changing their character to industrial, albeit the boundary hedgerows would generally be retained and enhanced. In terms of impacts across the wider River Meadowlands landscape character zone the short-term operational effects would have a much more limited effect with negative impacts to the wider landscape character anticipated to extend approximately 0.5km to the south, but little effect is anticipated to the north because of the proximity of the existing quarry. Overall, the operational period of the development would have a negative landscape impact, the magnitude of impact is assessed as having a minor significance across the wider landscape character area.

179. Following the completion of the restoration and the re-vegetation of the site there would be a permanent change to the landscape character of the site from arable fields to predominantly open water but with areas of lowland meadow/conservation grassland, reedbeds, ponds, wet woodland and a sand face and this would be a continuation of the restoration that has already been agreed for the wider Cromwell Quarry site. The development would achieve some of the landscape actions within the Newark and Sherwood District Council Landscape Character Assessment in the context of increasing biodiversity across the site and therefore the landscape impact of the development across the wider landscape character area is assessed as having a permanent small beneficial effect.

180. In terms of compliance with MLP Policy DM5, whilst acknowledging the short-term operational impacts, the long-term permanent effect is beneficial to the landscape character and the aftercare planting would utilise species consistent with the local landscape character consistent with the policy requirements. It is therefore concluded the development is compliant with Policy DM5.

Visual Impact Assessment

181. MLP Policy DM1: Protecting Local Amenity states that proposals for minerals development will be supported where it can be demonstrated that any adverse visual impacts are avoided or adequately mitigated to an acceptable level.

182. The visual assessment undertaken by the applicant has been informed by a Zone of Theoretical Visibility using a 3 km radius from the site boundary. From this, six representative viewpoints were chosen to assess the magnitude of visual impact.

183. The visual assessment has identified that the operational quarry would have the following visual effects:

- Views from the east of the Trent including Collingham and Besthorpe villages and footpaths along the River Trent will be screened by the proposed 3 metre bunding on the edge of the site and intervening vegetation. Views from Lock Keeper's cottage, also to the east but in much closer proximity to the development site will be screened by the perimeter soil bunds and also a line of intervening mature trees, but there are likely to be some filtered views from the first-floor windows of this property looking over the bunds.
- Views from the A1 to the west are screened by intervening vegetation. There would be no visibility of the site from Cromwell village and Norwell further afield to the west beyond the A1 due to screening from the road and intervening vegetation.
- Views from footpath 5 to the immediate north looking into the Ness Farm extraction area would be predominantly screened by intervening vegetation but the movement of heavy plant between the extraction area and the processing site would be clearly visible to users of the footpath during the campaign working of the site, anticipated to be four times per

year over a 4-6-week period. There would be no visibility of the Ness Farm extraction area from the wider footpath network further to the north or residential properties in Carlton on Trent village.

- Land to the south is predominantly farmland, there would be no visibility of the site from either Holme or North Muskham villages.

184. Overall, it is concluded that the generally minor visual effects during the operational phases would occur over a comparatively short time frame and are minimised by the comparative remoteness of the site from sensitive users, the works being undertaken at or below ground level thus ensuring they are kept as low as practicable, the retention of existing vegetation including the boundary hedgerows around the site and the formation of boundary mounds around the perimeter of the site. There would be a greater visual impact to users of footpath 5 from the movement of plant across this route, but these impacts would occur over a comparatively short time frame during the campaign working of the site. These adverse effects are reversible and will change to beneficial visual effects following restoration of the Site.

185. The landscape and visual assessment report identifies a series of embedded mitigation measures within the development scheme designed to reduce both the visual and landscape effects of the development. The measures include the retention of most of the existing hedgerows and their management, supplementary hedgerow planting to infill any gaps and the construction of temporary 3m high perimeter mounds to screen extraction around the perimeter of Phases 9b and 9c and to the north, west and south of the Phase 9a extraction area to limit the visibility of the site during operation. Planning conditions are recommended to regulate these mitigation measures.

186. It is concluded that the phased and progressive extraction and restoration of the wider quarry development minimises the visual impacts of the development as far as practical and there would not be any significant long term negative visual effects from the development, thus ensuring the development is compliant with MLP Policy DM1.

Ecological Considerations

187. MLP Policy DM4 (Protection and Enhancement of Biodiversity and Geodiversity) states that proposals for minerals development will be supported where it can be demonstrated that they will not adversely affect the integrity of European sites, SSSIs, Local Wildlife Sites or the loss of populations of a priority species or areas of priority habitats. It states that Nottinghamshire's biodiversity and geological resources will be enhanced by ensuring that minerals development retains, protects, restores and enhances features of biodiversity and provides for appropriate management of these features, contributing to targets within the Nottinghamshire Local Biodiversity Action Plan; makes provision for habitat adaptation and species migration and maintains and enhances ecological networks through the protection and creation of priority habitats and stepping stones between these areas.

188. MLP Policy SP2: Biodiversity-Led Restoration seeks to maximise biodiversity gains and achieve a net gain in biodiversity as part of undertaking minerals development. The policy also expects minerals development schemes to contribute to the delivery of Water Framework Directive objectives which seek to facilitate improvements to water quality, riverine habitats, floodplain reconnection and improving the status of fish populations.

189. The ES submission incorporates an ecological assessment which has been informed by a suite of ecological surveys and supplemented through the two Reg. 25 submissions with additional bat surveys to address initial concern that this information was absent. The assessment provides a thorough and up to date appraisal of the ecological effects of the development and enables the project to be examined through the planning consultation process with ecological responses received from Natural England, NCC's Ecological Officer, Nottinghamshire Wildlife Trust and the Environment Agency.

190. There are no statutory designated wildlife sites within 2 km of the application site, and Natural England have confirmed that the development would not result in any adverse impacts to Besthorpe Meadows SSSI (c.2.8 km north-east) and Besthorpe Warren SSSI (c.4.4 km north-east). There are nine non-statutory Local Wildlife Sites (LWS) within 2 km of the Application Site with the closest site being Ness Trentside LWS which is located adjacent to the south-western boundary of the Application Site

191. The Ness Farm development site is predominantly arable agricultural land and is not designated for its ecological value and is generally considered to be of a comparatively low ecological value. The boundaries of the fields incorporate mature hedgerows and trees which have some habitat value.

192. The proposals will lead to the loss of arable land, the most notable ecological impact from this is the loss of habitat used by farmland birds (including linnet, lapwing, skylark, starling, yellowhammer, song thrush and dunnock), reptiles and terrestrial habitat for amphibians. Mitigation for the loss of this habitat is proposed by seeding of the earth bunds with a species rich grass mix which can be regulated through planning condition, and in the case of reptiles and amphibians by the proper implementation of a working methodology for the clearance of vegetation through a planning condition as part of a Construction Environmental Management Plan (CEMP). Nottinghamshire Wildlife Trust consider this mitigation does not sufficiently compensate for the lost habitat, recommending that additional off-site areas of new grass seeded habitats are provided to replace this habitat. This additional mitigation is not considered necessary, specifically the existing phasing arrangements of the quarry will ensure that new habitats are restored in the existing quarry to coincide with the timing of the removal of the arable land and will therefore supplement the new habitat provided in the bunds and in the case of displacing birds, there is extensive open farmland in the surrounding area which these birds would readily translocate onto.

193. There will be some limited hedgerow removal to provide access into the development site. These initial clearance works will be undertaken outside the

bird breeding season or following a pre-clearance nesting check by a suitably qualified ecologist with works only proceeding once areas have been declared free of nesting activity. Notwithstanding these limited clearance works, the development retains the majority of boundary features (hedgerows/lines of trees) and in so doing minimises the ecological impacts of the development. The retained hedgerows will be enhanced by undertaking additional gapping up planting and allowing the hedgerows to grow wider and taller to enhance their ecological value for nesting birds and foraging bats, with these works regulated through planning condition. Supplementary hedgerows and woodland enhancements will be provided during the course of undertaking the development and will result in a 18.57% enhancement in hedgerows across the site following the completion of the development.

194. The supplementary bat surveys provided as part of the 1st Reg. 25 submission confirm that the trees located adjacent to the working area of the quarry do not provide bat roosting habitat and therefore provides assurance that any additional noise and activity in the vicinity of these retained trees would not result in any indirect impacts to these species.

195. Accidental killing or injury to other fauna including common amphibians, reptiles and small mammals will be avoided by controls imposed through the CEMP.

196. In terms of the concerns raised by Nottinghamshire Wildlife Trust regarding the possible use of the ditch which runs alongside hedgerow H3 by Otters and potential indirect impacts on this species through disturbance caused by quarrying, the H3 ditch lies outside the extraction area, approximately 160m from the red line boundary and therefore would not be directly impacted by the development. Given that the southern extraction area has already come within about 80m of this ditch (i.e. half the distance), no new or additional indirect impacts to these species from the new quarry extension are anticipated. Further surveys for these species, as requested by the Wildlife Trust is therefore not considered necessary.

197. Although Nottinghamshire Wildlife have raised concerns that emissions from HGV/mobile plant exhausts could impact nutrient levels on nearby grassland habitats, the level of HGV and mobile plant activity associated with the quarry will not change as a result of the extension and will be comparatively low, particularly in comparison to emissions from traffic movements on the A1. DEFRA guidance confirms that typical exhaust emissions from on-site plant and site traffic operating at mineral sites is unlikely to make any significant impact on local air quality and in the vast majority of cases will not need to be quantitatively assessed. No significant adverse impacts are therefore anticipated.

198. Following the completion of mineral extraction, the site would be restored to provide a mixture of habitats including open water and smaller ponds with meadow/conservation grassland margins, reedbed, wet woodland and a sand face. These new habitats would complement the restoration that is ongoing on the wider Cromwell Quarry site.

199. The Reg. 25 submissions incorporate a Biodiversity Net Gain calculation to evaluate and compare the ecological quality of the existing site with the value of the restored habitats proposed to be created. The original biodiversity net gain calculation has been re-evaluated as part of the second Reg. 25 response to take account of concerns raised by NCC's Ecological Officer and Nottinghamshire Wildlife Trust that the original calculation over-estimated the ecological value of the restored site particularly in how it has considered the large waterbody.

200. Overall, the updated biodiversity net gain calculation identifies the proposed restoration scheme improves the ecological conditions of the site by retaining and enhancing much of the grassland present, while new lakes, ponds and associated wet habitat are proposed to provide habitats of high distinctiveness, representing a significant improvement over the previously ecologically limited arable agricultural use of the site. Taken together, the proposed habitat and hedgerow enhancement measures will lead to a biodiversity net gain of +147.78%, as measured by the DEFRA metric 3.1 calculator and therefore the development is supported by MLP Policy SP2 which seeks to achieve a net gain in biodiversity as part of undertaking minerals development.

201. In terms of the aftercare of the site, the applicant initially proposed a 10-year post-restoration period to manage the new habitats. The consultation process has identified concerns that this period is not sufficient to properly establish high quality habitats. It is acknowledged that when biodiversity net gain becomes a mandatory requirement for planning applications (currently anticipated in November 2023) a 30-year post-restoration period will be required. In this context, the suggested 10-year period does seem to be short and a 20-year period is considered more appropriate. This can be regulated through planning condition requiring the implementation of the phased restoration scheme including the submission of a detailed landscaping arrangements to include species mixes, establishment methods and maintenance regimes.

202. The consultation responses received from Nottinghamshire Wildlife Trust and NCC Ecology incorporate a number of ecological management suggestions which aim to provide further ecological mitigation and enhancement at the site. These suggestions have been considered by the applicant as part of their Reg. 25 responses and modifications have been made to the restoration arrangements of the site which pick up on suggestions to increase the length of hedgerows on the site, provide additional wet woodland/shallow pond habitats and extend the aftercare duration to 20 years. The applicant has provided a reasoned justification to explain why it is not possible to go further in terms of creating additional off-site grassland habitats, greater areas of shallower ponds and a hydrological connection between the restored site and the River Trent. Officers acknowledge that alternative development schemes may have potential to deliver enhanced ecological benefit but also note the submissions made by the site operator that the development scheme has to be viable as a mineral's extraction scheme. The ecological assessment of the development demonstrates that the submitted scheme provides a favourable solution between providing ecological benefit and ensuring minerals are sustainably recovered with the ecological benefit being clearly demonstrated by the

biodiversity net gain calculation which identifies a significant 147.78% ecological enhancement following the restoration of the site.

203. The new wetland habitat provided by the restoration of the Ness Farm extension will complement habitats across the wider Cromwell Quarry area and contribute to a much larger wetland habitat between Newark and South Clifton incorporating around 1200 hectares of land which has the potential to become regionally important for its habitat value.

204. The planning authority is required to consider the submitted scheme on its merits and in this respect the identified mitigation/compensation/maintenance provisions ensures that the proposed development would not have any significant adverse ecological impacts and thus ensuring compliance with MLP Policy DM4 which seeks to minimise biodiversity impacts associated with minerals development. The implementation of the proposed restoration scheme will result in substantial biodiversity benefits in the long term. The development is therefore compliant with MLP Policy SP2 (Biodiversity-Led Restoration) insofar that following restoration it will enhance the environment and provide biodiversity gains.

Agriculture/Conservation of Soil Resources

205. MLP Policy DM3: Agricultural Land and Soil Quality states that minerals development on best and most versatile agricultural land (grades 1, 2 and 3a) will be supported where it does not affect the long-term agricultural value of the land, or where there are no alternative options to undertake the development on lower grade agricultural land, the need for the development outweighs the adverse impact upon agricultural land.

206. The agricultural land within the extended extraction area is predominantly of a best and most versatile character with 6.39ha being grade 2 (very good quality agricultural land), 4.67ha being grade 3a (good quality agricultural land), 1.38ha being grade 3b (moderate quality agricultural land) and 0.92 ha being non-agricultural land.

207. The extraction and subsequent restoration of the site would not re-instate any arable agricultural land with the majority of the site restored to ponds and wetlands, but there would be 2.02ha of lowland meadow created using the best soils from the site. The applicant's appraisal considers the development would have a minor adverse impact on best and most versatile agricultural land, but this conclusion appears to underestimate the magnitude of impact having regard to the fact that the development would result in the removal of almost all the existing arable agricultural land from the extraction area with only a minor proportion of the site returned to agricultural use following the restoration of the site.

208. Natural England has reviewed the development proposals in their planning consultation response, noting the quantity of best and most versatile agricultural land that would be lost but does not formally raise an objection to the development on the basis of the comparatively small site area.

209. In terms of the policy test within MLP Policy DM3, where minerals development affects the long-term agricultural value of the land, as is the case here, the policy states that planning permission should only be granted where there are no alternatives to undertake the development on lower grade land and where the need for the mineral is such that this outweighs the impact or loss of agricultural land and soils. In this context the availability of alternative sites for a small extension to Cromwell Quarry (instead of establishing a completely new quarry) are limited. The proximity of the River Trent to the east and the A1 to the west limits the ability to extend in either of these directions. The land to the immediate north has already been quarried and therefore any northern extension would have to be beyond these workings and quite remote from the plant site. A southern extension in the vicinity of the current proposal is therefore the only real option to extend the quarry onto adjacent land.

210. Therefore, whilst it is concluded that the availability of alternative sites for an extension to Cromwell Quarry are limited, the development would result in the removal of 11.06ha of best and most versatile agricultural land which goes against the thrust of NPPF Policy set out in paragraph 174 which prioritises development to lower quality land. These matters require consideration in the overall planning balance.

211. MLP Policy DM3 requires soil quality to be protected during soil stripping, storage and replacement activities. The Environmental Statement explains how the soils will be managed to ensure these objectives are met and a series of planning conditions are recommended to provide appropriate regulation.

212. Notwithstanding these arrangements to manage soil to a high standard, it is acknowledged that there will be a surplus of soils within the site because of the large proportion of the restored landform returned to either open water or wetland which does not require high quality soils. Although the surplus soils will be beneficially used to create marginal areas of shallows which will provide ecological benefit, the use of the surplus soils in this manner does not reflect their quality and economic value for sustaining indigenous food production and goes against the thrust of NPPF policy which seeks to recognise the economic and other benefits of our best and most versatile land. These matters require consideration in the overall assessment of the planning application.

Built Heritage

213. MLP Policy DM6: Historic Environment seeks to ensure that minerals development avoids or minimises harm to heritage assets. The policy provides scope to permit minerals development which may result in harm to either designated or non-designated heritage assets where there are public benefits which outweigh the level of harm, having regard to the importance of the heritage asset affected. The policy is consistent with the NPPF which requires developers to support planning submissions with heritage appraisals to identify the presence of heritage assets in the area and assess the level of significance to the heritage assets (both designated and non-designated heritage assets) including their settings. The NPPF requires planning authorities to give great

weight to the protection of the heritage asset when considering the level of harm or loss and value of the heritage asset when making planning decisions.

214. The heritage assessment which supports the planning application confirms that There are no built heritage assets within the planning application site. Within a 1km radius of the site there is one nationally significant Grade 1 Listed building (the Church of St Giles in Cromwell village) and four regionally important Grade II listed buildings in the Cromwell village area comprising a listed headstone 10m south of the chancel at St Giles, the Old Rectory and attached cottage and the pigeoncote at Willingham House. Direct impacts to these heritage assets and their immediate settings are not anticipated because of the distance between the quarry development and the intervening land use, notably the A1 dual carriageway road.

215. The Church of St Giles incorporates elevated windows within its tower which provide views over a wide area of the surrounding countryside including potential views of the quarry. The quarry development will change the historical agricultural use of the land bordering the River Trent to a more wetland character. Although potentially visible, this change to the landscape character would be viewed at distance and as part of a wider landscape setting and therefore would not be visually prominent. In terms of magnitude of impact to the heritage asset of St. Giles Church, the impact is considered to be very minor and not at all significant.

216. NPPF requires great weight is given to the protection of heritage assets in planning decisions with NPPF paragraph 200 confirming that any harm to the significance of a designated heritage asset from alterations, destruction, or from development within its setting should require clear and convincing justification. NPPF paragraph 202 confirms that where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In the context of NPPF paragraph 202 it is concluded that the benefits derived from the development in terms of maintaining the continuity of mineral production at Cromwell Quarry and the wider public benefits this provides clearly outweigh the very minor harm to the wider setting of the designated St Giles Church heritage asset.

217. The Historic Environment Record identifies that there was an early medieval bridge located approximately 44m to the east of the Ness Farm development site. Whilst acknowledging that this structure was fully removed around 100 years ago it nevertheless is recorded as a non-designated heritage asset. Assessment of impacts to the significance of this non-designated asset are limited to consideration of impacts to its former setting since the bridge is no longer appreciated in situ. NPPF paragraph 203 concerns itself with impacts to non-designated heritage assets, stating that any negative effects should be taken into account in determining planning applications, requiring a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset affected. The heritage impact to the setting of this former medieval bridge is acknowledged by NCC's Heritage Officer who states that the impacts could be mitigated by the erection of publicly accessible

interpretation boards to inform the public of the historic character of the wider Trent landscape and its Anglo-Saxon archaeology which the applicant has agreed to install with the details to be confirmed by submission under planning condition. There is potential for the archaeological investigation of the extraction area to recover evidence of the trackway which served the bridge which is considered to be beneficial in understanding the historical importance of this bridge.

218. The overall assessment of planning balance set out within the conclusions section of this report confirms that the wider benefits derived from the development outweigh the very minor level of harm to the wider setting of the designated and non-designated heritage assets in the vicinity of the site and therefore it is concluded that the development is compliant with MLP Policy DM6 and NPPF policy.

Archaeology

219. MLP Policy DM6: Historic Environment states that proposals for mineral development will be supported where it can be demonstrated that there would not be any harm to the significance of any designated archaeological asset or non-designated archaeological assets which are considered to be of equivalent archaeological interest to a scheduled ancient monument, including their settings. For sites of lower archaeological value the policy requires public benefits to outweigh the level of harm/loss relative to the importance of the heritage and that satisfactory archaeological mitigation measures are provided, such as preservation in situ or the excavation and recording of remains as considered appropriate.

220. The environmental statement incorporates an assessment of the archaeological resource of the Ness Farm site and its surroundings. The assessment has been informed by a desk-based assessment, trial trenching, borehole surveys and 1km radius setting assessment. This identifies that there are no designated assets within the application site, but there are two scheduled ancient monuments in the 1km study area, the closest being the rectangular iron age barrows (burial ground) at North Muskham which is located 210m to the south of Ness Farm with clear uninterrupted views of the development site and Cromwell Roman Villa which is 1080m to the north.

221. The heritage assessment has shown a likely moderate/minor impact on the setting of the two scheduled ancient monuments as a result of permanent changes to the landscape setting of these two monuments from arable to nature habitat. The loss of field systems will impact the historic agricultural character of the landscape, but it will remain rural and undeveloped. The impact is considered to be at the minor end of the scale. The significance of the assets will not be unduly affected, and they can still be appreciated in a largely rural setting. In the context of MLP Policy DM6 and NPPF paragraph 202, there is scope to balance this less than substantial harm to the setting of the designated heritage asset against the public benefits of the proposal, where it is concluded that the benefits derived from the development in terms of maintaining the

continuity of mineral production at Cromwell Quarry and the wider public benefits this provides clearly outweigh the very minor harm to the wider setting of the designated scheduled monuments. It is acknowledged that an appropriate programme of archaeological investigation and recording during soil stripping operations is likely to provide additional information on land use during the Iron Age and Romano-British periods which would contribute towards an increased understanding of the context of these assets and therefore further offset the magnitude of impact.

222. There are 72 non-designated archaeological assets recorded in the 1km study area of various ages including earthworks, cropmarks, archaeological features and artefacts. These non-designated assets include six records within the development site comprising of paleochannels, prehistoric scatters, iron age cut features, and post medieval flood banks, these features are considered to be of local or regional in significance. NPPF paragraph 203 concerns itself with impacts to non-designated heritage assets, stating that any negative effects should be taken into account in determining planning applications and requiring a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset affected. The excavation of the application site would remove these non-designated assets within the development site as well as other potentially unrecorded archaeological deposits and some potential negative impacts to the wider setting of the non-designated archaeological assets in the wider area. In the context of NPPF paragraph 203 policy it is considered that the benefits derived by the development in terms of meeting mineral supply needs outweighs the level of harm to these non-designated heritage assets.

223. NPPF paragraph 205 requires local planning authorities to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. To mitigate for potential impacts to this archaeological resource it is proposed to undertake archaeological fieldwork as part of the soil stripping to monitor and record any remains and record the extent of any archaeological deposits and finds, with scope in the planning condition to flex the level of archaeological mitigation up and down dependant on the level of archaeological remains identified. The results of the archaeological monitoring and recording would increase knowledge of the area and contribute towards regional research, objectives and assist in mitigating the adverse archaeological impacts. The imposition of a planning condition to ensure that appropriate archaeological mitigation is followed ensures that the level of archaeological impact is substantially reduced, and potentially neutral, thus ensuring the development complies with MLP Policy DM6.

224. The overall assessment of planning balance set out within the conclusions section of this report confirms that the wider benefits derived from the development outweigh the level of harm to the archaeology of the site and the wider area and therefore it is concluded that the development is compliant with MLP Policy DM6 and NPPF policy.

Traffic and Access

225. MLP Policy DM9: Highways Safety and Vehicle Movements / Routeing provides support for minerals development where it can be demonstrated the highway network can satisfactory and safely accommodate the vehicle movements and without any harmful environmental or amenity impacts.

226. This Ness Farm extension would not change the existing transport patterns at Cromwell Quarry. In terms of vehicle numbers, the traffic assessment identifies that the proposed operations are forecast to generate 15,000 outbound deliveries per year, based on 275 full working days, this equates to an average 55 deliveries (110 two-way movements) each working day, or 5 deliveries (10 two-way movements) each hour.

227. In terms of lorry routeing, all delivery traffic would access via the A1. Southbound A1 traffic would continue to access and then leave the quarry directly via the A1 slip roads which lie either side of the quarry entrance. Northbound A1 traffic utilises the existing bridge over the A1 and pass a number of properties at the northern edge of Cromwell village, avoiding the main village centre (see Plan 9). The routeing arrangements are regulated under the existing planning permission by a Section 106 agreement and these controls would supplement the existing environmental weight restriction within Cromwell village which restricts vehicles in excess of 7.5t gross weight entering the centre of the village from the A1. Whilst Cromwell Parish Meeting have expressed concerns that delivery vehicles are not following the agreed route, the minerals planning authority have no evidence to substantiate these claims. Contact details within the Development Management Team have been provided to Cromwell Parish Meeting should they observe any further alleged breaches of the lorry routeing arrangements so that these matters can be further investigated and if necessary enforced.

228. The Ness Farm extension would not alter the number of HGVs accessing the site or the output of the quarry during each operational day, but the extraction of additional mineral originating from the Ness Farm extension would extend the time that mineral extraction and associated vehicle movements would be undertaken by around two years. Even with the additional two years needed to work the southern extension, there is no requirement to extend the approved end date for Cromwell Quarry which allows mineral extraction until May 2028.

147. The access and routeing arrangements are more than satisfactory to minimise local environmental and amenity impacts. The existing quarry also benefits from an existing tarmacadam surfaced road and wheel washing facilities. All vehicles leaving the site are securely sheeted prior to leaving the quarry, thus ensuring highway safety is maintained. It can be concluded that the requirements of MLP Policy DM9 are fully satisfied.

Public Rights of Way

229. MLP Policy DM7: Public Access is supportive of minerals development where it can be demonstrated there would not be any unacceptable impacts on the

rights of way network and its users. The policy is supportive of footpath improvements and enhancements as part of the restoration of mineral workings.

230. Public footpath FP5 is a metalled road or minor lane which is also used by motor vehicles accessing the riverside at Cromwell Lock. The footpath runs in an east-west direction to the north of the existing extraction area and south of the earlier worked out areas and the processing plant site. A quarry crossing is in place. There is also a bridleway BW1 running north-south along the Trent, to the east of the Ness Farm extension area, outside the site, which continues to North Muskham as FP9, and further rights of way lie within the vicinity but across the river.

231. None of the rights of way will need be diverted during the course of the operations and impacts to users of the right of way network are limited to the potential disturbance from the continuation of quarry plant and machinery crossing over FP5 between the main quarry site and the extension area and the visual effects of the development.

232. Cromwell Parish Meeting have raised concerns in their consultation response that the quarry traffic crossing FP5 has caused and is continuing to cause damage to the footpath which at times makes the route impassable to pedestrians from mud. These matters have been raised with the operator who has confirmed that they will closely monitor the situation. The MPA's routine monitoring of the footpath crossing has not identified issues regarding access along this path. The Parish Meeting has been provided contact details in the Development Management Team should further issues occur so these matters can be expediently investigated and resolved.

233. VIA's Right of Way Officer does not raise any objections to the continued use of the existing footpath crossing point to serve the Ness Farm extension, requesting that the existing agreed footpath crossing scheme (which regulates the maintenance of an acceptable surface, signage, visibility and speed limits to ensure public safety) is maintained at all times. This continues to be controlled through planning condition.

234. Users of the footpath network would experience some minor temporary visual impacts during the extractive phase of the quarry, generally associated with the operation of plant and machinery and from the presence of the screening bunds that would be placed along the riverside path and would restrict views to the west. Following the completion of the restoration of the site visual impacts would be neutral.

235. It is concluded that satisfactory protection measures will continue to be in place to maintain public access along footpath FP5 and to limit visual and other disturbance to users including alongside the riverside path thus ensuring compliance with MLP Policy DM7. Although Policy DM7 encourages enhancements to the local footpath network following quarry restoration, the Ness Farm extension area is a comparatively small parcel of land which does not readily lend itself to the expansion of the footpath network in a beneficial manner.

Noise

236. MLP Policy DM1: Protecting Local Amenity is supportive of minerals development where it can be demonstrated that any adverse impacts from noise emissions are avoided or adequately mitigated to an acceptable level.

237. A noise assessment has been undertaken to consider the magnitude of noise emissions from the Ness Farm quarry extension in conjunction with the existing processing and access operations. Five monitoring locations have been identified representing the nearest residential properties. Noise predictions were then made based upon the methodology set out in BS 5228-1: 2009 + A1:2014, Code of Practice for noise and vibration control on construction and open sites Part 1: Noise.

238. The noise assessment references relevant standards incorporated in the Planning Practice Guidance. This advises that the maximum noise level for quarrying development during the normal working day (0700-1900) should not exceed 10dB over existing background levels up to a maximum level of 55dB (A) LAeq, 1hr, with an allowance for temporary operations such as soil stripping or forming earth bunds not exceeding 8 weeks in any calendar year which shall not exceed 70dB(A) LAeq, 1hr. For the night-time period, the suggested site noise limit for all receptors is 42dB LAeq,1h. Whilst the site will not be operational overnight, there will be a dewatering pump that will operate overnight, as per the existing operations.

239. The noise assessment demonstrates that there would be some noise emissions from the mineral extraction operations and night-time water pumping during the two year operational period of the site, but the level of these noise emissions would not exceed Planning Practice Guidance levels and therefore it is concluded the noise emissions from the development would not be intrusive and thus the development is compliant with MLP Policy DM1.

240. To provide appropriate regulation for limiting noise emissions from the development consistent with MLP Policy DM1 planning conditions are recommended to control the following matters:

- The provision of 3m high perimeter bunds as detailed on the working drawings for the extraction operations nearest to the dwellings at Cromwell Lock Cottage and alongside the riverside right of way to provide acoustic screening of operational noise.
- Limits imposed on the maximum noise emissions from site operations shall not exceed 55dB LAeq, 1hr at any residential property and 51 dB LAeq,1hr when measured free-field at the Ness Farm Receptor
- Timings of temporary works shall be recorded by the operator and must not exceed 8 weeks in a calendar year. The free-field noise level shall not exceed 70dB LAeq,1hr at any residential property.
- Noise emissions from night-time water pumps shall not exceed 42dB LAeq,1h at any residential property.

- The operating hours are restricted to 7am – 7pm Mon-Fri and 7am – 1pm Saturday (with an exception for dewatering which would be allowed 24 hours a day as required).
- All plant and machinery used on the site is regularly serviced and appropriately silenced, using low noise plant and machinery and switching off when not in use.
- The use of environmentally sensitive white noise reverse warning devices instead of reversing beepers and the avoidance of unnecessary horn usage.

Air Quality/Dust

241. MLP Policy DM1: Protecting Local Amenity is supportive of minerals development where it can be demonstrated that any adverse impacts from dust emissions are avoided or adequately mitigated to an acceptable level.

242. The magnitude and significance of dust emissions from the development has been assessed through an air quality assessment. The air quality assessment acknowledges that the extraction and movement of sand and gravel has potential to generate dust but the level of emissions is highly dependent on weather conditions and the use of appropriate dust suppression measures. The mitigation measures to be used to reduce effects from dust generally follow industry best practice and include the construction and seeding of bunds on the perimeter of the site, the controlled use and maintenance of haul roads including speed controls of 10mph, the use of water bowsers during dry and windy periods, minimising drop heights, mobile plant exhausts and cooling fans to point away from the ground and all plant to be regularly maintained.

243. The air quality assessment also considers the effect the traffic movements would have on the level of PM10 and PM2.5 (fine particle) emissions, noting that the traffic movements would be a continuation of existing operations and therefore vehicle levels would not increase as a result of this proposal and the development would operate within existing air quality standards.

244. Subject to dust controls being regulated through the planning conditions, it is concluded that the development would not result in significant dust nuisance at surrounding dust sensitive properties and therefore MLP Policy DM1 is satisfied in relation to dust control.

Ground and Surface Water

245. MLP Policy DM2: Water Resources and Flood Risk states that proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable impacts on surface water quality and flows or groundwater quality and levels at or in the vicinity of the site.

246. There are a number of groundwater sensitive receptors in the vicinity of the application site including surface waters in the River Trent, the Trent Valley IDB

drain, The Beck watercourse, fishing lakes, and water abstractions and groundwaters in superficial and bedrock aquifers.

247. The hydrological assessment has examined the likely effects to groundwater sensitive receptors within this influenced area. The greatest impact on the water environment is a (unmitigated) moderate negative impact related to the lowering of groundwater levels within the Secondary A aquifer in the local area of the Application Site. This is due to the mineral extraction being undertaken below the water table in permanently saturated ground and the arrangements to dewater the site by lowering the level of ground water in the excavation area to enable the sand and gravel to be excavated dry. Because the geology of the underlying ground is highly permeable the lowering of the groundwater within the quarry will influence groundwater levels in the surrounding area with potential for changes in the water table up to 1.3km from the site boundary. The hydrological assessment does not rule out the potential that water levels could be changed in the Trent Valley IDB drain which is located approximately 150m from Phase 11b at the closest point. However, since the primary purpose of this drain is to discharge water from the fields, a 2% worse case predicted reduction in flow in the watercourse would not result in any adverse impacts. The Trent Valley Internal Drainage Board have not raised objections to this level of change in water flows within the watercourse. All groundwater dependent abstractions and water courses have been assessed separately, and have a maximum impact magnitude of slight negative. Other impacts can be managed with on-going groundwater monitoring and water management.

248. Mineral extraction in the previous southern extension has necessitated the construction of a recharge trench on the western boundary of the site to receive water from the quarry dewatering and use it to re-hydrate the ground to the west of the site and lower the magnitude of lowered groundwater levels on this land. Since the recharge trench currently does not have an outfall system there have been periods when the supply of water into the trench has outstripped the capacity of the trench resulting in water periodically overtopping the trench and waterlogging adjacent land. The applicant advises that because the dewatering activities in the Ness Farm extension are further away it is unlikely that there will be a continuing need to pump water into this trench, but if groundwater monitoring reveals this is not the case and the trench is required it is recommended that prior to water pumping recommencing a scheme shall be submitted to the MPA to ensure that water levels within the recharge trench do not overtop the trench and waterlog adjacent land, potentially by installing an overflow. These matters are recommended to be regulated by an additional planning condition as part of the southern extension planning application (3/22/01788/CMA).

249. In terms of ground and surface water quality, the site has historically been used for agricultural purposes with no historical potentially contaminative land uses recorded. It is therefore unlikely that there is any existing contamination of site that would give rise to significant pollution risk.

250. Potential pollution risks from the operation of the quarry including oil/chemical leaks and breakdowns of plant and machinery have potential to impact ground

and surface water quality, but these risks can be managed by use of best practice measures for managing site plant, storage of fuel in bunded tanks and refuelling on hardstanding areas. This would limit the potential for a contamination incident with planning conditions recommended to provide appropriate regulation.

251. The level differences between the quarry and the surrounding land means that potentially sediment rich surface water flows in the quarry would not flow into and contaminate the surrounding drainage systems. The extracted sand and gravel and water arisings from quarry dewatering would be processed and washed within the existing plant site which incorporates a series of settlement lagoons designed to capture and treat suspended solids in mineral processing water prior to discharge to the river in compliance with the current discharge permit regulated by the Environment Agency.

252. It is therefore concluded that there would not be any significant unacceptable impacts on surface water quality and flows or groundwater quality and levels at or in the vicinity of the site and thus the development is compliant with MLP Policy DM2.

Flood Risk

253. MLP Policy DM2: Water Resources and Flood Risk is supportive of minerals development where it can be demonstrated that there will be no unacceptable impact on flood flows and storage capacity at the proposed site and the surrounding area, it maintains the integrity and function of flood defences and where possible assists in reducing flood risks and appropriate surface water arrangements are in place.

254. The MLP recognises that in accordance with national planning policy and guidance the extraction of sand and gravel is deemed ‘water compatible' and therefore is an appropriate land use within high flood risk locations in principle, subject to assessment of the above matters.

255. The planning application is supported by a flood risk assessment which incorporates detailed modelling of the effects of carrying out the development on local flood risk. The flood model has undergone a detailed review with the Environment Agency’s flood model team with this process necessitating the submission of supplementary technical information provided as part of the second Reg. 25 submission.

256. The flood risk assessment confirms that the planning application site has a high probability of flooding during its working life being located within the River Trent floodplain. The flood model demonstrates that the proposed quarrying works are not predicted to adversely change flood risk in the wider area and the development would not impede flood flows.

257. Whilst the existing river channel at Cromwell provides protection from flooding events equivalent to a 5-year peak flood event, it does not provide protection for more significant flood events. The extended quarry workings would be carried out below the level of the river bank in the functional floodplain meaning the

excavation area is at particular risk from sudden onset rapid flooding once flood water overtops the river bank. To manage these risks the existing approved flood evacuation plan has been updated to manage flood risk to quarry personal and equipment within the extended area. The flood evacuation plan utilises the existing Cromwell Weir to Gainsborough flood warning system to alert when flooding is imminent, with a two-hour lead time to facilitate the evacuation of personnel and equipment from areas of the site predicted to flood. The implementation of the flood evacuation plan throughout the operational life of the extended quarry is recommended to be regulated by planning condition.

258. It is therefore concluded that the proposed quarrying works are appropriate for this high-risk location, and they would not increase flood risk elsewhere. An appropriate flood evacuation plan would be in place and thus the development is compliant with MLP Policy DM2.

Cumulative Impact

259. MLP Policy DM8: Cumulative Impact is supportive of minerals development subject to it being demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community.

260. It is acknowledged that the land adjacent to the River Trent north of Newark has been extensively quarried for its sand and gravel reserves and the restoration of these quarries has resulted in large sections of land being taken out of agricultural use and restored to wetland uses. The current development would add to the amount of quarry workings in the area and upon restoration an increased wetland landscape. Whilst acknowledging that these changes will result in a further cumulative change in the landscape and habitat, the size of development is comparatively minor. The planning submissions do not seek to extend the end date for mineral extraction and associated activities within the existing Cromwell Quarry site and therefore do not add to the consented duration the existing quarry will be retained. It is therefore concluded there would not be any significant environmental or amenity impacts, and the development is supported by MLP Policy DM8.

Restoration

261. MLP Policy SP2: Biodiversity-Led Restoration seeks to ensure that minerals restoration schemes maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan. MLP Policy DM12: Restoration, aftercare and after-use states that proposals for minerals development must include an appropriate scheme for the restoration, aftercare and long term after use to enable long term enhancement of the environment and that the restoration of the site should be in keeping with the character and setting of the local area.

262. The restoration scheme for the site has been designed with the dual objectives of establishing land uses which are appropriate to this lowland agricultural

landscape, and also creating new features and habitats of nature conservation and biodiversity value. Whilst acknowledging that a large part of the site will be restored to open water which is not priority habitat, this is unavoidable given that there is little overburden which can be used to restore the land, the under-digging of the site has been maximised as far as practical and the proposals do not include the importation of fill material.

263. In terms of the wider mix of new habitats proposed to be created surrounding the lake, the restoration of the site will create a mixture of neutral grassland meadow, open water with reedbed margins, wet woodland, ephemeral ponds (to encourage amphibians and other aquatic species), retained sand faces (for sand martins, kingfishers and invertebrates), as well as tern rafts and boundary hedgerow planting to create parallel corridors and links. A series of modifications and enhancements have been made to the restoration scheme during the course of processing the planning application to reflect the ecological advice received from consultee responses with the objective of maximising the biodiversity value of the restored site. These new habitats will deliver Nottinghamshire Biodiversity Action Plan targets and will sustain a rich diversity of plant and animal habitats and populations. The habitats will be largely self-sustaining, natural and similar in character to surrounding areas, complimenting restoration works undertaken in the wider Cromwell quarry complex and providing habitat linkages along the Trent Valley with wetland restoration schemes progressively being developed at nearby Langford, Besthorpe and Girton Quarries.

264. The restoration scheme is supported by an indicative planting schedule which proposes to utilise native species suitable for the area and similar to that already approved for the existing quarry. The new habitats will be managed by the quarry operator to ensure it satisfactorily establishes with planning conditions recommended to regulate aftercare management of the ecological features of the site for twenty years, but a shorter five-year period for the agricultural areas, acknowledging the less complex aftercare requirements for this character of restoration.

265. Overall, the restoration proposals for the Ness Farm southern extension would provide ecological benefits and it is therefore concluded the development is supported by MLP policies SP2 and DM12.

<u>Planning Applications 3/22/01787/CMA & 3/22/01788/CMA</u>

266. These Section 73 planning applications are required to reflect changes that need to be made to the existing planning conditions imposed on the two planning permissions for the wider Cromwell Quarry site to enable the Ness Farm mineral to be worked as part of the wider consented extraction scheme at Cromwell.

267. The requested changes would result in the plant site and associated ancillary infrastructure being in use for an additional period of up to 2 years whilst the proposed further extension at Ness Farm is worked, before working resumes in the original quarry area. However, since the plant site and associated ancillary

infrastructure already benefit from planning permission to allow their retention until 2028, these planning applications do not seek consent to extend the closure date of the main quarry site.

268. The main environmental effect from these modifications would be a continuation of HGV movements at the same rate as existing, as well as the continuation of other impacts that occur as a result of the quarry, including impacts in terms of noise, air quality, landscape and visual amenity, particularly to the users of the right of way network. These environmental and amenity impacts of the existing quarry were considered acceptable at the time the revised permission was granted in 2016, and the quarry was given permission to be worked until 2028. As such, the application does not extend the life of the quarry overall beyond that originally anticipated. Conditions are already in place that control noise, dust and operating hours and these are not proposed to be changed, and a legal agreement controls HGV routing which also is not proposed to be changed.

269. Given the comparatively remote location of the existing quarry it operates with minimal disruption to the local area, and given its location adjacent to the A1 does not result in HGVs travelling along small local roads. Therefore, whilst these applications will result in the site being operational for a longer period, it is not considered that this proposal gives rise to any different impacts upon the environment or amenity than originally anticipated.

270. Granting planning permission for these applications alongside the working of Ness Farm would complement the wider benefits which have already been acknowledged from the working of Ness Farm site which include the continued supply of high quality local building products (primary aggregates) which will offset the need for HGVs having to travel further afield to bring material to the local market, the continuation of working at an established mineral site, the maintenance of existing jobs at the quarry as well as indirect and induced employment in the local area, further economic benefits in terms of payment of business rates and aggregate levy, and the prevention of economic sterilisation of the mineral on the basis it is unlikely to be cost effective to work the mineral in the Ness Farm extension area if a new plant site had to be set up. There will also be a significant gain in biodiversity and a benefit to the landscape once the Ness Farm extension is restored. The modifications to the existing suite of planning conditions of these two planning applications to enable the extended Ness Farm site to be worked as part of the wider quarry is therefore supported.

Other Options Considered

271. In accordance with Schedule 4 of the EIA Regulations which sets out the scope of information which is required to be included in an Environmental Statement, the applicant has set out the alternative options which have been considered by the developer. These are summarised below:

272. Demand alternatives: The applicant states that the existing consented mineral reserves at Cromwell will shortly be depleted and since existing allocated sites are not being brought into production there is a shortfall in mineral production in

the County (in the applicants view) which Cromwell will address. The "do nothing" scenario to not allow this extension would lead to Cromwell Quarry being exhausted very shortly and consequently more pressure on surrounding sites to provide the necessary sand and gravel, likely increases in haulage distances and slower rates of construction due to material shortfalls impacting the wider economy.

273. Location alternatives: While there are alternatives in terms of sand and gravel sites within Nottinghamshire, as proposed within the MLP, these would not assist in preventing the sterilisation of mineral that could occur if this site is not worked as an extension, while the current infrastructure at the plant site is in place. In terms of extensions to Cromwell Quarry, there are no alternative locations. The area to the north of the existing quarry is not owned by CEMEX and has previously been worked in the past by Tarmac. Further still to the north, CEMEX have submitted an application for a new quarry, and due to the intervening land in different ownership, this area (Cromwell North) would be difficult to be worked as an extension to the existing quarry. The land proposed as an extension in this application immediately adjoins the south of the quarry. The existing quarry is bound on the west by the A1 and the east by the River Trent, and as such there are no possibility of extensions to the east or west. There are also no suitable alternatives to the access road.

274. Process alternatives: The process for working the mineral at this site is already determined by the position of the existing plant site and access which would be utilised while working this extension. There is no suitable alternative to dewatering given the position of the water table.

275. Scheduling alternatives: The development needs to be worked while the existing plant site, or its replacement are still in situ, otherwise it would have to be worked as a separate quarry with a new plant site and would not form an extension to the existing site. Working this area as an extension rather than a new quarry prevents sterilisation of the material and saves economic resources in building a whole new site with associated effects on the environment and amenity.

Statutory and Policy Implications

276. 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

277. The development would extend an existing quarry, making use of existing security features within the site including the use of the established plant site which benefits from security lighting.

Data Protection and Information Governance

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

Human Rights Implications

56. 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 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the proximity of the development to residential property. The proposals have the potential to introduce impacts such as noise, dust and general activity which have potential to impact residential amenity, albeit not significantly. However, these potential impacts need to be balanced against the wider benefits the proposals would provide, most notably in terms the developments contribution to maintaining mineral supplies. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

279. The council has complied with the Public Sector Equality Duty. This development does not raise any equality issues.

Safeguarding of Children and Adults at Risk Implications

280. 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

281. 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

282. Sustainability issues are considered within the Environment Statement which supports the planning submission and have been assessed within the Observations section of this report where it is noted 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 extraction scheme has been designed on a phased basis to minimise the size of the active quarry and ensure that land is restored to beneficial purposes at the earliest practical opportunity.

283. There are no financial and human resource implications raised within the assessment of the planning application.

Planning Balance and Conclusion

284. Nottinghamshire Minerals Local Plan (MLP) Policy MP1 seeks to ensure there is a steady and adequate supply of minerals in Nottinghamshire, primarily by the identification of suitable land in the form of site allocations for mineral extraction and also by providing scope for the development of non-allocated sites where a need can be demonstrated.

285. The development site is not allocated for minerals extraction within the MLP and the current status of the landbank which equates to 15.69 years of sand and gravel production indicates that there is no immediate need for additional mineral resources to maintain a steady and adequate supply of sand and gravel production across the wider Nottinghamshire area. However, the National Planning Policy Framework and Planning Practice Guidance in connection with minerals advise that having a landbank above the minimum level is not justification on its own to refuse planning permission and the wider merits (and impacts) of the development should be assessed.

286. Mineral supply at a more local level is more constrained with reserves at Cromwell Quarry rapidly depleting. The extraction of a further 550,000 tonnes of mineral from the Ness Farm area would extend the operational capacity of Cromwell Quarry for a further two years, and in so doing would maintain a more satisfactory spread of operational sand and gravel productive capacity across the County. This is particularly important at the present time until MLP allocated sites for sand and gravel extraction at Sturton le Steeple, Girton and Mill Hill, Barton in Fabis become operational. The proposed extension would not result in an oversupply of sand and gravel in Nottinghamshire and would not prejudice the delivery of these sites.

287. Maintaining a choice of operational sites will also help foster a competitive local economy for aggregates and would reduce haulage distances of HGVs which otherwise would have to travel further afield to bring material to the existing local market. Support for the expansion of Cromwell Quarry is also provided in terms of its contribution to maintaining existing jobs at the quarry and supporting employment in the local area and wider economic benefits. The development therefore is supported by NPPF paragraph 211 which requires planning authority to give great weight to the benefits of mineral extraction, including the benefits they bring to the economy when determining planning applications.

288. The extraction of mineral from Ness Farm at this current time also assists in avoiding the potential needless sterilisation of the mineral resources consistent with MLP strategic policy SP7.

289. It is therefore concluded that benefits would be forthcoming in terms of maintaining a continuity of mineral supply at Cromwell Quarry within this Ness Farm extension until more strategic allocations come on stream and therefore the development is supported by MLP Policy MP2 criteria 3 and national planning policy and these benefits should be given significant weight in the overall planning balance.

290. In terms of environment effects, the assessment of the planning application and its supporting Environmental Statement identify that there would be some negative landscape and visual impacts during the operational period (2-3 years) linked to the loss of arable agricultural land and its change to a more industrial despoiled character. Whilst noting the permanent change to the landscape character of the site following its restoration from agricultural to one of predominantly open water with areas of smaller ponds, lowland meadow/conservation grassland margins, reedbed, wet woodland and sand face, this change to the landscape character is in keeping with the restoration that has already been agreed for the wider Cromwell Quarry site and mineral workings in the wider Tent Valley north of Newark and would largely reverse the negative landscape effects during the extractive phase. Although the development is considered to be compliant with MLP Policy DM5 concerning landscape protection and Policy DM1 in relation to visual impact, the negative landscape effects of the development during the operational period require acknowledgment in the overall planning balance with it given minor negative weighting.

291. In terms of ecological effects, the arable agricultural character of the site means that it has a generally low existing ecological value. The development scheme incorporates appropriate mitigation and compensation to minimise the negative ecological effects of the extractive phase and there would be substantial ecological gains following the restoration of the site consistent with MLP Policies DM4 and SP2, therefore supporting a grant of planning permission in the overall planning balance

292. The NPPF requires great weight is given to the protection of heritage assets with these issues being examined in detail within the applicant's heritage appraisal as well as this report.

293. In terms of built heritage, the development would not directly impact any designated built heritage assets but there would be some very minor effects to the wider rural setting of Church of St. Giles at Cromwell. In terms of non-designated heritage assets, there would be a minor impact to the historical setting of a former early medieval bridge which although removed around 100 years ago continues to be noted as a local heritage asset. Planning conditions as part of this decision seek to mitigate this impact through the provision of a heritage interpretation boards.

294. In terms of archaeology, the site does not incorporate any designated archaeological assets, but is located approximately 200m north of the North Muskham iron age barrows scheduled ancient monument and around 1080m south of Cromwell Roman Villa. The extraction of the site will not directly impact these scheduled ancient monuments but will affect their setting resulting in permanent changes to their landscape setting from arable to nature habitat and a loss of the historical field systems. This change is assessed as having an impact the setting of the heritage asset at the minor end of the scale. In terms of non-designated archaeological assets, the report acknowledges that the extraction of the site will impact five non-designated archaeological assets within the development site and affect the setting of non-designated heritage assets located in the wider area. These heritage impacts would be mitigated by a scheme of archaeological recording regulated by planning condition.

295. The NPPF and MLP Policy DM6 allow these heritage effects to be balanced against the wider public benefits of the development, specifically the benefits of maintaining mineral supplies in the Cromwell area wherein. Although the planning application and its scheme of heritage mitigation is assessed as being compliant with development plan policy, the very minor built heritage impacts are acknowledged in the overall planning balance.

296. The development would result in the removal of 11.06ha of best and most versatile agricultural land. The planning submission has demonstrated that there are no viable alternative locations at the present time for an extension of Cromwell Quarry which would utilise lower grade agricultural land consistent with the requirements of MLP policy DM3, however it is acknowledged that there is some policy tension in the context of NPPF Policy which prioritises development to lower quality agricultural land. In terms of the soils, planning conditions are recommended to regulate the stripping and storage of the soils in compliance with industry best practice to enable them to be beneficially re-used as far as possible within the restoration of the site. However, because a large proportion of the site will be restored to open water and wetland a significant quantity of these soils will be used to engineer lake margins to provide ecological benefit and therefore not beneficially maximising the reuse of the soil resource for agricultural purposes. This should be reflected as a moderate harmful impact in the overall planning balance.

297. The development utilises the existing quarry access which provides excellent connectivity to the A1 and will not result in any change to the existing daily transport flows, the development therefore is supported by MLP Policy DM9. Public access along public rights of way will be maintained throughout the development thus ensuring compliance with MLP Policy DM7. Noise and dust emissions will be regulated by planning conditions consistent with the requirements of MLP Policy DM1. The development would not result in any significant adverse impacts to surface water quality and flows, groundwater quality/groundwater levels and would not increase flood risk elsewhere and therefore is supported by MLP Policy DM2. The absence of any significant impacts in the context of these environmental matters is supportive of the development in the overall planning balance.

298. The restoration of the site would provide significant ecological benefits by creating a mix of new habitats including neutral grassland meadow, open water with reedbed margins, wet woodland, ephemeral ponds to encourage amphibians and other aquatic species, retained sand faces for sand martins, kingfishers and invertebrates, tern rafts, and new hedgerow planting and therefore is consistent with the targets of the Nottinghamshire Biodiversity Action Plan and MLP Policies SP2 and DM12. The ecological benefits of the development provide strong policy support for the development in the overall planning balance.

299. In the context of the overall planning balance, the proposals broadly accord with the Development Plan, and in particular the MLP notwithstanding the lack of a site allocation.

300. Officers consider that the collective benefits provided by the extraction of the Ness Farm mineral at the present time, in terms of its contribution to maintaining mineral supply at a local level, associated economic benefits, the avoidance of minerals sterilisation, the significant biodiversity net gains following the restoration of the site and the overall demonstration of compliance with planning policy in relation to protection of amenity (MLP Policy DM1), protection of ground water and flood risk (MLP Policy DM2), biodiversity (MLP Policy DM4), public access (MLP Policy DM7), and highway safety (MLP Policy DM9) are supportive of a grant of planning permission. Balanced against this, there are some environmental disbenefits of the development which are not assessed as being significant in magnitude including the moderate loss of best and most versatile agricultural land and the very minor landscape and heritage effects.

301. Overall, Planning Officers support a grant of planning permission for mineral extraction at Ness Farm and similarly there is support for variations at the existing quarry site in order to serve the further site extension.

Statement of Positive and Proactive Engagement

302. 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; the National Planning Policy Framework and the accompanying technical guidance. 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 specifically in terms of ecological issues which have been addressed through negotiation and acceptable amendments to the proposals made as part of a Regulation 25 submission under the EIA Regs. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements set out in the National Planning Policy Framework.

RECOMMENDATIONS

303. It is RECOMMENDED that:

a) Planning permission be granted for planning application 3/22/01790/CMA for a southern extension to Cromwell quarry onto land at Ness Farm for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation, subject to the conditions set out in Appendix 1.

b) Planning permission be granted for planning application 3/22/01787/CMA to allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons at Cromwell Quarry to facilitate the working of a proposed extension at Ness Farm, subject to the conditions set out in Appendix 2.

c) Planning permission be granted for planning application 3/22/01788 to allow for amendments to the working scheme and restoration plan at Cromwell Quarry to facilitate working of a proposed extension at Ness Farm, subject to the conditions set out in Appendix 3.

304. Members need to consider the issues set out in the report and resolve accordingly.

DEREK HIGTON

Interim Corporate Director - Place

Constitutional Comments (JL 25/05/23)

305. Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council.

Financial Comments (SES 23/05/2023)

306. There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application files are 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=ES/4441
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4463
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4462

Electoral Division and Member Affected

Muskham & Farnsfield - Councillor Bruce Laughton

Report Author/Case Officer
Mike Hankin
0115 9932582
For any enquiries about this report, please contact the report author.

ES/4441
W002393.doc