

Planning and Licensing Committee

Tuesday, 26 March 2013 at 14:00

County Hall, County Hall, West Bridgford, Nottingham NG2 7QP

AGENDA

- | | | |
|---|--|-----------|
| 1 | Minutes 26 Feb 2013 | 5 - 8 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declaration of Lobbying | |
| 5 | Variation of Condition to Extend the Period - Jenks Land East Leake Quarry Rempston | 9 - 50 |
| 6 | Extension to Existing Quarry East Leake Quarry | 51 - 112 |
| 7 | Awsorth Pallets Gin Close Way Kimberley | 113 - 138 |

NOTES:-

(1) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(2) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules.

Members or Officers requiring clarification on whether to make a declaration of interest are invited to contact Dave Forster (Tel. 0115 9773552) or a colleague in Democratic Services prior to the meeting.

(3) Members are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information may be recycled.

Notes

(1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

(2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

minutes

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 26 February 2013 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)
Sybil Fielding (Vice-Chair)

Jim Creamer	A	Rachel Madden
John M Hemsall		Sue Saddington
Stan Heptinstall MBE		Mel Shepherd MBE
Rev Tom Irvine		Keith Walker
A Bruce Laughton		

OFFICERS IN ATTENDANCE

Nathalie Birkett - Solicitor
David Forster – Democratic Services Officer
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning
Jonathan Smith – Principal Planning Officer

MINUTES OF LAST MEETING

The minutes of the meeting held on 22 January 2012, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

Apologies for absence were received from

Councillor Bruce Laughton – on Other County Council Business
Councillor Rachel Madden - Other

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Sue Saddington declared a non-pecuniary interest in agenda item 6 – Change of use Gilstrap Centre, Newark on Trent, on the grounds she is a member of the Planning Committee at Newark and Sherwood District Council.

DECLARATIONS OF LOBBYING OF MEMBERS

All members had received an e-mail from Ms A Peace-Gadsby with regard to agenda item 6 – Change of use Gilstrap Centre, Newark on Trent

ERECTION OF STAND ALONE SINGLE STOREY CLASSROOM, ASSOCIATED GROUND AND LANDSCAPE WORKS – LEEN MILLS PRIMARY SCHOOL, LEEN MILLS LANE, HUCKNALL

Mr Smith introduced the report explaining the reason behind the extension which is to help alleviate the current issues surrounding school places in the area pending the development of a new school subject to planning permission. Whilst impacts from additional cars could be expected, scope exists to review future need given that the school has two temporary classrooms already and any decision to retain them beyond their existing permissions could be based on a greater degree of certainty surrounding the delivery of the new school and the effectiveness of reviews of the school safety zone and Joint School Travel Plan.

On a motion by the Chairman, seconded by the Vice Chairman it was:-

RESOLVED 2013/004

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out in Appendix 2 to the report.

A CHANGE OF USE FROM TOURIST INFORMATION OFFICE AND EXHIBIT SPACE, INCLUDING ASSOCIATED ALTERATIONS, TO THE FORMER GILSTRAP LIBRARY TO ENABLE THE PROPERTY TO BE OPERATED AS NEWARK REGISTRY OFFICE.

Mr Smith introduced the report and advised members that, notwithstanding comment within the report, the Gilstrap Centre is owned by the Gilstrap Charity although Newark and Sherwood District Council acts as the trustee of the charity. He also informed members that he had received two further letters of objection which raised issues generally dealt with within the report. Additional issues concerned potential contamination of the Castle grounds from confetti, archaeological impacts and conflict with Regional Spatial Strategy (RSS) policies. In response Mr Smith commented that potential for contamination from confetti would be minimal and the bandstand and undercroft within the grounds were already licensed for wedding ceremonies. Archaeological works were not needed given no ground works are proposed and that the proposals were not considered to conflict with RSS policies. He also highlighted that English Heritage, Newark and Sherwood District Council and the County Council's Conservation Team had raised no objection to the application.

Following the opening remarks of Mr Smith, Mr M Harris an objector was given the opportunity to speak and a summary of his speech is set out below.

Mr Harris raised the following issues in opposition to the granting of permission for change of use:-

- He felt that the Balderton Gate building could be put to better use by bringing back a number of Council Services back to Newark e.g. Adult Social Care/Social Services.
- Traffic problems already exist along Castlegate with the lay-by already servicing 14 different bus services.
- Difficulty of parking for guests at weddings.
- The Tourist Information Centre's relocation to the Keepers Cottage will not be in the best interest for tourists as it is not the right location.
- It is a waste of Council Tax payers' money to move the Registry because of the cost of refurbishment and rent on the property.

In response to questions Mr Harris replied that traffic congestion in Newark is already high with the opening of ASDA and the number of traffic lights and pedestrian crossings.

Members considered the report and the following issues were raised during those discussions and Mr Smith responded as follows:-

- The relocation of the Tourist Information Centre is a decision for Newark and Sherwood District Council
- There are 13 car parks in the vicinity of the Gilstrap so parking is not considered a problem as the registry office is currently within Newark town centre.
- Concerns with regard to provision of County Council Services lie outside the scope of this application.

On a motion by the Chairman, seconded by the Vice Chairman it was:-

RESOLVED 2013/005

That planning permission be granted subject to the conditions as set out in Appendix 1 attached to the report.

In accordance with Standing Orders Councillor Sue Saddington's abstention was noted

RETROSPECTIVE APPLICATION TO RETAIN A STORAGE BAY ERECTED FOR THE STORAGE AND PROCESSING OF INCINERATOR BOTTOM ASH (IBA) AND FOR CHANGE OF USE ON PART OF THE LAND TO EXTEND THE COMMERCIAL AND INDUSTRIAL WASTE TRANSFER AREA TO ACCOMMODATE THE IBA STORAGE BAY – JOHNSONS AGGREGATES MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD BUNNY

Mr Smith introduced the report and gave a slide presentation to the committee and took it through the conditions set out in the report. He also informed members that there had been a further letter of objection which raised the issue of visual impact,

Green Belt and that of noise, these issues have already been dealt with and are set out in the report.

On a motion by the Chairman, seconded by the Vice Chairman it was:-

RESOLVED 2013/006

That planning permission be granted subject to the conditions as set out in Appendix 1 attached to the report.

NEW STEEL FRAMED CLAD BUILDING AND GRP KIOSK – STOKE BARDOLPH SEWERAGE TREATMENT WORKS, STOKE BARDOLPH

Mr Smith introduced the report and informed members, that this application is a departure from the Development Plan and is in the Green Belt there is limited impact on the Green Belt in this case given the scale of the proposals in the context of the established treatment works.

On a motion by the Chairman, seconded by the Vice Chairman it was:-

RESOLVED 2013/007

That planning permission be granted subject to the conditions as set out in Appendix 1 attached to the report.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mrs Gill introduced the report which detailed applications received between 1 December 2012 – 8 February 2013, confirmed decisions made on planning applications since the last report to Committee and updated Committee on the progress of the preparation on the Nottinghamshire and Nottingham Waste Core Strategy and the High-Speed Rail Phase 2 announcement.

RESOLVED 2013/008

That the report and appendices be noted.

WORK PROGRAMME

RESOLVED 2013/009

That the work programme be noted

The meeting closed at 11.45 pm.

CHAIRMAN

M_26 Feb 12

26th March 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING &
CORPORATE SERVICES****RUSHCLIFFE DISTRICT REF. NO.: 8/12/01488/CMA**

**PROPOSAL: VARIATION OF CONDITION 5 OF PLANNING PERMISSION
8/11/01100/CMA TO EXTEND THE TIME PERIOD NECESSARY TO
EXTRACT ALL PERMITTED RESERVES OF SAND AND GRAVEL AT
THE EXTENSION TO EAST LEAKE QUARRY**

**LOCATION: JENKS' LAND, EAST LEAKE QUARRY, REMPSTONE ROAD,
REMPSTONE**

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider a planning application for an extension of time to complete extraction of all permitted reserves of sand and gravel at an extension to East Leake Quarry, Rempstone Road, Rempstone. The key issue relates to the fact that the site is not allocated for mineral extraction in the Nottinghamshire Minerals Local Plan (Adopted December 2005) and, as such, the development has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to planning conditions, as set out in Appendix 1.

The Site and Surroundings

2. East Leake (or Lings Farm) Quarry lies approximately 15km south of Nottingham city centre, towards the county boundary with Leicestershire, with Loughborough town centre and the City of Leicester being situated some 4km and 14km respectively, to the south. The City of Derby is located approximately 17km to the north-west. It is located approximately one kilometre to the west of the centre of Rempstone Village and a similar distance to the south east of East Leake. The site is located in close proximity to the major road network with the A6006 (Melton Road) linking into the M1, M42, A46 and A6. The quarrying operations have extended eastwards into a parcel of land, known as Jenks' Land, which is the subject of this application.
3. The nearest residential properties to the site are Lings Farmhouse, which is situated some 35 metres from the southern edge of the site, on the opposite (southern) side of the A6006 (Melton Road), and Lings Farm approximately 120

metres to the south together with Holy Cross Cottage situated approximately 280m to the south east. Further residential properties comprising Home Farm, and Home Farm Cottage are all over 400m to the west of the site and the original quarry (see Plan 1).

4. The site comprises some 8.4 hectares of operational land, adjoining the original East Leake Quarry, which is situated to the immediate north-west. The permitted extension site directly abuts the existing processing site, reception offices, and silt lagoons situated on the original quarry site. Agricultural fields lie to the southwest and east, whilst to the immediate north-east lies St Peter's Church Cemetery and a small fishing lake. To the north of the site beyond the church cemetery, lies an area of land which is designated as the Sheepwash Brook Wetland Site of Importance for Nature Conservation (SINC marsh), and the Sheepwash Brook. The Melton Road (A6006) abuts the southern boundary of the site. The site is bounded on all sides by mature hedgerow, interspersed with occasional mature trees. Rempstone Bridleway No. 11 (BW11) has been diverted around the edge of the site, so that it abuts the eastern boundary for much of its length.
5. The main East Leake Quarry processing site, comprising operational plant, reception offices, silt lagoons and processing operations lies to the northwest of the permitted extension site. Extracted aggregate continues to be hauled to the original quarry site by dumper truck for processing. Mobile plant operates on the extension site for all mineral extraction and phased restoration operations.
6. The site has largely been worked out and is in its final extraction phase. Soil stripping has taken place for the final operational phase, and archaeological investigation has been undertaken. Vehicular access to the site is via the existing haul road leading from Rempstone Road. The site has a designated traffic route along Rempstone Road leading onto the A6006 (Melton Road), and all HGV quarry traffic is restricted to this route in order to avoid passing through East Leake.

Relevant site history and background

7. As noted above, the application site lies to the immediate east of the original East Leake Quarry. The original quarry site is worked out, and substantially restored, albeit retaining the processing plant and ancillary infrastructure to service the whole of the quarry workings, including the extension site.
8. A planning application for the main quarry site was originally submitted by Butterley Aggregates, to the County Council, in July 1985 (Plg. Ref. 8/J1/85/1141/P) for the extraction of 2.85million tonnes of sand and gravel. This application was refused planning permission in July 1986. A further application (Plg. Ref. 8/89/0472/P) was submitted in March 1989, which again sought to extract sand and gravel reserves, with low level restoration, including the creation of a lake, which did not require the importation of waste material. Again the planning application was refused planning permission, on grounds that there was insufficient need for the quarry.

9. The applicant appealed this second refusal, with a public inquiry being held in December 1990. The Inspector allowed the appeal, and planning permission was granted in January 1991 (Planning Inspectorate reference number APP/M3000/A/90/158492/P3) subject to 37 conditions. Operations at the quarry commenced in January 1996 but, due to operational difficulties involving the sand and gravel reserves having a much higher silt content than was originally envisaged, extraction is nearing completion, with reserves expecting to be largely exhausted around May 2010, as opposed to the original end date of 2012. Associated with this planning permission, is an April 2000 permission which varied Conditions 1 and 9 (Plg. Ref. 8/000/10/CMA) to allow for revisions to both the phasing and soil storage arrangements.
10. Planning permission (Plg. Ref. 8/07/02187/CMA) for an extension to the East Leake Quarry on adjacent agricultural land identified as Jenks' Land, was granted to the current operator Cemex in June 2009 and superseded by two further permissions in September 2010, and February 2012 respectively. Permission allows for the release of 320,000 tonnes of sand and gravel to be worked at a rate of up to 180,000 tonnes per annum, as three phases of working across the site (1a – 1c).
11. Prior to work commencing within the 2009 permission area, the applicant sought to amend the original phasing sequence and method of transporting sand and gravel to the plant site.
12. The original planning permission on Jenks' Land (Plg. Ref. 8/07/02187/CMA) required material to be transported to the processing plant, via conveyor, however, this operation would have prevented the necessary fresh water and silt lagoons from being created within the permitted time frame for mineral processing operations. Therefore a variation application (Plg. Ref. 8/10/00190/CMA) was submitted seeking to vary the method of transporting material from conveyor to dumper truck, together with amending the sequence of phasing to three horizontal phases, which allowed for the southern phases to be restored, as mineral extraction progressed. Sand and gravel extraction commenced within the 2009 permission area in September 2010.
13. A further planning permission (Plg. Ref. 8/10/00191/CMA) was granted in April 2010, to vary conditions 2 and 30 of planning permission 8/89/0472/P to retain the existing processing plant on the main quarry site for a further two years (up to 1st January 2014) in relation to adjacent sand and gravel extraction on the extension site.
14. A more recent planning permission (Plg. Ref. 8/11/01100/CMA) was granted in February 2012, with the primary objective of assisting mineral extraction, production and stocking. It sought to increase the frequency of mineral extraction, up to a maximum of six campaigns per year, with each campaign being for a maximum period of 6 weeks. As part of this application, a further revision was sought to the frequency of noise monitoring, with the applicant seeking a reduction from three monthly intervals to monitoring on an annual

basis. This is the planning permission, which the extension site currently operates under.

15. The current application seeks to extend the life of the permission by a further year, so as to complete extraction of all permitted sand and gravel extraction reserves on the extension site. Provided that permission is granted, a diversion order covering Rempstone Bridleway Number 11, would remain in place to maintain a diversion of the public bridleway around the eastern edge of the extension site.
16. The proposal under consideration in this report would enable production at East Leake Quarry to continue, until a further extension on another parcel of land identified as Burton's Land site, comes on stream, if Members are so minded to approve that application, which is also brought before Committee, elsewhere on the agenda.

Proposed Development

17. The application seeks planning permission to vary a single planning condition attached to the February 2012 permission (Plg. Ref. 8/11/01100/CMA) in order to extend the period of time permitted to work the extension site, to allow for the extraction of all permitted reserves of sand and gravel.
18. Condition 5 presently allows extraction operations up until September 2012, stating that all mineral extraction should cease by 15th September 2012. The application seeks a variation of Condition 5 to extend mineral extraction for a further twelve months.
19. This application seeks to extend the life of the extension site to enable all sand and gravel to be extracted. This reflects the fact that geological excavations, undertaken during phase 1b of the extraction works, revealed that reserves of sand and gravel were greater than was originally anticipated. Five geological auger boreholes undertaken within phase 1b indicated that the preliminary boreholes drilled under the auspices of the original geological survey of Jenks' Land, had led to an inaccurate assessment of available sand and gravel reserves across the remainder of the extension site. With regards to one of these boreholes, identified as Borehole 6, excavations revealed a more limited quantity of inter bedded waste than previously expected, thereby increasing the amount of actual mineral material in this area. Material from a further borehole revealed a better quality material than had previously been anticipated. The further three boreholes drilled during the 1b phase revealed that there was nearly double the anticipated reserve within this area.
20. The geological reassessment has indicated that there is an estimated increase of 89,000 tonnes of sand and gravel, above and beyond that originally anticipated, to give an overall anticipated output of 409,000 tonnes from the extension site.
21. As the extraction operations moved into the final phase (1c), it was anticipated that a further twelve months would be required to complete extraction, at the

current production levels of 140,000 tonnes per annum, with an anticipated completion date of September 2013.

22. Condition 5 of planning permission 8/11/01100/CMA would be varied in order to establish a new end date, which the application states as being 15th September 2013, by which time all mineral extraction shall cease.
23. The proposals would not involve any changes to the restoration phase, other than delaying the completion of the final restoration by a year. The aim is still to have the extension site completely restored within one year following cessation of all mineral extraction, and progressive phased restoration operations would continue throughout the final phase of mineral extraction.

Consultations

24. **Rushcliffe Borough Council** *raises no objections to the proposed development.*
25. **Rempstone Parish Council** *raises no objections to the planning application.*
26. **Environment Agency Midlands Region (EA)** *raises no objection to the proposed extension of time.*
27. **Trent Valley Internal Drainage Board** *raises no objections to the planning application, but it must be noted that the Board expects that the off-site discharge of surface water or foul effluent be undertaken in a controlled manner which ensures food risk to East Leake is not increased. Whilst the site is located outside of the Board's district, the site is nevertheless served by the Sheepwash Brook, which flows in a north-westerly direction through East Leake before entering the Board maintained Kingston Brook. The Board are aware of flooding issues relating to Sheepwash Brook. Attention is drawn to the fact that with regards to future applications, the Board's prior consent would be required prior to the discharge of surface water into the Board's district. An advisory note would be attached to any decision notice drawing attention to the Board's letter, a copy of which would be forwarded to the applicant.*
28. **Severn Trent Water Limited** *raises no objections to the proposal and has no further comments to make.*
29. **Nottinghamshire Wildlife Trust (NWT)** *raises no objection to this proposal and is satisfied that the additional period of disturbance is probably not significant for fauna in the area. It is noted that the habitat and faunal disturbance on the Jenks' Land has already occurred and an extension of time would extend the period of disturbance to fauna in the immediate vicinity. Other parts of the quarry, however, are now in relatively advanced stages of restoration, which provides suitable alternative habitats for the species that have been displaced from the Jenks' Land extraction. These comments are based on the assumption that the current programme of monitoring of a protected species would also continue for the extended programme of works.*
30. **Natural England** *raises no objections and states that it does not consider that this application poses any likely or significant risk to those features of the natural*

environment (cases which might affect a SSSI, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species) for which the organisation would otherwise provide a more detailed consultation response, and so does not wish to make specific comment on the proposal.

31. **NCC (Nature Conservation)** raises no objection to the proposal, given that the application seeks to extend the extraction period on an area that is already being actively quarried by one year. Whilst this would mean localised disturbance occurring for a longer period than was previously assessed, it is not anticipated that this would give rise to any significant ecological impacts, given the planning conditions that are already in place.
32. **English Heritage** does not wish to make any comments and it is recommended that the application be determined in accordance with national and local policy guidance, and on the basis of the County Council's specialist conservation advice.
33. **NCC (Countryside Access)** has confirmed that the temporary diversion of the Bridleway is acceptable provided the planning application extension is granted.
34. **NCC (Planning Policy)** raises no objections to the proposed development and considers that the proposal should be permitted provided that it does not raise any significant environmental impacts which cannot be mitigated. It states that application should be determined against Policy M6.3 of the adopted Nottinghamshire Minerals Local Plan (MLP), which does not support proposals outside allocated areas unless it is evident that existing permitted reserves and any remaining allocations cannot sustain an adequate landbank and processing capacity.
35. When assessing conformity with Policy M6.3, both the current landbank and processing capacity situation need to be considered.
36. It is noted that there is no basis for the landbank element of Policy M6.3 to apply to this proposal, given that at the end of 2010, the County's sand and gravel sandbank stood at 7.9 years, which is above the recommended 7 years.
37. It is noted that the processing capacity situation is the more relevant factor. Attention is drawn to the fact that a significant allocation from the MLP, Gunthorpe, has failed to come on stream and its future remains uncertain, and that combined with the loss of Holme Pierrepont and Hoveringham (2002 and 2007), a considerable shortfall of supply has resulted. Whilst there has been no discernable impact, perhaps because the recent economic downturn has reduced any impact, the Plan does however note that other quarries, specifically East Leake and an un-commenced quarry at Cromwell are suitably located to help replace lost capacity if required.
38. It is believed that following the closure of Hoveringham and Holme Pierrepont, coupled with Gunthorpe not progressing, other quarries have probably increased output to meet their markets. This implies that the Nottingham area is being supplied from other remote quarries which are being depleted more rapidly.

39. *Therefore, it is considered that the case for permitting the proposed extension of time at East Leake Quarry in order to maintain an adequate production capacity in the south of the County, is more convincing than the landbank argument. Indeed, to let this quarry underutilise its resource would inevitably place a strain on local supplies, would make future working of the land unlikely (effectively sterilising the mineral supply), and be contrary to the assumptions made in the MLP.*
40. *Overall, it is considered that this proposal has not been driven by Policy M6.3 and should be considered as a departure from the Plan, under which it could be permitted on an 'exceptional circumstances' basis.*
41. **NCC (Landscape)** *raises no objection to the proposed development and whilst noting that the proposed variation to condition 5 would delay the start of the implementation of the restoration scheme by 12 months for the Jenks' Land quarry site, is generally in agreement that the proposed amendments would not alter the permitted details, and that the site would continue to be worked in accordance with planning permission 8/11/01100/CMA. It highlights the fact that the hedgerow has increased in height, the soil mounds are in place and the site is being progressively restored. As such, with these measures in place, it is considered that there would be no negative visual impact from the limited extension in time.*
42. **NCC (Highways) Rushcliffe** *raises no objections to the proposal, as the extension of the time period would not have any detrimental impacts on vehicle generation, or on vehicular access. This is based on the fact that the site would continue to use the existing access, wheel wash and routeing agreement; and no increases in HGV movements to and from the site are proposed as part of this development.*
43. **NCC (Noise Engineer)** *raises no objections to the proposed development and draws attention to the fact that granting the extension of time to September 2013 to extract all permitted reserves of sand and gravel does not change the content of earlier comments (dated March, 2010), which confirmed that despite the replacement of a proposed conveyor system with dumper trucks to move material to the processing plant, together with a change in the direction of working, the mineral extraction operations would continue to be within the existing planning noise limits and the La90 + 10dB(A) criterion, established under Mineral Planning Statement (MPS) 2, and since replaced by the National Planning Policy Framework (March, 2012) (NPPF). Furthermore, it is noted that the current operations have not resulted in any noise complaints to the County Council, as Minerals Planning Authority (MPA).*
44. **East Leake Parish Council, National Grid (Gas), Western Power Distribution, British Horse Society (Rushcliffe), The Ramblers Association, NCC (Archaeology), NCC (Built Heritage) and NCC (Reclamation)** *have made no response.*

Publicity

45. The application has been publicised by means of site notices, press notice and eleven neighbour notification letters sent to the nearest occupiers in Rempstone Road and Melton Road (A6006), and to the Manor Animal Farm & Donkey Sanctuary, Castle Hill, East Leake, in accordance with the County Council's Adopted Statement of Community Involvement. No representations have been received in relation to this planning application.
46. Councillor Lynn Sykes has been notified of the application.
47. The issues raised during the consultation process are considered in the Observations Section of this report.

Observations

Introduction

48. The application has been submitted by Cemex in order to complete sand and gravel extraction on the current mineral working area at the East Leake Quarry complex, as the applicant has not been able to complete extraction in the permitted time frame. East Leake Quarry is an integral part of the Company's operations, as a leading global producer of cement, concrete and other building materials, and the existing quarry at East Leake is a key strategic site for the supply of aggregates to locally based markets in South Nottinghamshire and North Leicestershire. The existing quarry is one of a number of quarries in the East Midlands and East Anglia Region, involved in the extraction of sand and gravel reserves for the production of concrete and mortar, for the local construction market.
49. The necessity to increase the time period for the extraction of sand and gravel has been premised on the fact that the extension site has been worked at slightly reduced production levels, of between 120,000 and 160,000 tonnes per annum rather than the anticipated 180,000 tonnes per annum. Added to this is the fact that whilst the original planning application anticipated an extraction depth of 4 to 5 metres, the maximum extraction depth within the extension site has been up to 14m, particularly as mineral extraction has progressed southwards towards the A6006 (Melton Road/Ashby Road).
50. It is noted that the applicant sought to complete extraction within the permitted time frame, which would have seen the cessation of all mineral extraction by September 2012. Continuous efforts have been made to achieve this, and as already stated, this has involved maintaining a steady output of up to 160,000 tonnes per annum over the last three years despite difficult economic circumstances, coupled with undertaking additional extraction campaigns, as permitted under the current permission (Plg. Ref. 8/11/01100/CMA), and stocking more material on site. All of these measures have been deployed over the life of the extension site, to assist production and sales, and in an endeavour to ensure that all reserves were removed within the permitted time frame. However, the continuing depth of the sand and gravel reserve has only served to counteract any increased operations. This has consequently given rise to the need to extend the permitted time frame for extracting all commercially viable aggregate prior to reclamation of the land for final restoration purposes.

51. Chapter 2 of the Nottinghamshire Minerals Local Plan (MLP) (Adopted December 2005) seeks to protect local mineral resources, including avoiding the unnecessary sterilisation of valuable mineral resources, and promoting their sustainable use. In terms of local minerals policy implications, Saved MLP Policy M2.1 indicates that there is overarching policy support for the sustainable working of minerals, as in the case of this proposal. Further weight is added to this, as the proposal is seeking to avoid sterilising a high quality sand and gravel reserve, by extending the working life of the permitted extension site.
52. Without the extension of time to complete mineral extraction, the permitted sand and gravel reserves would be left in the ground to be sterilised. Although the sand and gravel could be worked at some future date, existing operational infrastructure may have been removed by then, and therefore the material could only be sold as 'raised material' at a lower market value.

Planning policy considerations

53. Section 13 (Facilitating the Sustainable Use of Minerals) of the National Planning Policy Framework (March, 2012) (NPPF) sets out the national policy approach towards minerals development, and promotes the sustainable use of mineral resources. This is supported by a technical guidance, relating to the environmental criteria against which to assess minerals development. Regional guidance for aggregates provision in Nottinghamshire is provided within the Regional Spatial Strategy for the East Midlands RSS8 (March, 2005) (RSS). The local context for minerals development is set out under minerals policy contained in the MLP, and this continues to be valid for the purposes of determining this planning application.
54. In this respect, the NPPF's guidance as to the degree of weight that should be afforded local plans prior to the date of its publication, clearly indicates that for twelve months from the date of the NPPF's publication, which is up to the end of May 2013, planning authorities may continue to give full weight to relevant policies adopted since 2004, even where there is a limited degree of conflict with the NPPF. The MLP therefore remains valid, and its policies given full weight with policies contained in the NPPF, for the purposes of determining this planning application.
55. Reference is now made to those material considerations deemed relevant to the determination of this planning application.

Need and implications for permitting an extension of time to complete aggregate extraction

56. The RSS identifies the East Midland Region as a major producer of primary aggregates and high quality minerals, with some 21 per cent of extracted sand and gravel being exported from the county of Nottinghamshire. Of particular relevance to this proposal are RSS Policies 1 and 37, which seek to promote the prudent use of resources, as well as maintaining an appropriate supply of aggregates. Whilst the extension site benefits from an authorised planning permission to extract sand and gravel, it does so in the context of not having been allocated for aggregate extraction, within the MLP. Therefore, the proposal

needs to be assessed in the context of Policy M6.3 of the MLP which does not lend support to proposals outside allocated areas unless it is evident that existing permitted reserves and any remaining allocations cannot sustain an adequate landbank and processing capacity as provided for in MLP Policy M6.2.

57. In terms of assessing conformity with Policy M6.3 of the MLP, it is necessary to consider two distinct elements, namely the issues of landbank and production capacity, which are now dealt with in turn below.
58. The established minimum landbank for sand and gravel is seven years, as set out under the NPPF's guidelines for aggregate provision in England. Paragraph 145 seeks to ensure that Minerals Planning Authorities maintain this landbank of permitted reserves, as well as ensuring that the capacity of operations to supply a wide range of materials is not compromised. In local policy terms, maintenance of a seven year landbank of permitted reserves, to ensure that Nottinghamshire is able to meet its proportionate share of regional aggregate provision, is reflected in MLP Policy M6.2.
59. The MLP provided for a seven year landbank through its allocation of approximately 730 ha. of land, containing some 23.22 million tonnes of sand and gravel, across seven sites, evenly distributed across the county, including East Leake Quarry (Lings Farm Quarry).
60. Under Policy MLP M6.3, the critical test for unallocated sites, in terms of the acceptability of any associated minerals development on such sites, is where it can be clearly demonstrated that an adequate landbank cannot be sustained, without bringing forward additional capacity, above that already allocated. There is nothing to indicate that the current landbank is at a critical point, and in need of unallocated reserves to support it, given that at the end of 2012, the sand and gravel landbank stood at 7.3 years, which is above the recommended seven year benchmark, for sand and gravel reserves. There is therefore, no basis for the landbank element of MLP Policy M6.3 to apply to this proposal.
61. In light of the above, it is considered that the proposal has not been driven by MLP Policy M6.3 and as such, has been treated as a 'departure' from the development plan.
62. The other element of MLP Policy M6.2, in terms of the production capacity for sand and gravel, is considered to be the more relevant factor, against which to assess the proposed development. Whilst it is recognised that the current landbank for sand and gravel is sufficient, there is nevertheless an identified localised shortfall in supply. Over the past decade, South Nottinghamshire has lost approximately 750,000 tonnes of production, with the closure of its two main sand and gravel quarries at Holme Pierrepont and Hoveringham, in 2002 and 2007. This has been compounded by the fact that the main replacement allocation site, at Gunthorpe, has failed to come on stream due to technical difficulties, and its future remains uncertain. This would have made up for a significant part of the resulting shortfall, with estimated reserves of 3-4 million tonnes, enough to supply aggregate for up to sixteen years.

63. This has resulted in the south of the county experiencing a significant shortfall in local aggregate supply. The impact of this has not been discernible, probably as a result of the economic downturn. With regards to this shortfall, it is noted that the MLP had identified both East Leake Quarry and an un-commenced one at Cromwell, as being suitably located to help replace lost capacity, if required.
64. Whilst indications are that sand and gravel requirements in and around Nottingham are increasingly being met by more remote quarries, which are in turn being depleted more rapidly, it has also placed additional pressure on East Leake Quarry to supply some of the markets previously met by Hoveringham Quarry. Indeed, it is understood that East Leake Quarry is the only sand and gravel quarry now serving markets in the southern part of the county, and in north Leicestershire.
65. Therefore, there is a case to be made for permitting an extension of time at East Leake Quarry, to complete mineral extraction, on the grounds that there is an identified need to maintain an adequate production capacity in the south of the county. In this respect, there is an element of support for the proposal in terms of MLP Policy M6.2. So whilst the application is a 'departure' from the development plan due to it being an unallocated site and the present landbank being above seven years, it is considered that there is overriding support for the development, in terms of the need to maintain a more localised production capacity.
66. It would be contrary to the assumptions made in the MLP, if the quarry were to underutilise its resources, which would be the inevitable outcome if the proposed extension of time to work the minerals area, were not permitted. The outcome would be to place a strain on local supplies of sand and gravel aggregate, and it would make any future working of this land unlikely, effectively sterilising the permitted minerals reserve on the extension site.
67. Therefore, whilst the proposal has not been driven by MLP Policy M6.3 and has accordingly been treated as a 'departure' from the MLP, it is considered that the proposed extension of time to work permitted aggregate reserves is capable of being permitted on an 'exceptional circumstances' basis.
68. Giving due regard to other material considerations, there is support for the development in the respect that it is extremely time limited and of limited scale. The indications are that the remaining sand and gravel reserve is limited yet commercially viable and of strategic importance in terms of supplying the local aggregate market. The proposed duration necessary to complete all extraction is brief and the indications are that it would not detrimentally impact on the surrounding environment or on any surrounding sensitive receptors. It is considered that a period until September 2013 would be sufficient to work all permitted reserves prior to reclamation, and that a brief time-limited extension to permitted working practices would not unduly delay the final restoration of the site. All of these factors are considered to be material to the decision.
69. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer 'departure' planning applications to the Secretary of State. The application does not trigger the thresholds for referral set out within the Circular and, as

such, there is not a requirement to refer it to the Secretary of State should Committee be minded to approve.

70. Overall, it is considered that there is sufficient policy support and other supporting material considerations to indicate that the proposal should be permitted subject to there being no unacceptable environmental impacts associated with the continued working of the site. The potential environmental impacts are now considered in turn.

Environmental impacts of the proposed development

Noise impact

71. Policy M3.5 of the MLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, setting maximum noise levels at sensitive locations, and the use of acoustic screening, such as baffle mounds or fencing. The County Council's Noise Engineer is satisfied that the mineral extraction operations would continue to be within the existing permitted noise limits, and the relevant criterion established under the NPPF's Technical Guidance.
72. It is not anticipated that noise levels associated with an extension of time for permitted mineral extraction operations would be anything other than similar to those generated at present.
73. The noise levels associated with mineral operations have remained within the permitted levels, as established under paragraph 30 of the NPPF's Technical Guidance (March, 2012). The Technical Guidance states that subject to a maximum of 55dB(A) L_{Aeq} 1h (free field), noise levels should not exceed background levels by more than 10dB(A), in terms of establishing a noise limit at any sensitive residential receptors. It is noted that whilst the applicant was originally required to undertake noise monitoring at three monthly intervals this now takes place on an annual basis only. The noise monitoring regime has clearly demonstrated that current site operations do not contravene any of the permitted noise levels, and that there is no noise impact from site operations on the nearest noise sensitive properties. This is further mitigated by the fact that the final phasing operations are moving away from noise sensitive receptors on the A6006 (Melton Road), namely Lings Farmhouse, Holy Cross Cottage and Rempstone Hall. Planning conditions would continue to ensure that the permitted noise limits are adhered to, and the annual noise monitoring regime would remain in place for the duration of operations.
74. There is nothing to indicate that the extended operations are not capable of remaining within the limits set by the NPPF's Technical Guidance and the relevant planning conditions. However, there would remain a requirement for mitigation measures to be implemented should these noise limits be exceeded at any of the noise sensitive properties. It is therefore considered that the proposal would accord with the NPPF's Technical Guidance and MLP Policy M3.5 given that even with the extended working practices, noise emissions outside the boundary of the mineral workings, are not anticipated to exceed

acceptable levels and would continue to be controlled by appropriate planning conditions. The County Council's Noise Engineer is satisfied that the development would not give rise to any significant change to levels of operational noise, to the nearest sensitive residential receptors. Overall, the applicant has demonstrated that operations would continue to be within permitted noise levels, and the increase of campaigns associated with extending the mineral operations until September 2013, would not negatively impact on permitted noise levels or cause a nuisance.

75. It is acknowledged that the development would remain relatively remote from residential development, and is restricted to day time operations only.

Dust impact

76. MLP M3.7 identifies that dust emissions from minerals development can be managed and reduced by implementing appropriate dust mitigation practices. Measures include the containment of conveyors, processing plant, and dust collection equipment, the use of bowsters and sprays on haul roads, stockpiles and transfer points, the use of binders on haul roads, and appropriate soil handling strategies. Mineral operations have the potential to cause adverse impacts as a result of dust emissions. However, the extension site benefits from being relatively remote, with the nearest sensitive receptor being some 35 metres due south of the site, on the opposite (southern) side of the A6006. The remaining extraction area however lies approximately 250m distant from this property.
77. A range of dust suppression methods, (water bowser, the dampening of haul roads, spraying of stockpiles, seeding of soil mounds and the use of wheel wash facilities), which have a proven track record of controlling dust emissions at the extension site, would continue to be implemented for the duration of operations, with existing planning conditions continuing to secure these measures. It is noted that even though dewatering of the site would continue during the final phase of mineral extraction, the sand and gravel would still be moist when excavated, and therefore the extraction operations would not give rise to excessive dust generation.
78. To date, the implemented measures have proved effective in terms of controlling dust emission impact and there have been no complaints received by the MPA, regarding current operations on Jenks' Land. It is considered that the proposal, controlled by appropriate conditions, would continue to comply with Policy M3.7 of the MLP, and is also in line with the NPPF's Technical Guidance which states that unavoidable dust emissions should be controlled, mitigated or removed at source.

Landscape and visual amenity impact

79. MLP Policy M3.3 seeks to ensure that any adverse visual impacts associated with minerals development are kept to a minimum, and are suitably controlled by planning conditions. MLP Policy M3.4 seeks to retain and protect existing features of value in terms of screening, as well as promoting other appropriate

measures including earth mounding, and tree and shrub planting, together with phased working to cause the least visual intrusion.

80. The most significant impact associated with the proposal, in terms of visual amenity and landscape, is that it would delay the final restoration of the site by up to a year. However, this needs to be balanced against the benefits of the proposal, in terms of maximising the amount of viable sand and gravel capable of being recovered, prior to reclamation of the site back to agriculture and wetland conservation. The County Council's Landscape Officer has indicated that this would be acceptable, given that the perimeter hedgerow has increased in height, any gaps have been planted up, and the soil mounds are in place, all of which filter views into the site. Furthermore, the site is being progressively restored, which would continue throughout the extended working, thereby visually integrating the site back into the wider landscape setting, including the reclaimed minerals area, to the north-west of the site within the original quarry site. Given that these measures are in place, it is considered that there would be no negative visual impact from the limited extension in time, and the development would continue to accord with MLP Policies M3.3 and M3.4.
81. Visual impacts arising from the development are principally associated with the quarrying operations including from vehicular traffic on the internal haul road. This would comprise mainly dumper trucks, used during the extraction campaigns, for hauling aggregate to the processing plant on the main quarry site. The principal viewpoint is from the bridleway, which abuts the eastern boundary of the extension site, although even from this vantage point, there is a substantial degree of screening afforded the site, by a mix of soil bunding and vegetation. The proposal is in accordance with MLP Policies M3.3 and M3.4, given that any adverse visual impacts associated with this development can be kept to acceptable levels.

Ecology and restoration

82. Policy M4.10 of the MLP states that where planning permission involves the reclamation of mineral workings, schemes should include full details of the proposed after-use and be designed to maximise opportunities to enhance the environment, biodiversity and amenity of the local community. MLP Policy M4.12 states that where planning permission involves the reclamation of mineral workings to agriculture, the County Council will encourage such proposals to take full account of the Countryside Appraisal and Local Biodiversity Action Plan. Also of relevance is Policy 28 of the RSS, which seeks to ensure that there is a net gain in terms of habitat creation, and enhanced ecological benefit.
83. MLP Policy M3.16 states that planning permission for minerals development will only be granted in the best and most versatile agricultural land (grades 1, 2 and 3a) where it can be demonstrated that the proposals would not affect the long term agricultural potential of the land.
84. The relevant Conservation bodies are able to support the proposed extension of time. It is noted that the additional period of disturbance to fauna in the area, is probably not significant, given that existing operations have already caused habitat and faunal disturbance on the site. In mitigation, other parts of the wider

East Leake Quarry site are already in a relatively advanced stage of restoration, providing compensatory habitat for species that have been displaced from the mineral extraction site on Jenks' Land.

85. The proposal would involve extending the extraction period on an area that is already actively quarried, by an additional twelve months until September 2013. In terms of any cumulative impacts, it would mean that the localised disturbance would occur over a longer period of time than originally anticipated. However, it is considered that this would not give rise to any significant ecological impacts, given that appropriate controls are already in place.
86. The current programme of monitoring of a protected species would be extended to cover the extended period of working. A suite of planning conditions covering the ecology of the site area, would continue to be maintained throughout the operational life of the extension site.
87. It is noted that whilst any extended period of mineral working would postpone the final reclamation of the site, it would not materially impact on the detail of the final restoration scheme, which would deliver a mix of agriculture and wetland conservation. The proposed restoration would still involve the majority of the land being reclaimed to agriculture, with the north-western corner of the site being restored to a combination of a lake, wetland and marsh community, and wet grassland. This element of the restoration scheme would contribute to the targets for wetland habitat creation, established under the Nottinghamshire Local Biodiversity Action Plan. The proposed extension of time would not impact on the final restoration, albeit in terms of the timescale for its implementation, and the overall scheme would continue to accord with MLP Policies M3.16, M4.10 and M4.12. Any attached planning conditions, would continue to ensure that the final landform around the proposed lake takes into account the fact that the site is on the flight path of the runway approach to East Midlands Airport, so as to prevent artificially high numbers of wildfowl. The long term aftercare management of the scheme would continue to be secured under an existing Section 106 Agreement.

Archaeology

88. MLP Policy M3.24 provides guidance in respect of archaeology with mineral workings. The policy advises that archaeological remains of national importance should be preserved in situ. However, remains of lesser importance, such as those at East Leake Quarry, can be preserved by excavation, recording and publication.
89. In line with this policy, the site is subject to an archaeological watching brief, which has been approved by the County Council's Archaeology Officer, and this would continue to be the case during any extended time frame for completing mineral extraction. The scheme would continue to ensure the detailed monitoring of the site remains in place, as it moves into its final mineral extraction phase, together with the implementation of appropriate contingency measures, should significant archaeological remains be found, in accordance with MLP Policy M3.24. The archaeological interest on the site would continue to be secured by the relevant planning condition.

Ground and Surface Water / Flood Risk

90. MLP Policy M3.8 seeks to ensure that minerals development does not detrimentally alter surface water flows; affect groundwater levels, and ensure that there are no risks of polluting ground or surface waters. Policy M3.9 seeks to ensure that such development would not unacceptably impact on flood flows and flood storage capacity, or on the integrity or function of flood defences and local land drainage systems, through the imposition of appropriate conditions to mitigate both temporary and permanent adverse effects of the development.
91. It is not anticipated that the proposed extension of time would have any greater impact on ground water levels than existing operations, as it merely represents a continuation of current operations, and there is nothing to indicate that the proposal would impact negatively upon ground water levels. Activities associated with water abstraction would continue at current rates, with the site continuing to be dewatered during mineral extraction, although this would be compensated by activities associated with the progressive phased restoration, which would involve a reduction in pumping and any draw down on the surrounding environment. With regards to ground and surface water impacts, the extension site and all associated mineral operations would continue to operate in accordance with the approved surface water run-off limitation scheme, as approved by the MPA in December 2009, for the duration of operations. The appropriate planning condition relating to the approved surface water drainage scheme would remain in place throughout the duration of any extended operations.
92. Processed water used in the sand and gravel washing system would continue to be discharged into the approved settlement ponds prior to being discharged into any controlled waters. There is a duty on the applicant to maintain the settlement ponds on a regular basis to ensure the lagoons remain operational, until restoration of the site is completed.
93. It is noted that both the EA and the Trent Valley Internal Drainage Board find the proposed extension of time acceptable, although the Board has emphasised the need for any off-site discharge of surface water or foul effluent to be undertaken in a controlled manner, so as to ensure that any flood risk to either East Leake or Sheepwash Brook is not increased. Attention is drawn to the fact that the County Council's Monitoring and Enforcement Officer has investigated complaints regarding flooding of the Sheepwash Brook, and there has been no evidence to indicate that the mineral operations are responsible for this problem. It is considered that the approved surface water drainage scheme is capable of controlling this element of the operations, and any extended minerals working would continue to accord with Policies M3.8 and M3.9 of the MLP.

Right of way

94. With regards to Rempstone Bridleway Number 11, a diversion order for its temporary re-routeing around the extension site would remain in place for a further year, until all mineral extraction has ceased, in accordance with advice from the County Council's Countryside Access Officer. It is noted that as part of the restoration scheme for the site, the applicant is proposing to reinstate the

bridleway back to its original route within the extension site. This would see the right of way reinstated to a central location within Jenks' Land.

95. There would be a beneficial gain on the bridleways reinstatement, as it is proposed to extend the bridleway in a northerly direction, to a point where it would link into the existing Rempstone Footpath Number 1. This would enhance what was previously there, as historically the bridleway has not linked up with any other rights of way.

Sustainability implications

96. Policy M2.1 of the MLP states that planning permission will only be granted for minerals development which have taken into account the relevant sustainable development objectives set out in paragraph 2.5. Of particular relevance to this development are criteria (ii) and (iii) which seek to ensure that the environmental impacts caused by the mineral operations and the transport of minerals are kept to an acceptable minimum; and to encourage sensitive working, restoration and aftercare practices so as to preserve and enhance the overall quality of the environment once extraction has ceased with the creation of valuable new habitats and features.
97. Section 13 of the NPPF seeks to ensure the best use of minerals, as a finite resource, and promotes the sustainable development of mineral resources. It is considered that the proposed extension of time to complete sand and gravel extraction within the permitted minerals working area, is in itself sustainable development. Without the additional time, viable reserves of sand and gravel would have to be left unworked, which would effectively sterilise the permitted reserve, which is not considered sustainable. The continuation of extraction until all previously permitted reserves have been exhausted is deemed to be the most sustainable option, and meets a recognised local need for sand and gravel within the south of the county. In line with criteria (ii) of MLP Policy M2.1, existing operations are undertaken to appropriate environmental standards, to minimise and mitigate any adverse impacts on the local environment resulting from the minerals development, and this would continue to be the case, if operations were extended for an additional time period. Also, in line with criteria (iii) of MLP Policy M2.1, restoration of the site affords the opportunity to develop wetland habitat, which would be of net benefit in terms of increasing biodiversity in an area formerly of low ecological value. The proposal therefore accords with the principles of sustainable development, contained in MLP Policy M2.1, and as set out in the NPPF.

Highways implications

98. MLP Policy M3.13 states that planning permission will not be granted for minerals development where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable impact upon the environment and disturbance to local amenity.
99. The proposal represents a continuation of existing activities, involving up to 100 vehicle movements per day, and the continuing use of existing access arrangements onto Rempstone Road. The proposal would not involve any

increase in HGV movements to and from the site, and an existing lorry routeing agreement would remain in place, involving access to and from the site, via Rempstone Road and the A6006, thereby avoiding East Leake. The extension of time would not have any detrimental impact, in terms of either vehicle generation or vehicular access, and the proposal would continue to accord with MLP Policy M3.13.

100. It is not anticipated that the proposed increase in campaign extraction would increase the proposed production levels. It is merely seeking the flexibility to be able to meet market demand and production levels of between 145,000 and 180,000 tonnes per annum. Therefore, there would be no increase in vehicle numbers, nor would there be any impact on the surrounding highway network.

Other Options Considered

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

Statutory and Policy Implications

102. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service 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

103. It is considered that there would be no particular crime and disorder implications. The site is secured by existing mature hedgerow and trees to the site perimeter, and it is understood that the applicant provides additional security, as and when required.

Human Rights Implications

104. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to generate impacts of noise and visual amenity upon the nearest sensitive residential receptors, as well as upon users of the bridleway. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of sustaining a local supply of primary aggregate to the local construction industry; coupled with the ability to control such amenity impacts through planning conditions. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

105. The application has been considered against the National Planning Policy Framework, the Regional Spatial Strategy for the East Midlands, and the

Minerals Local Plan, all of which are underpinned by the objective of achieving sustainable development. The proposed development would ensure that all viable reserves of sand and gravel are extracted, prior to reclamation of the land back to agriculture and a wetland conservation use, so as to avoid sterilising the permitted reserve. By working the remaining sand and gravel reserves, it would continue to meet a recognised local need for sand and gravel. Restoration of the site affords the opportunity to develop wetland habitat, which would of net benefit in terms of increasing biodiversity in an area formerly of low ecological value.

Conclusions and Statement of Reasons for the Decision

106. The remaining reserve on the Jenks' Land extension site, whilst being limited in extent, is still commercially viable and strategically placed to serve the quarry's local markets in South Nottinghamshire and North Leicestershire. The proposed duration necessary to complete all mineral extraction is relatively brief, with an additional twelve months being sufficient time in which to extract all the previously permitted sand and gravel reserves, and the indications are that it would not detrimentally impact on the surrounding environment or on any sensitive residential receptors. It is considered that a brief time-limited extension to permitted working would not unduly delay the final restoration of the site.
107. In assessing the acceptability of the proposal, consideration has been given to the National Planning Policy Framework (March, 2012) (NPPF) and the accompanying Technical Guidance; Policy 1 (Regional Core Objectives), Policy 28 (Priorities for enhancing the Region's Biodiversity) and Policy 37 (Regional Priorities for Non Energy Minerals) of the Regional Spatial Strategy for the East Midlands RSS8 (March 2005) (RSS); and Policies M2.1 (Sustainable Development), M3.3 (Visual Intrusion), M3.5 (Noise), M3.7 (Dust), M3.8 (Water Environment), M3.9 (Flooding), M3.13 (Vehicular Movements), M4.10 (After-Use), and M6.3 (Sand and Gravel Extraction in Unallocated Land) of the Nottinghamshire Minerals Local Plan (Adopted December 2005) (MLP).
108. In accordance with RSS Policies 1 and 37, the development would involve the prudent use of resources, whilst ensuring that there would be a continuation of an existing local supply of sand and gravel to markets in the south of Nottinghamshire and north Leicestershire.
109. The extension site is not identified as an allocated site in the MLP. Therefore in terms of assessing the extension of time to work out all previously permitted mineral reserves, the proposal has been determined against MLP Policy M6.3. As it is not compliant with the landbank element of Policy M6.3, it is considered to be 'inappropriate development' and accordingly represents a 'departure' to the MLP. Notwithstanding this, there is some support from this policy for the proposed development, in the respect that it would maintain the production capacity of sand and gravel in the southern part of the county. By working the remaining mineral reserves, the extension of time would ensure that the remaining reserves continue to meet a local need.
110. In line with the NPPF, the RSS, and MLP Policy M2.1, the development accords with the principles of sustainable development, in terms of recognising a local

need for sand and gravel in the south of the county, minimising haulage of aggregate material from more remote quarry workings, and through an efficient use of existing resources, involving utilising existing processing plant and ancillary infrastructure. Also in accordance with Policy M2.1, the restoration would be on a progressive phased basis, which would continue throughout the extended working period, creating a final wetland and conservation grassland habitat, of ecological value and increasing biodiversity.

111. Extending the time permitted to extract the final reserves of sand and gravel on the permitted extension site, accords with the principles of sustainable development in line with the NPPF, RSS Policy 28, and Policy M2.1 of the MLP. In this respect, the additional time, would allow viable reserves of sand and gravel to be worked, thereby avoiding sterilising a previously permitted reserve. The continuation of extraction until all such reserves have been exhausted is deemed to be the most sustainable option, and would meet a recognised local need for sand and gravel. The existing operations are undertaken to appropriate environmental standards, in order to mitigate any adverse impact on the local environment, in accordance with the suite of appropriate planning conditions, and this would continue to be the case.
112. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the MLP. Subject to the continued use of appropriate planning conditions, which have ensured environmental compliance to date, significant adverse impacts would not result. In reaching this conclusion, consideration has been given to MLP Policies M3.3 and M3.4 relating to visual impact, Policy M3.5 relating to noise, M3.7 relating to dust, Policies M3.8 and M3.9 relating to surface and ground water drainage, and the risk of flooding respectively, and Policy M3.13 relating to traffic impact.
113. Whilst the proposed extension of time would postpone the final reclamation of the site, this delay would be relatively minor, it would not materially impact on the detail of the final restoration scheme, which would deliver a mix of agriculture and wetland conservation in accordance with MLP Policies M3.16, M4.10 and M4.12, and RSS Policy 28. Restoration of the site would deliver a wetland habitat, which would be of net benefit in terms of increasing biodiversity, in an area formerly of low ecological value. The long term aftercare of the scheme would continue to be secured under a legal agreement.
114. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions, and the extant Section 106 agreement covering lorry routing and long term aftercare of the wetland conservation area.

Statement of Positive and Proactive Engagement

115. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This

approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

116. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director for Policy, Planning & Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 18.03.13]

Comments of the Service Director - Finance

Any comments received will be reported orally at Committee

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Councillor Lynn Sykes Soar Valley

Report Author / Case Officer

Deborah Wragg
0115 9696510

For any enquiries about this report, please contact the report author.

W001097
PSP.JS/TEB/ep5367
18 March 2013

RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 3 months from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least seven days, but not more than 14 days, prior to the commencement of development.

Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

3. Up until the completion of the development, a copy of this permission, including all plans and documents hereby approved and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the MPA during normal working hours.

Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

Approved plans

4. The development hereby permitted shall only be carried out in accordance with the details contained within the environmental statement and its appendices and in the documents and plans identified below, unless otherwise agreed in writing with the MPA, or where amendments are made pursuant to the other conditions below:

- (a) Drawing number ELQE/1 Revision A – Application Site Plan received by the MPA on 9 May 2008;
- (b) Drawing number ELQE/5 – Restoration received by the MPA on 18 October 2007;
- (c) Drawing number ELQE/6 – Restoration Sections received by the MPA on 18 October 2007;
- (d) Planning application received by the MPA on 1 February 2010, Certificates of Ownership and Supporting Statement received by the MPA on 4th January 2010;

- (e) Noise Survey Report No. R09.5888/1/AG, titled 'Assessment of Environmental Impact of Noise for Cemex UK Operations Ltd' by Vibrock Limited, dated 31.07.09, received by the MPA on 4th January 2010;
- (f) Location Plan titled 'Site Location and Landscape Designations' No. L.01 received by the MPA on 4th January 2010;
- (g) Plan titled 'Method of Working' Drawing No. P3/689/3 Working Phases received by the MPA on 4th January 2010;
- (h) Plan titled 'Method of Working' Drawing No. P3/689/3 Phase 1a received by the MPA on 4th January 2010;
- (i) Plan titled 'Method of Working' Drawing No. P3/689/3 Phase 1b received by the MPA on 4th January 2010;
- (j) Plan titled 'Method of Working' Drawing No. P3/689/3 Phase 1c received by the MPA on 4th January 2010.
- (k) Planning Statement, dated June 2011, as received by the MPA on 27th June 2011, except for the raw stocking height of 5 metres, referenced in paragraphs 5.3 and 5.4 of that document, which is amended by email letters from Cemex received by the MPA on 12th August 2011 and 27th September 2011, to a maximum raw stockpile height of 8 metres.
- (l) Noise Survey Report No. R10.6582/1/JG, titled 'Noise Monitoring in Accordance with Planning Conditions for Cemex UK Operations' by Vibrock Limited, dated 30.09.10, received by the MPA on 27th June 2011.
- (m) Noise Survey Report No. R11.6582/2/SE, titled 'Noise Monitoring in Accordance with Planning Conditions at East Leake Quarry, Nottinghamshire for Cemex UK Operations' by Vibrock Limited, dated 31.03.11, received by the MPA on 27th June 2011.
- (n) Planning application form received by the MPA on 5th July 2011.
- (o) Planning application form and Planning Statement received by the MPA on 16th August 2012;
- (p) Plan titled 'Borehole Locations', Drawing No. SK5825350 received by the MPA on 16th August 2012;
- (q) Documentation of Borehole Logs, (Type – No) FA-02/04 received by the MPA on 16th August 2012;
- (r) Plan titled 'Quarry Survey (Dec'11) (Dig Updated Jan'12)' Drawing No. ELEK_MOD_PW_1211.PDF received by the MPA on 20th August 2012.

Reason: For the avoidance of doubt.

Duration of the planning permission

5. All mineral extraction shall cease by 15 September 2013. The MPA shall be notified in writing of the date on which mineral extraction ceases.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

6. All restoration operations in accordance with conditions 50-52 shall be completed within one year after the cessation of mineral extraction, as notified under condition 5 above, unless otherwise agreed in writing beforehand by the MPA.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Quarry access and protection of the highway network

7. Vehicular access to the site shall only be gained from Rempstone Road along the existing site access as shown on drawing number ELQE/2 – Phase 1a received by the MPA on 18 October 2007. Vehicular access to the site shall not be gained from any other route. The site access road shall be removed from the site within 12 months of the completion of extraction as notified under condition 5 above.

Reason: To ensure that all quarry traffic obtains access to the site through the dedicated site access in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

8. Existing signs at the quarry entrance instructing all HGV drivers to turn left only out of the site shall be maintained throughout the life of the development. All drivers of HGVs shall exit the site turning left only.

Reason: In the interest of highway safety and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

9. All HGVs leaving the site shall pass through the existing wheel wash facilities prior to joining the public highway in order to prevent the deposit of mud, clay and other deleterious materials upon the public highway. The wheel wash facilities shall be maintained in good working order throughout the life of the development. The wheelwash shall be removed from the site within 12 months of the completion of extraction as notified under condition 5 above.

Reason: To ensure that no vehicle shall leave the site in a condition whereby mud, clay or other deleterious material is deposited onto the public highway in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

10. There shall be a maximum of 100 two way HGV movements each day (50 HGVs into the site and 50 HGVs out of the site). Written records shall be maintained of all HGV movements into and out of the site during operational hours. Copies of all HGV movement records shall be made available to the MPA within seven days of a written request being made by the MPA.

Reason: To limit vehicle movements at the site in the interest of highway safety and amenity and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

11. The processing plant and quarry access road detailed on drawing number ELQE/2 – Phase 1a shall only be used for the processing and movement of sand and gravel arising from the development hereby permitted and that subject to the existing planning permissions 8/10/00191/CMA, modifying APP/M3000/A/90/158492/P3.

Reason: To limit vehicle movements at the site in the interest of highway safety and amenity and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

Hours of working

12. Except in the case of emergency when life, limb or property are in danger, with such instances to be notified in writing to the MPA within 48 hours of their occurrence, or with the prior written agreement of the MPA, the development hereby permitted shall only take place within the following hours:

Mondays to Fridays	0700 hrs – 1900 hrs
Saturdays	0700 hrs – 1300 hrs

There shall be no working on Sundays, Public or Bank Holidays.

Reason: In the interest of amenity and in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan

Noise

13. Except for temporary operations, the free-field equivalent continuous noise level L_{Aeq} , 1hr at the noise sensitive premises nearest the extraction site, due to operations at the site, shall not exceed the relevant criterion limit specified at each of the residential properties listed below. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Location	Site noise limit dB L_{Aeq} , 1hr free-field
Home Farm Cottage	54
The Lings Farm	50
Lings Farmhouse	55
Holy Cross Cottage	55

Rempstone Hall	55
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Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

14. For temporary operations such as site preparation, soil stripping, bund formation and removal, and final restoration, the free-field noise level due to operations at the site at the nearest point to each of the noise sensitive locations listed in condition 13 above shall not exceed 70 dB L_{Aeq} , 1hr free-field expressed in the same manner as for condition 13 above. Temporary operations shall not exceed a total of eight weeks in any 12 month period for operations close to any individual noise sensitive properties.

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

15. Noise levels shall be monitored in May 2013, at each of the noise sensitive locations listed in condition 13 above, except in the event that a complaint is received by the MPA, in which case noise levels shall be monitored within two weeks of a written request from the MPA. The monitoring shall take place when site equipment is operating normally and the duration of sample measurements shall be 15 minutes unless the site noise level is at or above the relevant site noise limit agreed for the location, in which event a full 1 hour sample shall be taken. The surveys shall exclude so far as possible extraneous noises such as passing traffic. The measurements shall be carried out in accordance with the provisions of BS4142:1997 (or as maybe subsequently amended) and the $L_{A90, T}$, and $L_{Aeq, T}$ noise levels shall be reported, together with the weather conditions and the sources of audible noise. On request, the operator shall, within two weeks of a written request, provide the MPA with details of the noise measurements. The monitoring locations and frequency of sampling may be varied by agreement with the MPA.

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

16. Mineral extraction shall only take place on a campaign basis, a maximum of 6 campaigns shall take place in any calendar year and each campaign shall be for a maximum period of 6 weeks. A record of the date of commencement and completion of each campaign shall be kept in writing by the operator and copies shall be made available to the MPA within two weeks of a written request. No campaign shall commence unless there is sufficient capacity within the processing plant area to accommodate the mineral won in that campaign in stockpiles of less than 8m in height, both in unprocessed and processed stockpiles. The base level from which the 8m height of the stockpiles shall be taken is a marked out point on the bottom right hand concrete step to the electrical switch house, which is given as a datum of 66.10AOD, as notified to the MPA in an email letter dated 14th November 2011, and stockpiles shall not

exceed 74.5mAOD. A level of 74.5mAOD has been marked out on the crusher house handrail, as notified to the MPA in the same 14th November 2011 email letter.

Reason: To ensure that noise and visual amenity impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 and Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Dust

17. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- (a) The use of water bowzers to dampen haul roads, stock piles and other operational areas of the site;
 - (b) The sweeping of access and haul roads, where necessary;
 - (c) The minimisation of drop heights during the loading and unloading of sand and gravel;
 - (d) Limiting on-site vehicle speeds;
 - (e) Upon request of the MPA, the temporary suspensions of mineral extraction, conveying and processing or soil movements during periods of unfavourably dry or windy weather conditions.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

Prevention of pollution of surface and ground water

18. A scheme for the provision and implementation of surface water run-off limitation shall be implemented in accordance with the approved details outlined in the document titled 'East Leake Quarry: surface water runoff limitation scheme' as received by the MPA on 9th December 2009 and the proposed interceptor trench as shown on Plan titled 'Proposed Interceptor Trench' Drawing No. SK 5265_CAW_D_080909_A as received by the MPA on 9th December 2009, and approved by the MPA in a letter dated 25 February 2010. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

19. Processed water used in the sand and gravel washing system shall be discharged into the approved settlement ponds prior to being discharged into any controlled waters. From the commencement of the development until restoration

of the site the operator shall maintain the settlement ponds on a regular basis to ensure the lagoons remain operational.

Reason: To prevent the pollution of controlled waters in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

20. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Mineral processing and stockpiling

21. Excavated minerals from the development hereby permitted shall only be processed and stockpiled at the operator's adjacent plant site as detailed on Drawing Number ELQE/2 received by the MPA on 18 October 2007. No excavated mineral shall be processed and stockpiled within the permission area outlined red on Drawing Number ELQE/1 Revision A received by the MPA on 9 May 2008.

Reason: In the interests of visual amenity and to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Buildings, fixed plant and machinery

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent amended legislation, no buildings, fixed plant or machinery, other than approved by this permission, shall be erected or placed on the site without the prior written approval of the MPA.

Reason: To enable the MPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Landscaping

23. The planting measures to improve the screening of the site shall be implemented in accordance with measures outlined in the document titled 'Extension to existing quarry involving the extraction of sand and gravel and restoration of site to agriculture and wetland conservation – Submission of details under condition

18, 23, 25, 28, 34 and 39 of planning permission 8/07/02187/CMA' dated February 2010, Section 3.0 Condition 23, as received by the MPA on 4th March 2010, and approved by the MPA in a letter dated 10th March 2011. These screening measures shall be implemented in accordance with the approved details and maintained throughout the life of the development.

Reason: In the interests of visual amenity and to ensure compliance with Policy M3.4 of the Nottinghamshire Minerals Local Plan.

Ecology

24. A re-survey shall be undertaken by 31st May 2013 and in the event that any protected species are identified, a working design, method statement and timetable of works to mitigate any undue adverse effects to protected species, shall be submitted to the MPA for its approval in writing. The submission shall include a plan showing the location of the protected species' habitat, suitable stand-off distances between the habitat and operational areas associated with the development, and a suitable means of demarcating this stand-off distance. The mitigation measures shall be implemented in accordance with the approved details and maintained for the duration of the development.

Reason: To ensure that protected species are not adversely affected by the development in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan.

25. The retained trees and hedgerow shall be protected in accordance with the measurements specified on Plan titled 'Soil Mound Plan' Drawing No. P3/689/4 as received by the MPA on 8th November 2010 and approved by the MPA in a letter dated 10 March 2011. The means of protection shall accord with the provisions set out in British Standard BS 5837:2005 entitled 'Trees in Relation to Construction' (or as may be subsequently amended). The means of protection shall be implemented and maintained in accordance with the approved details and shall be retained on site until all plant and machinery have been removed from the site. No excavation shall be made within the protected area(s) without the prior written approval of the MPA.

Reason: In the interests of visual amenity and to accord with Policy M3.4 of the Nottinghamshire Minerals Local Plan.

26. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA.

Reason: To ensure that breeding birds are not adversely affected by the development.

Archaeology

27. An archaeological mitigation scheme detailed in the document by White, Young Green Planning, dated 21st October 2009, and Plan 'Figure 1: Mitigation

Strategy' received by the MPA on 12th April 2010, approved by the MPA in a letter dated 10th May 2010 shall remain in place throughout the life of the development.

Reason: To ensure that adequate archaeological investigation and recording is undertaken prior to the extraction of minerals in accordance with Policy M3.24 of the Nottinghamshire Minerals Local Plan.

Public rights of way

28. The measures to protect users of the diverted Rempstone Bridleway Number 11, shall be maintained for the duration of the development, and this shall include the signage for the diverted bridleway, as outlined in the document titled 'Extension to existing quarry involving the extraction of sand and gravel and restoration of site to agriculture and wetland conservation – Submission of details under Condition 18, 23, 25, 28, 34 and 39 of planning permission 8/07/02187/CMA' dated February 2010, Section 5.0 Condition 28, as received by the MPA on 4th March 2010, and an email letter from the County Council's Area Rights of Way Officer, as received by the MPA on 9th March 2011, and approved by the MPA in a letter dated 10th March 2011.

Reason: In the interest of safety for bridleway users.

29. The diverted Rempstone Bridleway Number 11 along the southern, eastern and northern boundaries of the site, shall be maintained in accordance with the approved details on Drawing Number P3/689/3 Working Phases received by the MPA on 4 January 2010.

Reason: In the interests of safety for bridleway users and to maintain the public right of way network in accordance with Policy M3.26 of the Nottinghamshire Minerals Local Plan.

Phasing

30. Extraction operations shall progress sequentially in accordance with Drawing Numbers P3/689/3 Phase 1a, P3/689/3 Phase 1b and P3/689/3 Phase 1c, all received by the MPA on 4 January 2010.

Reason: To ensure the prompt and phased restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

31. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following cessation of all mineral extraction as notified to the MPA under condition 5. The survey shall identify areas of the site which are to be restored and those already restored.

Reason: To monitor the phased restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Soil stripping, handling and storage

32. The MPA shall be notified in writing at least 5 working days, but not more than 10 working days, before soil stripping is due to commence in any phase, or part phase in the event that a phase is not stripped in its entirety in one stripping campaign.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

33. No turf, topsoil, subsoil or overburden shall be removed from the site. No waste materials including soils and mineral working wastes shall be brought onto the site.

Reason: To ensure satisfactory restoration of the site, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

34. Each phase of the development, phases 1a – 1c of the site, shall be carried out in accordance with the approved scheme, as outlined in the revised soil handling scheme as specified in the documentation titled 'Soil Handling Scheme for East Leake, Nottinghamshire, CEMEX UK Operations – Eastern Region UK', and Plan titled 'Soil Mound Plan' Drawing No. P3/689/4, as received by the MPA on 8th November 2010, and approved by the MPA in a letter dated 10th March 2011. Soils shall be stored in accordance with the details of the soil storage, as outlined in the document titled 'Extension to existing quarry involving the extraction of sand and gravel and restoration of site to agriculture and wetland conservation – Submission of details under Condition 18, 23, 25, 28, 34 and 39 of planning permission 8/07/02187/CMA' dated February 2010, Section 6.0 Condition 34 and Table 1.0 Soil Storage, as received by the MPA on 4th March 2010, and approved by the MPA in a letter dated 5th November 2010.

Reason: To ensure satisfactory restoration of the site, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

35. All topsoil, subsoil and overburden shall be stripped separately to their full depths.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

36. No plant or vehicles shall cross any area of unstripped topsoil, subsoil or overburden except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of topsoil, subsoil or overburden or waste or mineral deposits, until all available topsoil, subsoil and overburden has been stripped from that part.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

37. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

38. Topsoil, subsoil, and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:

- (a) During the months of April to October inclusive, unless otherwise approved in writing by the MPA;
- (b) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (c) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

39. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction in accordance with the seed mixture received by the MPA on 9th December 2009, and which has been agreed in writing by the MPA in a letter dated 25 February 2010. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

40. Details of the volumes and location of soils stored on the site shall be submitted to the MPA by 31 December each year in conjunction with the details submitted pursuant to condition 31 above.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Soil Replacement

41. The MPA shall be notified in writing at least 5 working days before each of the following:
- (a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
 - (b) When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out;
 - (c) On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

42. Overburden, subsoil and topsoil shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of overburden, subsoil or topsoil shall occur:
- (a) During the months November to March (inclusive), unless otherwise agreed in writing with the MPA;
 - (b) When it is raining; or
 - (c) When there are pools of water on the surface of the storage mound or receiving area.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

43. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

44. Each overburden layer placed shall be ripped using overlapping parallel passes:
- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
 - (b) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid.

Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

45. Each subsoil layer placed shall be ripped using overlapping parallel passes:
- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
 - (b) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

46. Only low ground pressure machinery shall work on re-laid topsoil to replace and level topsoil.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

47. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:
- (a) To provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
 - (b) To the full depth of the topsoil plus 100mm; and
 - (c) Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

48. Following placement of topsoil, the surface shall be rooted and cross-ripped to an agreed depth and spacing but shall penetrate 150mm into the underlying layer or 500mm total depth, whichever is the greater, to remove compaction at the interface and loosen all material within the area and depth of operations. Stones and any other obstruction to cultivation greater than 100mm in any dimension shall be removed.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

49. The total restored soil and soil-like material profile shall have a depth of at least 120cm.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Restoration

50. The site shall be restored in accordance with Drawing Numbers ELQE/5 and ELQE/6 received by the MPA on 18 October 2007. Landscape planting shall be undertaken during the first seeding and planting seasons following placement of topsoils in each phase. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species and maintained, unless the MPA gives written consent for a variation to be replanted.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.

51. All tree and hedgerow planting, and grassland establishment required under condition 50 above shall be carried out in accordance with the details contained within the report titled 'Restoration to Pasture, Wetland and Open Water, Outline Five Year Aftercare Scheme' dated February 2012, including Appendix 2, received by the MPA on 14th February 2012, and approved by the MPA in a letter dated 4th May 2012.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.

52. The restored site shall not include any islands, incipient islands or narrow peninsula features.

Reason: To ensure the restored site does not result in artificially high wildfowl traffic through the runway approach of East Midlands Airport.

Aftercare

53. Following restoration the site shall undergo aftercare management for a 5 year period.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

54. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year aftercare period shall run from the agreed date.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

55. The aftercare scheme and strategy shall be carried out in accordance with the details contained within the report titled 'Restoration to Pasture, Wetland and Open Water, Outline Five Year Aftercare Scheme' dated February 2012, including Appendix 2, received by the MPA on 14th February 2012, and approved by the MPA in a letter dated 4th May 2012.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

56. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in condition 55 above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

57. The aftercare programme shall be implemented in accordance with the details approved under condition 55 above, as amended following the annual site meeting referred to in condition 56 above.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

Alternative restoration

58. Should, for any reason, mineral extraction from the application site cease for a period in excess of 6 months, then, within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing to the MPA for the approval of the MPA. Such a scheme shall include details of the final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

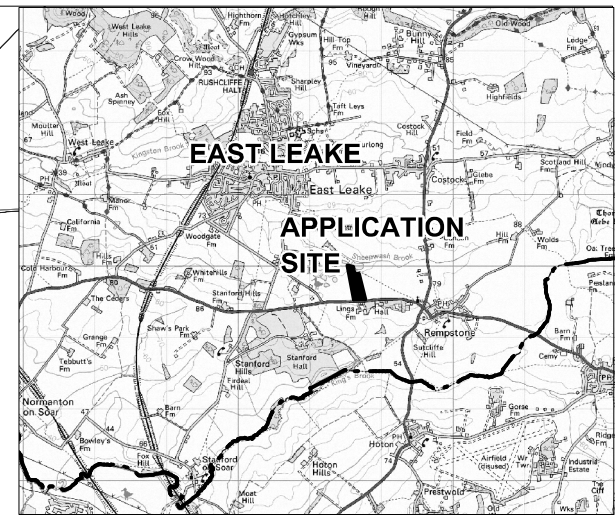
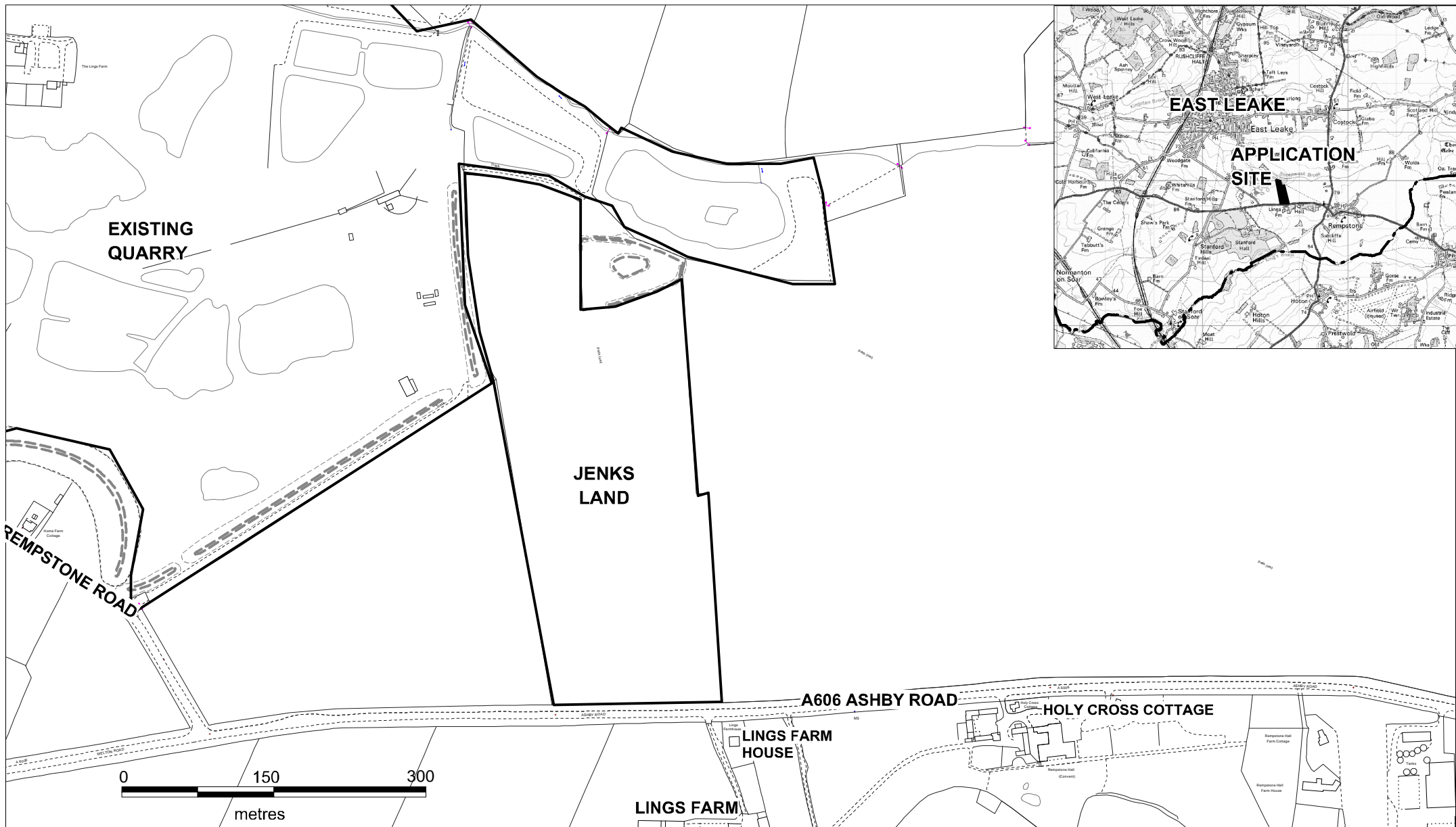
Reason: To secure proper restoration of the site within an acceptable timescale.

59. The revised restoration scheme approved under condition 58 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 53-57 above.

Reason: To secure proper restoration of the site within an acceptable timescale.

Note to applicant

1. The applicant's attention is drawn to the content of the letter from East Midlands Airport dated 28 November 2007 which is attached to the decision letter.
2. The applicant's attention is drawn to the content of the letter from The Ramblers' Association, received by the MPA on 19th February 2010.
3. The applicant's attention is drawn to the comments from Trent Valley Internal Drainage Board, received by the MPA on 20th September 2012.



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

Variation of Condition 5 of Planning Permission 8/11/01100/CMA to extend the time period necessary to extract all permitted reserves at Jenks Land, East Leake Quarry, Rempstone Road, East Leake.

Planning Application No. 8/12/01488/CMA

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Produced by: JW

Date: MARCH 2013



26th March 2013

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

RUSHCLIFFE DISTRICT REF. NO.: 8/11/00157/CMA

**PROPOSAL: EXTENSION TO EXISTING QUARRY INVOLVING THE EXTRACTION OF
SAND AND GRAVEL WITH RESTORATION OF SITE TO AGRICULTURE
AND WETLAND CONSERVATION**

LOCATION: EAST LEAKE QUARRY, REMPSTONE ROAD, EAST LEAKE

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider a planning application for an extension to the existing East Leake Quarry at Rempstone Road, East Leake. The key issues relate to the need for the site, the fact that the site is not allocated for mineral extraction in the Nottinghamshire Minerals Local Plan (Adopted December 2005), safeguarding issues at East Midlands Airport and the restoration of the site. The application has been treated as a 'departure' from the Development Plan. The recommendation is to grant conditional planning permission subject to the signing of a legal agreement to control lorry movements and provide extended aftercare management for the wetland conservation area.

The Site and Surroundings

2. East Leake (or Lings Farm) Quarry approximately 15 kilometres south of Nottingham city centre, towards the county boundary with Leicestershire, with Loughborough town centre and the City of Leicester being situated some 4km and 14km respectively, to the south. The City of Derby is located approximately 17km to the north west. It is located approximately one kilometre to the west of the centre of Rempstone Village and a similar distance to the south east of East Leake. The site is located in close proximity to the major road network, with the A6006 (Melton Road) linking into the M1, M42, A46 and A6. The quarrying operations have extended eastwards (Jenks' Land) whilst the current application site proposes to work a further parcel of land, known as Burton's Land, situated to the southeast of the original quarry and to the west of the easterly extension (see Plan 1).

3. The nearest residential properties to the site are Home Farm Cottage, which is situated approximately 126m to the north-west (see Plan 1); and Lings Farm and Lings Farmhouse, approximately 140m and 173m respectively, to the south-east of the site, albeit separated from the site by the A6006 (Melton Road). Beyond this, the nearest residential development is Home Farm situated approximately 270m to the north-west, on the opposite (south-western) side of Rempstone Road.
4. The existing operational site comprises the processing plant which is retained on the original East Leake Quarry site and operates under planning permission 8/10/00191/CMA; and the operational extraction site comprising the Jenks' Land extension site (Plg. Ref. 8/11/01100/CMA) to the east. The existing East Leake Quarry site covers an area of approximately 48 hectares (ha.), with the permitted extension (Jenks' Land) comprising some 8.4 ha. of this total site area. The footprint of the application site covers a further area of approximately 7.7 ha.
5. The original quarry area is made up of a series of silt and fresh water lagoons, worked areas, stockpiles of quarried material, and associated processing plant and office buildings. The processing plant itself is situated approximately 200m due north of the application site.
6. The proposed application site lies directly to the north of the Melton Road (A6006), and comprises an undulating, irregularly shaped agricultural field situated immediately to the west of Jenks' Land. The field is currently used for pasture, and is separated from the existing operational site by mature hedgerow and trees. The agricultural field is bounded by mature hedgerow which extends around the site perimeter, interspersed with mature trees. There is an existing agricultural access in the north-western corner of the site onto Rempstone Road.
7. The Melton Road (A6006) and Rempstone Road abut the southern and western site boundaries respectively. To the immediate north of the site lies the main East Leake Quarry site, with the north-western boundary abutting the internal access route off Rempstone Road, beyond mature hedging. Beyond the extended quarry site, lie agricultural fields to the north, together with a number of dispersed residential properties, and the Manor Farm Donkey Sanctuary, which is approximately 330m away from the application site, (to the boundary of the Sanctuary's land holding). More broadly, there is agricultural land to the east, south and west of the wider quarry site, interspersed with occasional residential dwellings and farmsteads.
8. Access to the proposed site would be gained via a newly created access point situated towards the northern corner of the site.
9. The nearest public right of way is Rempstone Bridleway No. 11, which is located on the eastern side of Jenks' Land having been diverted to allow quarrying in that area.
10. The Sheepwash Brook Wetland Site of Importance for Nature Conservation (SINC) and the Sheepwash Brook are located approximately 200-260m to the north-east of the site, respectively. Also within this vicinity, lies St Peter's

Church Cemetery, approximately 150m to the north-east, and beyond this a small fishing lake.

Relevant site history and background

11. As noted above, the application site lies to the immediate west of an extension (Jenks' Land) to the original East Leake Quarry. The original quarry site is worked out, and substantially restored, albeit retaining the processing plant and ancillary infrastructure to service the whole of the quarry workings, including any subsequent extension sites.
12. A planning application for the main quarry site was originally submitted by Butterley Aggregates to the County Council in July 1985 (Plg. Ref. 8/J1/85/1141/P) for the extraction of 2.85 million tonnes of sand and gravel with the importation of suitable fill in order to restore the site back to agricultural use. However, this was refused planning permission in July 1986 on the grounds that the site was not allocated in the Sand and Gravel Local Plan; there was no identified need for the site; and it was not considered acceptable in a predominately rural area. Other reasons for refusal were that there was a substandard access, and unacceptable impacts on water resources, archaeology, as well as impacts of lorry movements and noise.
13. A subsequent planning application was submitted by Butterley Aggregates in March 1989 (Plg. Ref. 8/89/0472/P) which again sought to extract sand and gravel reserves. However, the restoration of the site proposed a low level restoration, including the creation of a lake, which did not require the importation of waste material. This application was again refused planning permission as it was considered that there was insufficient need for the quarry.
14. The applicant appealed against this second refusal, with a public inquiry being held in December 1990. The Inspector upheld the appeal, with planning permission being granted in January 1991, subject to thirty-seven conditions. Operations at the quarry commenced in January 1996 but, due to operational difficulties whereby the sand and gravel reserves have revealed a much higher silt content than was originally envisaged, extraction was completed towards the end of 2009, rather than the originally anticipated end date of 2016.
15. It is noted that in 2000, as part of the preparation of the Nottinghamshire Minerals Local Plan (adopted in December 2005), the then operator RMC put forward an area of land immediately to the east of the Lings Farm Quarry site. This area of land extended towards the A60 and the village of Rempstone, covering an area of approximately 59 hectares. The indications were that the area held approximately 2.5million tonnes of sand and gravel. At the time, the County Council considered that allocating the site in the Deposit Draft Minerals Local Plan would be premature as existing reserves at the operational quarry (Lings Farm Quarry) were expected to last until 2016, with the silt problems not being fully apparent at that time. RMC did not submit representations objecting to the non-allocation of the site in the plan so the site did not have to be considered by the Inspector at the public inquiry held in 2004 to consider objections to the Minerals Local Plan.

16. Planning permission for an extension to the original quarry on adjacent agricultural land identified as Jenks' Land, was granted to the current operator Cemex in June 2009 and superseded by two further permissions in September 2010 and February 2012 respectively. It was proposed to release 320,000 tonnes of sand and gravel which would be worked at a rate of up to 180,000 tonnes per annum, as three phases of working across the site.
17. The extraction of sand and gravel on the extension site (Jenks' Land) is due to be completed in September 2013. It was originally anticipated that the mineral reserves would be exhausted and worked out by September 2012, but due to the economic downturn, this has not proved to be the case. Consequently, a further planning application 8/12/01488/CMA is brought before Committee elsewhere on the agenda to extend mineral extraction on Jenks' Land until September of this year, to ensure that all viable mineral is worked out, prior to completion of the phased restoration.

Proposed Development

18. The planning application seeks planning permission to form a further extension to existing operations at East Leake Quarry, for the extraction of approximately 400,000 tonnes of sand and gravel in four phases (see Plan 2), from an area of agricultural land covering approximately 7.7 hectares. The extraction area itself would cover approximately 4.5 hectares, and extraction would take place over a period of approximately three years. The land would be restored to low level agriculture and wetland conservation, with the restoration concept for the site having been designed to ensure that the final landform complements the existing restoration scheme for East Leake Quarry.
19. Three metre high topsoil and subsoil bunds situated along the southern and western boundaries would provide some screening of activities, as each of the four phases is progressively worked. The sand and gravel would continue to be transported by dumper truck, as happens with the current quarry extension to the existing processing plant at the main quarry site. Access to this would be by a 4m wide internal haul road exiting the site at the northern corner of the proposed extension site, onto the existing haul route. The processed material would continue to be transported out of the site via an existing agreed lorry route avoiding East Leake.

Method of working

20. Prior to the commencement of extraction operations for each phase, vegetation would be cleared and the phasing area would be subject to archaeological investigation in accordance with an approved archaeological watching brief.
21. It is proposed to commence working in the south-eastern corner of the field (Phase 1), with the site then being progressively worked in a westerly direction into Phase 2. The extraction would then move to the north-western corner of the site (Phase 3), before extending in an easterly direction into the final extraction phase (Phase 4). All mineral would be extracted on a multiple campaign basis.

22. An internal haul road would pierce the northern boundary of the extension site, before extending into the centre of the site, from where it would provide direct routes to each of the four working phases. A relatively small section of hedgerow along the northern boundary, towards the northern corner of the site, would be removed, to provide access to the main quarry site via the main internal haul route.
23. It is proposed to maintain a stand-off of 3m from the existing hedgerow for all operational and ancillary development, including the construction of the haul road.
24. The Phase 1 area would comprise approximately 1.5ha of land, and would initially involve topsoil and subsoil stripping in a westerly direction, with soils being stockpiled along the southern boundary of the Phase 1 area. The storage mounds would hold approximately 12,750cu.m. of subsoil/overburden and 2,250cu.m. of topsoil. A trench would be constructed along the southern field boundary, at a distance of 3m from the hedgerow, for the collection of surface water. During this initial phase, it is proposed to extract approximately 135,000 tonnes of sand and gravel, over a twenty-four week period.
25. Phase 2 would continue to see top and subsoils being stripped in a westerly direction, with soils continuing to be stockpiled along the southern boundary, up to the proposed stocking height of 3m. The storage mounds would hold approximately 6,800cu.m. of subsoil/overburden and 1,200cu.m. of topsoil. The second phase would involve working an area of approximately 0.85 ha. and would involve the extraction of approximately 77,000 tonnes of sand and gravel over a fourteen week period.
26. Phase 3 would involve top and subsoils being stripped in an easterly direction, with storage being along the western boundary. The storage mounds would hold approximately 7,225cu.m. of subsoil, and 1,275 cu.m. of topsoil. The third phase would cover an area of approximately 0.80 ha. and would involve the extraction of 73,000 tonnes over a twelve week period.
27. Moving into the final phase (Phase 4), top and subsoils would continue to be stripped in an easterly direction, with soils being backfilled into the extraction area, as part of a progressive restoration of the extension site. Soils would be stored along the northern periphery of phase 4, if this is required. The fourth phase would comprise an area of 1.3ha. involving the extraction of 115,000 tonnes of sand and gravel over twenty weeks.
28. It is anticipated that a maximum working depth of approximately 14m would be reached, as mineral extraction progresses southwards towards the A6006 (Melton Road), as indicated by current extraction works on the adjacent extension site (Jenks' Land).
29. It is proposed to stockpile soils to a maximum stocking height of 3m, with topsoil and subsoil/overburden being stripped and stored separately. All soils would remain on site and would be used in the restoration. The soil storage mounds would be seeded with a wild flower grass seed mix, and appropriately maintained until replacement at the restoration phase of the operations. It is

anticipated that the restoration of the site would be completed within 12 months from the cessation of mineral extraction.

30. It is proposed to 'pull back' the internal haul road, and progressively restore the footprint of the haul road, as part of the progressive restoration of the proposed extraction site.

Silt disposal

31. The proposals would involve pumping any silt produced from the proposed mineral extraction, into the existing silt lagoon system situated within the wider East Leake complex. The proposals would not involve creating a further silt lagoon system within Burton's Land itself, nor is it intended to utilise silt within the proposed restoration of the site, but to restore the site with on-site soils and clay, at a shallower level. It is proposed that silt produced from processing sand and gravel from Burton's Land would be placed into the Jenks' Land silt lagoon system and then fed back into the Lings Farm system.
32. Originally, the proposals involved developing a new silt lagoon system on the application site, and then utilising the silt within the site's restoration. However, the scheme has been revised to dispense with this aspect of the development, and to continue utilising the existing lagoon system. This has been informed by the recent experience at the Jenks' Land extension, which has revealed that the depth of the mineral reserve towards the Melton Road (A6006) prevents a lagoon system being created, until all the mineral reserves have been exposed. The extensive depth of the mineral limits the creation of a silt lagoon, as the clay at the base of the sand and gravel, is necessary to seal the lagoon. Recent experience on site, indicates that the proposed sealed silt lagoons would not have been created within the necessary timeframes. This has resulted in the need for all silt produced from sand and gravel extraction at Burton's Land to be deposited within the quarry's existing silt lagoon system, and hence the revision to the proposals.
33. Although this revision to the proposed scheme of working does not fundamentally affect soil stripping or the process of mineral extraction, it would affect the proposed restoration scheme. As a result, a revised restoration scheme has been designed to form part of these proposals, which represents restoration without silt disposal. It is these proposals which are under consideration in this report.

Operational process

34. It is proposed to dewater the site by pumping, followed by the excavation of the mineral, using a 360 degree hydraulic excavator, and its transportation to the existing processing plant at the original quarry site via dumper truck. It is proposed to extract sand and gravel on a campaign basis, in approximately six-eight week periods, on a quarterly basis. Raw material would be stockpiled within the existing plant site stocking area, ready for processing and sale.
35. The proposed pump (for dewatering) would be located towards the northern boundary, and maintained on the eastern part of the site. The pipe would

extend through the internal access to Burton's Land and along the eastern site boundary, before feeding into the existing surface water management system, which would be utilised and retained for the life of the proposed extraction site.

36. A 360 degree back actor mobile excavator and a dumper truck would be used for soil stripping operations. The storage bund would be formed by the loose placement of stripped soils by the dumper, and shaped using a bulldozer with low pressure tracks. The sand and gravel would be excavated using a 360 degree excavator and loaded into dumper trucks and transported along an internal haul route to the processing plant.

Other operational matters

37. It is proposed to operate the quarry (processing plant and Burton's Land extension) at the current permitted hours of operation, which are 07:00 hrs to 19:00 hrs Mondays to Fridays, and 07:00 hrs to 13:00 hrs on Saturdays, and at no times on Sundays, Bank or Public Holidays.
38. The proposal would continue to use the main site access onto Rempstone Road/Ashby Road. The traffic movements associated with the proposal would continue at the current rate of approximately 72 movements per day (36 two-way trips), with a maximum of 100 vehicles movements. The established designated lorry route would remain in place, requiring vehicular traffic to turn left on exiting the site, to take traffic onto the A6006 (Melton/Ashby Road), thereby avoiding taking traffic via East Leake. Typically the average vehicle is a two-tonne truck with the largest vehicles to the site having a twenty-tonne capacity. The existing wheelwash facility would continue to be utilised.

Restoration

39. It is proposed to restore the site to a mix of agriculture and conservation grassland with dry and wet woodland planting together with a pond area with variable shallow margins (see Plan 3). Soils stored within the bunds to the southern, northern and western boundaries would be reinstated. Following cessation of mineral working, it is proposed to level and grade the site, so as to achieve the proposed final contours. Soils contained within the bunds would then be placed to the appropriate depths, and seeded and planted up, in the following sowing and planting seasons.
40. The site area would be subject to progressive restoration throughout the extraction period, so that by the final phase (Phase 4), the south-eastern part of the site (Phase 1) would be restored, and the south-western (Phase 2) area would be in the process of being restored.
41. The western and most southerly part of the site would be returned to an agricultural pasture field, abutting the A6006 (Melton Road), and extending towards the north-western site boundary. A belt of native broadleaved woodland mix (dry woodland) would extend along the north-western and western site boundaries. The southern and western boundaries would have a graduated slope, in the order of 1.6 to 1.8, and 1:2.5 to 1:3, respectively.

42. The eastern part of the site, except for the most southerly sector adjoining the A6006 (Melton Road), would be restored to a nature conservation use. This would comprise two ponds with variable shallow margins, separated by a belt of wet woodland, and with a wet woodland fringe to the ponds. Beyond this, the area would be given over to conservation grassland, with several small pockets of native broadleaved woodland mix (dry woodland), and a band of woodland planting along the eastern site boundary. In the north-eastern corner of the site, the sand facing would be retained to the edge of the most northerly of the two ponds.
43. The boundary between the agricultural restoration, and the nature conservation area would be demarcated by a drainage ditch, fence and hedgerow. A stockproof fence would provide protection to the conservation planting and wetland area, with access to this area being provided by a field gate situated along the most southerly line of fencing, towards the south-eastern corner of the nature conservation area.
44. Two existing mature oak and ash trees within the hedgerow would be retained, and the various gaps in the existing boundary hedgerow around the periphery of the site would be planted up with native tree and shrub species.
45. As part of the restoration proposals, it is proposed to provide aftercare of five years for the area restored to agricultural pasture/native woodland, whilst the wetland conservation area, would be managed for a period of ten years.

Submitted documents

46. The application has been submitted with an Environmental Statement (ES) which details the proposed development and then considers its environmental impact on the following aspects:
47. Landscape and visual impact;
48. Restoration and agriculture;
49. Ecology;
50. Archaeology;
51. Hydro-Geology;
52. Traffic;
53. Nuisance (dust and noise).
54. Following an initial consultation phase, further information was requested from the applicant. Additional information submitted in August/September 2011, provided for a dust management scheme; revised flood risk assessment; revised landscape character assessment and plans; ecological update; a revised landscaping, restoration and aftercare scheme; a revised method of working; a soil handling programme, and finally, an archaeological assessment. This was subject to a further round of consultation.

55. Further information requested in January 2012 covering nature conservation issues, together with airport safeguarding issues (birdstrike), was submitted in December 2012, including an amendment to the proposed works, dispensing with the silt lagoon system. This involved a revised landscaping, restoration and aftercare scheme; revised method of working scheme; revised method of working plans; revised soil handling programme; and a revised water management scheme. This information also included a series of revised plans. This was subject to a further round of consultation. Additional supplementary information was submitted in February 2013 covering amendments to the landscape, restoration and aftercare scheme, including to the plan showing the final restoration scheme. This again was subject to a final round of consultation.

Consultations

56. **Rushcliffe Borough Council** *raises no objections to the proposals subject to conditions relating to dust control measures, noise control, and assurances that a proposed trench along the site boundary between the road and soil mound for the collection of any surface water, should not adversely affect any existing boundary hedgerow. It is also requested that any information supplied to the Minerals Planning Authority (MPA) should be forwarded to the Environment and Waste Management Service at the Borough Council to enable the impacts of quarrying to be effectively assessed under the Local Air Quality Management (LAQM) process.*
57. **The Environmental Health Officer (Rushcliffe Borough Council)** *raises no objections to the proposals and is satisfied that dust would be adequately assessed and controlled. It is noted that the current site operations have a good track record in relation to dust control measures and that these measures would continue to be adopted and would be expanded to cover the new working area. In line with this, it is recommended that Condition 17 of the existing planning permission for Jenks' Land, which covers dust should be carried over to any new permission granted. It is also advised that total dust emissions from this extension should be monitored, but where levels can be demonstrated to be low there would be no objection to this requirement being reduced/removed.*
58. *To continue to ensure that dust continues to be effectively managed, the following conditions or similar wording is also recommended:*
- a) *Where a detailed assessment is required under the Local Air Quality Management requirements for the potential effects of particulate matter the applicant shall undertake all necessary modelling and/or monitoring as required by Rushcliffe Borough Council;*
 - b) *The monitoring of total dust shall take place during soil handling and mineral extraction within phases 1 and 2 to demonstrate the effectiveness of dust mitigation measures with respect to mineral extraction upon Home Farm Cottage. The dust assessment shall take place as detailed in the 'Scheme of Dust Control and Monitoring' dated February 2011 and shall be reported to the MPA twice yearly.*

59. **Environment Agency Midlands Region (EA)** now supports the proposed development having originally objected to the proposals on grounds that the flood risk assessment (FRA) did not provide a suitable basis for assessing flood risks associated with the proposed development. In particular, the submitted FRA had failed to consider the effect of run-off from the periphery soil mounds on the adjacent roads, and it had not been demonstrated that run-off from the mounds would not adversely affect the road network around the site.
60. In the light of additional information submitted by the applicant, the Agency now raises no objections, in principle, to the proposed development subject to a planning condition covering the development of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The objection is therefore lifted.
61. Further comments have been received with regards to the revised 'Landscaping, Restoration and Aftercare' document. It is advised that a precautionary approach is adopted and that Ash is removed from the planting plan, to prevent the possible spread of Ash die back disease into the local area. Also, it is advised that *P. Australis*, as referenced in paragraph 9.7 of the document, is not planted, as this will rapidly take over the marginal wetland habitat with the risk of creating a monoculture of little value to wildlife.
62. **English Heritage** raises no objections and has recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of the County Council's specialist conservation advice.
63. **Nottingham East Midlands Airport (EMA)** now raises no objections to the proposed development provided the revised restoration plan is adhered to.
64. EMA originally raised concerns with regards to the proposal on grounds that it was apparent that whilst the restoration plan had been designed to be attractive to birds that are potentially hazardous to aircraft, no mention of birdstrike could be found in the original submission. However, it was noted that in the absence of any indicated island in the restoration plan, and the establishment and maintenance of the adjacent open ground as rough grassland, this would reduce the site's attraction to feral geese to some extent. Furthermore, it was acknowledged that the application under consideration is a fairly minor adjunct to a much larger scheme that has not in itself adequately addressed the birdstrike issue. Although it is acknowledged that the distribution of the more significant water bodies will probably tend to lead to movements over an area that will not lead to 'flight lines' across the Airport's runways or approach/climb-out areas and as such this will reduce the potential hazard level to some extent.
65. It was considered necessary to place a requirement on the applicant to provide a Bird Management Plan (BMP) prior to the development commencing, to be agreed with the Minerals Planning Authority (MPA) through consultation with EMA, in order to identify the inherent risk to aircraft caused by the attraction to birds by the feeding, nesting and/or roosting opportunities of the restoration

scheme, and identifying adequate mitigations in the BMP, in the interests of aviation safety.

66. *It was also advised that no island or peninsula features should be added to the proposed lake, either at restoration or aftercare or in perpetuity; that the adjacent grassland in the control of the applicant, should be maintained to an agreed grassland regime detailed in the BMP, as agreed with the MPA through consultation with EMA; and finally, that there would be no feeding of wildfowl on site. The purpose of the proposed planning conditions is to minimise the attractiveness of the site to bird strike species, in the interest of aviation safety, and in particular to discourage breeding feral (Greylag and Canada) Geese.*
67. *The applicant has sought to work with EMA to resolve these issues, and put together a more suitable scheme of restoration. As such, EMA is now able to support the proposed development on the proviso that the suggested conditions detailed above are attached to any planning permission. EMA considers that these are still valid and should remain on any consent to be discharged upon completion of all mineral operations.*
68. **Natural England (NE)** *raises no objections to the proposals subject to a number of recommendations and conditions made with regards to protected species, as detailed below:*
- a) *Bats - subject to the recommendation that all trees older than 100 years, or with obvious cavities, or with a girth greater than 1m at chest height, are surveyed before any work is approved, by a qualified Ecologist, NE is satisfied that these proposals should not be detrimental to the maintenance of the bat population. Attention is drawn to the fact that a licence may be required;*
 - b) *Breeding birds – a condition should be attached to the granting of any planning permission requiring site clearance works to only take place outside the bird breeding season; and*
 - c) *NE is satisfied that no other protected species are present within the application site or utilising features within the application site that are to be affected by the proposals.*
69. *With regards to the revised restoration, NE is satisfied that it is unlikely that there would be significant effects to landscape or ecology as a result of the revised scheme. NE supports its aims, in terms of delivering improvements in biodiversity through new native woodland and hedgerow planting, and the creation of wetland habitat. Furthermore, the proposal presents the opportunity to incorporate features into the design which are beneficial to wildlife.*
70. **Nottinghamshire Wildlife Trust (NWT)** *originally objected to the proposal on grounds that the submitted ecological impact assessment did not contain sufficiently robust data to enable an assessment to be undertaken. Attention was drawn to the following:*

- *A lack of analysis of the habitat that would be lost in comparison to what might be created or restored, and a lack of explanation or justification with regards to the potential degree of biodiversity gain from the restoration scheme;*
 - *No overwintering and breeding bird surveys had been carried out, despite the site being suitable for birds of conservation concern. These needed to be identified in order that any loss of feeding habitat can be mitigated;*
 - *The noise impact assessment did not appear to have considered the issue of noise effects on breeding fauna, particularly birds. In the absence of such data, it was advised that a mitigation strategy be provided for the provision of compensatory habitat;*
 - *Confirmation that ditches are not present on site, as these may be used by grass snake and commoner amphibians;*
 - *Impacts of further working should be properly assessed and mitigated, if necessary, with regards to a protected species.*
71. *Furthermore, it was considered that the restoration scheme did not optimise biodiversity gain or fully complement the planned restoration on adjacent land, and there was a lack of provision for long term management of the habitats.*
72. *Following on from negotiations between NWT and the applicant, further information was provided, and the restoration scheme revised to take account of the nature conservation concerns. NWT confirmed that the revised proposals are now satisfactory, subject to appropriate conditions and with the provision to be agreed for the long-term management of the conservation area.*
73. *Overall, NWT is able to support the current revised restoration and aftercare scheme subject to the extent of the wet woodland fringe to the ponds being reduced and focussed on the northern and western sides of the wetlands.*
74. **NCC Conservation Group (Ecology)** *is now able to support the planning application provided that the agreed revised restoration plan is implemented, and subject to relevant nature conservation planning conditions being attached to any planning permission.*
75. *It is noted that the proposals would not directly or indirectly affect any statutorily designated nature conservation sites, including locally designated nature conservation sites, the nearest of which is Sheepwash Brook Wetlands SINCE 2/34. Furthermore, given the presence of existing and permitted mineral extraction immediately adjacent to the SINCE, it is not envisaged that there would be any additional impact, given that the proposed development would be located further away.*
76. *An Extended Phase 1 Habitat Survey confirmed that the site is an arable field of generally low intrinsic nature conservation value, although a scarce arable weed was found (corn spurrey – however, there are over 140 records of this species across the County). The site is bounded by species-poor hedgerows containing*

two mature trees, one of which has the potential to host roosting bats. The site is not considered to have any potential for Great Crested Newts, which are not known to be present in the immediate area, nor is there any habitat present for reptiles. No other protected species habitat was located at the site.

77. Various concerns were raised with regards to the original restoration scheme, and whilst it was acknowledged that the restoration of the site had the potential to create new areas of wildlife habitat, and to enhance its value overall, this was subject to a range of issues being addressed, as detailed below:
- In the absence of a bird survey, the assumption must be that the site is used by red listed breeding bird species, and as there would be a loss of foraging habitat, mitigation should be provided, taking the form of a wild bird seed mix to the temporary topsoil bunds;
 - An identified mature oak tree on the western boundary must be protected by a 13m stand-off;
 - A 3m wide stand-off should be applied to all the boundary hedgerows;
 - Various amendments to the Landscaping, Restoration and Aftercare document dated 2010 were sought, including additional hedgerow tree planting; details regarding the establishment and management of the proposed grassland; suggested woodland planting; vegetation establishment methods for the waterbody; the addition of a number of ponds to the scheme; the potential for leaving an exposed sand-face on the south-facing side of the void to provide nesting habitat for sand martins, together with areas of bare sand substrate, which would be of value to a range of invertebrates;
 - An extended aftercare period for the nature conservation area.
78. A revised restoration scheme was subsequently submitted, and the Nature Conservation Team is now able to support the principle of the revised restoration scheme, on the basis that it delivers an improved restoration compared to the original scheme. However, further detail is required setting out timescales, and how monitoring will be undertaken, and it is confirmed that a condition would be appropriate in this respect, requiring the submission of further details.
79. **NCC Landscape Team** raises no objections to the planning application. It is noted that the application area falls within the East Leake Rolling Farmlands in terms of the Greater Nottingham Landscape Character Assessment, and for the purposes of the submitted Landscape and Visual Impact Assessment (LVIA) report, which accompanied the planning application.
80. Originally, whilst the Landscape Team were able to generally agree with the findings contained in the LVIA, it was recommended that the following information be provided:
- The inclusion of local landscape designations when considering the assessment;

- *The impacts on the existing landscape should be quantified and the area of hedgerow loss be shown on a drawing;*
 - *The cumulative impact of the quarry extension with surrounding developments should be assessed;*
 - *The restoration scheme should be redesigned to incorporate the characteristic features of the East Leake Rolling Farmlands to include hedgerow trees, provision of permanent pasture, and woodland copses.*
81. *The Landscape Team has confirmed that the additional information and a revised scheme has responded to the initial consultation.*
82. *With regards to the revised restoration scheme, it is noted that the design now reflects some of the key characteristics of the East Leake Rolling Farmlands, and the proposed plant species are suitable for the Nottinghamshire Wolds Character Area. However, it is advised that Ash is omitted, and is replaced with Oak and Field Maple, in both the hedgerow mix and within the woodland planting mix.*
83. *In terms of impact on the landscape character, it is observed that for the operational stage of the project, the impact on landscape character would be moderately adverse, reducing to negligibly adverse for the ten years post restoration stage. Attention is drawn to the fact that the design and subsequent management of the restoration scheme would be important in the integration of this development into the wider landscape. It is noted that it would be the change in landform from an undulating field to two fields with a depression containing a water feature that would be apparent, although this would be within a localised area to the north-east of the site.*
84. *In terms of the visual impact of the extraction works and restoration scheme, it is noted that the largest impact would be to the bridleway on the eastern side of Jenks' Land. During the operation of the works, the visual impact would be of major (adverse) significance, and of minor (adverse) significance following restoration.*
85. *Sufficient information has now been provided to assess the cumulative impact of the proposal, and there is agreement that there are two viewpoints with the largest impacts, in terms of views to the site, and to either Jenks' Land or the main quarry site. These are Viewpoint 1 from the bridleway adjacent to the site and Viewpoint 6 from the A6006 and property at Lings Farm. However, it is noted that only from Viewpoint 1 would the impact be of major significance during the operational and progressive restoration stages, but that this would reduce to a minor positive ten years after restoration. On a minor note, it is observed that the restored landform is a slightly incongruous feature which will remain within the landscape.*
86. **NCC Land Reclamation** *raises no objections to the proposed development from the perspective of contaminated land. It is noted that the applicant already has adequate policies and operational procedures in place to ensure environmental protection to the surrounding soils, groundwater and surface*

water systems. The proposed works do not represent a significant risk to either human health or the wider environment.

87. **NCC Conservation Group (Archaeology)** raises no objection to the proposal, and is overall in agreement with the findings and recommendations contained in the archaeological assessment (dated, February 2010). However, attention is drawn to the fact that the potential for Palaeolithic archaeology on the site was assessed as being low, whereas in fact this is incorrect, as a chance find of a number of Palaeolithic artefacts by a geologist on the site has demonstrated. This chance find provides the County with its earliest human artefacts, although their context is by no means certain.
88. The report recommends a programme of archaeological work to be undertaken on site including a strip, map and sample, and set piece excavations as necessary. Added to this, it is advised that there may need to be watching briefs on long sections of material, so as to identify deposits which might provide context for these Palaeolithic finds. It is advised that all of these works may be secured through an appropriate planning condition requiring a suitable scheme for archaeological mitigation.
89. **NCC Countryside Access Team** has confirmed that no rights of way would be affected in the proposed extraction area.
90. **NCC Minerals & Waste Policy** raises no objections to the proposed development and considers that the proposal should be permitted provided that it does not raise any significant environmental impacts which cannot be mitigated. It states that the application should be determined against Policy M6.3 of the adopted Nottinghamshire Minerals Local Plan (MLP), which does not support proposals outside allocated areas unless it is evident that existing permitted reserves and any remaining allocations cannot sustain an adequate landbank and processing capacity.
91. When assessing conformity with Policy M6.3, both the current landbank and processing capacity situation need to be considered. At the end of 2009, the County's sand and gravel landbank stood at 7.9 years, with a further permission for Newington South during 2010 bringing the landbank to 8.3 years, where it currently stands, which is well above the recommended 7 years. This proposal would only increase the landbank by 8 weeks, so the argument for permitting it as a means of contributing to the landbank in accordance with Policy M6.3 would be very weak. It is therefore considered that there is no basis for Policy M6.3 to apply to this proposal.
92. It is noted that the processing capacity situation is the more relevant factor. Attention is drawn to the fact that a significant allocation from the MLP, Gunthorpe, has failed to come on stream and its future remains uncertain, and that combined with the loss of Holme Pierrepont and Hoveringham (2002 and 2007), a considerable shortfall of supply has resulted. Whilst there has been no discernable impact, perhaps because of the recent economic downturn, the Plan does however note that other quarries, specifically East Leake and an un-commenced quarry at Cromwell are suitably located to help replace lost capacity if required.

93. *It is believed that following the closure of Hoveringham and Holme Pierrepont, coupled with Gunthorpe not progressing, other quarries have probably increased output to meet their markets. This implies that the Nottingham area is being supplied from other remote quarries which are being depleted more rapidly.*
94. *Therefore, the case for permitting the proposed extension at East Leake Quarry in order to maintain an adequate production capacity in the south of the County is more convincing than the landbank argument. It is considered that to let this quarry close would inevitably place a strain on local supplies, and would make future working of the land unlikely (effectively sterilising the mineral supply) and would be contrary to the assumptions made in the MLP.*
95. *It is concluded that the proposal has not been driven by Policy M6.3 of the MLP, and should be considered as a departure from the Plan, which could be permitted on an 'exceptional circumstances' basis as it would provide a stop-gap allowing the longer term future of the quarry to be assessed through the development of the Minerals Core Strategy.*
96. *It is considered that the proposal's limited scale, high scoring in terms of sustainable market provision, and the fact that it is an extension, are important considerations and factors that should influence a decision. Overall, it is considered that providing the proposal does not raise any significant environmental impacts which cannot be mitigated, the proposal should be permitted.*
97. **NCC Noise Consultant** *raises no objections to the proposals and having reviewed the noise impact assessment report that accompanies the planning application, is satisfied that the transportation of excavated material to the processing plant by dump truck has been taken into account in the noise predictions. Given that this planning application site is adjacent to the site of current workings (Jenks' Land), it is suggested that Conditions 10 to 16 of planning permission No. 8/10/00190/CMA (former Jenks' Land permission) be included in any grant of planning permission. It is advised that Condition 13 includes Home Farm as an additional noise sensitive receptor with a site noise limit of 50dBL_{aeq}, 1 hour free-field.*
98. **NCC Highways (Development Control)** *has no highway objections to offer in principle, as there would be no material impact on the surrounding highway network. It is understood from the supporting planning statement submitted with this application that the access/exit arrangements to the site from the public highway would remain as existing, and that the traffic movements associated with these operations would remain the same, as currently experienced at the permitted quarry site.*
99. **Western Power Distribution (WPD)** *raises no objections to the proposed development, but draws attention to the fact that the Company has Network within this site, and 24 hour access must be provided, as well as in the event of an emergency. Furthermore, any alteration, building or ground works proposed in the vicinity of the Network that may or may not directly affect any cables, must be notified in detail to WPD. A copy of their advice would be sent to the Applicant with any decision notice.*

100. **Severn Trent Water Limited** raises no objections to the proposal and the Company has no comments to make regarding the planning application.
101. **East Leake and Rempstone Parish Councils, National Grid (Gas), East Midlands Helicopters, Nottingham Airport, and NCC Built Heritage** have made no response to the planning application.

Publicity

102. The application has been publicised by means of site notices, press notice and eleven neighbour notification letters sent to the nearest occupiers on Rempstone Road and Melton Road (A6006), and to the Manor Animal Farm & Donkey Sanctuary, Castle Hill, East Leake, in accordance with the County Council's Adopted Statement of Community Involvement. One representation has been received in relation to this planning application, raising the following concerns:
- a) Noise impacts, with concerns relating, in principle, to the methods of working at the processing plant;
 - b) Excessive height of storage mounds;
 - c) Protection of the bund between the quarry and Manor Farm, as recommended by the Nottinghamshire Wildlife Trust.
103. Councillor Lynn Sykes has been notified of the application.
104. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

105. The application has been submitted by the current operator, Cemex, in order to extend the life of the East Leake Quarry. The purpose of the proposed extension is to continue aggregate production once sand and gravel extraction has ceased within the current extension site (Jenks' Land). The proposal would not increase annual output from the established quarry site, but would simply increase the duration of mineral extraction at the site, by an additional 2.5 to 3 years (depending on the annual rate of extraction). The proposal would be worked as an extension of the existing established quarry, with the extraction rate depending on the strength of the demand from the local market.
106. The extension at East Leake Quarry is critical to Cemex's operations within the East Midlands Region, with the extension area (Burton's Land) expected to produce approximately 400,000 tonnes of sand and gravel, which would be worked at a rate of up to 180,000 tonnes per annum. The applicant is a leading global producer of cement, concrete and other building materials, with the East Leake operations focussing on the extraction of sand and gravel reserves for the production of concrete and mortar, and supply to local markets. The existing quarry is a key strategic site, which is well situated to serve the South Nottinghamshire and North Leicestershire aggregate market, as well as the wider East Midlands Region.

107. There is a well established need for the extension site to come into production by September 2013 to replace existing quarry production, with most of the viable sand and gravel reserves having been worked out on the existing extension site.
108. In terms of the overall quarrying operations at East Leake Quarry, whilst it was originally envisaged that the main quarry operations (Lings Farm Quarry) would ensure the provision of minerals until approximately 2016, operational difficulties, based on there being a higher proportion of silt within the sand and gravel reserves than originally anticipated, resulted in mineral reserves being exhausted by the end of 2009.
109. The subsequent shortfall has been made up by extending the quarry eastwards, firstly into the Jenks' Land extension and now into the application site under consideration in this report.
110. It is noted that in 2000/2001, a proposed allocation put forward by the then operator for inclusion in the Deposit Draft Minerals Local Plan was deemed premature by the County Council, a conclusion not contested through representations or at the public inquiry. However, with reserves having been depleted in the original quarry site, and extraction on the current extension site due to end in September of this year, the operator requires additional sand and gravel in order to keep the quarry operating, whilst the longer-term future of the site is determined through the emerging Minerals Core Strategy.
111. It is worth noting that when considering the future of East Leake Quarry, the applicant fully assessed the sand and gravel reserves surrounding the existing plant site. This assessment concluded that economically viable sand and gravel reserves were contained in both the application site, and also in land to the east of the original quarry site towards Rempstone. Burton's Land has been progressed as an extension to the existing site as it is relatively small-scale and in close proximity to the existing plant site.
112. Other alternative options considered by the applicant, involved either extending to the east of East Leake Quarry, or alternately, doing nothing at all, relying on alternative supplies of mineral, through importation from its other quarry sites within the East Midlands, to supply its contracts. With regards to any extension to the east of the original quarry site, this would be a large scale operation and requires additional investigation, so that the land could not be brought forward within a timescale to prevent closure at East Leake Quarry. The 'do nothing' approach would mean that the quarry would have to close, with material having to be hauled in from outside the county from Hemmington/Lockington (North Leicestershire), Brooksby (Leicestershire), Shardlow/Willington (Derbyshire) or from Attenborough. Closure of the existing quarry would reduce the commercial viability of future extraction at the site, place increased pressure on surrounding reserves, increase the carbon footprint of sand and gravel haulage in this part of the county, and result in sterilisation of quality sand and gravel.
113. The applicant has therefore submitted this application, in order to maintain the quarry's short-term viability, and it is that proposal, which is the focus of this report.

Planning policy considerations

114. Central Government guidance for aggregates provision in England is provided within Section 13 (Facilitating the Sustainable Use of Minerals) of the National Planning Policy Framework (March, 2012) (NPPF). The NPPF is supported by technical guidance in relation to mineral extraction. At a regional level, planning policy for aggregates in Nottinghamshire is contained within the Regional Spatial Strategy for the East Midlands RSS8 (March, 2005) (RSS). Locally, minerals policy is set out in the Nottinghamshire Minerals Local Plan (MLP) (Adopted December 2005).
115. In terms of establishing the planning policy context, for the purposes of determining this planning application, reference is now made to the NPPF which gives guidance as to the degree of weight that should be afforded to local plans produced prior to the NPPF's publication, which for the purposes of determining this planning application includes the MLP. It clearly states that for twelve months from the date of its publication, i.e. until the end of March 2013, planning authorities may continue to give full weight to relevant policies adopted since 2004, even in the case of there being a limited degree of conflict with the NPPF. Within this context, the MLP remains valid and should be given full weight with policies contained in the NPPF, with regards to determining this planning application.
116. Reference is now made to those material considerations considered relevant to the determination of this planning application.

Need for the extension site

117. Central Government Policy contained within the NPPF provides guidelines for aggregate provision in England. Paragraph 145 requires Mineral Planning Authorities to maintain a landbank of permitted reserves to provide sufficient sand and gravel for a minimum period of seven years, together with ensuring that the capacity of operations to supply a wide range of materials is not compromised. Locally, Policy M6.2 of the MLP states that the County Council will endeavour to maintain a seven year landbank to ensure that Nottinghamshire continues to meet its reasonable share, in terms of the regional provision of aggregates.
118. Whilst the RSS does not make direct reference to the landbank issue, it nevertheless identifies the East Midland Region as a major producer of primary aggregates and high quality minerals, with some 21 per cent of sand and gravel being exported from the county of Nottinghamshire. Of particular relevance to this proposal, are Policies 1 and 37 of the RSS, which seek to promote the prudent use of resources, as well as maintaining an appropriate supply of aggregates.
119. To ensure a seven year landbank is provided, the MLP has allocated approximately 730ha. containing an estimated 23.22 million tonnes of sand and gravel, distributed across seven sites, involving developing two new quarries and five extensions within Nottinghamshire. The strategy of allocating seven sites has sought to ensure an even distribution of sand and gravel reserves across the

county. East Leake Quarry was one of the seven allocated sites, being located within one of the few significant glacial sand and gravel deposits in Nottinghamshire. Paragraph 6.60 of the MLP makes reference to the site's estimated 2.8 million tonnes of reserves being expected to last until around 2016, based on a projected annual output of 180,000 tonnes. It was therefore considered that no further provision was necessary for the current plan period. Paragraph 6.60 also acknowledges that the site could act as a partial replacement for quarries at Holme Pierrepont and Hoveringham.

120. In terms of the planning policy context, the two key policies in the MLP against which this application should be assessed are Policies M6.2 and M6.3.

121. Policy M6.2 (Sand and Gravel Landbank) states that:

The County Council will endeavour to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction and also an adequate production capacity in order that Nottinghamshire will meet its reasonable share of regional provision of aggregates throughout the plan period.

122. Policy M6.3 (Sand and Gravel Extraction in Unallocated Land) states that:

Proposals for sand and gravel extraction falling outside allocated areas will not be permitted unless it is evident that existing permitted reserves and the remaining allocations cannot sustain an adequate landbank and processing capacity as provided for in Policy M6.2.

123. The policies above indicate that in order for the application to be supported in policy terms there needs to be a clear demonstration that existing permitted reserves and remaining allocations cannot collectively maintain an adequate land bank and production capacity across the county. These two distinct elements are now considered in more detail, in terms of relevancy to the proposal.

124. Paragraph 6.52 of the MLP indicates that proposals for sand and gravel extraction in unallocated areas would not normally be permitted, given that sufficient provision exists, either in existing permitted reserves or as Plan allocations.

125. The critical test for unallocated sites such as this under MLP Policy M6.3, is that proposals outside allocated areas would only be acceptable, where it can be clearly demonstrated that an adequate landbank cannot be sustained without bringing forward additional capacity, above that already allocated. There are circumstances when this may arise, for example, in cases where allocations are unlikely to come 'on stream' or where allocated sites contain far less mineral than was originally anticipated.

126. In terms of the current landbank, it is noted that at the end of 2009, the County's sand and gravel landbank stood at 7.9 years. Added to this, in 2010, a further permission was granted at Newington South, resulting in an increase in the landbank, so that it stood at 8.3 years. It is noted that more recently, as of

December 2012, the landbank stood at 7.3 years, which is still above the recommended seven years for sand and gravel aggregates.

127. It can be seen therefore that the landbank is not currently at a critical point, and in need of unallocated sites to support it. A further consideration is that the proposal to extract approximately 400,000 tonnes of aggregate would only equate to an approximate increase in the landbank of a further eight weeks. Therefore, the argument for permitting the development purely as a means of contributing to the landbank in line with Policy M6.3 is relatively weak. It is therefore considered that there is no basis for MLP Policy M6.3 to apply to this proposal.
128. Under the strict criteria set out under MLP Policy M6.3, the proposed extension for sand and gravel extraction at East Leake Quarry, is not acceptable development. In the context of MLP Policy M6.3, the development must therefore be treated as inappropriate development. As such, the proposal has been treated as a 'departure' from the MLP.
129. The more relevant factor against which to test the proposed development is that regarding the processing or production capacity for sand and gravel. On closer analysis, the indications are that whilst there may be sufficient capacity in terms of the seven year landbank for sand and gravel, there is an identified localised shortfall in supply. In the southern part of the county, some 750,000 tonnes of production has been lost in recent years, with the closure of the Holme Pierrepont and Hoveringham quarries, in 2002 and 2007 respectively. An allocation at Gunthorpe containing an estimated 3-4million tonnes, sufficient to supply aggregate for some twelve to sixteen years, was expected to be the main replacement. However, this significant allocation within the MLP has failed to come on stream due to technical issues and its future remains uncertain.
130. Therefore, the combined loss of these two quarries with the failure of new aggregate provision at Gunthorpe has resulted in a significant shortfall in supply. Whilst this has not resulted in any discernible impact, probably due to the recent economic downturn, it is noted that the MLP has identified other quarries, specifically East Leake and an un-commenced quarry at Cromwell, as being suitably located to make up any lost capacity, as and when required.
131. Whilst indications are that sand and gravel requirements in and around Nottingham are increasingly being met by more remote quarries, which are in turn being depleted more rapidly, it has also placed additional pressure on East Leake Quarry to supply some of the markets previously met by Hoveringham Quarry.
132. Indeed, the application states that East Leake Quarry is the only sand and gravel quarry serving the southern markets of Nottinghamshire and the northern markets of Leicestershire, and that the proposed development would enable it to continue operating and supplying local markets.
133. It is further stated that without the reserve contained within the application site, existing operations would cease at the quarry and the processing plant would be removed. In effect, the reserve would be sterilised from being a high grade

product, which if subsequently excavated and sold unprocessed 'as raised' material, at some future point in time, would only provide material for low grade specification uses, such as bulk fill.

134. Therefore, it is considered that the case for permitting the proposed extension at East Leake Quarry in order to maintain an adequate production capacity in the south of the county is a more convincing argument than that of the landbank argument, and as such the proposal is provided with some support in terms of MLP Policy M6.2. It is considered that to let this quarry close, which would be the outcome if the proposed extension is not permitted, would inevitably place a strain on local supplies, and would make future working of the land unlikely (effectively sterilising the mineral supply) and would be contrary to the assumptions made in the MLP.
135. The case for permitting the proposed extension at East Leake in order to maintain an adequate production capacity in the south of the county, in line with Policy M6.2, is therefore considered to be comparatively strong. So whilst the application is a departure from the development plan, due to it being an unallocated site and the present landbank being above seven years, it is considered that there is overriding support for the development, in terms of the need to maintain a more localised production capacity.
136. In light of the above, it is considered that the proposed development could be permitted on an 'exceptional circumstances' basis, and in this respect, other material considerations offer support for the development including the fact that it is of a limited scale, high scoring in terms of sustainable market provision, and the fact that it is an extension development. A further and substantial benefit is that the proposal provides a 'stop gap' that would allow the longer term future of the quarry to be assessed through the development of the emerging Minerals Core Strategy.
137. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer 'departure' planning applications to the Secretary of State. The application does not trigger the thresholds for referral set out within the Circular and, as such, there is not a requirement to refer it to the Secretary of State should Committee be minded to approve.
138. Overall, there is sufficient policy support and other supporting material considerations to indicate that the proposal should be permitted subject to there being no unacceptable environmental impacts associated with this development.
139. The potential environmental impacts associated with the new development are now considered.

Environmental impacts of the development

Noise impact

140. Policy M3.5 of the MLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, setting

maximum noise levels at sensitive locations, and the use of acoustic screening, such as baffle mounds or fencing.

141. It is predicted that noise levels for permanent operations would not exceed the 55dB(A) L_{Aeq} 1h (free field) criterion, established as an upper limit for mineral extraction operations under paragraph 30 of the NPPF's Technical Guidance (March, 2012). The Technical Guidance states that subject to a maximum of 55dB(A) L_{Aeq} 1h (free field), noise levels should not exceed background levels by more than 10dB(A), in terms of establishing a noise limit at any sensitive residential receptors. Planning conditions would seek to ensure that these noise limits are adhered to, and a requirement would be placed on the applicant to undertake appropriate mitigation measures should these limits be exceeded at any of the identified noise sensitive properties.
142. Whilst the mineral working area for Burton's Land would come to within 126m to Home Farm Cottage, noise levels from all the proposed operations are predicted to be well within acceptable limits. Appropriate planning conditions would be applied to ensure that noise emissions from operations are suitably controlled to ensure compliance with Policy M3.5 of the MLP. In accordance with the criteria of this policy, existing controls over operational hours would continue to operate on the proposal site, ensuring that operating hours are appropriately controlled, being restricted to 07:00 hrs to 19:00 hrs Mondays to Fridays, and 07:00 hrs to 13:00hrs on Saturdays, and no working on Sundays, Bank or Public Holidays.
143. With regards to temporary operations such as soil stripping, soil bund construction and restoration operations, the Technical Guidance permits increased temporary daytime noise limits of up to 70dB(A) L_{Aeq} , 1h (free field) for up to eight weeks a year at identified noise-sensitive properties to facilitate these temporary operations, where it would clearly bring about longer-term environmental benefits to the site and its surroundings. The environmental statement predicts that this limit would not be exceeded for this temporary period of time, and again planning conditions would ensure that these limits are not exceeded.
144. The County Council's Noise Engineer is satisfied that the proposals are sufficiently robust, and have taken into account the transportation of excavated material to the processing plant by dumper truck, in terms of the noise predictions. Subject to appropriate planning conditions in line with those applied to the permitted extension (Jenks' Land), albeit with the inclusion of Home Farm as an additional noise sensitive receptor with a site noise limit of 50dBL L_{Aeq} , 1 hour free-field, it is considered that the proposed development is capable of operating within standard permitted noise levels in accordance with Policy M3.5. It is noted that there have been no noise complaints associated with current operations on Jenks' Land, and it is not anticipated that there would be any detrimental noise impact for those residential properties nearest the site.
145. It is noted that other mitigative measures to reduce noise impact would include the creation of soil and overburden bunds, to the southern and western boundaries, which it is anticipated would act as an acoustic baffle. Other measures would include locating the pump for dewatering along the northern site boundary, and keeping it towards the eastern part of the site whenever possible,

so as to reduce noise impact to sensitive receptors located on Melton Road and Rempstone Road.

146. It is not envisaged that noise would be a problem during the development, either at the construction or operational phase in line with MLP Policy M3.5. The development is relatively remote from residential development, and is restricted to day time operations only. It is not anticipated that noise levels on the proposed extension would be anything other than similar to those generated at present. Furthermore, it is considered that operations at the processing plant on the original quarry site, would continue to be within the existing permitted noise limits and the relevant criterion established under the NPPF's Technical Guidance.

Dust impact

147. Mineral operations have the potential to cause adverse impacts as a result of dust emissions. MLP Policy M3.7 identifies that dust emissions from minerals development can be managed and reduced by implementing appropriate dust mitigation practices. Measures include the containment of conveyors, processing plant, and dust collection equipment, the use of bowsters and sprays on haul roads, stockpiles and transfer points, the use of binders on haul roads, and appropriate soil handling strategies.
148. With regards to the proposed development, operations such as soil stripping, stocking of soils and overburden, and dumper truck movements, have the potential to be a source of dust, especially when conditions are excessively dry and windy. However, the extension site benefits from being relatively remote, with the nearest potentially dust sensitive residential development being some 126m away to the north-west and 140m to 173m south-east of the proposed site. The distant proximity of these sensitive receptors means that the prospect of the operational development giving rise to any dust nuisance is considered to be relatively remote. Notwithstanding this fact, measures to minimise dust emissions are considered necessary to ensure that surrounding land users are not adversely affected, and existing dust suppression measures would continue to be implemented for the duration of operations.
149. Such measures would include the use of a water bowser on the internal haul roads, spraying of stockpiles, seeding of soil mounds and provision of wheelwash facilities. Phased extraction would ensure that the minimum extraction area is exposed at any one time, and the proposed progressive restoration of the site would ensure land is promptly planted and seeded. Furthermore, it is noted that even though the proposed site would be dewatered, the mineral would still be moist when excavated, and as such it is anticipated that extractive operations would not lead to the generation of excessive dust. These measures would be the subject of appropriate planning conditions in accordance with MLP Policy M3.7.
150. There is a Dust Management Plan in force at the existing quarry and this would be extended to the development site. To date, it has proved effective in terms of controlling dust emission and there have been no complaints received by the MPA regarding current operations on Jenks' Land. It is considered that the

proposal, controlled by appropriate conditions, is capable of complying with Policy M3.7 of the MLP, and is also in line with the NPPF's Technical Guidance which states that unavoidable dust emissions should be controlled, mitigated or removed at source.

Visual impact of development and impact on landscape

151. MLP Policy M3.3 states that planning permission will only be granted for minerals development where any adverse visual impacts can be kept to a minimum, and advocates the use of planning conditions to minimise visual impacts. MLP Policy M3.4 seeks to retain and protect existing features of value in terms of screening, as well as promoting other appropriate measures including earth mounding, and tree and shrub planting, together with phased working to cause the least visual intrusion.
152. The application site is presently an agricultural field, and is set well away from the nearest residential development but directly adjacent to the highway network. Any attendant visual amenity impacts would mainly be confined to users of the bridleway (Rempstone Bridleway No. 11) adjoining the eastern boundary of the current extraction site (Jenks' Land). In terms of the extent of this impact, it is noted that the County Council's Landscape Officer has assessed the visual amenity impact as being of major (adverse) significance during the operational phase of the works, but being of only minor (adverse) significance following restoration. However, the development proposes to retain existing mature hedgerow and tree planting to the field margins, around the whole of the site perimeter, thereby affording substantial screening of the proposed operations from those using the bridleway, and the surrounding highway network. This element of screening together with the transient nature of bridleway and road users, means that the potential visual impact along the public bridleway and along the Rempstone Road and A6006, is considered capable of being adequately mitigated. It is therefore considered that the proposal accords with MLP Policies M3.3 and M3.4.
153. In terms of visual amenity impact, the operational site would be substantially obscured from the surrounding area, and any such impact would only be of significance during the operational and progressive restoration stages, with this reducing substantially to being marginally positive following restoration. Furthermore, progressive restoration of the site would ensure that worked out, disturbed but un-restored areas, are minimised in accordance with MLP Policy M3.4. To this end, soils and overburden would be directly placed whenever possible (in accordance with DEFRA best practice guidelines), followed at the earliest opportunity by soil cultivation and grass seeding operations.
154. Visual and landscape impacts are mitigated primarily by the relatively remote location of the site which ensures that site operations are not located in close proximity to sensitive residential receptors. Planning conditions would ensure that existing landscaping is retained, and requirements that the site is worked on a phased basis so ensuring restoration is undertaken at the earliest practical opportunity thereby minimising visual impacts. These conditions are in accordance with MLP Policy M3.4.

155. MLP Policy M3.22 seeks to ensure that landscape distinctiveness and character is not adversely affected as a result of minerals development. MLP Policy M3.27 states that planning permission will not be granted for minerals development which would result cumulatively in a significant adverse impact on the environment and/or the amenity of local communities.
156. The site lies in the East Leake Rolling Farmlands, which falls within the Nottinghamshire Wolds Character Area, and is typically characterised by undulating pastureland, interspersed with woodland copses, and defined field margins with hedgerow trees. It identifies the fact that the sand and gravel quarry has had a localised influence on the landscape character of the 'rolling farmlands' designation. The landscape strategy for the Nottinghamshire Wolds Character Area seeks to ensure that on completion of quarrying, hedgerow trees, hedgerows and small woodlands are encouraged within the restoration proposals to ensure that the land integrates with the surrounding area.
157. In terms of the landscape character, it is noted that to some extent the restored site would be a somewhat incongruous feature in the landscape due to the water body. However, overall the proposed restoration scheme has been designed to offer shallow slopes, irregular contours, conservation grassland, sand face, native woodland, new hedgerow and aquatic margins which would naturally regenerate.
158. The incorporation of characteristic features of the East Leake Rolling Farmlands designation into the proposed restoration scheme, including hedgerow trees, provision of permanent pasture, and woodland copses, would ensure that the site is visually integrated with the surrounding locality and complements the scheme for the wider East Leake quarry site in line with Policy M3.22. The proposals would conform with the relevant policies of the MLP, in terms of landscape character assessment and compliance with strategy objectives.
159. The cumulative impact of the development is detailed in the environmental statement's landscape and visual assessment, the conclusions of which are broadly supported by the County Council's Landscape Officer. It is noted that the development site is located adjacent to an established quarry operation which adversely affects the local landscape character and therefore reduces the sensitivity of the immediate locality to similar proposals. During the operational phase of the development, the cumulative impact on the surrounding landscape character is assessed as being moderately adverse due to the ameliorative impact of restoration works, which have already seen large parts of the main quarry void being restored. Furthermore, by the time the proposed extension comes on stream, restoration would be well advanced in terms of the Jenks' Land site. Therefore, it is considered that the effect of the addition of the proposed extension on landscape character would on balance be mitigated by the restoration of previously worked land.
160. Post restoration, whilst the restored quarry operations would be noticeably different to the original landscape, and the proposal would increase the area of 'restored mineral workings', the restored land would still be rural in nature and reasonably characteristic of the surroundings, with the proposed restoration scheme having been designed to promote key characteristic features of the

Nottinghamshire Wolds Character Area. In addition, the proposed restoration of the site would be beneficial in terms of improving the nature conservation value of the site, although it is acknowledged that it would reduce the extent of agricultural land, which is characteristic of the wider surroundings. However, it is considered that combined with the restored main quarry site and Jenks' Land, which would be partly restored to nature conservation, the overall cumulative impact on landscape character would be generally positive in accordance with MLP Policy M3.27.

Visual amenity impacts associated with the processing plant

161. It is noted that the stocking height of unprocessed aggregate, on the adjoining processing area within the original quarry site, has in the past been raised as an issue by the nearest occupier (Manor Farm). At the time, the County Council's Monitoring and Enforcement Officers investigated the matter and it is understood that the material had built up as result of the raw material being of a better quality than previously extracted, thereby improving stocking capability, combined with the stocking of additional material, as a result of archaeological investigations.
162. In response to this situation, controls over stocking height, were placed on the current planning permission (Plg. Ref. 8/11/01100/CMA) to ensure that no extraction campaign is able to commence until there is sufficient capacity within the processing area to accommodate further material, with stockpiles not exceeding 8m. It is proposed to retain this planning condition, so as to ensure that any ancillary visual amenity impact to the adjacent property is capable of being controlled to an acceptable degree throughout any extended period of working, in accordance with MLP Policy M3.3. Furthermore, to ensure that visual amenity impacts are suitably mitigated, a protective soil bund, between the original quarry site and Manor Farm and Donkey Sanctuary, would remain in situ, for as long as the processing plant is operational.

Agriculture/Conservation of soil resources

163. MLP Policy M3.16 states that planning permission for minerals development will only be granted in the best and most versatile agricultural land (grades 1, 2 and 3a) where it can be demonstrated that the proposals would not affect the long term agricultural potential of the land.
164. The proposals would not affect any Grade 1 or 2 agricultural land, however, 5.1 ha. or 66 per cent of the site area is Grade 3a agricultural land. However, there is no indication in the NPPF that there is a presumption against development of the 'best and most versatile' land, therefore agricultural land quality is only one consideration to be taken into account in terms of determining this planning application.
165. In mitigation, the final restoration scheme would see a substantial part of the site being returned to a standard agricultural use. The application states that it is envisaged that for the entire 5-year aftercare period, arable use of the land would not be adopted. Following soil placement, the agricultural land would be seeded with a general clover based pasture mix, which would produce a viable

hay crop. During this aftercare phase, the land would generally be managed by cutting for a hay crop in early spring, and if necessary, again in late summer, or possibly grazing if suitable animals are available.

- 166. Therefore, it is considered that whilst there would be impacts these would be offset by the benefits of gaining valuable biodiversity, as well as restoring land to an agricultural use, thereby complying with MLP Policy M3.16.
- 167. It is noted that the soils on the application site are proposed to be re-used for site restoration in accordance with a phasing plan, using good practice for soils handling as set out in the appropriate guidance from DEFRA.

Ecological issues and restoration

- 168. Policy M4.10 of the MLP states that where planning permission involves the reclamation of mineral workings, schemes should include full details of the proposed after-use and be designed to maximise opportunities to enhance the environment, biodiversity and amenity of the local community. MLP Policy M4.12 states that where planning permission involves the reclamation of mineral workings to agriculture, the County Council will encourage such proposals to take full account of the Countryside Appraisal and Local Biodiversity Action Plan. Also of relevance is Policy 28 of the RSS, which seeks to ensure that there is a net gain in terms of habitat creation, and enhanced ecological benefit.
- 169. In respect of ecology, the proposed site is of low ecological value and therefore no adverse impact has been identified. The wetland habitat creation being offered as part of the proposed restoration would enhance local biodiversity and would contribute towards targets of the 'Nottingham Biodiversity Action Plan'.
- 170. During the operational phase, the soil storage bunds would provide mitigation/compensatory habitat for farmland birds which may be present on the land. The bunds would be seeded with a grass mix based on a National Vegetation Classification MG5 'type' species selection of benefit to farmland birds. A suitable mix has been provided by the applicant as agreed with Conservation bodies and in accordance with their recommendations. It would provide beneficial feeding habitat for farmland birds. Also of benefit would be the phased restoration of the site, with MLP Policy M4.1 supporting mineral extraction proposals designed to allow for a phased sequence of extraction, reclamation, and implementation of the planned after-use. This indicates that whenever practical, reclamation should be phased to minimise the area of land taken out of beneficial use at any one time, and to ensure reclamation is achieved as quickly as possible. The proposals have been designed to accord with this policy.
- 171. The final restoration scheme provides for an agricultural/ecological mixed after-use. The various amendments to the restoration scheme have sought to enhance the ecological benefits to be derived from the scheme in line with recommendations made by the Nature Conservation bodies, all of whom are now broadly supportive of the revised scheme subject to appropriate planning conditions.

172. It is considered that the final restoration scheme delivers a net gain in terms of the intrinsic ecological value of the site. The amendments to the restoration scheme have delivered a final scheme which accords with Policies M4.10 and M4.12 of the MLP. In line with these policies, the scheme has been designed to maximise the opportunities to increase biodiversity in accordance with the Nottinghamshire Local Biodiversity Action Plan (BAP) and enhance the local environment. The proposed restoration scheme would have ecological benefits in terms of it contributing to an increase in areas dedicated to wetland habitat, an important BAP habitat.
173. An outcome of the restoration scheme is that it would deliver net benefits, in terms of enhancing both the area's biodiversity and the value of the Sheepwash Brook Wetland SINC, to the north-east of the site. It would build on the established wetland habitat, extending the wetland habitat across a wider area, and building on the local core SINC wetland habitat.
174. The revised restoration scheme maximises the enhancement opportunities to deliver a mix of standard agricultural land and wetland nature conservation features, as well enabling an appropriate and comprehensive restoration of the East Leake Quarry site, in line with MLP Policies M4.10 and M4.12. A ten year aftercare period for the wetland nature conservation area has also been offered, in order to facilitate biodiversity targets, with the agricultural restoration on the remainder of the site being subject to the standard five-year aftercare period.
175. It is noted that the exclusion of silt disposal within the proposals has affected the final restoration scheme, as originally the scheme would have accommodated some 80,000 tonnes of silt, which would have been placed in the mineral void to assist final restoration contours. As silt would no longer be available as a restoration material the final contours have been revised accordingly. So as to ensure that a beneficial after use is achieved, the final phase would involve overdigging of clay, to provide additional restoration material. Whilst the site would be restored to shallower levels than originally anticipated, the indications are that the applicant is capable of delivering a robust restoration scheme. Overall, it is considered that the proposals accord with Policies M3.22 and M3.27.
176. It is considered that the restoration scheme potentially delivers a net gain in terms of increasing the intrinsic ecological value of the site. The proposed restoration scheme would have ecological benefits in terms of it contributing to an increase in areas dedicated to species-rich wetland conservation habitat, an important local habitat. The scheme would maximise the opportunity to increase biodiversity in this part of south Nottinghamshire. The scheme therefore accords with the NPPF which supports net gains in biodiversity under Section 11 '*Conserving and Enhancing the Natural Environment*', paragraph 109.

Airport safeguarding issues (birdstrike)

177. The site lies approximately 9km east of East Midlands Airport (EMA), and the proposed site falls within the Airport's Safeguarded Zone. Therefore, the proposals have been considered within the context of aerodrome safeguarding criteria, in particular the bird strike hazard, resulting from the feeding, nesting

and/or roosting opportunities provided by wetland habitat, notably bodies of water, within the vicinity of the airport. In mitigation, EMA has noted that the proposal represents a fairly minor adjunct to an existing extensive quarrying operation, with a restoration back to agriculture and wetland conservation, including a water body. Within this context, the proposal comprises a further wetland habitat in a quarry complex with existing permissions for wetland conservation. It is considered that the restoration plan as originally proposed would inevitably lead to an increase in waterfowl within the safeguarded zone.

178. It is acknowledged that the revised proposals have sought to deliver a reduction in surface water area, and that the breaking up of a large pond into two smaller ponds, and an increased area of rough grassland, have sought to be beneficial in terms of reducing the scheme's appeal to water birds and in particular, feral geese, to very low levels.
179. Suitable planning conditions would ensure that the revised restoration scheme is implemented, and maintains its objective of discouraging wildfowl (ducks, geese and swans), and preventing artificially high numbers.
180. It is considered that the proposed sand and gravel extraction would not detrimentally impact on safeguarding flight paths, subject to the imposition of appropriate planning conditions due to the limited size and scale of the proposed development, and the long term management of the restoration.

Archaeology/heritage impact

181. In terms of archaeological impact, MLP Policy M3.24 provides guidance in respect of archaeology with mineral workings. The policy advises that archaeological remains of national importance should be preserved in situ. However, remains of lesser importance, such as those at East Leake, can be preserved by excavation, recording and publication.
182. The environmental statement's archaeological survey indicates that potentially archaeological features of interest could be found during the course of the proposed development, particularly during topsoil stripping, and if necessary upper subsoil strips. In addition to the baseline archaeological assessment carried out across the whole of the site, a chance finding of various Palaeolithic artefacts, by a geologist working on the site, indicates substantial potential for Palaeolithic archaeology on the application site. It is noted that this is a highly significant find, given that it provides the county with its earliest human artefacts. In order to mitigate impacts associated with the proposed mineral development, the County Council's Archaeological Officer, supports a detailed programme of investigative works involving a strip, map and sample, and excavations where necessary, together with implementing watching briefs on long sections of material.
183. In mitigation, it is proposed to attach a condition to the granting of any planning permission requiring a suitable scheme of archaeological mitigation to be submitted to the MPA for its approval, in agreement with the Archaeological Officer. Such a scheme would ensure the detailed monitoring of the site and appropriate contingency measures, should further significant archaeological

remains be found, in accordance with Policy M3.24 of the MLP. This would ensure that any Palaeolithic archaeology, which would be of local significance, is appropriately identified and recorded, thereby mitigating any impacts associated with the proposed mineral working.

Ground and Surface Water / Flood Risk

184. MLP Policy M3.8 seeks to ensure that minerals development does not detrimentally alter surface water flows, affect groundwater levels, and ensure that there are no risks of polluting ground or surface waters. Policy M3.9 seeks to ensure that such development would not unacceptably impact on flood flows and flood storage capacity, or on the integrity or function of flood defences and local land drainage systems, through the imposition of appropriate conditions to mitigate both temporary and permanent adverse effects of the development.
185. The principle potential impacts of the proposed development relate to increased flood risk and impairment of surface and ground water. A flood risk assessment has enabled the applicant to demonstrate that the proposals would not adversely impact on flood flows and flood storage capacity in the surrounding area. In particular, it has satisfied the EA, in terms of demonstrating that the run-off from peripheral soil mounds is capable of being contained within the site, by way of a strategically developed trench, which would collect water and prevent any adverse effect on the road network around the site. It is therefore considered that the proposed development is in accordance with Policy M3.9 of the MLP.
186. Planning conditions would ensure that any surface water drainage scheme is appropriately robust, in terms of being based on sustainable drainage principles and complies with the appropriate environmental control authority. This would serve to mitigate any potential impacts, in terms of detrimentally impacting on surface water flows. Whilst the proposed site would be dewatered during mineral extraction, the phased restoration would see a reduction in pumping and any draw down to the surrounding area. It is considered that the development would not have an unduly negative impact on groundwater levels. Due to the relative remoteness of the site, it is indicated that the mineral is capable of being extracted without significant impact to local water abstractions in accordance with MLP Policy M3.8.

Highways implications

187. MLP Policy M3.13 states that planning permission will not be granted for minerals development where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable impact upon the environment and disturbance to local amenity.
188. The proposed extension would only result in the continuation of current production levels and thus traffic movements associated with these operations would remain the same as currently experienced at the permitted quarry site. The access route to the quarry was designed with this level of traffic in mind and it is understood that the applicant strictly adheres to the designated access route and agreed practices.

189. It is noted that the proposal represents a continuation of existing activities, and that the quarry site has historically experienced much higher levels of site traffic than would result from the current proposals. Overall, the development would accord with Policy M3.13 of the MLP. The traffic movements associated with the proposal would continue to be approximately 72 movements per day with a maximum of a 100 vehicle movements on any one day. Existing controls over HGV movements would continue to be secured by way of a condition limiting the number of HGVs to a maximum number of 100 two-way HGV movements per day. This is for reasons of amenity and highway safety and to ensure compliance with MLP Policy M3.13.

Lorry routeing

190. There is an existing legal agreement accompanying the current planning permission for the Jenks' Land extension, which was rolled forwards from the original East Leake Quarry site, detailing lorry routeing arrangements. This places a requirement on all HGVs leaving the site to turn left onto Rempstone Road and head towards the A6006 (Melton Road) and returning by the same route. All traffic is strictly controlled and restricted to this route in order to avoid passing through East Leake. This arrangement forms part of the current Section 106 agreement for Jenks' Land and it is proposed to roll this arrangement forward into a new agreement for the proposed site.
191. There are no highway objections to the continuation of this arrangement in planning terms, in accordance with MLP Policy M3.14. Policy M3.14 seeks to ensure that appropriately agreed vehicular routes are attached to any minerals permissions, through legally binding agreements. Furthermore, planning conditions would continue to ensure that vehicular access to the site is via Rempstone Road only, and that the applicant continues to maintain clear signage alerting drivers of the requirement to turn left out of the site. It is noted that the County Council's Highway Officer raises no objection to the proposal, on the understanding that previously secured planning conditions and the legal agreement is carried forward into any new permission. This being the case, the proposed development is in accordance with MLP M3.14.

Sustainability considerations

192. Policy M2.1 of the MLP states that planning permission will only be granted for minerals development which have taken into account the relevant sustainable development objectives set out in paragraph 2.5. Of particular relevance to this development are criteria (ii) and (iii) which seek to ensure that the environmental impacts caused by the mineral operations and the transport of minerals are kept to an acceptable minimum; and to encourage sensitive working, restoration and aftercare practices so as to preserve and enhance the overall quality of the environment once extraction has ceased with the creation of valuable new habitats and features.
193. The proposal would involve extending an existing quarry and in doing so would utilise existing processing plant and ancillary infrastructure, as well as the existing silt lagoon system, which in itself would reduce environmental disturbance and be a more efficient use of resources, compared to developing a

new quarry site. The development would continue to meet a recognised local need for sand and gravel aggregate in the south of the county, thereby ensuring that haulage distances are minimised. The mineral extraction site would be worked in phases, with progressive, phased restoration over the life of the works, thereby minimising environmental and physical impacts associated with the mineral operations. Furthermore, the restoration scheme would promote increased biodiversity, and create wetland habitat, an important BAP habitat, thereby delivering net gains in terms of increasing the ecological value of the site. The proposal therefore accords with the principles of sustainable development contained in MLP Policy M2.1, and as set out in the NPPF.

Other Issues

194. Quarrying is an established rural activity, and the existing quarry directly employs a maximum of five full time staff, who reside within the local area. The proposal would therefore continue to secure employment at the site.
195. Should Members be minded to grant planning permission, a legal agreement would need to be attached to any planning permission issued, to ensure that an existing lorry routeing agreement remains in place for the duration of the life of the proposed extension site, and to ensure that the long term aftercare of the wetland and conservation grassland area, proposed as part of the restoration of the site, is appropriately secured.
196. Overall, it is considered that all the environmental information contained within the environmental statement has been taken into account in the consideration of the proposed development.

Other Options Considered

197. Whilst the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, at Schedule 4, require environmental statements to include a consideration of “the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects”. Paragraph 111 above sets out the alternative options that were considered by the applicant and for the purposes of Schedule 4, it is considered that this matter has been adequately addressed.

Statutory and Policy Implications

198. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service 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

199. It is considered that there would be no particular crime and disorder implications. The site would continue to be secured by existing mature hedgerow and trees to

the site perimeter, and it is understood that the applicant would provide additional security if required.

Human Rights Implications

200. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce visual amenity impacts and impacts of noise upon users of the bridleway and the surrounding area. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of sustaining a local supply of aggregate to the local construction sector, which is more sustainable than hauling sand and gravel from more distant quarries. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

201. The application has been considered against the National Planning Policy Framework, the Regional Spatial Strategy for the East Midlands, and the Minerals Local Plan, all of which are underpinned by the objective of achieving sustainable development. The proposed development would utilise existing processing plant and ancillary infrastructure, representing a more efficient use of resources and limiting environmental disturbance, as well as meeting a recognised local need for sand and gravel. Both mineral extraction and restoration would be on a progressive phased basis, to create a wetland and conservation grassland habitat, thereby increasing biodiversity and a net gain in terms of the ecological value of the site.

Conclusions and Statement of Reasons for the Decision

202. The Burton's Land extension to East Leake Quarry is not identified as an allocated site in the Nottinghamshire Minerals Local Plan (Adopted December 2005) (MLP) and therefore, in planning policy terms, has been assessed as an unallocated site and advertised as a departure. Overall, it is considered that this relatively small-scale and limited extension would not significantly impact on existing allocated sites, or have a detrimental impact on the landbank. It is acknowledged that the current landbank is presently over the required seven years of provision, but it is considered to be a minor increase to this figure to ensure the continuation of East Leake Quarry, and the effective use of the mineral reserve.
203. There is a localised need for the development, in terms of maintaining the processing/production capacity of sand and gravel in the southern part of the county, in line with Policy M6.3 of the MLP. Furthermore, whilst the development is relatively small scale, it nevertheless provides a stop gap, whilst the longer term future of the wider quarry can be tested through the emerging Minerals Core Strategy.

204. In assessing the acceptability of the proposal, consideration has been given to the National Planning Policy Framework (March, 2012) (NPPF) and the accompanying Technical Guidance; Policy 1 (Regional Core Objectives), Policy 28 (Priorities for enhancing the Region's Biodiversity) and Policy 37 (Regional Priorities for Non Energy Minerals) of the Regional Spatial Strategy for the East Midlands RSS8 (March 2005) (RSS); and Policies M2.1 (Sustainable Development), M3.3 (Visual Intrusion), M3.4 (Screening), M3.5 (Noise), M3.7 (Dust), M3.8 (Water Environment), M3.9 (Flooding), M3.13 (Vehicular Movements), M3.22 (Landscape Character), and M4.10 (After-Use) of the MLP.
205. In accordance with RSS Policies 1 and 37, the development would involve the prudent use of resources, whilst ensuring that there would be an appropriate supply of sand and gravel to the quarry's markets in the south of the county and into north Leicestershire.
206. The Burton's Land extension site is relatively remote from any sensitive residential receptors, with few on-site constraints. The main impact would be in terms of the change to the landscape character of the area, with the loss of a single large agricultural field, and its replacement with a mix of pastureland and wetland conservation, with open water features. However, it would retain its rural character and the incorporation of characteristic features of the East Leake Rolling Farmlands designation into the restoration of the site, would ensure that the site is visually integrated with the surrounding locality and complements the scheme for the wider East Leake quarry site in line with MLP Policy M3.22.
207. Views from any surrounding sensitive receptors, are filtered by existing vegetation, the topography of the land, and the fact that the development is set against an extensively worked and substantially restored quarry site. The development is in accordance with Policy M3.3 and M3.4 of the MLP, in terms of visual amenity impacts being substantially mitigated by the existing character of the surrounding landscape and a significant amount of screening to the site from existing mature vegetation to the perimeter of the site.
208. In line with the NPPF, the RSS, and MLP Policy M2.1, the development accords with the principles of sustainable development, in terms of recognising a local need for sand and gravel in the south of the county, minimising haulage of aggregate material from more remote quarry workings, and through an efficient use of existing resources, involving utilising existing processing plant and ancillary infrastructure. Also in accordance with Policy M2.1, both the mineral extraction and restoration would be on a progressive phased basis, creating a wetland and conservation grassland habitat, of ecological value and increasing biodiversity.
209. Overall, the revised restoration scheme is considered appropriate in terms of the sustainability, ecological and landscape benefits that it conveys. In particular, it would deliver ecological benefits through an increase in areas dedicated to wetland habitat, an important Biodiversity Action Plan habitat. Essentially, the revised scheme would allow a nature conservation interest to develop on the site over time, in accordance with MLP Policy M4.10, RSS Policy 28, and the NPPF. The final restoration scheme would maximise the opportunity for the restored site to contribute towards the wider area's intrinsic value, in terms of the currently

restored quarry site, and Sheepwash Brook SINC, as an area of nature conservation interest, as well as providing a suitable mix of conservation and standard agricultural uses.

210. The establishment of wetland habitat as an important feature of the restoration scheme is beneficial in terms of enhancing local biodiversity and would contribute towards the targets of the 'Nottingham Biodiversity Action Plan'.
211. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the MLP. Subject to the use of appropriate planning conditions, significant adverse impacts would not result. In reaching this conclusion, consideration has been given to MLP Policies M3.3 and M3.4 relating to visual impact, Policy M3.5 relating to noise, M3.7 relating to dust, Policies M3.8 and M3.9 relating to surface and ground water drainage, and the risk of flooding respectively, and Policy M3.13 relating to traffic impact.
212. The County Council is therefore of the opinion, having taken into account the information contained in the Environmental Statement and the representations and consultation responses that the development is in accordance with MLP policies, together with the NPPF and its accompanying Technical Guidance. There are no material considerations which indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the development would reasonably be mitigated by the imposition of the attached conditions and the drawing up of a Section 106 agreement to ensure that the existing lorry route is maintained throughout the life of the extension site, and to secure the long term aftercare of the wetland conservation area.

Statement of Positive and Proactive Engagement

213. In determining this application, the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions. The proposals and the content of the Environmental Statement have been assessed against relevant policies in the Nottinghamshire Minerals Local Plan, the Regional Spatial Strategy for the East Midlands, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received and liaised with consultees to resolve issues. Issues of concern have been raised with the applicant, such as impacts on nature conservation and airport safeguarding issues, with regards to the proposed restoration scheme. This has involved discussions with the applicant, and also with key consultees including Nottinghamshire Wildlife Trust, the County Council's Landscape Officer and East Midlands Airport. Additional information has been submitted under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to address the concerns raised, and the proposed development has been revised as a result of the discussions that have taken place, particularly with regards to the final restoration scheme. The applicant has been given advance sight of the draft planning conditions and the Minerals Planning Authority is also engaging positively in the preparation of a legal

agreement covering lorry routeing and the long term aftercare management of the nature conservation area. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

214. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to cover the routeing of HGVs in and out of the site; and the long term aftercare of the proposed wetland and conservation grassland area for a period of ten years, proposed as part of the restoration of the site.
215. It is FURTHER RECOMMENDED that, subject to the completion of the legal agreement, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

[NAB 15.03.13]

Comments of the Service Director - Finance

Any comments received will be reported orally at Committee.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Councillor Lynn Sykes Soar Valley

Report Author / Case Officer

Deborah Wragg

0115 9696510

For any enquiries about this report, please contact the report author.

W001116

PSP.JS/TEB/ep5368

18 March 2013

RECOMMENDED PLANNING CONDITIONS

Commencement

1. The development hereby permitted shall be begun within three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least seven days, but not more than 14 days, prior to the commencement of development.

Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

3. From the commencement of the development to its completion, a copy of this permission, including all plans and documents hereby approved and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the MPA during normal working hours.

Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

Approved plans

4. The development hereby permitted shall only be carried out in accordance with the submitted application, and the following supporting documents, and plans other than where amendments are made in compliance with other conditions of the permission:
 - a) Planning application form, Environmental Statement, Non Technical Summery and Planning Statement, received by the MPA on 21st January 2011;
 - b) Noise Assessment titled 'Assessment of Environmental Impact of Noise' by Vibrock Limited, Report No. R09.5888/1/AG, dated 31.07.09, as received the MPA on 21st January 2011, as part of the Environmental Statement;
 - c) Site Location Plan titled 'Site Plan' Drawing No. P4/689/2 received by the MPA on 21st January 2011;
 - d) Scheme of Dust Control and Monitoring, dated February 2011, received by the MPA on 18th February 2011;

- e) Volume 4 – Additional Information, and Landscape and Visual Impact Assessment , Supplementary Information, dated July 2011, received by the MPA on 16th August 2011;
- f) Archaeology Assessment titled ‘Archaeology and Historic Features’ prepared by The Guildhouse Consultancy, dated February 2010, received by the MPA on 1st September 2011;
- g) Volume 5 – Additional Information containing revised Landscaping, Restoration and Aftercare, revised Restoration Scheme, except for references to Ash and Phragmites australis which shall be omitted from the planting scheme, Revised Method of Working Scheme, Revised Method of Working Plans, and Soil Handling Programme, received by the MPA on 17th December 2012, as amended by revisions to the scheme contained in document ‘Landscaping, Restoration and Aftercare’ received by the MPA on 14th February 2013 and an amendment to the date of the December 2012 report as referenced in paragraph 1.1 contained in an email letter from the applicant dated 8th March 2013;
- h) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phasing Site Area, received by the MPA on 17th December 2012;
- i) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phase 1, received by the MPA on 17th December 2012;
- j) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phase 2, received by the MPA on 17th December 2012;
- k) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phase 3, received by the MPA on 17th December 2012;
- l) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phase 4, received by the MPA on 17th December 2012;
- m) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Restoration phase 3, received by the MPA on 17th December 2012;
- n) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Final Restoration, received by the MPA on 17th December 2012.
- o) Plan titled ‘Water Management’ Drawing No. ELEK_PLA_689_CAW_190912, received by the MPA on 17th December 2012.
- p) Plan titled ‘Restoration (Lower Level) Drawing No. P4/689/4 C, received by the MPA on 14th February 2013.

Reason: For the avoidance of doubt as to the development that is permitted.

Duration of the planning permission

5. All mineral extraction shall cease within three years of the date of commencement, as notified in accordance with condition 2 above. The MPA shall be notified in writing of the date on which mineral extraction ceases.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

6. All restoration operations in accordance with conditions 48-49 shall be completed within one year after the cessation of mineral extraction, as notified under condition 5 above.

Reason: To secure the proper restoration of the site within an acceptable timescale and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Quarry access and protection of the highway network

7. Vehicular access to the site shall only be gained from Rempstone Road along the existing site access as shown on drawing number P4/689/2 received by the MPA on 21st January 2011. Vehicular access to the site shall not be gained from any other route. The site access road shall be removed from the site within 12 months of the completion of extraction as notified under condition 5 above.

Reason: To ensure that all quarry traffic obtains access to the site through the dedicated site access in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

8. Existing signs at the quarry entrance instructing all HGV drivers to turn left only out of the site shall be maintained throughout the life of the development. All drivers of HGVs shall exit the site turning left only.

Reason: In the interest of highway safety and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

9. All HGVs leaving the site shall pass through the existing wheel wash facilities prior to joining the public highway in order to prevent the deposit of mud, clay and other deleterious materials upon the public highway. The wheel wash facilities shall be maintained in good working order throughout the life of the development. The wheelwash shall be removed from the site within 12 months of the completion of extraction as notified under condition 5 above.

Reason: To ensure that no vehicle shall leave the site in a condition whereby mud, clay or other deleterious material is deposited onto the public highway in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

10. There shall be a maximum of 100 two way HGV movements each day (50 HGVs into the site and 50 HGVs out of the site). Written records shall be maintained of all HGV movements into and out of the site during operational

hours. Copies of all HGV movement records shall be made available to the MPA within seven days of a written request being made by the MPA.

Reason: To limit vehicle movements at the site in the interest of highway safety and amenity and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

11. The processing plant and quarry access road detailed on drawing number P4/689/2 received by the MPA on 21st January 2011 shall only be used for the processing and movement of sand and gravel arising from the development hereby permitted and that subject to the existing planning permission 8/11/01100/CMA covering Jenks' Land extension (and any subsequent planning permissions relating to Jenks' Land).

Reason: To limit vehicle movements at the site in the interest of highway safety and amenity and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

Hours of working

12. Except in the case of emergency when life, limb or property are in danger and such instances which are to be notified in writing to the MPA within 48 hours of their occurrence, or with the prior written agreement of the MPA, the development hereby permitted shall only take place within the following hours:

Mondays to Fridays	0700 hrs – 1900 hrs
Saturdays	0700 hrs – 1300 hrs

There shall be no working on Sundays, Public or Bank Holidays.

Reason: In the interest of amenity and in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan

Noise

13. Except for temporary operations, the free-field equivalent continuous noise level L_{Aeq} , 1hr at the noise sensitive premises nearest the extraction site, due to operations at the site, shall not exceed the relevant criterion limit specified at each of the residential properties listed below. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Location	Site noise limit dB L_{Aeq}, 1hr free-field
Home Farm Cottage	54
Home Farm	50
The Lings Farm	50
Lings Farmhouse	55
Holy Cross Cottage	55
Rempstone Hall	55

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

14. For temporary operations such as site preparation, soil stripping, bund formation and removal, and final restoration, the free-field noise level due to operations at the site at the nearest point to each of the noise sensitive locations listed in condition 13 above shall not exceed 70 dB $L_{Aeq, 1hr}$ free-field expressed in the same manner as for condition 13 above. Temporary operations shall not exceed a total of eight weeks in any 12 month period for operations close to any individual noise sensitive properties.

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

15. Noise levels shall be continuously monitored throughout the life of the development hereby permitted, at three monthly intervals, at each of the noise sensitive locations listed in condition 13 above. The monitoring shall take place when site equipment is operating normally and the duration of sample measurements shall be 15 minutes unless the site noise level is at or above the relevant site noise limit agreed for the location, in which event a full 1 hour sample shall be taken. The surveys shall exclude so far as possible extraneous noises such as passing traffic. The measurements shall be carried out in accordance with the provisions of BS4142:1997 (or as maybe subsequently amended) and the $L_{A90, T}$ and $L_{Aeq, T}$ noise levels shall be reported, together with the weather conditions and the sources of audible noise. On request, the operator shall, within two weeks of a written request, provide the MPA with details of the noise measurements. The monitoring locations and frequency of sampling may be varied by agreement with the MPA.

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

16. All excavated materials shall be transported to the adjacent plant site by dumper truck only, and shall only be associated with the sand and gravel extraction being carried out on a campaign basis only, with the campaign being a maximum of 4 times a year for a period of 6 to 8 weeks.

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

Dust

17. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- a) The use of water bowzers to dampen haul roads, stock piles and other operational areas of the site;
- b) The sweeping of access and haul roads, where necessary;
- c) The minimisation of drop heights during the loading and unloading of sand and gravel;
- d) Limiting on-site vehicle speeds;
- e) Upon request of the MPA, the temporary suspensions of mineral extraction, conveying and processing or soil movements during periods of unfavourably dry or windy weather conditions.
- f) The monitoring of total dust shall take place during soil handling and mineral extraction within Phases 1 and 2 to demonstrate the effectiveness of dust mitigation measures with respect to mineral extraction upon Home Farm Cottage. The dust assessment shall take place in accordance with the details provided in the 'Scheme of Dust Control and Monitoring', dated February 2011 and shall be reported to the MPA twice yearly;
- g) Where a detailed assessment is required under the Local Air Quality Management requirements, for the potential effects of particulate matter, all the necessary modelling and/or monitoring as agreed with the MPA in writing, shall be undertaken, and submitted to the MPA.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

Prevention of pollution of surface and ground water

18. The development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the MPA. The scheme shall thereafter be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate:

- a) The utilisation of holding sustainable drainage techniques;
- b) The limitation of surface water run-off to equivalent greenfield rates;
- c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event, plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- d) Responsibility for the future maintenance of drainage features.

Reason: To prevent the increased risk of flooding in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan, and to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

19. Processed water used in the sand and gravel washing system shall be discharged into the approved settlement ponds prior to being discharged into any controlled waters. From the commencement of the development until

restoration of the site the operator shall maintain the settlement ponds on a regular basis to ensure the lagoons remain operational.

Reason: To prevent the pollution of controlled waters in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

20. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Mineral processing and stockpiling

21. Excavated minerals from the development hereby permitted shall only be processed and stockpiled at the operator's adjacent plant site as detailed on Drawing Number P4/689/3d Phasing Site Area received by the MPA on 17th December 2012. No excavated mineral shall be processed and stockpiled within the permission area outlined red on Drawing Number P4/689/2 received by the MPA on 21st January 2011.

Reason: In the interests of visual amenity and to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Buildings, fixed plant and machinery

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent amended legislation, no buildings, fixed plant or machinery, other than approved by this permission, shall be erected or placed on the site without the prior written approval of the MPA.

Reason: To enable the MPA to control the development and to minimise its impact on the amenity of the local area, in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Landscaping

23. Prior to the commencement of the development hereby permitted, details of measures to improve the screening of the site shall be submitted to the MPA for its approval in writing. These details shall include the planting up of gaps in the

perimeter hedgerows around the site and the appropriate management of existing perimeter hedgerows to allow them to grow taller and thicker. These screening measures shall be implemented in accordance with the approved details and maintained throughout the life of the development.

Reason: In the interests of visual amenity and to ensure compliance with Policy M3.4 of the Nottinghamshire Minerals Local Plan.

Ecology

24. Prior to the commencement of the development hereby permitted, details shall be submitted to the MPA for its written approval of the measures to be taken to protect all retained trees, shrubs and hedges from damage during the course of the development. The means of protection shall accord with the provisions set out in British Standard BS 5837:2005 entitled 'Trees in Relation to Construction' (or as may be subsequently amended) and shall include:
- (a) A plan to define the trees, shrubs and hedges to be protected including means of protection;
 - (b) Measures to prevent the disturbance, raising or reduction in soil levels within the area of the root spread of trees, shrubs and hedges;
 - (c) Measures to prevent the storage and placement of materials or the movement of plant or machinery in the protected area(s).
25. The means of protection shall be implemented in accordance with the approved details prior to any equipment or machinery being brought onto the site for the purpose of the development and shall be retained on site until all plant and machinery have been removed from the site. No excavation shall be made within the protected area(s) without the prior written approval of the MPA.
26. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA.

Reason: To ensure that breeding birds are not adversely affected by the development.

Archaeology

27. The development hereby permitted shall not commence until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the MPA. The archaeological mitigation scheme shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure that adequate archaeological investigation and recording is undertaken prior to the extraction of minerals in accordance with Policy M3.24 of the Nottinghamshire Minerals Local Plan.

Phasing

28. Extraction operations shall progress sequentially in accordance with Drawing Numbers P4/689/3d Phase 1 – P4/689/3d Phase 2 – P4/689/3d Phase 3 – P4/689/3d Phase 4, as received by the MPA on 17th December 2012.

Reason: To ensure the prompt and phased restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

29. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following the commencement of the planning permission as notified under condition 2 above. The survey shall identify areas of the site which are unworked, those undergoing mineral extraction, those to be restored and those already restored.

Reason: To monitor the phased restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Soil stripping, handling and storage

30. The MPA shall be notified in writing at least 5 working days, but not more than 10 working days, before soil stripping is due to commence in any phase, or part phase in the event that a phase is not stripped in its entirety in one stripping campaign.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

31. No turf, topsoil, subsoil or overburden shall be removed from the site. No waste materials including soils and mineral working wastes shall be brought onto the site.

Reason: To ensure satisfactory restoration of the site, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

32. A detailed soil-handling scheme for each phase of the development shall be submitted in writing to the MPA at least one month prior to the stripping of any soil from each of four phases Phase 1 – Phase 4 of the site. Such a scheme shall include the following details:

- (a) The size, location, volume and composition of soil storage mounds;
- (b) A methodology statement for the stripping, storage and replacement of soil;
- (c) The types of machinery to be used;
- (d) The routes to be taken by plant and machinery involved in soil handling operations;
- (e) The depths of subsoil and topsoil to be stripped/replaced;
- (f) The spacing and depth of any post-replacement soil ripping and cultivations.

The development of that phase shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory restoration of the site, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

33. All topsoil, subsoil and overburden shall be stripped separately to their full depths.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

34. No plant or vehicles shall cross any area of unstripped topsoil, subsoil or overburden except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of topsoil, subsoil or overburden or waste or mineral deposits, until all available topsoil, subsoil and overburden has been stripped from that part.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

35. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

36. Topsoil, subsoil, and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:

- (a) During the months of April to October inclusive, unless otherwise approved in writing by the MPA;
- (b) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (c) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

37. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction in accordance a wild

flower grass seed mix (NVC-MG5). The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

38. Details of the volumes and location of soils stored on the site shall be submitted to the MPA by 31 December each year in conjunction with the details submitted pursuant to condition 31 above.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Soil Replacement

39. The MPA shall be notified in writing at least 5 working days before each of the following:

- (a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
- (b) When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out;
- (c) On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

40. Overburden, subsoil and topsoil shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of overburden, subsoil or topsoil shall occur:

- (a) During the months November to March (inclusive), unless otherwise agreed in writing with the MPA;
- (b) When it is raining; or
- (c) When there are pools of water on the surface of the storage mound or receiving area.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

41. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for

purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

42. Each overburden layer placed shall be ripped using overlapping parallel passes:
- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
 - (b) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

43. Each subsoil layer placed shall be ripped using overlapping parallel passes:
- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
 - (b) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

44. Only low ground pressure machinery shall work on re-laid topsoil to replace and level topsoil.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

45. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:

- (a) To provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
- (b) To the full depth of the topsoil plus 100mm; and
- (c) Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

46. Following placement of topsoil, the surface shall be rooted and cross-ripped to an agreed depth and spacing but shall penetrate 150mm into the underlying layer or 500mm total depth, whichever is the greater, to remove compaction at the interface and loosen all material within the area and depth of operations. Stones and any other obstruction to cultivation greater than 100mm in any dimension shall be removed.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

47. The total restored soil profile shall have a depth of at least 50cm, with a subsoil depth of 200mm and a topsoil depth of 300mm.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Restoration

48. The site shall be restored in accordance with Plan titled 'Method of Working' Drawing No. P4/689/3d Phase 3, Plan titled 'Method of Working' Drawing No. P4/689/3d Phase 4, Plan titled 'Method of Working' Drawing No. P4/689/3d Final Restoration, as received by the MPA on 17th December 2012 and Plan titled 'Restoration (Lower Level) Drawing No. P4/689/4C received by the MPA on 14th February 2013. Landscape planting shall be undertaken during the first seeding and planting seasons following placement of topsoils in each phase. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species and maintained, unless the MPA gives written consent for a variation to be replanted.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.

49. Prior to the carrying out of any landscaping planting required under condition 48 above, details of all tree and hedgerow planting, and grassland establishment, shall have been submitted to the MPA for its approval in writing. These details shall include proposed species to be planted including proportions, size, spacing, positions, densities, seed mixes to be used in grassland establishment methods, proportions, sources (which should be of local provenance), sowing rates, methods of establishment of species, areas left for natural regeneration, creation of field margins, ground preparation, cover material, proposed soil profiles and fencing off of planting areas, and timescales for any additional planting that may be required as a result of the birdstrike monitoring undertaken under condition 50 below. The plant material should be of native provenance and from provenance areas 402 and 403 (refer to using local stock for planting native trees and shrubs – Forestry Commission Practice Note August 1999). All landscape planting shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.

Safeguarding

50. The development hereby permitted shall not commence until a Bird Management Plan (BMP) is prepared for the site and agreed in writing with the MPA through consultation with East Midlands Airport. The BMP shall include an assessment of the current regulatory background, identification of target Bird Strike species, definitions of thresholds (e.g. 'acceptable populations' for actions and response) and detailing the methods used during the implementation of bird control operations for each identified target species listed in the assessment, including how birdstrike monitoring shall be undertaken. The restoration of the site shall be carried out in accordance with the approved details.

Reason: To correctly identify the inherent risk to aircraft caused by the attraction to birds by the feeding, nesting and/or roosting opportunities of the restoration scheme, and identifying adequate mitigations in the BMP, in the interest of aviation safety.

51. The conservation grassland as identified on Drawing No. P4/689/4 C received by the MPA on 14th February 2013 shall be maintained to an agreed grassland regime as detailed in the BMP and agreed by the MPA in writing, through consultation with East Midlands Airport.

Reason: To discourage grazing geese, in the interest of aviation safety.

52. The restored site shall not include any islands, incipient islands or narrow peninsula features added to the proposed water bodies.

Reason: To ensure the restored site does not result in artificially high wildfowl traffic through the runway approach of East Midlands Airport, and to discourage breeding geese (Greylag and Canada), in the interests of aviation safety.

53. There shall be no feeding of wildfowl on site.

Reason: To minimise the attractiveness to bird strike species, in the interest of aviation safety.

Aftercare

54. Following restoration the site shall undergo aftercare management for a 5 year period for the agricultural pasture land and native woodland, and a 10 year period for the pond and conservation grassland area, as demarcated by a drainage ditch, fence and hedgerow, as shown on Plan titled 'Restoration (Lower Level) Drawing No. P4/689/4 C, received by the MPA on 14th February 2013.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

55. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year and 10 year aftercare period shall run from the agreed date.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.

56. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months following the completion of mineral extraction in Phase 1. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition. The aftercare scheme shall include but not be restricted to details of the following:

- (a) Cultivations;
- (b) Weed control;
- (c) Sowing of seed mixtures;
- (d) Soil analysis;
- (e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- (f) Drainage amendments;
- (g) Subsoiling and underdrainage proposals;
- (h) Management practices such as the cutting of vegetation;
- (i) Tree protection;
- (j) Remedial treatments;
- (k) Irrigation; and

(l) Fencing.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

57. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in condition 56(e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

58. The aftercare programme shall be implemented in accordance with the details approved under condition 56 above, as amended following the annual site meeting referred to in condition 57 above.

Reason: To provide for aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.

Alternative restoration

59. Should, for any reason, mineral extraction from the application site cease for a period in excess of 6 months, then, within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing to the MPA for the approval of the MPA. Such a scheme shall include details of the final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

Reason: To secure proper restoration of the site within an acceptable timescale.

60. The revised restoration scheme approved under condition 59 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 54-58 above.

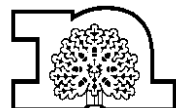
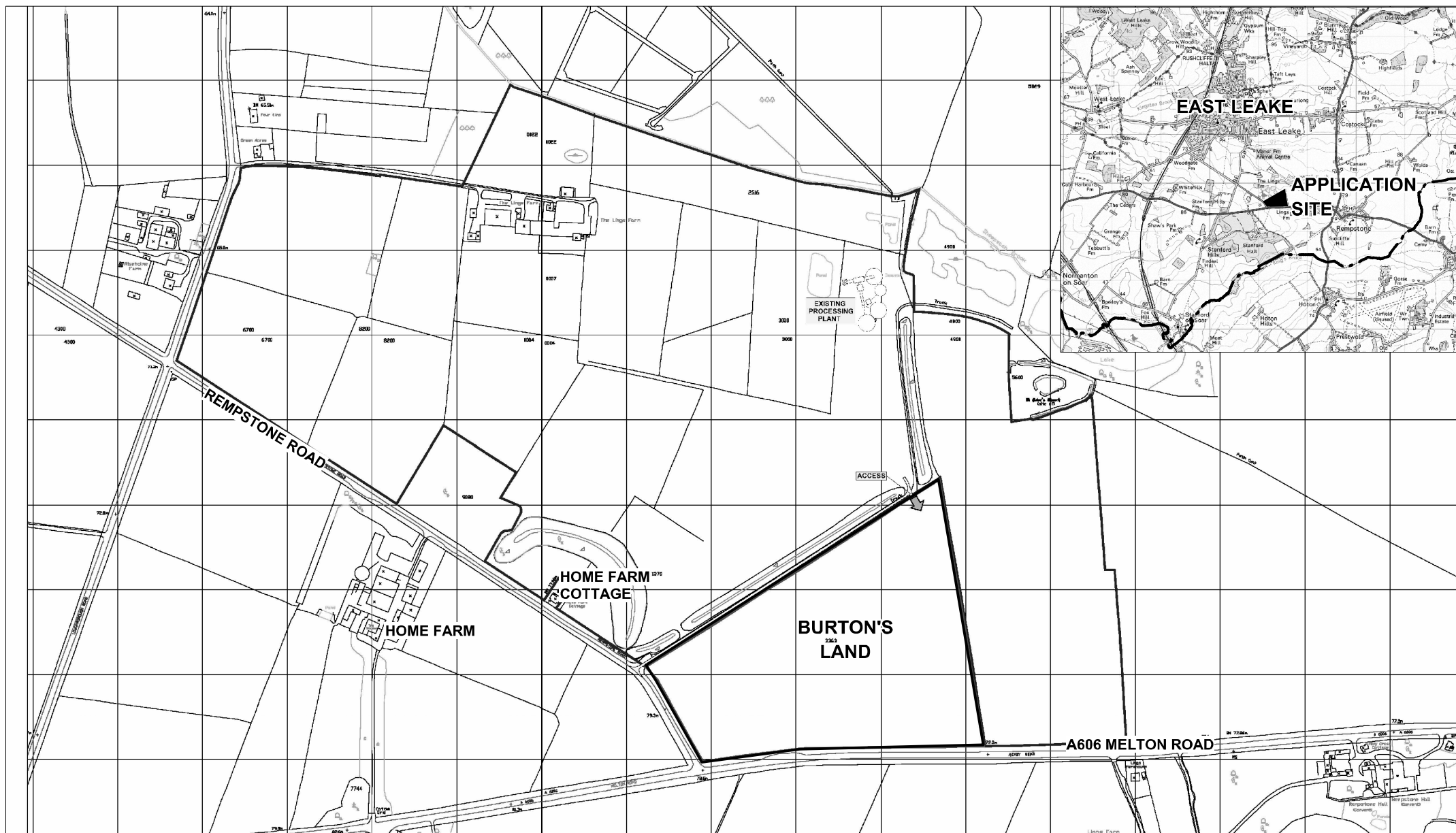
Reason: To secure proper restoration of the site within an acceptable timescale.

Informatives/Note to the applicant

1. The attention of the applicant is drawn to the comments contained in a letter from Western Power Distribution dated 26th February 2013, a copy of which is enclosed with the decision notice.
2. As per the International Civil Aviation Organisation (ICAO), Annex 14 Volume 1 (Section 9.4) of the Convention on International Civil Aviation (initially drafted at

amendment 5 to annex 14 and updated at Amendment 10 in November 2009), it is the Applicant's responsibility to produce the 'appropriate wildlife assessment' and to address the birdstrike hazard in applications involving mineral extraction and associated post restoration and aftercare with the aim of showing the development is 'unlikely to create conditions conducive to wildlife (i.e. Bird Strike) Hazard'. The assessment should form the basis of the BMP as outlined above, with thresholds and methodology derived from the findings of the assessment.

3. The East Midlands Airport recommend that the Applicant consults the Aerodrome Operators Association's Safeguarding of Aerodromes Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design' for more detail on grassland management.
4. Further information relating to aerodrome safeguarding issues at East Midlands Airport, can be found at safeguarding@eastmidlandsairport.com
5. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and to retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs, etc rather than use infiltration techniques.
6. It is the applicant's responsibility to ensure that the existing discharge consent conditions are met.
7. Dewatering to prevent interference with the extraction of the sand and gravel is currently exempt from the need for an abstraction licence. The dewatering activities however may have an adverse impact upon local wells, water supplies and other water activities. It should be noted that current water users may wish to make representations, if their supplies are affected. CEMEX have a licence to abstract from a borehole at SK 5615 2510. It should also be noted that the dewatering exemption has been removed by the Water Act 2003, although this part of the Act has yet to 'go live'. CEMEX will need to apply for a transfer licence for dewatering, when dewatering exemption has been removed.



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

Extension to existing quarry involving the extraction of sand and gravel with restoration
of site to agriculture and wetland conservation.

Burton's Land, East Leake Quarry, Rempstone Road, East Leake.

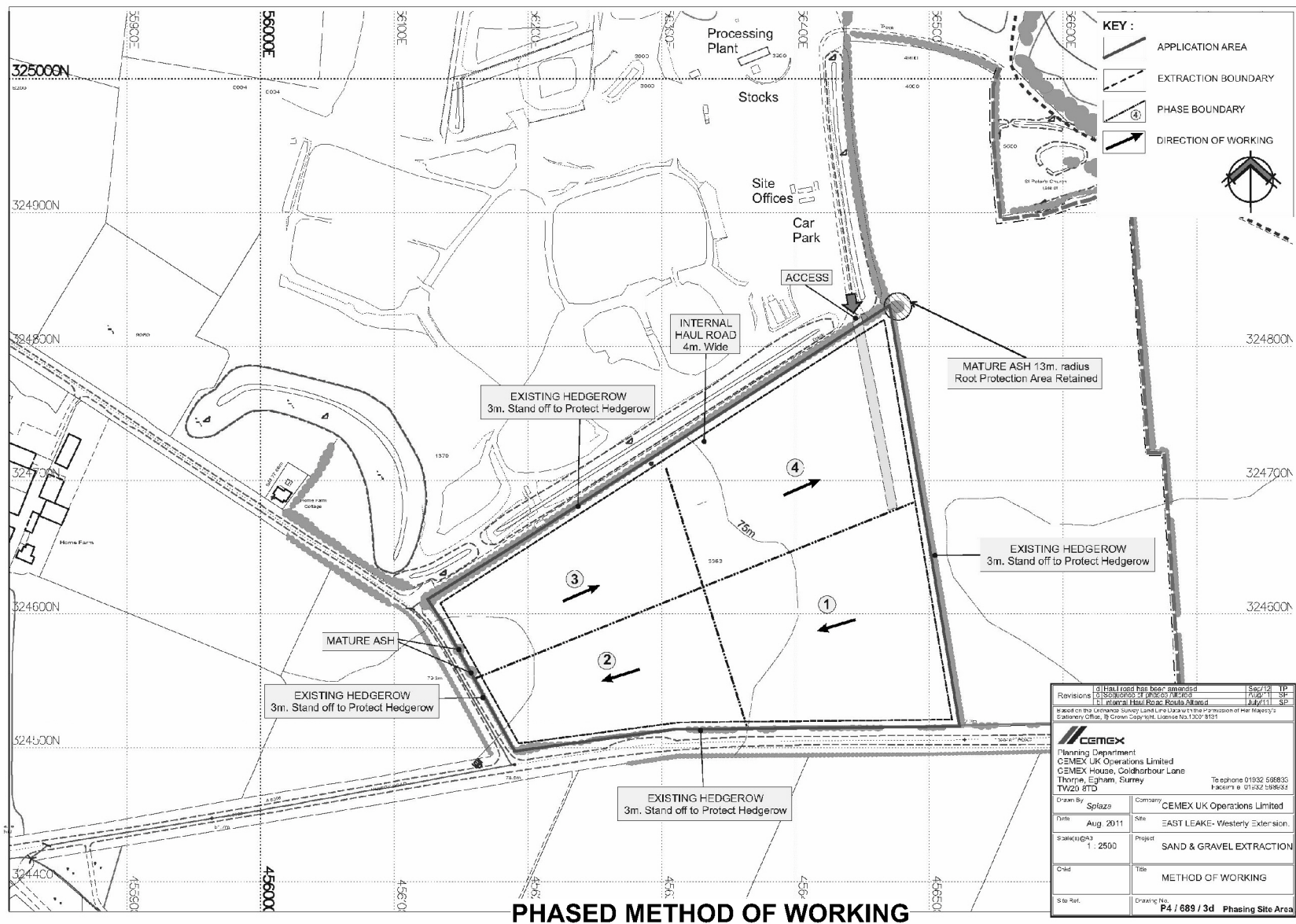
Planning Application No. 8/11/00157/CMA

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Produced by: JW
Date: MARCH 2013

PLAN 1



PHASED METHOD OF WORKING

Extension to existing quarry involving the extraction of sand and gravel with restoration of site to agriculture and wetland conservation.
 Burton's Land, East Leake Quarry, Rempstone Road, East Leake.
 Planning Application No. 8/11/00157/CMA

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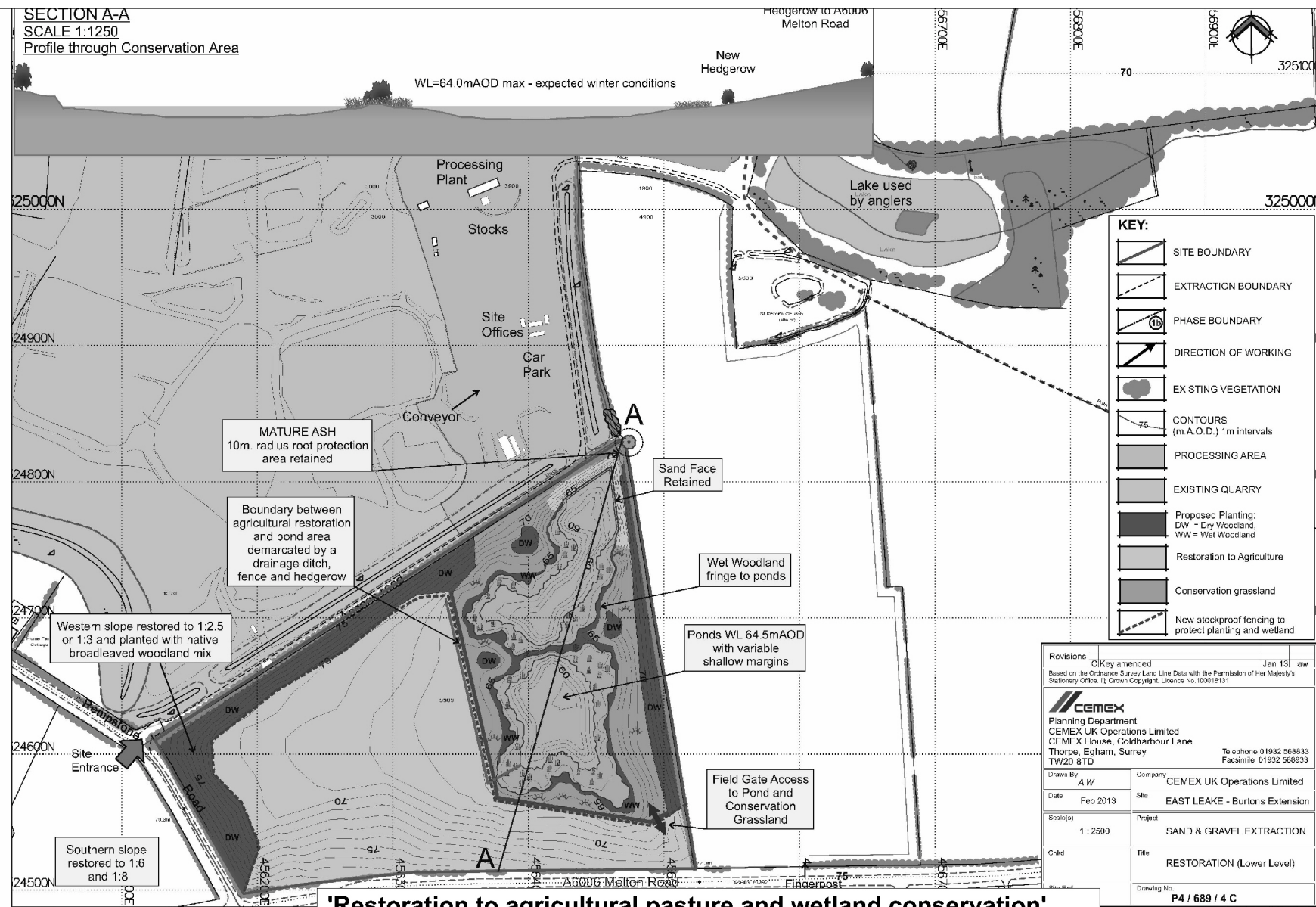
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PLAN 2



Trent Bridge House, Fox Road
 Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
 County Council Tel: 0115 982 3823

SECTION A-A
SCALE 1:1250
Profile through Conservation Area



'Restoration to agricultural pasture and wetland conservation'



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

Extension to existing quarry involving the extraction of sand and gravel with restoration
of site to agriculture and wetland conservation.
Burton's Land, East Leake Quarry, Rempstone Road, East Leake.
Planning Application No. 8/11/00157/CMA

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Not to Scale
Produced by: JW
Date: MARCH 2013

PLAN 3



26th March 2013

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

BROXTOWE DISTRICT REF. NO.: 5/12/00122/CCR

**PROPOSAL: RETENTION OF UTILITIES YARD, INCLUDING THE SITING OF
PORTACABIN OFFICES, VEHICLE PARKING, MATERIALS STORAGE
AND AUXILIARY INERT WASTE MATERIAL PROCESSING FOR A
TEMPORARY PERIOD OF FIVE YEARS.**

LOCATION: AWSWORTH PALLETS, GIN CLOSE WAY, KIMBERLEY

APPLICANT: T & K GALLAGHER LTD

Purpose of Report

1. To consider a planning application for the change of use of land and buildings to a utilities yard including associated buildings and storage areas for excavated inert waste materials at a site known as Awsworth Pallets, Gin Close Way, Awsworth.
2. The application site is within an area designated as 'Green Belt'. The development represents a 'departure' to local Green Belt policy although it is provided some support by National Planning Policy Framework Green Belt policy. The planning assessment demonstrates that the development would not result in any greater impacts to the open character of the Green Belt than previous authorised commercial and industrial uses on the site, and the development would not result in any significantly harmful impacts to the environment.
3. The recommendation is to grant planning permission, subject to planning conditions.

The Site and Surroundings

4. The application site is situated on the north-western side of the A6096 (Gin Close Way), immediately to the south of the roundabout junction serving 'IKEA' where it meets the A610 (See Plan 1). The site has a 66m road frontage along the A6096 and a maximum depth of 74m. The site is situated within the Nottinghamshire Green Belt.

5. The site is adjoined by a motor-home sales business on its south-western (side) boundary; the Gilt Brook stream with open land beyond on its western (rear) boundary; a public right of way and woodland on its north-eastern (side) boundary; and industrial land on the opposite side of the A6096. The site is comparatively remote from residential properties, the nearest properties being located approximately 300m to the south.
6. The application site, which is roughly rectangular, is hard-surfaced with a mixture of concrete and crushed stone. A steel clad workshop building is situated within the south-eastern corner of the site. The site is enclosed by 2.4m high metal palisade fencing coloured green to the front boundary and galvanised steel to the other boundaries.
7. The site has a varied planning history. It was first developed as part of the adjacent site in 1949 for the manufacture and open storage of concrete and concrete products. Since this time the site has been utilised for a variety of end uses including open storage & pallet storage/repairs. Planning permission was granted by Broxtowe Borough Council in 2009 for a mixed use of the site incorporating storage/sales & repair of pallets, sheds, fencing materials, portable buildings, building materials, caravans & camper vans. The current tenants of the site, T & K Gallagher Ltd, have occupied the site since late 2011.

Proposed Development

8. Temporary planning permission is sought to regularise the current use of the site by T&K Gallagher Limited as a utilities yard including the retention of modular building office accommodation for a period of five years. The facility provides an operating base for the company's fleet of vans and lorries including vehicle parking, storage for plant and machinery as well as office accommodation, as identified on Plan 2.
9. The buildings on the site comprise three portable units, two of which are stacked one on top of the other. These are located at the frontage of the site, adjacent to the vehicular access into the utilities yard. Each unit measures 9.7m long by 3m wide by 2.5m in height, therefore the stacked cabins have an overall height of 5m.
10. The operating yard would provide parking, storage and waste processing facilities for a utility maintenance company (road repair/maintenance works). During utility works, material is excavated from the ground and loaded onto grab wagons. This material would be brought to site for storage and processing using a trommel (rotating screen). Storage of incoming waste and screened products would be undertaken within designated storage areas located at the rear of the site. The process enables the company to recycle all excavated materials thus reducing the amount of material sent to landfill and reducing the use of virgin quarried stone.
11. Operating hours for the site are proposed to be 05:30 to 20:00 hrs seven days per week. These broad operating hours are due to the need to allow vehicles to leave the site early or because of contract obligations which require works to be

undertaken during quiet periods on the highway network (weekends and evenings). No processing of material would be undertaken outside of normal working hours (08:00 to 17:00 hrs Monday to Saturday).

12. The business would generate 15 visits by lorries (30 movements) per day. Other vehicles entering the site would be mainly staff and visitors comprising light vans and private cars which would enter and leave the site once per day. There is also provision on site for the storage of bicycles for staff who wish to cycle to work. Additionally, being situated on a main road, there are two bus stops 60m south of the site on Gin Close Way.
13. At the end of the temporary five year period of the planning permission being sought the applicants have requested that the use of the land reverts back to its authorised use of open storage with associated repair and trade sales of pallets, sheds, fencing materials, portable buildings, building materials and caravans, camper vans and similar vehicles. It is understood that this accords with the land owner's wishes.
14. During the course of processing the planning application the applicant has submitted a flood risk assessment to assess the effect that peak flood events associated with the overtopping of the Gilt Brook would have on the application site. The findings of the flood risk assessment are considered within the planning observations section of the report.

Consultations

15. **Broxtowe Borough Council:** *Raise no objections subject to controls being imposed to limit storage heights to a maximum height of 5m, limiting waste storage to inert waste only thus ensuring no adverse impacts from odour and the imposition of a lorry routeing agreement to restrict the movement of lorries through residential areas in Awsworth during the extended hours of the working day which are sought within the planning application.*
16. **Greasley Parish Council:** *No representations received.*
17. **Environment Agency:** *The Environment Agency originally raised an objection to the planning application on the basis that the site lies within Flood Zone 3a (high probability of flooding) and in the absence of a flood risk assessment to support the planning application, the flood risks resulting from the development were unknown. The applicant has subsequently prepared a flood risk assessment which identifies the extent of flooding across the planning application site associated with peak flood events resulting from the Giltbrook. This supplementary information has enabled the Environment Agency to conclude that the southern part of the site is at risk from flooding and therefore the Agency wish to see a planning condition imposed to restrict storage within the highest risk flooding areas of the site (areas with greater than 300mm of peak flood water) to ensure that site activities are resilient to flooding and that negative flood impacts to surrounding land does not result from the development. This has resulted in revised plans being submitted detailing the*

relocation of a lorry parking area within the site, moving it out of the area at risk from flooding.

18. **Severn Trent Water Limited:** *Raise no objection to the development.*
19. **NCC (Nature Conservation):** *The site comprises an area of hardstanding and therefore no direct ecological impacts are anticipated. It is requested that a planning condition be imposed requiring the retention of roadside verge planting.*
20. **NCC (Countryside Access):** *Greasley Parish Public Right of Way 58 passes along the outside of the north-eastern side of the site. Any development should not adversely affect this route.*
21. **NCC (Planning Policy):** *The application site lies within the Nottingham-Derby Green Belt and is located on an established industrial area. East Midlands Regional Plan Policy Three Cities SRS 2 states that the principle of the Nottingham-Derby Green Belt will be retained. The NPPF states that there is a general presumption against inappropriate development in the Green Belt, setting out categories of development which may be considered appropriate in the Green Belt. The current proposal is not included within the NPPF list and therefore must be considered as inappropriate development. Planning permission should only be granted for inappropriate development in the Green Belt if the applicant has demonstrated that there are material considerations which amount to very special circumstances which outweigh both the harm arising from the fact of inappropriateness and any other harm caused to the Green Belt by the development.*

The applicant has submitted information in support of the proposal which seeks to justify the need for the development in a Green Belt location. Having examined the information submitted with the planning application it is concluded that the proposed development would not cause any greater harm to the Green Belt than the existing use and that given that the site is surrounded by similar uses, the visual amenity of the Green Belt would not be detrimentally harmed. Therefore, provided that suitable planning conditions restricting the height and positioning of the proposed portable buildings and associated storage of materials are imposed on the grant of any planning permission strategic planning objections are not raised to the development.

22. **NCC (Landscape):** *Observe that the site lies within the Green Belt of Nottingham and whilst the proposed development does not strictly fit within the Green Belt policy guidance, the planned usage is not that dissimilar to previous activities, and as there will be no alteration to the extent of the working area, any net impact is not considered significant. The proposed development will all take place within the established site compound. The proposed portable buildings, while aesthetically unattractive, are practical for operational purposes, and are of a mass in proportion to other built structures in the locale. As the current permission allows the storage of materials to a height of 5m, the stacking of two portable buildings in the entire site, is regarded as not significant.*

While the local landscape character of the application area does have many of the characteristics typical of the Coalfield Farmlands Character Area, the area immediately surrounding site is more urban/industrial than the policy zone indicates. Within the site area itself there are no landscape characteristics and features that are especially typical of the wider landscape character area. Considering the above, the magnitude of change in the landscape character of the surrounding character area is assessed as insignificant, the development is self contained within an existing site which is of 'poor' landscape condition and 'low' landscape sensitivity and therefore the significance of landscape impact is negligible.

With regard to visual impacts, as the development does not propose the removal of any mature vegetation, it is assessed that the overall visual impact of the scheme will be minor adverse. The Landscape Team is therefore able to support the scheme.

23. **NCC (Reclamation):** *From the aspect of contaminated land management there would appear to be no significant additional impact either to human health or the wider environment from the site proposals.*
24. **NCC (Highways):** *The access point is as existing, which is sufficient to serve the proposed use. The car parking bays and lorry parking will need to be signed as part of a condition to ensure vehicles are parking within the appropriate location within the site. Otherwise the Highways Authority would have no further highway issues.*
25. **NCC (Noise Engineer):** *Concludes that the operational noise levels associated with this proposal would not give rise to adverse noise impacts at nearby noise sensitive receptors on the basis that the predicted operational noise levels are rated at 10dB to 19dB below the existing background noise level (in the main traffic noise on the surrounding road network). Such a situation is described in BS4142 as being "a positive indication that complaints are unlikely." Planning conditions are suggested to control the working hours and processing of material, the throughput of the site and the machinery used on the site.*
26. **Western Power Distribution:** *Any modifications to the site entrance have potential to compromise the cover over an 11,000v underground cable.*
27. No representations have been received from **National Grid (Gas).**

Publicity

28. The application has been publicised in accordance with the County Council's Statement of Community Involvement by the posting of a site notice and the publication of a press notice in the Eastwood Advertiser on the basis that the development involves a departure to Green Belt Policy. The adjoining business, Oak Tree Motorhomes, has been consulted by letter. No representations have been received.
29. Councillor David Taylor has been notified of the planning application.

Observations

30. The development comprises a mixed use activity incorporating temporary office buildings, building material storage, overnight lorry parking and inert waste storage/processing facilities. The operation has an industrial/commercial character and therefore would be most appropriately located on industrial land. This conclusion is supported by Policy W9.1 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) which encourages the siting of waste transfer stations on industrial land.
31. The Broxtowe Local Plan (BLP) Proposals Map incorporates land use designations within the Broxtowe area. The proposals map identifies that the planning application site is located within the Green Belt and therefore is not identified for development. Broxtowe Local Plan (BLP) Policy E8 states that:
- ‘Planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development. Appropriate development includes:*
- a. Buildings appropriate to agriculture and forestry;*
 - b. Essential facilities for outdoor sport and outdoor recreation;*
 - c. Essential facilities for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it;*
 - d. Limited extension, alteration or replacement of existing dwellings, provided that it does not result in disproportionate additions over and above the size of the original building;*
 - e. Limited infilling or redevelopment of major developed sites;*
 - f. Changes of use of agricultural and other buildings to employment and tourism uses which help to diversify the economy;*
 - g. Mineral working subject to high environmental standards and a high standard of restoration.*
32. The change of use of land to a utility yard is not identified as being ‘appropriate development’ within a Green Belt under the criteria listed within BLP Policy E8. The development must therefore be considered as ‘inappropriate’ in the context of BLP Green Belt policy.
33. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations relevant to the determination of this planning application include Central Government policy set out within the National Planning Policy Framework (NPPF), the history of use of the planning application site and policy set out within Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management.

34. The NPPF sets out national planning policy including Green Belt policy. The NPPF follows a similar approach to BLP Policy E8 in terms of identifying a list of land uses (paragraph 89) which are considered appropriate within the Green Belt. The NPPF list of appropriate development is generally similar to that contained within BLP Policy E8, but also includes within its definition of appropriate Green Belt development:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.

35. The application site is previously developed (brownfield) land which has the benefit of planning permission for a mixed-use storage activity. The proposed utility yard would have similar characteristics to this permitted use and would not result in any greater impact to the openness of the Green Belt and the purposes of including land within it than the approved development. The development therefore can be considered as appropriate development within the Green Belt using the definition contained within NPPF paragraph 89, subject to it having acceptable impacts to the openness and there being no harm to the purposes of including land within the Green Belt.
36. In terms of impacts to the openness of the Green Belt, appropriate controls regarding storage locations and heights would ensure that the new use of the site does not have any greater impact on the openness of the Green Belt than the existing use. With regard to impacts to the purposes of including land within the Green Belt, these purposes are listed within paragraph 80 of the NPPF and include:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development would not prejudice any of these purposes of including land within the Green Belt. It is therefore concluded that the development can be considered as 'appropriate development' within the Green Belt, when considered against NPPF criteria.

37. In circumstances where NPPF policy is not consistent with local plan policy, paragraph 215 of the NPPF states that due weight should be given to the policies of existing plans according to their degree of consistency with the NPPF. Since the BLP is not entirely consistent with the NPPF in terms of its definition of appropriate development, the NPPF definition is material within the determination of this planning application. It is therefore concluded that the redevelopment of this particular previously used, mixed use storage site in connection with a utilities yard is not inappropriate development in the context of national Green Belt policy.

38. PPS10 paragraphs 20 & 21 provide support for the development of waste treatment facilities which support the reuse and recycling of waste within industrial locations, particularly previously developed or redundant industrial sites, such as the current development, subject to there being acceptable environmental and transport impacts. Support is also provided for the development through BLP Policy EM3 which permits the re-development of existing employment sites, subject to acceptable environmental impacts.
39. It is therefore concluded that whilst the development is a 'departure' development in the context of BLP Green Belt policy, material considerations including NPPF Green Belt policy, the brownfield character of the site and support provided through PPS10 argue in favour of the development on this site subject to there being no unacceptable environmental impacts.
40. DCLG Circular 02/2009 identifies those circumstances where it is necessary to refer Green Belt departure planning applications to the Secretary of State. Since the planning application is for comparatively minor development within the Green Belt which does not trigger the thresholds for referral set out within paragraph 4 of this Circular, there is not a requirement to refer this application to the Secretary of State as a departure.

Visual Impact

41. WLP Policy W3.3 seeks to minimise the visual impact of waste management facilities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights.
42. The facility would be developed on a predominantly hard surfaced site which has historically been used for a variety of open storage purposes. The layout ensures that the buildings are located at the front of the site. These buildings are of a functional design but nevertheless are considered to be visually acceptable in the context of the industrial/commercial character of surrounding properties. Open storage areas would be located at the rear of the site and therefore benefit from the existing screening along the rear and side (north) boundaries of the site. Overall it is considered that the development would have a similar visual appearance to the previous authorised use of the site and thus the development would not result in significant adverse visual impacts.
43. Planning conditions are recommended to ensure that the site operations are carried out in accordance with the submitted plans thereby ensuring the open storage areas are contained at the rear of the site. External storage heights are recommended to be limited to 5m in height thus ensuring these activities do not become visually intrusive and providing consistency with the previous planning conditions imposed on the site. Subject to these planning conditions, the development satisfies the requirements of WLP Policy W3.3.

Surfacing and Drainage

44. WLP Policy W3.5 states that planning permission should not be granted for waste management facilities where there is an unacceptable risk of pollution to ground or surface water or where there is potential to affect the integrity or function of a floodplain. WLP Policy W3.6 sets out a number of conditions which can be imposed to minimise potential pollution including using impermeable areas for waste receipt/processing areas with appropriate drainage systems and controlling oil storage.
45. The site benefits from hardstanding and impermeable surfacing which the applicant proposes to retain. Drainage from the site discharges to the existing surface and foul water drainage systems. Subject to a condition to limit the waste inputs to the site to construction/demolition wastes the development would not give rise to any unacceptable risks of pollution to ground or surface water thereby ensuring compliance with WLP Policies W3.5 and W3.6.
46. WLP Policy W3.13 seeks to ensure that flooding impacts are not exacerbated by waste development. To inform the assessment of the planning application, a flood risk assessment has been prepared which considers the effect and extent of peak flood events resulting from the Gilt Brook overtopping its river bank. The flood assessment demonstrates that during such peak events flood water would encroach onto the planning application site, with a maximum flood water depth of up to 600mm along the southern boundary of the site and proportionally lower flood water levels extending into approximately half of the site from the southern boundary. The views of the Environment Agency have been sought in respect of the flood risk impacts of the development. The Agency are satisfied that the development would not result in additional impacts during periods of flooding subject to the lorry parking along the southern boundary of the site being re-located into the centre of the site outside the area at greatest risk from flooding and that no material storage is undertaken within these areas. Revised plans have been submitted to show these alterations which could appropriately be controlled through the use of a planning condition to ensure compliance with WLP Policy W3.13.

Ground Contamination

47. The historical commercial/industrial uses of the site would indicate that the ground underlying the application site potentially contains a level of contamination from such uses. However, since the proposed development does not involve any redevelopment works which would intrude into this underlying ground, any existing ground contamination would not be mobilised by the development.
48. The proposed use of the site for the recycling of inert materials is considered to have a low pollution risk and, subject to satisfactory controls relating to flooding, drainage and dust suppression, would not generate any significant increased risk to ground contamination.

Highway Issues

49. WLP Policy W3.14 states that planning permission will not be granted for waste management facilities where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable disturbance to local communities.
50. The site is served by the A6096 which has direct access to the A610 and M1. The development generates a comparatively low 30 two way movements of 7.5 tonne lorries as well as associated car/light van movements. These vehicles can satisfactorily be accommodated on the surrounding road network. Broxtowe Borough Council have recommended that restrictions be imposed on lorry movements through Awsworth during the extended morning/evening operating hours to ensure that residential amenity is not adversely affected. Such controls are not considered to be necessary since the development generates comparatively low vehicle movements which would be routed along an 'A' category road. The supporting noise assessment demonstrates that the passage of these vehicles would not generate significant nuisance to residential properties adjoining these roads. It is therefore concluded that the vehicles generated by the development would not generate unacceptable disturbance to local communities and therefore the requirements of WLP Policy W3.14 are satisfied.
51. Access into the site is obtained directly from the A6096. This junction is of a satisfactory construction with adequate visibility to serve the anticipated vehicle movements associated with the development. Off-street car parking is provided within the site. Planning conditions are suggested to require the erection of signage to demark the parking areas and to ensure the parking facilities remain available for off-street car parking at all times during the operation of the site.
52. WLP Policy W3.11 encourages the hard surfacing of haul roads within waste management facilities to minimise the potential for mud and other deleterious material contaminating the highway network. The site is hard-surfaced and, subject to regular sweeping, mud should satisfactorily be controlled from trafficking onto the public highway. The proposals would not impact upon the adjacent public right of way.

Noise

53. WLP Policy W3.9 seeks to ensure that when planning permission is granted for waste management facilities conditions should be imposed to reduce potential noise impacts. Such conditions may include the enclosure of noise generating facilities, stand-off distances between operations and noise sensitive locations, restrictions over operating hours, using alternatives to reversing beepers and setting maximum operational noise levels.
54. The site is bordered by commercial/industrial properties and busy roads and is not therefore in close proximity to residential properties or other sensitive noise receptors. A noise impact assessment has been undertaken in line with guidance provided in BS4142 'Method for rating industrial noise affecting mixed residential and industrial areas' to assess the significance of noise impact to residential properties. The noise assessment concludes noise emissions at these residential properties are unlikely to generate complaint, subject to the site

being operated in accordance with the submitted proposals including controls over working hours to restrict vehicle movements to between 5:30am to 8:00pm with tighter controls on recycling activities of 8.00am to 5.00pm on weekdays and 8.00am to 1.00pm on Saturdays. Controls are also recommended to limit the throughput and the type of recycling plant operated on the site to a loading shovel, screen and crusher in accordance with the details considered within the noise assessment. Subject to these controls the development satisfies the requirements of WLP Policy W3.9.

Dust

55. The recycling operations involving the crushing/screening of inert waste have potential to generate dust emissions. WLP Policy W3.10 identifies that dust emissions from waste processing facilities can be managed and reduced by implementing appropriate dust mitigation practices. Measures include the siting of facilities remote from sensitive receptors, the enclosure of dust generating operations within buildings and enclosed areas and the use of water to dampen down stockpiles.
56. The site is not in close proximity to potentially dust sensitive residential properties. Notwithstanding this fact measures to minimise dust emissions are considered necessary to ensure that dust emissions do not adversely affect surrounding business premises. The main potential source of dust arises from the operation of the crusher/screen. This machine would be regulated through an Environmental Permit issued through the Environment Agency which would control the level of noise and dust emissions from the plant. To supplement this control a planning condition is suggested to require the damping of processing and storage operations to minimise dust emissions. Processed materials are specified to be stored within three-sided storage bays, offering protection from windblow and planning conditions are therefore recommended to limit processed storage to these storage bays. These conditions are in accordance with the WLP Policy W3.8.

Odour

57. WLP Policy W3.7 seeks to minimise odour emissions from waste management facilities by imposing controls over the types of waste received at waste management sites, enclosure of waste reception and storage areas, sheeting of lorries and contingency measures such as odour masking agents or removal of malodorous material.
58. The facility would manage construction/demolition wastes which are generally inert and therefore have low potential odour risk. Subject to a planning condition restricting the types of waste received to these categories potential odour releases should be limited to an acceptable level.
59. To ensure that incoming waste loads do not contain inappropriate non-conforming waste that potentially could be odorous a planning condition is suggested requiring the operator to inspect all incoming loads and remove any non-conforming materials from the incoming waste immediately upon receipt,

that these materials are stored within a sealed skip/container and that the non-conforming materials are removed from site within 72 hours.

Ecology

60. The site is not designated as having any nature conservation interest and is generally hard surfaced containing no vegetation and therefore of no ecological value. Therefore significant ecological impacts are not predicted as a result of the development.
61. The vegetation surrounding the site, which potentially has some limited ecological interest, is not within the ownership of the applicant and therefore it is inappropriate to impose any planning conditions requiring its retention/management.

Other Options Considered

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

Statutory and Policy Implications

63. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

64. None arising.

Equalities Implications

65. None arising.

Crime and Disorder Implications

66. The development would be located within an established industrial site which benefits from perimeter security fencing. The facility would manage comparatively low value wastes. Higher value materials would be stored within the existing storage building at the site.

Human Rights Implications

67. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, the development has scope to introduce some minor impacts in terms of noise, dust and traffic but these considerations need to be balanced against the wider benefits of providing sustainable waste management facilities and the ability to control such impacts through planning conditions.

Implications for Sustainability and the Environment

68. The development would provide a local facility for the collection, recycling and recovery of waste, resulting in a net reduction in the use of virgin materials, therefore achieving waste management in accordance with the objectives of the waste hierarchy.

Conclusions and Statement of Reasons for the Decision

69. The application is for the temporary five year use of land for a mixed commercial storage/waste processing operation. The development has been considered against the relevant policies of the Broxtowe Local Plan (BLP) and the Nottinghamshire and Nottingham Waste Local Plan (WLP).
70. The BLP Proposals Map identifies that the site is situated within the Green Belt. BLP Policy E8 sets out the categories of development considered appropriate to the Green Belt which identifies that the proposal is inappropriate development within the Green Belt when considered against the criteria of this policy.
71. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations relevant to the determination of this planning application include:
- a. The previous use of the planning application site for a mixed storage use;
 - b. Central Government policy set out within the National Planning Policy Framework (NPPF) which states that the redevelopment of brownfield sites within the Green Belt can be considered as appropriate development;
 - c. Support provided within Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management in terms of locating waste facilities on brownfield sites;
 - d. WLP Policy W9.1 which encourages the siting of waste transfer stations on industrial land;
 - e. BLP Policy EM3 which supports the re-development of existing employment sites.

These material considerations argue in favour of permitting the development within a Green Belt location, subject to acceptable environmental impacts, despite the development being considered as inappropriate in the context of BLP Policy E8.

72. The environmental effects of the development have been assessed against the environmental protection policies contained within Chapter 3 of the WLP and relevant Government guidance. Subject to the use of appropriate planning conditions, significant adverse impacts would not result. In reaching this conclusion consideration has been given to WLP Policy W3.3 relating to visual impact where it has been shown that the development would not significantly change the visual appearance of the site from the use that is currently authorised; Policy W3.5 and W3.6 where it has been shown that site drainage is satisfactorily thus ensuring that any pollution is adequately controlled; controls relating to the types of waste received at the site would ensure that odour impacts are controlled thus ensuring compliance with Policy W3.7; controls over the activities undertaken on the site including restrictions over the operating hours would ensure that noise emissions are controlled thereby ensuring compliance with Policy W3.9; an appropriate dust management strategy would be put in place to ensure compliance with Policy W3.10; the use of hard surfacing on the site would avoid mud and other detritus entering the highway thus ensuring compliance with Policy W3.11; the revised site layout ensures that activities are not undertaken within the highest flood risk parts of the site thus ensuring compliance with Policy W3.13; and traffic generated by the site is comparatively low thus ensuring compliance with Policy W3.14 relating to road traffic. The County Council therefore concludes that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Statement of Positive and Proactive Engagement

73. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

74. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

75. Planning and Licensing Committee has authority to approve the recommendation set out in this report (NAB 07.03.13)

Comments of the Service Director - Finance

Text to be entered here

[Initials and date here in square brackets]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Beauvale Electoral Division : Cllr David Taylor

Report Author/Case Officer

Mike Hankin

0115 9696511

For any enquiries about this report, please contact the report author.

RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. The development hereby permitted is for the retention of a utilities yard including the siting of portable offices, vehicle parking, materials storage and auxiliary inert waste material processing for a temporary five year period expiring on 31st March 2018. At the end of this five year temporary period the use shall cease and the portable office building shall be removed from the site. The site shall thereafter be returned to a condition suitable for its previous use (see informative note 1).

Reason: *To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and in recognition of the applicant's request that the planning permission only be granted for a temporary duration so as to maintain the development rights permitted by Broxtowe Planning Permission reference 09/00601/FUL.*

2. Unless otherwise required pursuant to conditions of this permission, the development shall be carried out in accordance with the submitted application and supporting information, as amended, and the following plans and documents:
 - a. Planning application forms received by the Waste Planning Authority (WPA) on 14th December 2011.
 - b. Design and access statement received by the WPA on 14th December 2011.
 - c. Supporting information for a planning application statement received by the WPA on 14th December 2011.
 - d. Noise impact assessment received by the WPA on 23rd February 2012.
 - e. Flood risk assessment received by the WPA on 17th April 2012.
 - f. Site Location Plan received by the WPA on 14th July 2011.
 - g. Drawing: Nottingham Site Plan for Gallagher received by the WPA on 6th March 2013.
 - h. BWB Letter dated 6th February 2013 (flooding assessment) and supporting Drawing No. NTW/2095/W05 Rev. P1: 100 year (+20%) modelled flood depths on proposed layout for Gin Close Way, received by the WPA on 6th March 2012.

Reason: *For the avoidance of doubt as to the development that is permitted.*

Controls relating to permitted waste

3. Only inert waste shall be imported onto the site. The operator shall inspect all incoming loads upon delivery to the site to ensure that only inert waste is received at the site. Any non-compliant loads including putrescible or potentially odorous wastes contained within incoming loads shall be removed from the waste immediately upon receipt and placed into a sealed airtight storage container/skip for storage. This waste shall thereafter be removed from the site within 72 hours of its delivery.

Reason: To minimise potential odour emissions in compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.7.

4. Waste materials shall only be stored within the appropriately designated bays as identified on Drawing: Proposed new Morrisons (MRS) North Depot and GRS Recycling Site, Junction 26 M1, Nottinghamshire received by the WPA on 29th March 2012.

Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

Capacity of Site

5. The maximum amount of waste material accepted at the site shall not exceed 60,000 tonnes per annum. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

6. There shall be a maximum of 15 visits by lorries (30 movements) each day. Written records shall be maintained of all lorry movements including the time of day such movements take place and registration number. Copies of the lorry movement records shall be made available to the WPA within 7 days of a written request being made by the WPA.

Reason: To limit lorry movements in line with the application as assessed and in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Operating Hours

7. Except in emergencies to maintain safety at the site (which shall be notified to the WPA within 48 hours of their occurrence), the site shall only be operated in accordance with the time periods specified below.

Operation	Working Hours
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Vehicle movements in connection with the delivery of waste including associated loading & unloading.	05:30 to 20:00 seven days a week. Not at all on Bank & Public Holidays.
Operation of screen, crusher and loader in connection with waste processing.	08:00 to 17:00 Monday to Saturday and not at all on Sundays or Bank & Public Holidays.

Reason: To minimise potential noise disturbances from the operation of the site and to ensure compliance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

8. Only plant and machinery which is listed within paragraph 3 of the Noise Impact Assessment report received by the WPA on the 23rd February 2012 comprising a Powerscreen 1400, Powerscreen Metrotrak Crusher and JCB 460 Loader shall be operated within the site, unless the details of any new plant/machinery are first agreed in writing by the WPA. Any request to operate additional machinery shall incorporate details of the sound power output of the machinery to be operated.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

9. Measures shall be used to ensure that noise generated within the site is kept to a minimum. Such measures shall include the fitting and use of effective silencers to plant and machinery in accordance with the manufacturers' specifications and recommendations and the regular servicing of plant and machinery.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

10. All reversing warning devices used on mobile plant under the control of the operator shall comprise white noise (broadband) alarms.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

11. Noise levels from site operations shall not exceed a daytime noise criterion of 5dB(A) above the existing background noise level after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise (as advised in BS4142 :1997) at any residential property. In the event that a complaint is received

regarding noise arising from the development hereby permitted which the WPA considers may be justified the operator shall, within 1 month of a request of the WPA, undertake and submit to the WPA for its written approval a BS4142 : 1997 noise survey to assess whether noise arising from the development exceeds the daytime noise criterion of 5dB(A) above the existing background noise level after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142 :1997. The monitored noise levels are to be "free-field" carried out at a height of 1.2m to 1.5m above ground level and presented as a Laeq1hour, value. In the event that the noise survey indicates that the levels are in excess of 5dB(A) above background (as corrected by the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142 :1997), the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion. Any mitigation measures agreed in writing by the WPA shall thereafter be implemented throughout the operational life of the site.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust

12. Dust emissions shall be kept to a minimum and contained within the site. The operator shall take the following actions to ensure that dust emissions are minimised:
- a. The use as appropriate of a dust suppression system throughout all working areas, particularly during periods when processed timber is being deposited and loaded. A suitable and sufficient water supply shall be provided to the site at all times to enable the suppression of dust by water spray;
 - b. The use as appropriate of water bowzers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
 - c. The regular sweeping of haul roads;
 - d. The temporary cessation of waste processing during periods of extreme dry and windy weather.

In the event that dust emissions are not contained within the site the operator shall, within two weeks of a written request of the WPA, prepare and submit a mitigation strategy to remedy the nuisance. The mitigation strategy shall thereafter be implemented as approved in writing by the WPA and the mitigation measures maintained throughout the operational life of the site.

Reason: To minimise disturbance from dust in accordance with Policy W3.8 and Policy W3.10 of the Nottinghamshire Waste Local Plan.

Storage Heights

13. The maximum storage height of waste materials stored on the site shall be 5m.

Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

Car Parking

14. The car parking area identified with yellow shading on Drawing: 'Proposed new Morrisons (MRS) North Depot and GRS Recycling Site, Junction 26 M1, Nottinghamshire' received by the WPA on 29th March 2012 shall be kept free of all obstructions and only be used for its designated purpose.

Reason: To ensure satisfactory off-street car parking in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Oil Storage

15. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Flooding

16. Within the areas of greatest risk from flooding from the Gilt Brook (defined as those areas which would experience flood water depths greater than 300mm and shaded either blue or pink on Drawing No. NTW/2095/W05 Rev.P1: 100 year (+20%) modelled flood depths on proposed layout received by the WPA on 6th March 2013), there shall be no external storage of materials or any vehicular parking. The 'grab wagon' parking shall be sited within the centre of the site as detailed on the site plan received by the WPA on 6th March 2013.

Reason: To ensure that site activities are resilient to flooding impacts and do not result in adverse flooding impacts to surrounding land in accordance with Policy W3.13 of the Nottinghamshire and Nottingham Waste Local Plan.

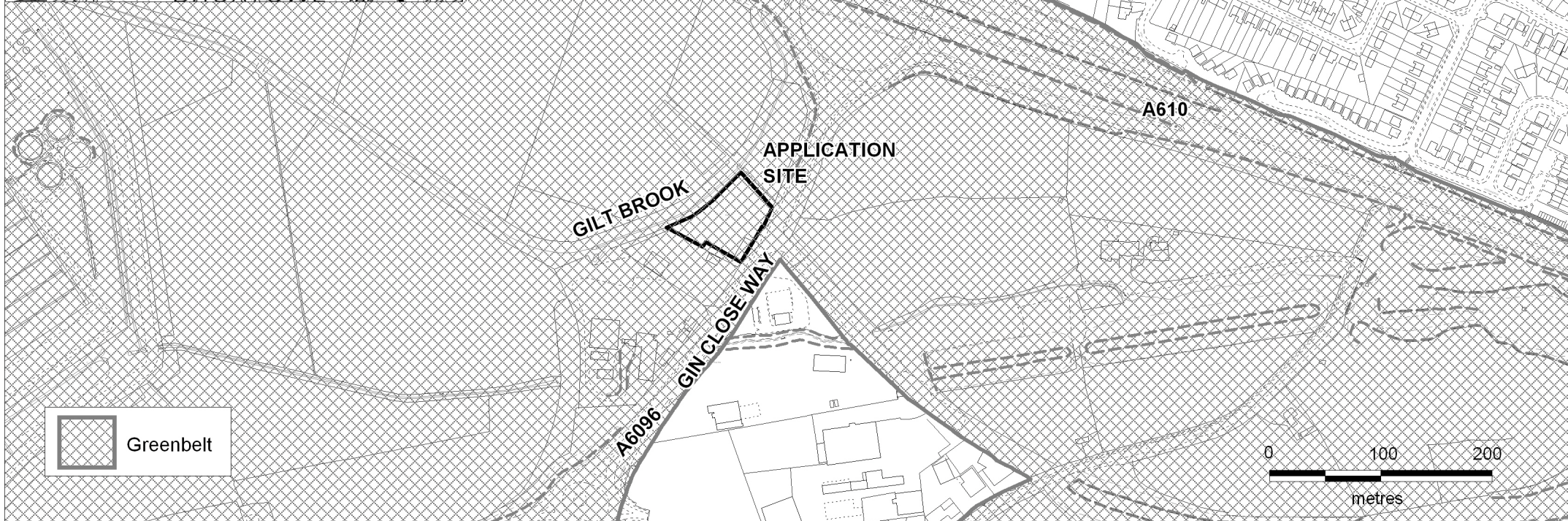
Early Cessation of Temporary Operations

17. In the event that the use of the site as a utilities yard should cease for a period in excess of three months then, within one week of a written request from the WPA, the site shall be cleared of the portable buildings, all stored waste and recycled materials. The site shall thereafter be returned to a condition suitable for its previous use (see informative note 1).

Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.

Note to Applicant.

1. For the avoidance of doubt the use of the land prior to the grant of this planning permission is that granted on 15th October 2009, reference 09/00601/FUL, being open storage with associated auxiliary repair and trade sales of pallets, sheds, fencing materials, portable buildings, building materials and caravans, camper vans and similar vehicles with on-site storage to a maximum height of 5m together with the erection of an associated 2.4m high boundary security fence.
2. The Environment Agency advise:
 - a. Standard rules permit SR2010No12 requires that if the site is located outside Source Protection Zones 1 or 2 all permitted waste shall be stored on hardstanding or on an impermeable surface with a sealed drainage system. The site has an impermeable surface but there is uncertainty as to where surface water drains to. In order to ensure compliance with the above permit condition this needs to be clarified.
 - b. A permit is required from the Agency under the terms of the Environmental Permitting Regulations 2010 for the proposed sewage discharge to a soakaway from the septic tank. Details of how to apply for a permit are available from the Environment Agency website.



Trent Bridge House, Fox Road
Nottinghamshire West Bridgford, Nottingham, NG2 6BJ
County Council Tel: 0115 982 3823

Retention of utilities yard, including the siting of portacabin offices, vehicle parking, materials storage and auxiliary inert waste material processing for a temporary period of five years. Gin Close Way, Kimberley, Notts.
Planning Application No. 5/12/00122/CCR

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PLAN 1

