



**15<sup>th</sup> July 2014**

**Agenda Item:5**

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

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/00040/CMA**

**PROPOSAL: PROPOSED EXTENSION TO EXISTING QUARRY WITH RESTORATION  
TO WATER AMENITY, TOGETHER WITH REVISED RESTORATION  
FOR CREATION OF AN ENLARGED NATURE RESERVE AND  
RETENTION OF EXISTING PLANT SITE AND SITE ACCESS**

**LOCATION: LAND AT LANGFORD QUARRY, NEWARK ROAD, NEAR  
COLLINGHAM, NEWARK**

**APPLICANT: LAFARGE TARMAC LTD**

**Purpose of Report**

1. To consider a planning application for an extension to the Langford Quarry, near Newark. The submission also incorporates alterations to the previously approved restoration proposals for the quarry.
2. The key issues within the determination of the planning application relate to the need for the mineral and the appropriateness of the site in the context of local environmental impacts.
3. The recommendation is to grant planning permission, subject to conditions and the applicant entering into a Section 106 legal agreement to control lorry routing, landscape management and the protection of a local nature reserve.

**The Site and Surroundings**

4. Langford Quarry is located in the Trent Valley approximately 8km due north of Newark, Nottinghamshire. Locally the site is situated 1.2km north east of the village of Holme, 2.6km south west of the village of Collingham and 1.9km northwest of the village of Langford. The site and its surroundings are illustrated on Plan 1.
5. Langford Quarry has been operational since the late 1980s. The existing quarry workings are divided into three phases, phase 1 and 2 have been worked out, restored and are now managed by the RSPB as a

wildfowl/wetland nature reserve. Extraction is well advanced in Phase 3. The quarry produces around 500,000 tonnes per year of sand and gravel and represents a strategically important producer of mineral for concrete production within the County. It is anticipated that mineral extraction within the consented reserves will be predominantly depleted in Spring 2015.

6. The current planning application seeks to extend the quarry to release additional mineral reserves. The boundaries of the application have been drawn around a total of 127.2 hectares (Ha), incorporating lateral extensions of the quarry onto adjoining farmland as well as parts of the existing consented quarry area as illustrated on Plan 2.
7. The land which would be used as an extension to the extraction area is incorporated within three parcels of land. The main 'southern extension' extraction area to the south of the quarry incorporates approximately 20 Ha of arable agricultural extending between the existing quarry and Slough Dyke. The land consists of two arable fields and part of a third. Hedgerows define the boundaries of these fields. Two smaller parcels of land extending to 3Ha of land to the east of the current extraction area, known as the 'eastern extension', would also be quarried. This land is within the operational quarry area and is currently used for the storage of soils stripped from earlier working phases but does not have the benefit of planning permission for sand and gravel extraction.
8. The geology of the extraction areas has been proven by exploratory boreholes which identifies a number of distinctive layers in the ground formation comprising topsoil (0.2 to 0.4m thick), subsoil (0.2 to 0.4m thick), non-soil overburden (0.5 to 5m thick), sand and gravel (2 to 6m thick comprising 53% gravel, 44% sand and 3% silt). Mercia mudstone underlies the mineral reserve.
9. The boundaries of the planning application site have been drawn to incorporate areas of the existing quarry which would be used as part of the development including the plant site and haul road, the network of silt lagoons, and land within the current working area/recently extracted workings where alterations are proposed to be made to the restoration works.
10. A number of public rights of way are located in the vicinity of the site and identified on Plan 3. The footpaths generally follow the boundaries of the existing and proposed extraction areas.
11. The application site is generally flat at around 7-8m Above Ordnance Datum (AOD) and is located within the River Trent floodplain.

### **Proposed Development**

12. Planning permission is sought to extend the quarry in an easterly and southerly extension, releasing an anticipated 1,438,000 tonnes of mineral of which 136,000 tonnes would be extracted from the eastern extension with the remainder from the southern extension. The planning application also incorporates:

- Construction of a field conveyor and conveyor/vehicle bridge over the Slough Dyke and Public Footpath Langford 3;
  - Revised restoration on part of the existing quarry working area to create an enhanced nature reserve with a more sustainable water management regime, restoration within the proposed extended areas would be to wet, low level meadows and amenity lake.
  - Retention of existing plant site, associated settlement lagoons, site infrastructure and access road;
  - Amendment to the approved phasing of extraction.
13. The quarry phasing scheme anticipates mineral extraction would continue within the existing consented area until early 2015, at which point the quarry would progress into the eastern extension area. The existing soil bunds and soil resources currently stored in this area would be removed and used for restoration purposes within the previous quarry workings prior to the commencement of mineral extraction. Quarry workings would be undertaken below the water table and therefore would require ground dewatering to locally lower the water table. Upon completion of mineral extraction the eastern extraction area would be restored to provide a wet low level meadow habitat.
14. Mineral extraction would subsequently progress into the southern extension. Progression into the southern extension would be preceded by the extension of the conveyor line and the bridging of the Slough Dyke. Top/sub soil & overburden stripping would begin in 2015, this material being transported by dump trucks for use within the restoration of the main lake in phase 3 (current workings) and the eastern extension. During the later stages of working the southern extension soils would be stored and used to restore the resulting mineral void to provide a lake. Upon completion of extraction and restoration in the southern extension, the Slough Dyke crossing would be removed and the field conveyor would be 'retreated'.
15. The alterations to the restoration of the current workings (phase 3 area) result in a reduction to the amount of open water originally proposed in this area. The restoration scheme would create additional reed-bed habitats by concentrating the use of soil and overburden material to infill voids. Water levels would be managed by creating a discharge point to the River Trent. A lake would be retained as part of the restoration of the existing workings on their eastern side.
16. The existing quarry plant site would continue to be used for the processing of mineral together with the existing quarry haul road leading to the A1133. Since there are no changes proposed to the existing output from the site there would be no change to the existing traffic movements which typically total 90 HGVs per day (180 two way movements) and 14 cars. All HGVs are required to turn right when leaving the site and must turn left into the site so that no HGV traffic associated with the operation of the quarry passes through Collingham village.
17. Effluent water from the processing plant would be pumped to the existing silt settlement ponds where suspended solids would be allowed to fall out. An

additional 17,000 cubic metres of fines would be settled in these ponds as a result of the extended operations. The addition of this material to the settlement ponds would create additional wet woodland habitat as part of the restoration of the silt ponds.

18. The planning application does not seek to alter existing working hours which are 0700-1800hrs Monday to Friday and 0700-1300hrs Saturdays. The quarry would continue to employ nine people plus 24 associated hauliers.

#### Regulation 22 Submission

19. The application is accompanied by an Environmental Impact Assessment. Following the receipt of planning consultation responses and officer assessment of the planning application it became apparent that further environmental assessments and clarification were necessary to ensure that objections could be resolved and the Environmental Impact Assessment provides a full assessment of the potential environmental impacts resulting from the development. The applicant was therefore served with a formal request to submit supplementary information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (Reg. 22 request).
20. The applicant subsequently responded to this Reg. 22 request through the submission of a supplementary report and technical appendices. This report does not alter the overall design concept of the development however it provides the necessary information to satisfy Officers that the Environmental Statement provides a full assessment of the potential environmental impacts resulting from the development. The report is structured to address the items raised within the Reg. 22 request namely:
  - a. A supplementary archaeological assessment
  - b. A built heritage assessment
  - c. Alterations to the design of the proposed footpath tunnel where Langford Footpath 3 passes under the proposed haul road and conveyor to provide additional headroom.
  - d. The provision of additional landscape screen planting.
  - e. Arrangements for public access within the restored site.
  - f. Clarity regarding numbers of HGV movements.
  - g. Records of dust emissions from the site.
  - h. Measures to provide further regulation of lorry routeing controls.
  - i. Clarification regarding floodlighting proposals for the site.
  - j. Supplementary ecological surveys for Great Crested Newts, monitoring of water levels within Langford Marsh Local Wildlife Site (LWS) and proposed mitigation measures.

21. The issues raised within this response are assessed in detail within the planning considerations section of this report.

## **Consultations**

22. Newark & Sherwood District Council: *Raise no objections to the planning application provided that Nottinghamshire County Council is satisfied that the proposed development complies with the relevant Development Plan Policies. Specifically, the Environmental Health Officer has reviewed the information relating to noise and raises no concerns and the Environmental Health Proactive Team has reviewed the Air Quality Assessment and is satisfied that the development would not have significant effects on the local air quality from small particle (PM10) and dust emissions since background levels in this rural area are currently some way below the health based objectives. It is noted that the suggested dust control measures follow industry best practice.*
23. Winthorpe with Langford Parish Council: *No representations received.*
24. Collingham Parish Council: *Request that planting and screening proposals are completed before the extension to the quarry commences. There have been some recent occurrences of HGVs driving through Collingham village, it is requested that CCTV cameras are installed on the access road to the quarry to provide easier identification of potentially offending drivers.*
25. North Muskham Parish Council: *No representations received.*
26. Holme Parish Meeting (incorporating Holme Land Bank Trust): *Raise objections to the development. As a matter of background Holme is a small community, comprising 32 occupied dwellings, located on the east bank of the River Trent, all of it less than half a mile from the riverside, some 4 miles north of Newark-on-Trent. The village is located to the south-west of Langford Lowfields quarry. The village is accessed by a single track entry road from the east linking the village to the A1133; it is physically separated from the surrounding settlement pattern by the River Trent to the west and the Newark to Lincoln Railway Line to the east. The Holme Bank Land Trust is a registered charity serving the interests of the residents of the Parish of Holme. Objections are raised to the development on the following grounds:*
- a. *Dust Pollution: Current quarry operations have generated dust nuisance including an incident of a dust storm in 2010 which severely restricted visibility in the local area and forced residents inside, leaving significant dust deposits on Grade I and II listed buildings. Assurances are sought that any future dust complaints will be properly recorded and investigated, and that Network Rail's views on dust emissions are specifically sought. The applicant's liability for damage to properties and vehicles following a dust storm should be established.*

- b. *Visual Intrusion: The planning application acknowledges that there will be some adverse visual impacts from the quarry to properties in Holme village. It is requested that the applicant consult individual house owners affected and put in place suitable landscape treatment, including tree planting (which is effective across all the seasons) in advance of the proposed April 2015 start date, to help reduce the visual impact.*
- c. *Light Pollution: Residents of Holme already have concerns about lighting on the existing site, notably six recently installed very powerful floodlights within the existing plant site. It is requested that the issue of light pollution should be thoroughly explored and action taken as necessary to avoid any nuisance to residents or dangers to health.*
- d. *Restoration: The development would remove the existing agricultural landscape replacing it with a wetland reserve, giving scant regard to Nottinghamshire County Council's proposed "Preferred Approach" Minerals Local Plan strategic objective SO8 which supports restoration to agriculture. The creep of new wetland restoration has already resulted in permanent and continuous change to the Trent valley landscape for a 10km long stretch. Indeed it is worrying that the RSPB (and others) already assume, even before planning permissions have been given, that there will be more than 600 hectares of wetland across the Langford, Besthorpe and Cromwell complex. Restoration to wetland can increase the perception of isolation to the community and the loss of agricultural land can result in the loss of working farms in Holme. There is nothing in the restoration plan which improves public access to the countryside by allowing access to those walking dogs or opening up rights of ways for either cyclists or horse riders. Funding guarantees to ensure that any approved restoration will still take place in the event that Lafarge Tarmac is not able to fulfil its obligations should be secured.*
- e. *Soil quality: Landowners bordering the proposed site should be assured that the quality of their soil is not degraded by the extraction.*
- f. *Cultural Heritage: The site is only 350m from a Scheduled Ancient Monument - the location of a Roman marching camp. Concern is raised regarding impacts on its setting. Assurances are sought that English Heritage are satisfied there is sufficient distance between the monument and extraction areas.*
- g. *Socio-Economic: Further information is sought regarding the applicant's intentions for contributing to community facilities in future years.*
- h. *Cumulative Impact: Langford Lowfields quarry has now been operational since the late 1980s and the draft Preferred Approach Minerals Local Plan allocates work at this site until 2030 – four decades of extraction in total. This concentration on local communities, the potential adverse effect on property values during the excavation phase together with the cumulative impact and the common law duty of care means that both Nottinghamshire County Council and Lafarge Tarmac should take all*

*steps which are reasonably possible to ensure the health and safety of the residents of Holme.*

27. Severn Trent Water Limited: *Raise no objections subject to the drainage details of surface water and foul sewage being agreed prior to the commencement of the development.*
28. Western Power Distribution: *Raise no objections but request consideration be given to any vegetation to be planted in proximity to their equipment to ensure that it does not encroach onto live high voltage lines or penetrate underground cables. The company state that they require 24 hour access to their existing distribution substation which is sited within the existing quarry.*
29. National Grid (Gas and Electricity): *Identify that there is gas and electricity apparatus in the vicinity of the development site which may be affected by the development. The applicant should contact National Grid prior to commencing the development.*
30. National Grid Company PLC: *Raise no objections to the development. The company note that a high voltage overhead transmission line crosses the site for which they have provided a standing advice note to ensure safety is maintained.*
31. Nottinghamshire Wildlife Trust: *Raise objections to the development due to a lack of sufficient information/survey data to determine the magnitude of ecological impact to habitats and species. The Wildlife Trust acknowledge that the concerns potentially can be resolved through the provision of additional information. The following specific comments are raised.*
  - *A pond within 200m of the boundary of the site provides a potential habitat for Great Crested Newts. Further surveys should be undertaken of this pond to determine whether newts occupy the pond and if so an assessment should be made as to whether the development site provides a terrestrial habitat for foraging newts.*
  - *No survey for overwintering birds has been undertaken therefore it is unclear whether the fields are important for wintering flocks of birds, such as swans or geese.*
  - *The water vole survey could not be completed due to the inaccessibility of the banks of the Slough Dyke in places and the density of marginal vegetation cover. In the absence of these surveys, it is not currently possible to accurately assess the likely full impacts of this proposed scheme to water vole.*
  - *If external floodlighting is proposed there is potential impacts to foraging bats.*
  - *A retained tree on the site provides habitat for barn owls, a 50m stand-off from quarry workings should be retained around this tree to ensure it is not adversely affected by quarry operations.*

- *Hedgerows should be managed to make them wider and taller and mitigate for potential feeding and breeding habitat resulting from the loss of farmland.*
- *There should be no clearance of vegetation in the bird breeding season, from March to August inclusive.*
- *Further assessments of potential hydrological impacts to Langford Marsh Local Wildlife Site are required as well as any proposed mitigation measures.*
- *Further details regarding restoration planting/species proposals are requested.*

32. Natural England: *Raise no objections. Natural England is satisfied that the development would not result in adverse impacts to the nearby Besthorpe Meadows SSSI and Besthorpe Warren SSSI. With regard to potential impacts to protected species Natural England has not undertaken a detailed assessment of the potential magnitude of impact, referring the Council to its published standing advice. With regard to impacts to soils and land quality, the development would not lead to the loss of over 20 hectares of 'best and most versatile' agricultural land and therefore detailed comments on this matter are not provided. Natural England encourages the incorporation of green infrastructure and creation of habitats through restoration in accordance with the Biodiversity Action Plan for Nottinghamshire. In terms of landscape effects the proposal is not located within, or within the setting of a nationally designated landscape and therefore landscape impacts should be assessed against local landscape character assessments for the area.*

33. Muskham Vale Heritage Group: *Raise objections to the development on the following grounds:*

- A Roman Camp which is a Scheduled Ancient Monument (SAM) is located to the west of the village and south of the proposed quarry extension. The proposed extension is too close to allow the SAM to remain in context. The SAM is an un-investigated feature and work should be undertaken to research links between this Roman Camp and other Roman sites, particularly Crococalane and North Scaffold Lane. Slough Dyke was an old course of the River Trent and there may well have been an ancient crossing point in the area, this evidence would be lost without full investigation.*
- The development would change the landscape of the area, affecting ancient crossing points of the River Trent, both the site of the Newark Torc, and the Muskham.Holme crossing which formed a wool-trade route between Bolton and Boston.*
- The restoration scheme would leave another 'giant puddle in the landscape'. Restoration should return the land to active agricultural use.*
- The Langford Quarry is already over-developed and adversely affects the landscape. Further encroachment should not be allowed. The proposed*

*move south would cause disruption to the lives of residents of Holme village with dirt, dust, noise and visual impact.*

- e. Lafarge-Tarmac should concentrate efforts on working out other quarries before extending Langford.*

34. Network Rail: *Raise no objections*
35. NCC (Nature Conservation): *Raise no objections on the basis that the proposals appear likely to give rise to minimal ecological impacts with the imposition of suitable planning conditions. The restoration has potential to deliver significant ecological gain. The results of a great crested newt survey of the pond at Langford Marsh need to be provided prior to the determination of this application, and additional information relating to mitigation for potential hydrological impacts is also requested at this stage.*
36. NCC (Countryside Access): *Langford Footpath 3 crosses the site but would not be re-routed by the development. The main issue is the provision of a short tunnel for the path under the haul road and conveyor which is specified to have a maximum height of 2m. This is rather tight on headroom and below the recommended clearance of 2.1m. It is recommended that this height be reviewed.*
37. NCC (Planning Policy): *The development site is not allocated for mineral extraction within the adopted Nottinghamshire Minerals Local Plan 2005 and therefore needs to be considered against Policy M6.3: (Sand and Gravel extraction in unallocated land) and M6.2 (Sand and Gravel Landbank). The sand and gravel landbank as of December 2012 (the latest figures available) stood at 6.74 years and therefore now would be well below the minimum 7 years as set out in these policies and those in the NPPF. The new Minerals Local Plan Preferred Approach sets out the draft policies and site specific allocations to meet demand over the plan period to 2030. Policy MP2 'Sand and Gravel Provision' identifies two areas of land that are being proposed as allocations for Langford Quarry, the proposed development site forms part of the larger MP2h sand and gravel allocation.*
38. NCC (Archaeology): *The archaeological desk based assessment does not address the potential for the development to impact upon heritage assets in the wider landscape; there is limited reference to the nearest Scheduled Monument, the Roman marching camp, but no mention of the nearby earthwork remains of the medieval village at Langford, which is also scheduled. The report is therefore deficient in these respects, and it is recommended that the applicant be requested to provide additional information to allow detailed consideration of these matters.*
39. *The desk based assessment otherwise provides an excellent overview of the site's archaeological potential, pointing out that the lack of information relevant to the site recorded on the County Historic Environment Record (HER) is belied by the previous phases of archaeological fieldwork at the site. A good assessment of particular types of potential is offered, with the eastern extension likely to include Prehistoric, Roman and Early Medieval remains*

*found in earlier extraction, and the larger southern extension likely to contain significant palaeoenvironmental material. It is clear that archaeological field evaluation would present some serious challenges, with soil bunds on the two smaller areas, and a significant depth of alluvial overburden over much of the larger area. In these kinds of contexts, normal evaluation techniques can fail to provide a useful level of accurate predictability. The palaeochannel expected in the southern area has the potential to contain a wide range of archaeological deposits; human remains, deposits of metalwork, boats, trackways and riverside structures. These may be well-preserved and very significant, but will tend to be discrete and limited to a fairly restricted area. Their loss through extraction may be mitigated by their excavation and recording to a level appropriate to their significance - this needs to be set out clearly in a fully detailed Written Scheme of Investigation which the applicants should submit in advance of a planning decision.*

40. NCC (Built Heritage): *The submitted Environmental Statement does not incorporate an assessment of the potential magnitude of impact to heritage assets in the surrounding areas and is therefore considered to be incomplete. A further assessment of these matters is requested.*
41. NCC (Landscape): *The landscape and visual assessment has been studied and it is concluded that it has been carried out in accordance with the current guidelines and the conclusions reached accurately identify the significance of impact. A planning condition should be imposed to require detailed planting specifications prior to the restoration/aftercare of the site.*
42. NCC (Reclamation): *No representations received.*
43. NCC (Highways) Development Control : *Raise no objection on the basis that the development does not propose any alterations to the existing site access, does not change the existing level of vehicular movements i.e. typically 90 HGVs per day and 14 cars to the site, and controls would be imposed to ensure that all HGVs are required to turn right when leaving the site and any arriving must turn left into the site thereby ensuring that no HGV traffic passes through Collingham village.*
44. NCC (Noise Engineer): *The noise assessment report demonstrates that the development would be acceptable on noise grounds subject to the imposition of planning conditions imposing maximum noise levels at nearby residential properties, limitations on the working hours, lorry movements including numbers and routing and the use of appropriate silencing to mobile plant.*
45. The Ramblers' Association: *No representations received.*
46. Royal Society for Protection of Birds (RSPB): *Raise no objections. The RSPB believe that the cluster of mineral sites around Langford Quarry offers the largest potential reedbed habitat restoration potential for the East Midlands. This habitat is UK priority, essential for the future recovery of specialised wildlife such as bitterns, water voles, bearded tits and many other rare and restricted species. The applicant's restoration proposals are also consistent*

*with the principles of 'bigger, better and more connected' places for nature as set out in the Lawton Report.*

47. National Planning Casework Unit: *Have been notified of the planning application.*
48. Public Health England: *Public Health England noted that the quarrying operations have potential to lead to dust nuisance and there appears to have been some historical complaints regarding nuisances from the site. The Planning Authority should ensure that sufficient mitigation is in place to prevent off site dust impacts occurring.*
49. Trent Valley Internal Drainage Board: *Raise no objection to the development subject to appropriate consents being obtained for any works which may affect the Board maintained Collingham Fleet Drain, Westfield Drain and Holme Lane drain.*
50. Defence Infrastructure Organisation: *The Ministry of Defence has no safeguarding objections to the proposal.*
51. Environment Agency (EA): *The Agency has no objections in principle subject to the following matters being controlled through planning conditions.*
  - a. *The development shall be carried out in accordance with the Flood Risk Assessment report which forms part of the planning submission.*
  - b. *Unless previously agreed, restoration levels shall not be raised above original pre-quarrying levels.*
  - c. *The Slough Dyke shall be protected and retained during the development, any works to or within the vicinity of the Slough Dyke shall be agreed in writing.*
  - d. *Satisfactory storage arrangements for oils.*
52. Sustrans: *No representation received.*

## **Regulation 22 Consultation Responses**

53. *The following additional responses have been received in connection with the supplementary Reg. 22 submission.*
54. Newark and Sherwood District Council: *Have no further comments to make to those raised in the original consultation response.*
55. Holme Parish Meeting & Holme Bank Land Trust: *Have provided a joint response within which the following comments are made:*
  - *Built Heritage Assessment: English Heritage should provide expert advice to comment on the buffering that is needed between the scheduled ancient monument and areas of working.*

- *Supplementary Landscape Planting: The supplementary landscape planting is welcomed, although no assessment has been made from the first floor of properties in Holme village where negative impacts would occur.*
  - *Public Access within Restored Landscape: The application does not incorporate any specific proposals for public access within the restored site.*
  - *Dust Operational History: Lafarge Tarmac now acknowledge a significant dust incident occurred in 2010, identifying that management measures, including the use of a sealant would prevent any repeat. Can the applicant give assurances that these measures would be effective and accept liability to compensate residents should problems reoccur.*
  - *Floodlighting: If the 'night vision' CCTV is successful will its use in replacement of the existing floodlighting be a requirement of the planning permission.*
56. Natural England: *Raise no further observations in respect of the Reg. 22 information.*
57. Public Health (England): *Have no further comments to make regarding the further information.*
58. Trent Valley Internal Drainage Board: *Have no further comments to make regarding the further information.*
59. Nottinghamshire Wildlife Trust: *Maintain an objection to the development on the basis that overwintering bird and water vole surveys have not been undertaken, potential impacts to bats from floodlighting have not been fully assessed and precise details of species mix used within the restoration of the site should be submitted prior to the determination of the planning application.*
60. *Notwithstanding the above, the Wildlife Trust are now satisfied that the supplementary Reg. 22 information demonstrates that:*
- *Great crested newts are not present in the nearby pond and therefore detrimental impacts to this species are not anticipated.*
  - *The hydrological monitoring and implementation of a mitigation scheme in the event of water drawdown in Langford Marsh LWS is appropriate and should be controlled through the planning consent.*
  - *The hedgerow management scheme will result in improved habitat for nesting bird.*
61. NCC (Nature Conservation): *The supplementary great crested newt survey of the pond 200m from the extraction area identified no great crested newts and therefore this species would not constraint the development. The hydrological monitoring and implementation of a mitigation scheme in the event of water drawdown in Langford Marsh LWS should be controlled through planning condition. The hedgerow protection and enhancement scheme is supported*

*subject to minor modifications to the species used which can be controlled through planning condition.*

62. NCC Highways: *Raise no further observations in respect of the Reg. 22 information.*
63. NCC (Noise Engineer): *Raise no further observations in respect of the Reg. 22 information.*
64. NCC (Planning Policy): *Raise no further observations in respect of the Reg. 22 information.*
65. NCC (Built Heritage): *Raise no objection on the basis that the supplementary historic environment assessment accurately considers the significance of impacts from the development which are assessed as being of a generally minor in magnitude.*
66. National Grid (Gas and Electricity): *Have responded by restating their previous no objection comment whilst confirming that the development has potential to affect electricity and gas apparatus.*
67. NCC (Archaeology): *The archaeological working scheme of investigation submitted as part of the Reg. 22 response is not appropriate for the level of archaeology anticipated to be contained within the site. In particular concerns are raised regarding the reporting arrangements, clauses within the submitted documents relating to unexpected finds including scope within the scheme to substantially amend the mitigation, further it is not clear who is to undertake this work, nor are any specialist staff identified. For a site of this potential this is a not an acceptable approach and could result in unacceptable damage to the archaeological resource. These matters can be addressed by the imposition of a planning condition requiring the submission of a revised archaeological working scheme of investigation, so as to ensure appropriate archaeological mitigation is in place.*

## **Publicity**

68. The application has been publicised by means of site notices and press notice as affecting the route of a public right of way. Neighbour notification letters have been sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
69. Two letters of representation have been received which raise the following objections:
  - a. *Proximity of development to Holme village. It is questioned why the quarry could not expand northwards thus avoiding Holme village onto land which is remote from residential property.*
  - b. *Visual Screening. If the company are allowed to expand additional landscape screening should be provided. Such screening would prevent visual intrusion as well as assist in reducing dust and light pollution. The*

*applicant acknowledges that properties will experience adverse visual impacts. Any planting should be undertaken in advance of quarry workings to ensure it has matured before the quarrying commences.*

- c. Loss of top quality farming land and wildlife habitat.*
  - d. Flood risk. The extension crosses Slough Dyke. Previously it has been said that the quarry would not cross this dyke because of flood risk. If flood risk is not increased does this mean that Holme village is no longer at risk from flooding? Will the Council accept risk for any flooding in Holme village.*
  - e. Health Risk and Air Quality. The air quality report quotes medical evidence over twenty years old and many of the medical studies have been disproved. The applicant should therefore produce evidence which is up to date. Evidence should be obtained from the local health trust regarding local dust/sand health problems.*
  - f. The proximity of the development to Holme village may be in contravention of Protocol 1, Article 1 and Section 2 of the Human Rights Act.*
  - g. The preferred approach document of the replacement Minerals Local Plan allocates a 'Langford Southern Extension' of which the current planning application site takes about 20%. Concerns are raised that the current proposal has been deliberately submitted since it represents a non-controversial element of this wider allocation, but if granted would form the keystone for a much larger development. The proposal should be postponed until this replacement plan is approved.*
  - h. The proposal skates over legitimate concerns of local people in favour of commercial gain and continuing employment for nine people.*
  - i. The development would result in adverse cumulative impacts due to the amount of quarrying which has previously been undertaken in the area.*
70. The Regulation 22 response has been advertised by means of site notices and press notice. Neighbour notification letters have been sent to the nearest occupiers. One further letter of representation has been received from the local community which acknowledges that the supplementary information is substantial, however the authors of the report have not actually visited the home owners of the most affected properties in Holme village to collaborate the conclusions reached regarding the magnitude of visual impact within the village. The extent that hedges would screen quarry workings, as stated in the report is challenged. The resident feels that the applicant's approach is not good enough and they are trying to 'steam roller' through the development.
71. Councillor Maureen Dobson and Councillor Mrs Sue Saddington have been notified of the application.
72. Councillor Dobson is a member of the Langford Quarry Liaison Meeting which includes residents from Holme, Langford, Winthorpe and Collingham. The

liaison meeting has discussed the development under Cllr Dobson's chairmanship and has guided the preparation of the planning application. Notably Councillor Dobson has influenced the decision of the developer to provide off-site landscaping works to screen visual impacts of the quarry from surrounding communities, Cllr Dobson is particularly keen to see woodland blocks as well as hedgerow enhancements to screen impacts. Cllr Dobson would also like to see additional controls on quarry plant site lighting to ensure any glare to local communities is minimised/avoided as far as practicable.

73. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Introduction

74. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the Nottinghamshire Minerals Local Plan (MLP), the Newark and Sherwood Adopted Core Strategy (N&S CS) and Allocations and Development Plan Document (N&S A&DPD). Since the proposal relates to a minerals development the adopted MLP is the most relevant part of the development plan for assessing the appropriateness of the planning application on the basis that the N&S development plan documents do not deal specifically with minerals development.
75. Whilst not forming part of the development plan, Government planning policy set out with the National Planning Policy Framework (NPPF) must also be taken into account within the decision.
76. In assessing the relative weight that should be attached to the applicable policies of the development plan, Members need to bear in mind that the adopted MLP is comparatively old having been adopted in December 2005. However, the NPPF advises that for the purposes of decision taking the policies in a Local Plan should not be considered out-of-date simply because they were adopted prior to publication of the NPPF. It states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".
77. The adopted MLP is currently in the process of being reviewed and replaced by a new Minerals Local Plan (nMLP). This review is currently at a comparatively early stage. The Council has published a 'Preferred Approach' nMLP which underwent public consultation between 23<sup>rd</sup> October and 18<sup>th</sup> December 2013. Feedback from this consultation identified a need to make significant changes to the sand and gravel section of the plan to ensure that sufficient mineral resources are allocated to provide continuity of supply throughout the plan period up to 2030. This has resulted in a number of modifications being made to the sand and gravel preferred approach section of the nMLP. These modifications have been subject to an additional six week

period of public consultation running between 14<sup>th</sup> May and 11<sup>th</sup> July 2014. The NPPF incorporates advice on the weight that should be attached to emerging policies, indicating that increased weight can be given to emerging development plans as they progress towards adoption, the extent to which there are unresolved objections and the degree of consistency of the emerging policies to the policies in the NPPF. Since the nMLP is presently at a consultation stage, only limited weight should be given to its policies and allocations within the determination of this planning application.

#### Need for additional sand and gravel within Nottinghamshire

78. The NPPF identifies that minerals are essential to support sustainable growth and quality of life and to support the development of infrastructure, buildings, energy and goods that the country needs. The NPPF therefore attaches significant importance of the need to ensure that sufficient supplies of minerals are maintained. It requires mineral planning authorities to plan for a steady and adequate supply of aggregates so as to ensure that reserves equivalent to at least seven years annual production of sand and gravel are maintained (referred to as a landbank). The framework encourages planning authorities to incorporate within their development plans allocations of specific sites, preferred areas and/or locational criteria to ensure that a landbank is maintained.
79. The adopted MLP is consistent with the NPPF insofar that it seeks to maintain a seven year landbank of sand and gravel reserves. Policy M6.2 is listed below. A requirement to maintain a seven year landbank of sand and gravel reserves is also incorporated within Policy MP1 of the new MLP.

##### Policy M6.2: Sand and Gravel Landbank

The County Council will endeavor 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.

80. To ensure that this seven year landbank is maintained the adopted MLP incorporates a series of geographical land allocations for sand and gravel extraction. Many of these allocations have now been worked out/exhausted owing to the age of the plan. . The proposed extensions to Langford Quarry sought within this planning application are not allocated sites for sand and gravel extraction within the adopted MLP. This planning application must therefore be assessed as an unallocated site in the context of adopted MLP policy. Policy M6.3 of the adopted MLP sets out the policy for dealing with sand and gravel extraction on unallocated land.

##### Policy M6.3: Sand and Gravel extraction in unallocated land

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.

81. The sand and gravel landbank as of December 2012 (the latest figures available) stood at 6.74 years. No significant additional sand and gravel reserves have been consented since this time and therefore the landbank will be significantly below the minimum 7 years required by the NPPF and adopted Policy M6.2. Paragraph 6.52 of the adopted MLP states that '*only where there is clear evidence that an adequate landbank cannot be sustained would it be acceptable to permit proposals outside allocated areas*'. Having regard to the current position regarding the landbank it is concluded that there is clear evidence of a shortage of sand and gravel mineral reserves within Nottinghamshire and it is therefore appropriate to consider consenting additional sand and gravel extraction on land falling outside allocated areas in accordance with the approach set out within Policy M6.3.
82. The shortfall in the sand and gravel landbank represents one of the most pressing arguments for the need to prepare a new MLP. The recently published new MLP preferred approach seeks to address this shortfall, albeit this document is for consultation purposes and therefore significant weight cannot be attached to the policies or the allocations it incorporates. However, the plan does set out the Council's current preferred options for addressing the shortfall in sand and gravel landbank, and these preferred options have been informed by a sustainability appraisal to ensure that the proposed sites are likely to have the least environmental impact from the options considered. One of the priorities that has been used to identify new extraction areas is a preference to extend existing sites rather than the development of new quarries to meet shortfalls.
83. The new MLP identifies three areas of land at Langford for allocation consisting of a northern, southern and western extension. The proposed southern extension incorporates 70.5 hectares of land. The southern extraction area proposed as part of this planning application incorporates around 20 hectares of this proposed allocation land (see Plan 4). The 3 hectare eastern extension area proposed as part of this planning application is not identified for allocation within the new MLP, however this land is within the consented boundary of the existing quarry site although permission has never been sought for the quarrying of the land. The 3 hectare site of the eastern extension is currently occupied by soil storage mounds associated with the quarry development.
84. The extension of Langford quarry proposed within the current planning application would help address shortfalls in the sand and gravel landbank given the current position regarding sand and gravel reserves within Nottinghamshire and therefore is potentially supported by adopted MLP Policy M6.3, subject to there being no unacceptable environmental and amenity impacts resulting from the development.

85. In reaching a decision Members are reminded of the advice provided within paragraph 144 of the NPPF which requires planning authorities, when making planning decisions, to give great weight to the benefits of mineral extraction including its benefit to the economy. In this instance, Langford Quarry directly employs nine people plus 24 associated hauliers and a similar number of contractors periodically. These jobs would be retained through this development. The quarry contributes to the local economy by utilising local goods and services and through the payment of rates. The quarry is of strategic importance in terms of its contribution to Nottinghamshire's sand and gravel extraction capacity. Permitted mineral reserves are likely to be exhausted prior to the adoption of the new MLP and therefore the applicant has sized the proposed development to ensure continuity of mineral supplies at Langford until such time that decisions are made in respect of proposed larger allocations proposed within the new MLP. The approach taken by the applicant is considered to be appropriate.

### Transport Effects

86. The planning application would not significantly alter the existing transport patterns at Langford Quarry on the basis that all vehicular access would continue to utilize the existing purpose-built HGV access onto the main A1133 Newark Road and the output of the site would remain unchanged from existing levels (circa 480,000tpa). This typically equates to 90 HGV loads per day (180 two way movements) and 14 cars (28 two way movements) per day.
87. Adopted MLP Policy M3.12: Highway Safety and Protection seeks to protect the highway from damage and contamination from minerals developments through the use of wheel cleaning facilities, sheeting of lorries and the metalling of haul roads to minimize mud and other debris entering the highway. The existing site benefits from a 600m long private road which is tarmac surfaced along its full length. The quarry also benefits from wheel washing facilities and all vehicles leaving the site are securely sheeted prior to leaving the quarry. Subject to the retention of these arrangements throughout the operational life of the site, which can be secured through planning condition, the requirements of Policy M3.12 are satisfied.
88. Adopted MLP Policy M3.13 seeks to ensure that planning permission is only granted for minerals development where the highway network can satisfactorily accommodate the associated vehicle movements and there are no unacceptable disturbances to local amenity. Adopted MLP Policy M3.14 encourages controls to be imposed on vehicle routing to ensure that appropriate routes are followed and sensitive locations are avoided. The County Council's Highways Development Control Officer has reviewed the planning application and is satisfied that the highways network can continue to satisfactorily accommodate the vehicle movements associated with the quarry. A planning condition to limit the number of vehicles accessing the quarry is suggested to regulate these vehicle numbers. The existing quarry is regulated by a lorry routing agreement which requires all HGVs to turn right when leaving the site and any lorries arriving to turn left into the site, thus ensuring that no HGVs pass through Collingham village. The applicant volunteers to enter into a further Section 106 lorry routing legal agreement to ensure lorry

controls are maintained thus ensuring sensitive communities within Collingham are protected from haulage disturbance.

89. Representations have been received through the planning consultation process seeking assurances that the lorry routeing arrangements are adhered to. Specifically a request has been made for CCTV cameras to be installed at the site entrance to monitor vehicle movements entering and leaving the site. The applicant has responded by advising that they consider the installation of cameras is neither necessary nor practical, noting that there are very few instances of HGVs breaching the established lorry routeing arrangements and there is no electricity supply to power a CCTV camera. The applicant states that all contract hauliers vehicles are now fitted with tracking systems which can be used to regulate lorry routeing and the company operates a strict policy of enforcing the routeing policy including banning drivers who breach the controls.
90. Lorry routeing arrangements are routinely discussed within the quarry community liaison meeting where it is acknowledged that the existing controls successfully control lorry movements. Further controls over and above those imposed through the Section 106 agreement are therefore considered unnecessary in this instance.
91. It is noted that the developer has financially contributed to interactive traffic signs within Langford Village to assist with controlling vehicle speeds in the local area. This contribution has been provided on a 'good will' community basis by the company, and has not been required to address over-riding highway concerns.
92. Adopted MLP Policy M3.15 encourages the use of rail, barge, pipeline or conveyor where their use would provide an overall environmental benefit. Existing quarry operations utilize field conveyors to transport mineral between the quarry face and plant site thereby assisting with reducing dump truck movements in the quarry and associated noise, dust and fume emissions. The imposition of a planning condition to regulate the continued use of conveyors to transport mineral between the quarry face and plant site is recommended. With regard to haulage of processed mineral the applicant states that mineral product is transported to a wide range of sand and gravel consumers over a diverse market area and therefore environmental and economic benefits would not be derived by the use of non-road haulage (rail or barge) which are reliant on longer distance supply of large quantities of product to a single fixed outlet to make then viable and beneficial. It is therefore concluded that no significant environmental benefit would be derived by the use of non-road haulage in this instance.

### Ecology

93. The proposed extraction areas do not incorporate any designated ecological site. The nearest SSSI, Besthorpe Meadow, lies approximately 4km to the north. No impacts on this site are expected. The nearest Local Wildlife Site (LWS, formerly known as Sites of Importance for Nature Conservation), Langford Marsh LWS 5/366, lies approximately 200m to the east of the

development, whilst Langford Lowfields LWS 5/2233 is 400m to the north of the extraction area and is partially affected by amendments to the restoration scheme.

94. Ecological surveys of the site have been undertaken which indicate that no rare or notable habitats are present within the proposed extension areas. The surveys identify that the southern extension comprises predominantly arable farmland bisected by species-poor hedgerows containing occasional hedgerow trees, and the small eastern extension area is dominated by species-poor grassland over soil stores.
95. Technical advice has been taken on ecological issues through the planning consultation process from Natural England, Nottinghamshire Wildlife Trust, NCC's Ecological Officer and the RSPB. The responses received are generally supportive of the development, in particular the ecological enhancements from the restoration works, although the Wildlife Trust maintain an objection on the basis that they consider further survey work is necessary. The following specific matters are noted with regard to the ecological effects of the development.
  - The site supports a range of generally common and widespread bird species typical of arable farmland, including a small number of red and amber listed species and Species of Principal Importance (including barn owl); the site is assessed as being of 'District Importance' for birds on the basis of 25 breeding species. Nottinghamshire Wildlife Trust raise concerns that an overwintering bird survey has not been undertaken and object on the basis that the magnitude of impact to overwintering birds cannot be quantified. Whilst these concerns are noted, the site has been subject to ecological surveys which identify that the land is predominantly agricultural in character with no particularly vulnerable or rare habitats or species, this habitat is widespread in the Trent valley and therefore NCC's Ecology Officer is satisfied that further winter bird surveys are not required and significant adverse impacts would not occur.
  - No bat roosts were identified and only moderate bat foraging activity was recorded across the site, particularly around the periphery of the proposed extension area, especially along the Slough Dyke on the northern side of the southern extension. The vegetation of the Slough Dyke and therefore the habitat used by these bats for foraging would predominantly be maintained.
  - Whilst noting that the Slough Dyke provides potentially suitable habitat for water voles and otters, no evidence of these species was recorded during the surveys. The dyke would be affected by the installation of a vehicle and conveyor crossing at one point. Vegetation growth along the dyke has hindered access to allow a full survey to be undertaken in this area. To enable a detailed survey to be undertaken would require vegetation clearance which has potential to destroy the habitats of the protected species which are being surveyed. Although the Wildlife Trust raise objections on the grounds of incomplete survey data, in this instance it is noted that some survey work has been undertaken which identifies that potential for protected species is low. Further detailed survey work at the

time of vegetation clearance with appropriate mitigation if protected species are identified can be controlled through planning condition thereby ensuring that any impacts to protected species in the vicinity of the Slough Dyke crossing can be appropriately mitigated.

- No evidence of badgers was found on the site.
- No reptiles were recorded on site.
- Supplementary surveys for great crested newts have been undertaken within the pond at Langford Marsh and surrounding land in response to the Regulation 22 request. These surveys demonstrate that this pond does not provide a habitat for these species.

96. Overall it is assessed that the development proposals would have a minimal ecological impact upon existing features of the site, provided that appropriate mitigation is put in place. The site restoration has potential to deliver significant ecological benefits in terms of creating an additional reedbed habitat that could create the East Midlands' largest habitat of this type. This habitat is a UK priority, essential for the future recovery of specialised wildlife such as bitterns, water voles, bearded tits and many other rare species and therefore has merit. To ensure that appropriate mitigation is in place during quarrying operations the following planning conditions are suggested:

- The hydrology chapter in the Environmental Statement identifies that quarry dewatering will affect groundwater levels outside of the development site including within the vicinity of Langford Marsh LWS. As part of the supplementary information provided in the Regulation 22 response the applicant has provided further information to identify the significance of potential impact and a scheme to mitigate any adverse impacts. The report identifies that the water within Langford Marsh LWS is thought to be perched on clay and fed by surface water run-off, thus the marsh is not considered to be in continuity with the underlying groundwater. A lowering of the groundwater therefore is unlikely to change water levels in the LWS. Boreholes to monitor water levels are already in place in the vicinity of the LWS. The mitigation strategy identifies that these boreholes would be used to monitor groundwater levels and changes to water levels in the LWS. If a sustained period of lowering of water levels in the LWS is confirmed then the impact would be mitigated either by pumping water into the LWS to surcharge water levels or through the restoration of the eastern face of the quarry at the earliest opportunity using overburden to create a temporary seal during excavations thereby reducing drawdown. Since Langford Marsh LWS is not within the application site or on land under the ownership of the applicant, it would be necessary to regulate the monitoring and potential mitigation works through a Section 106 legal agreement.
- Vegetation clearance should take place outside the bird nesting season (March to August inclusive) unless otherwise approved.
- To minimise disturbance to nesting barn owls, an appropriate buffer area should be put in place around the nest site during the breeding season. The survey reports recommend that as this species is most sensitive to

disturbance early in the breeding season, a no working buffer zone covering the upper limit of disturbance distance (at least 50m) should be clearly marked and fenced off during March to May (inclusive) to minimise disturbance at this time of year. Following this, the buffer zone can be dropped to 30m over June to September (inclusive) when the species is less sensitive but still nesting and/or has dependent young. No buffer zones are required outside of the breeding season.

- In addition, a barn owl box should be provided as an alternative nesting location.
  - Controls to ensure that no artificial lighting is used within the extraction area so as to minimise any potential impacts to foraging bats.
  - Retained vegetation should be protected during extraction, with measures to include the retention of a 10m buffer along the Slough Dyke.
  - Any trenches left open overnight should have a sloping end or ramp to allow any animals that may fall in to escape, and that pipes over 200mm in diameter should be capped off overnight to prevent animals from entering.
  - Prior to the construction of the crossing over the Slough Dyke, an inspection for water vole activity should be carried out in the vicinity of the works (30m either side), with mitigation measures proposed in the event that evidence of water voles is found.
  - A detailed landscaping scheme should be produced, providing details of species mixes, establishment methods and maintenance regimes. Species should be appropriate to the local area and stock/seed material is of native genetic origin, and ideally of local provenance. Provision should be made for natural regeneration to take place, where appropriate.
  - A habitat management plan should be produced outlining how created and retained habitats will be managed during and after site restoration.
  - A walk-over survey of the site should be carried out shortly before development commences, to ensure that no badger setts have become established within the working areas since surveys were previously undertaken.
97. Subject to the above controls, the development would satisfy adopted MLP Policy M3.17 which seeks to protect the integrity and continuity of habitats or ecological features of UK or county importance, Policy M3.19 which seeks to protect Sites of Special Scientific Interest and Policy M3.20 which seeks to protect regional and local designated sites.

#### Landscape and Visual Impact

98. Policy M3.3 of the MLP seeks to reduce the visual impact of minerals developments to acceptable levels by controlling the location, colour and height of any plant, buildings and structures on site. Policy M3.4 seeks to reduce visual impact through the screening and landscaping of minerals developments. Policy M3.22 requires landscape character and local

distinctiveness to be fully taken into consideration as part of development proposals and does not allow for development which adversely impacts the character and distinctiveness of the landscape unless there are reasons of overriding public interest and where ameliorative measures can reduce the impact to acceptable levels.

99. The landscape and visual impact of the development has been assessed as part of the Environmental Impact Assessment process. This assessment references national landscape character mapping which identifies the site as being located within the Trent and Belvoir Vales Landscape Character Area, and County level landscape appraisal which identifies the site within the Trent Washlands sub-area. These landscape character areas have been used to determine the magnitude of landscape impact. The visual impact of the development utilises surrounding viewpoints within Holme village, residential properties on Holme Lane, near Holme, users of the Trent Valley Way footpath, St Bartholmew's Church in Langford and Footpath L3/the Sustrans route to inform the assessment of visual impact. These appraisals have been undertaken to consider impacts during the operational phase of the quarry, to reflect the quarry immediately following its restoration and 15 years after the completion of the quarry when landscape treatment of the restored site has matured.
100. The assessment identifies that the development would result in a change to the landscape character of the area from arable agricultural to operational quarry and subsequently restored water bodies/wetland areas. The magnitude of landscape impact resulting from this change has been assessed as moderate adverse during the operational life of the quarry, changing to low beneficial immediately following restoration to moderate/major beneficial 15 years after landscape treatment.
101. Some adverse visual impacts would result from the development of the quarry including views from the upper floors of properties close to Langford Lane, from the east side of Main Street, Holme, and St Bartholomew's Church in Langford. Residents have expressed concerns that the applicant has not visited these affected properties to assess the magnitude of impact from first floor windows. Whilst these comments are not unreasonable, the visual assessment has been undertaken by a qualified landscape architect who is suitably qualified to judge the impact without actually viewing the proposed development site from these first floor windows. Walkers and cyclists would experience major adverse visual impacts on Footpath L3/Sustrans route due to the construction of the conveyor extension and proximity of these works to the extended quarry. As the site is progressively restored visual impacts from all the local receptors are predicted to reduce to moderate/major beneficial as the wetland conservation area becomes a valuable nature conservation and amenity resource within the local landscape.
102. The applicant has designed the development to minimise landscape and visual impacts and ensure the objectives of adopted MLP Policies M3.3, M3.4 and M3.22 are met. Notably the development is remote from residential receptors thus ensuring that visual impacts to these most sensitive receptors are reduced by distance. All works are undertaken at or below ground level thus ensuring

the works are kept as low as practicable. The development does not incorporate any additional new buildings. The phased programme of working assists with minimising the annual land-take of the quarry. Hedgerows would be retained around the perimeter of the site to provide screening and soil bunds are not proposed to minimise storage activities in a flood risk area, these materials being directly placed into previous workings to provide restoration benefit. It is recommended these mitigation measures be regulated through the planning conditions.

103. As part of the Regulation 22 submission the applicant has provided a supplementary report to document the key hedgerows surrounding the development site and identify opportunities to enhance these hedgerows and provide supplementary planting to further mitigate the visual effects from the proposed quarrying operations. The report classifies the existing hedgerows surrounding the site as priority, secondary and to be maintained as existing based on the level of screening they provide for the development. The survey informs a series of recommendations to manage the hedgerows throughout the life of the development including proposals to gap up missing sections of hedgerow, undertake incremental trimming to allow hedgerows to thicken and grow and also ensure hedgerows are retained. In addition it is proposed to plant two linear woodland blocks beyond the western boundary of the proposed southern extraction area so as to provide a more substantial screen of quarrying operations. The management of the hedgerows as proposed would further assist in reducing the visual impact of the development and is therefore welcomed. Since the hedgerow management and planting scheme would predominantly be undertaken on land outside the planning application site it could not be regulated by planning condition and therefore would require control through the proposed Section 106 agreement.
104. The operator has confirmed that fixed floodlighting would not be installed in the extraction area, nor would any additional floodlighting be installed in the plant area, the existing floodlighting in this area has recently been redirected/titled down to reduce glare. The company are currently trialling night vision CCTV which if successful could be used to replace much of the existing floodlighting in the plant site. To ensure that the company keep the plant site floodlighting under review, particularly in terms of a potential switch over to night vision CCTV, a planning condition is suggested requiring an audit of security to be undertaken within six months of the commencement of planning permission with the objective of reducing the number of floodlights used within the plant site at night. Controls can also be imposed to ensure that no fixed floodlighting is installed in the extraction area.
105. In conclusion, the development would result in some comparatively minor landscape and visual impacts during its operational phases. The impacts are comparatively short term in duration and the hedgerow management scheme would assist in minimising these effects. The proposed restoration of the site ensures that any negative impacts are mitigated and in the longer term following the aftercare planting becoming mature, the development of the quarry is considered to have a beneficial effect on the landscape and visual character of the area.

### Public Rights of Way

106. Adopted MLP Policy M3.26 seeks to ensure that the quality of the existing public rights of way network is maintained. Where mineral development affects a public right of way the policy requires appropriate alternative arrangements that maintain the quality of the public right of way network to be agreed through the planning process.
107. Langford Footpath 3 crosses the site. Although it is not necessary to re-route the line of the footpath, the development proposes to bridge over the footpath to enable access to the proposed southern extension for haulage vehicles and the conveyor. This necessitates the construction of a short pedestrian tunnel to ensure continuity of access on the footpath. The head height within this tunnel was originally specified to be 2m, however this has been increased to 2.1m as part of the alterations made to the development through the Regulation 22 response. The amended tunnel height ensures that the footpath complies with the clearances recommended by the DfT.
108. The quarry operations would have some negative visual impacts to users of the footpath, although these would be filtered by the existing hedgerows. These hedgerows are not continuous and therefore would not fully screen the workings. The visual impacts are comparatively short term in duration and limited to the working life of the quarry. In the longer term the restoration of the site is considered to provide additional interest and therefore enhance the views from the public right of way.
109. It is therefore concluded that the requirements of Policy M3.26 are satisfied.

### Agriculture/Conservation of Soils

110. Adopted MLP Policy M3.16 seeks to protect the best and most versatile agricultural land (grades 1, 2 and 3a) from development. Where development of best and most versatile land is unavoidable, planning conditions provide scope to grant planning permission where it can be demonstrated that the proposals do not affect the long term agricultural potential of the land, where there are no alternatives and the need for the development outweighs the agricultural interest or where available land of a lower agricultural standard is less sustainable for development. The approach is consistent with Government Policy in paragraphs 109 and 143 of the NPPF which seeks to protect and safeguard the long term potential of best and most versatile agricultural land and conserve valuable soil resources.
111. The soils within the proposed eastern extension have already been stripped and put into storage bunds around the site perimeter prior to the area being used as soil storage area in accordance with the existing planning permission. The previously underlying soils in this area comprised Grade 3a with some Grade 2 making them best and most versatile.
112. The soils within the proposed southern extension are predominantly Grade 3b (18.8ha) with a small area of sub-grade 3a land (1.1ha) running parallel to the Slough Dyke on slightly raised land.

113. The planning application incorporates a soil handling strategy which ensures that all soils are stripped prior to quarrying in accordance with good practice guidance issued by MAFF and DEFRA and subsequently used beneficially for site restoration within the wider quarry. Specifically, the 'best and most versatile' soils that originally underlay the eastern extension would be used to return the plant site area to best and most versatile agricultural land, therefore ensuring that this soil resource is protected and beneficially used. The 1.1ha of Grade 3a soils within the southern extension would not be directly replaced as part of the restoration and therefore lost. However, this represents a small amount of land which is required incidental to a much larger quarrying development that ensures the underlying mineral resource is used sustainably to meet a clearly identified need. It is noted within the consultation response from Natural England that they raise no objection to the loss of this best and most versatile land on the basis that it relates to a comparatively small amount of land being lost.
114. Quarry dewatering has potential to affect groundwater levels on surrounding agricultural land, potentially resulting in a drying out of surrounding agricultural soils during the operation of the quarry. Any impacts would be of a comparatively short duration over a two to three year period with no permanent impacts to surrounding agricultural land likely to occur.
115. Overall, it is concluded that the planning application incorporates a satisfactory strategy to ensure that soil resources are preserved and used beneficially in general compliance with policy set out within the NPPF and the adopted MLP. Planning conditions are recommended to appropriately regulate these matters.

### Noise

116. The Environmental Statement incorporates a noise assessment which calculates the change in noise at four local residential properties surrounding the quarry. This assessment references national policy and guidance and enables the following conclusions to be reached:
- The NPPF recommends maximum noise levels during permitted hours for mineral extraction of 10dB over existing background levels up to a maximum level of 55dB (LAeq, 1hr). Noise levels due to extraction operations at the closest properties are predicted to be less than this at all four locations.
  - The NPPF recommends noise levels from temporary operations (soil stripping / forming earth bunds) shall not exceed 70dB(A) LAeq, 1hr for more than 8 weeks in any calendar year. Noise levels due to temporary operations are expected to be well below this level at all receptors.
  - BS8233 recommends a desirable limit of 50dB(A) LAeq, 1hr ('Good' design range) for external areas such as gardens and balconies. The predicted noise levels at all locations are below this level.
  - The volume of HGV traffic travelling to and from the site is not expected to increase from existing; therefore there is not expected to be any increase in traffic noise levels.

117. It is therefore concluded that the noise emissions from the development would not be unacceptably intrusive. In accordance with adopted MLP Policy M3.5 planning conditions are recommended to regulate the noise emissions from the development including the setting of maximum noise levels at surrounding properties, restrictions on working areas and controls relating to silencing and use of reversing alarms on mobile plant. Furthermore, the re-imposition of the Section 106 legal agreement which prohibits lorries trafficking through Collingham village would minimise traffic noise disturbance in this village.

### Dust

118. The operation of the quarry has potential to generate dust. The magnitude and significance of impact from dust emissions has been assessed within an air quality assessment. This assessment references technical guidance incorporated within the NPPF.
119. Existing dust conditions have been surveyed to identify existing dust levels (27-45mg/m<sup>2</sup>/day) as being substantially lower than the threshold of nuisance (200mg/m<sup>2</sup>/day) and therefore no air quality management areas has been designated by Newark and Sherwood District Council. The dust assessment identifies those activities within the development site that could lead to dust emissions and incorporates a series of mitigation measures to reduce dust impacts.
120. Adopted MLP Policy M3.7 and the NPPF encourages careful siting of potential dust creating activities and the implementation of dust mitigation measures to minimise the impact from dust emissions, encouraging the use of controls through planning conditions to appropriately regulate activities.
121. The proposed quarry extension would be comparatively remote from surrounding residential properties and therefore much of the dust generated by the operation of the quarry would fall out from the air by suspension prior to it reaching surrounding residential properties. A series of measures are proposed to reduce dust emissions at source, these include the use of conveyors to transport mineral from quarry face to the plant site to reduce haulage movements, use of water bowsers and sprays to control dust, reducing any drop heights and limiting site vehicle speeds. A specific assessment has been undertaken of PM<sub>10</sub> dust particles (very small dust particles), this assessment demonstrates that the level of PM<sub>10</sub> dust particle emissions would not exceed air quality objectives.
122. Specific advice has been taken from the District Council's Environmental Health Officer regarding the significance of dust emissions. Within the consultation response the officer considers the development would not significantly affect local air quality, in particular dust emissions would be some way below health based thresholds and the various dust control measures that are proposed follow best practice guidance for this type of industry and anything further than this could not be reasonably expected. Potential risks to human health from dust emissions are therefore not predicted.

123. Concerns have been raised through the planning consultation process that there was a dust incident in October 2010 which allegedly generated significant nuisance. The operator's records confirm that a dust incident did occur at this time as a result of dry windy weather and a larger than usual area of topsoil having been stripped to allow archaeological work. Dust generated from the wider agricultural landscape adjoining the quarry apparently also contributed to the problem, although there are no records that the dust resulted in the closure of the nearby East Coast railway line. Dust control measures were taken by the operator to ensure that the dust incident was controlled, these measures included the damping down of exposed areas and the use of a sealant to create a crust over sandy areas, thereby avoiding them getting picked up in the wind. Subsequently, the sealant has been successfully applied on two separate occasions to ensure there has not been a repeat of the incident. The continued use of the sealant during periods of excessively dry and windy as part of the dust action plan is recommended on the basis of its previous successful deployment.

### Flood Risk and Hydrology

124. The development site is located within the River Trent floodplain and therefore has a high probability of flooding during its working life. Adopted MLP Policy M3.9 acknowledges that minerals developments are often undertaken in flood risk areas subject to them not resulting in unacceptable flood flows, ensuring that there are no reductions of flood storage capacity, and no negative effects on the integrity or function of flood defences/ local land drainage systems. This approach is consistent with the NPPF and, in particular, its supporting technical guidance which identifies that sand and gravel quarries are 'water compatible' uses which are appropriate in flood risk areas subject to it being demonstrated through a flood risk assessment that there would not be any significant adverse flooding impacts to the surrounding area.
125. A flood risk assessment has been prepared to support this planning application which concludes that the proposed quarry would satisfy the flood risk requirements of the NPPF and associated technical guidance and adverse impacts would not occur. The flood risk assessment has been reviewed by the Environment Agency who raise no objection to the development subject to ground levels not being raised within the quarry above the pre-excavated topographical level and the preparation of an emergency flood management/safe access plan in the event of flooding occurring. Subject to these controls, the development would be compliant with adopted MLP Policy M3.9.
126. The working of the mineral would require the 'dewatering' of the site (lowering of the natural water table by pumping water from the ground) so that the underlying mineral can be worked dry. Since the geology of the area is highly permeable, the lowering of the water table within the quarry would have an influence on water levels within surrounding land, resulting in an anticipated 3m lowering of the water table at a distance of 200m from the excavation area, 2m at a distance of 400m and 1m at a distance of 1km. Due to the remoteness of the site and distance from sensitive receptors the magnitude of impact from these changes to groundwater levels are assessed as negligible with the

exception of a potential effect at Langford Marsh Local Wildlife Site (300m to the south east) where a lowering of the water table has potential to affect water levels in this wetland area which could impact upon the ecology. A mitigation strategy is proposed which incorporates monitoring of water levels within this pond and pumping of water in the event that water levels drop (as discussed in the ecology section) to address these impacts.

127. Impacts to groundwater quality are not anticipated since groundwater flows are assessed as being towards the quarry void (the lowest point of the water table) and therefore any release of potentially contaminated material within the quarry void (such as a fuel or oil spill) would be contained within the quarry where it can be appropriately managed.

### Archaeology

128. Adopted MLP Policy M3.24 states that:

#### Policy M3.24 Archaeology

Planning permission will not be granted for minerals development which would destroy or degrade nationally important archaeological remains and their settings, whether scheduled or not. Planning permission will only be granted for development which would affect archaeological remains of less than national importance where it can be demonstrated that the importance of the development outweighs the regional or local significance of the remains and where appropriate provision is made for the excavation and recording of the remains.

129. The environment statement incorporates a cultural heritage assessment which includes an assessment of the archaeological resource of the site. Advice has been taken from the County Council's Archaeology Officer who is satisfied that the submitted archaeological desk-based assessment provides an excellent overview of the site's archaeological potential, pointing out that the lack of information relevant to the site recorded on the County's Historic Environment Record is belied by the previous phases of archaeological fieldwork at the site which have identified features of archaeological interest, some of considerable significance.
130. Within the development site the smaller eastern extensions are likely to include Prehistoric, Roman and Early Medieval remains. The larger southern extension is likely to contain significant palaeoenvironmental material with potential to contain a wide range of archaeological deposits; human remains, deposits of metalwork, boats, trackways and riverside structures. These may be well-preserved and very significant, but will tend to be discrete and limited to a fairly restricted area. Their loss through extraction may be mitigated by their excavation and recording to a level appropriate to their significance in accordance with an appropriate written scheme of archaeological investigation.
131. The originally submitted Environmental Statement did not incorporate a written scheme of archaeological investigation. Normal archaeological field evaluation

could present some serious challenges, with soil bunds on the eastern extension, and a significant depth of alluvial overburden over much of the southern extension, potentially failing to provide a useful level of accurate archaeological recording.

132. To address this issue the Reg. 22 response incorporated a site specific written scheme of investigation incorporating a methodology to investigate and record any archaeological features within the site. The scheme proposes a generally appropriate approach of stripping topsoils and subsoils under archaeological monitoring excavation of archaeological remains and recording. However, elements of the scheme are considered to be not appropriate and have been rejected by the County Council's Archaeological Officer. The officer's concerns relate to reporting arrangements, not only for the current extraction proposal, but to the reporting arrangements of archaeological work undertaken on extraction under a previous permission. Further concerns relate to clauses within the submitted documents relating to unexpected finds. Although the cultural heritage assessment and the submitted written schemes of investigation make clear the high potential of parts of the site to contain archaeological remains of considerable significance and of a wide range of periods, the written scheme of investigation is not clear on how these would be dealt with. Further, it is not clear who is to undertake this work, nor are any specialist staff identified. For a site of this potential this approach is not acceptable and may result in unacceptable damage to the archaeological resource.
133. There are two Scheduled monuments in relatively close proximity to the site. The application would have no direct impacts upon these. In terms of setting the monument to the west of the development site lies on the other side of the River Trent, and no compromise of the setting of this monument is anticipated. Views to and from the monument to the South of the development area are shielded by the topography of the site, and only minimal impacts, if any, are anticipated
134. The archaeological resource of the site is anticipated to be of variable significance, as previous phases of excavation have demonstrated. In this instance the need for the mineral reserves outweighs the overall importance of the archaeology within the site, subject to any archaeological remains being appropriately excavated and recorded.. The imposition of a planning condition to ensure that appropriate archaeological mitigation is followed ensures that the development complies with adopted MLP Policy M3.24.

### Heritage

135. Adopted MLP Policy M3.25 seeks to ensure that minerals development does not result in unacceptable impacts to conservation areas, listed buildings, historic battlefields and historic parks and gardens. This policy pre-dates the NPPF. The NPPF strengthens the level of protection to the historic environment insofar that it requires prospective developers to undertake heritage appraisals as part of planning submissions so that the significance of impact to 'heritage assets' (both designated and non-designated heritage assets) including their settings can be quantified. Planning authorities are

required to give consideration to the scale of any harm or loss and value of the heritage asset affected in reaching their planning decisions.

136. A heritage assessment has been provided as part of the applicant's Reg. 22 response. The report identifies designated and non-designated heritage assets within the local area and makes an assessment as to the magnitude of potential impacts resulting from the development. The assessment concludes that no direct impacts would occur due to distance from receptor to quarry (350m – 900m). Furthermore, since many of the heritage assets have limited or no direct views into the quarry due to screening and distance, the development would have a neutral impact on the immediate setting of heritage assets although some potentially minor distant visual and environmental (dust, noise etc) impacts on the wider setting of heritage assets may occur during the operational phase of the quarry.
137. The heritage impact assessment has been reviewed by NCC's Conservation Officer, and the conclusions reached within the assessment are considered to be accurate. Since significant impacts to heritage assets are not predicted there is not a requirement to consult English Heritage in connection with this planning application.
138. The impacts to heritage assets would occur for a temporary duration and are less than substantial in magnitude. It is concluded in this instance the need for the mineral and the economic benefits that would be derived outweigh any harm to the heritage assets in the surrounding area. The development therefore is compliant with MLP Policy M3.25.

### Restoration

139. The planning submission incorporates a phased sequence of extraction, reclamation and implementation of planned after-use. The main southern extraction area would be restored to an amenity lake. Changes/enhancements would be made to the approved restoration scheme for the existing quarry utilising soils and overburden materials originating from the proposed extraction to provide additional reed bed habitat. The restoration of the silt lagoon would be amended from the previously approved agricultural scheme to create a wet woodland habitat to complement the adjacent reed bed habitat. The processing plant site would be restored to best and most versatile agricultural land using Grade 2 and Grade 3a soils that have already been stripped and stored in bunds.
140. The restoration proposals would result in an overall ecological benefit to the site, a fact acknowledged by the RSPB in their consultation response in which they express their support for the enlargement of the reed bed habitat, noting that it is UK priority habitat and would potentially create the East Midlands largest reedbed habitat restoration project. The concept landscaping planting scheme would re-establish the restored site into the surrounding landscape thus ensuring compliance with adopted MLP Policy M4.4, and the alterations to the restoration of the existing site have been designed in accordance with adopted MLP Policy M4.8 which supports reclamation proposals coming forward on existing sites that result in improved environmental conditions.

141. The applicant has undertaken material balance calculations to ensure that the proposed restoration scheme is achievable and materials would be beneficially re-used in accordance with adopted MLP Policy M4.3: 'Soil Conservation and use of soil making materials'. Since the restoration proposals would be undertaken progressively as part of the working of the site, the amount of unrestored workings at any time is likely to be minimised both in terms of site area and duration. Therefore, in this instance a restoration bond payment is not considered necessary.
142. At the present time the applicant is not in a position to come forward with specific development proposals for public access across the restored site on the basis that this is likely to be influenced by future mineral extraction schemes which may come forward from the new MLP. Notwithstanding this, the applicant confirms that the conservation habitat created following the sites restoration would ultimately be managed by the RSPB as an extension to the Langford Lowfields wildlife reserve they currently run at Langford. This existing site has recently become publicly accessible, has a dedicated visitor parking area, information boards and accessible paths to facilitate public access and the RSPB is committed to extending this access into the current planning application site area.

#### Cumulative Impact

143. The River Trent area north of Newark has extensively been quarried for its sand and gravel reserves and the resulting restoration has resulted in large sections of land being taken out of agricultural use and being restored to wetland uses.
144. The current development would cumulatively add to the amount of quarry workings in the area and upon restoration an increased wetland habitat. Adopted MLP Policy M3.27 seeks to restrict cumulative quarry extensions that would result in significant adverse impact on the environment or amenity of local residents. Since the current development would not result in significant adverse environmental or amenity impacts it is not considered to be contrary to requirements of the policy.

#### **Other Options Considered**

145. Schedule 4 Part II(4) of the EIA Regulations require an Environmental Statement to provide an outline of the main alternatives studied by the applicant and an indication of the main reasons for choosing a development having taken account of the environmental effects.
146. Consideration was given by the applicant to developing a much larger extension than that currently applied for. This was not progressed on the basis that the applicant concluded it more appropriate to test the robustness of a larger development through the Minerals Local Plan sustainability appraisal process.

147. The applicant has given consideration to re-opening Girton Quarry which is currently mothballed or alternatively utilising Besthorpe Quarry to make up for mineral shortfalls at Langford Quarry. Both these quarries have lorry routing controls imposed on them which restrict the passage of HGVs through Collingham village effectively prohibiting access to many of the markets that Langford Quarry currently serves. These quarries therefore could not viably operate as replacement alternative sites. Other alternative options include the use of undeveloped sites at Sturton le Steeple, Cromwell and Gunthorpe but these have been discounted due to long lead times/technical constraints to development. Reserves in the Idle Valley are largely exhausted.

### **Statutory and Policy Implications**

148. 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.
- (a) Implications for Service Users: The proposed extensions to Langford Quarry would assist in ensuring a continuity of local sand and gravel supplies to the construction industry.
  - (b) Crime and Disorder Implications: The development would extend an existing quarry, making use of existing security features within the site including the use of the established plant site which benefits from security lighting and night vision CCTV surveillance is being trialled.
  - (c) Human Rights Implications: 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 and Article 6 may be affected. The proposals have the potential to introduce impacts of noise, dust, visual impact and a continuation of haulage within the local area where the magnitude of impacts are generally assessed as minor. These potential impacts need to be balanced against the wider benefits the proposals would provide in terms of providing a continuity of mineral resources. Members will need to consider whether these benefits would outweigh the potential impacts.
  - (d) Safeguarding of Children Implications: The quarry would continue to comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded. Appropriate safeguarding would also apply in relation to footpath users and ultimately to visitors of the restored site .

- (e) Financial Implications, Equalities Implications, Human Resources Implications: No implications.
  
- (f) Implications for Sustainability and the Environment: The development would contribute towards the sustainable use of mineral resources which would contribute to the country's economic growth and quality of life. The extraction scheme has been designed on a phased basis to minimise the size of the active quarry and ensure that land is restored to beneficial purposes at the earliest practical opportunity. The issues have been considered in the Observations section above.

### **Statement of Positive and Proactive Engagement**

149. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; encouraging pre-application community engagement which the applicant acceded to by holding a pre-application exhibition and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance. The Mineral Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as archaeology, built heritage, public access, landscaping and ecology and have been addressed through negotiation and acceptable amendments to the proposals requested through a Regulation 22 submission. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **Conclusions**

150. Policy M6.2 of the adopted Nottinghamshire Minerals Local Plan seeks to maintain a seven year landbank of sand and gravel reserves by making a series of geographical land allocations for mineral extraction. The Minerals Plan, however is now a number of years old and many of the mineral reserves originally allocated have been depleted resulting in a shortfall of permitted reserves within the County. In such circumstances Policy M6.3 makes provision for permitting additional sand and gravel extraction on unallocated sites to address shortfalls and ensure that a seven year landbank is maintained.
151. The extended areas of quarrying proposed within this planning application are not allocated for mineral extraction. However, if permitted they would make a significant contribution towards re-establishing the required landbank and

therefore potentially have merit under the terms of Policy M6.3 subject to there not being any unacceptable environmental impacts.

152. The Environmental Statement and accompanying Regulation 22 submission incorporate a comprehensive assessment of the potential environmental effects of the development. These assessments have been comprehensively reviewed by the Council and relevant consultees where it is concluded that significantly harmful environmental impacts would not result from the development, subject to the imposition of appropriate planning conditions and legal controls.
153. The planning application is supported by a comprehensive restoration scheme that would make a positive contribution to the ecologically important wildlife reserve currently being developed by the RSPB.
154. Overall the balance of evidence in this case supports a grant of conditional planning permission.

## **RECOMMENDATIONS**

155. 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:
  - a. Regulate lorry routeing to and from the site and ensure that delivery vehicles do not traffic through Collingham Village.
  - b. Secure off-site structural landscape works with the aim of minimising visual impacts from surrounding locations.
  - c. Secure water monitoring and mitigation of potential negative impacts resulting from quarry dewatering within the Langford Marsh LWS.
156. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 28th August 2014 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, 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. In the event that the legal agreement is not signed by the 28th August 2014, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.
157. 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**

The recommendation falls within the remit of the Planning and Licensing Committee by virtue of its terms of reference SG 04/07/2014

### **Comments of the Service Director - Finance (SEM 04/07/14)**

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

### **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**

Councillor Dobson Collingham Division.

Report Author / Case Officer

Mike Hankin

0115 9696511

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

W001223.doc – DLGS REFERENCE

PSP.JS/RH/ep5185 – COMMITTEE REPORT FOLDER REFERENCE

17 June 2014 – Date Report Completed by WP Operators

## **APPENDIX 1**

### **RECOMMENDED PLANNING CONDITIONS**

#### Commencement

1. The development hereby permitted shall be begun within 3 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 operator shall provide written notification of commencement of the development hereby permitted to the Mineral Planning Authority (MPA) at least seven days but no more than fourteen days prior to the commencement of the development.

*Reason: To assist with the monitoring of the planning permission.*

### Development Granted Planning Permission

3. This permission relates to the extension of the existing sand and gravel quarry with a southern and eastern extension, restoration to water amenity together with revised restoration within the existing site to create an enlarged nature reserve and to retain the existing plant site and site access. Unless otherwise agreed in writing by the MPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the details contained within the Langford Quarry Eastern and Southern Extension Planning Application and Supporting Environmental Statement received by the MPA on 19th December 2013, and detailed on the following drawings.

- i. Drawing no. L020/222: Location Plan dated November 2013.
- ii. Drawing no. L020/220: Site Context Plan dated September 2013.
- iii. Drawing no. L20SG113.PDF: Proposed Phasing of Sand and Gravel Extraction dated December 2013.
- iv. Drawing no. L20PH201313.PDF: Proposed Development Phasing Position at End of 2013 dated December 2013.
- v. Drawing no. L20PH201413.PDF: Proposed Development Phasing Position at End of 2014 dated December 2013.
- vi. Drawing no. L20PH201513.PDF: Proposed Development Phasing Position at End of 2015 dated December 2013.
- vii. Drawing no. L20PH201613.PDF: Proposed Development Phasing Position at End of 2013 dated December 2016.
- viii. Drawing no. L20PH201713.PDF: Proposed Development Phasing Position at End of 2017 dated December 2013.
- ix. Drawing no. L20PH201813.PDF: Proposed Development Phasing Position at End of 2018 dated December 2013.
- x. Drawing no. L20RE9E12: Restoration Scheme dated November 2013.
- xi. Drawing no. 2819/01: Proposed Bailey Bridge Crossing at Langford Quarry dated 19/11/2013.
- xii. Response To Request Under Regulation 22 'EIA' Regulations 2011

*Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.*

### Duration of Planning Permission

4. All sand and gravel extraction operations shall be completed by 31<sup>st</sup> December 2018.

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

5. All restoration operations in accordance with conditions 52-63 shall be completed by the 31<sup>st</sup> December 2019, or within one year after the cessation of the mineral extraction, whichever is sooner.

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

### Access

6. The existing access road and railway overbridge detailed on Drawing no. L020/220: Site Context Plan shall be maintained to the satisfaction of the MPA. Any gates shall be set back a minimum of 18 metres away from the edges of the carriageway of the A1133 and shall open inwards. Visibility splays of 4.5m x 225 metres shall be maintained and the area within that splay shall be kept clear of any obstruction over 1 metre in height. Carriageway markings and give way signs in accordance with the attached Figure 5.2 shall be maintained to the satisfaction of the MPA at all times.

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

7. There shall be a maximum of 180 two way HGV movements each day (90 loads into the site and 90 loads out of the site). Written records shall be maintained of all HGV movements into and out of the site during operational hours. Copies of the HGV vehicle movement records shall be made available to the MPA within 7 days of a written request being made by the MPA.

*Reason To limit vehicle movements at the proposed quarry in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

8. There shall be no vehicular or pedestrian access for the purpose of extraction or restoration or any activities ancillary to those operations from Cottage Lane or from any other point on the boundary of the site other than the access point to the A1133 as shown on Drawing No. L020/220.

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

9. Wheel-cleaning facilities, details of which were submitted to the MPA on 21 June 1989 and approved in writing by the MPA on 7 August 1989, shall be provided for and used by all outbound HGVs. In the event that the approved

wheel-cleaning facilities prove inadequate, then within one month of a written request from the MPA, a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the MPA for its approval in writing. The approved steps for the protection of the surrounding roads shall be implemented in accordance with the approved details and thereafter maintained at all times.

*Reason: In the interests of highway safety and in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

### Phasing

10. Extraction operations shall progress sequentially in accordance with Drawing no. L20SG113.PDF: Proposed Phasing of Sand and Gravel Extraction dated December 2013.

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

11. 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 restored, those undergoing mineral extraction and those to be restored.

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

### Working Hours

12. Extraction or processing of sand and gravel shall only take place between the hours of 7.00 am and 6.00 pm on weekdays, between the hours of 7.00 am and 1.00 pm on Saturdays and not at all on Sundays, Public or Bank Holidays, except in cases of emergency which shall be notified to the MPA in writing within 48 hours of their occurrence.

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

### Flood Protection and Watercourses

13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 1689/FRA-01 compiled by Hafren Water in November 2013. The following mitigation measures detailed within the FRA shall be undertaken by the operator:

- a. The Dam Wall separating the Phase 3 Reed Cell from the main lake shall not be constructed above the pre-excavated topographical level.
- b. It is not permitted to raise ground levels above the pre-excavated topographical level at any location across the site.
- c. The pre-constructed Bailey Bridge crossing Slough Dyke is to be constructed above the bank level and the supports for this bridge are to be located entirely on the landward side of the embankment next to the dyke so not to impede flood water during the 100 year plus climate change flood event. Upon completion of the quarry operations, the Bailey Bridge is to be removed.

*Reason: To prevent unacceptable impacts to water and flood flows and flood water storage capacity and to ensure compliance with Policy M3.9 of the Nottinghamshire Minerals Local Plan.*

14. A minimum distance of 30m shall be maintained from the top of the Slough Dyke embankment and the quarry excavation.

*Reason: To minimise risks of a potential breach of the Slough Dyke watercourse and to ensure compliance with Policy M3.9 of the Nottinghamshire Minerals Local Plan.*

15. No development shall take place until a working method statement to cover all channel and bank works alongside the Slough Dyke has been submitted to and agreed in writing by the MPA. The method statement should incorporate details of the timing of the works, methods used for all channel, bankside and water margin works and machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.). Thereafter the development shall be carried out in accordance with the approved scheme.

*Reason: To avoid damage to the Slough Dyke bank in compliance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

16. All conveyor systems must be mounted at least 1 metre above ground level with the centres of supports at least 3 metres apart. The applicant must undertake regular inspection of the conveyor systems and remove all obstructions from beneath the belts. All flood debris to be removed by the applicant as soon as possible.

*Reason: To not impede flows in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

17. All haul and access roads must be at or below original ground level within the washland area.

*Reason: To not impede flood flows in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

18. No vehicles or plant shall be permitted to run within 10 metres of the bank of Slough Dyke, except on properly constructed roadways and with adequate measures to avoid spillage of material into the Dyke.

*Reason: In the interests of land drainage and so as not to impede flow or cause pollution, in accordance with Policies M3.8 and M3.9 of the Nottinghamshire Minerals Local Plan.*

19. The development hereby permitted shall not commence until drainage plans for the dispersal of surface water and foul sewage have been submitted to and approved in writing by the MPA. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution thereby ensuring compliance with Policies M3.8 and M3.9 of the Nottinghamshire Minerals Local Plan.*

#### Archaeological Investigation

20. The development shall be carried out in accordance with a written scheme of archaeological investigation to be submitted to, and agreed in writing by the MPA prior to the commencement of the development. Should any archaeological remains of national significance be discovered they must be reported immediately to the MPA and operations in the vicinity of the discovery shall cease and shall not recommence until appropriate contingency arrangements have been agreed between the applicants, their archaeological consultants and the MPA in writing. All work is to be implemented in full accordance with the agreed written scheme of treatment and the condition will not be discharged until the final report on the archaeological work has been approved by the MPA.

*Reason To ensure that that adequate archaeological investigation and recording is undertaken prior to mineral extraction taking place, in accordance with Policy M3.24 of the Nottinghamshire Minerals Local Plan.*

21. Any archaeologist nominated by the MPA shall be afforded access to the site at all reasonable times and be allowed to observe operations on site and record items of interest and finds.

*Reason: In the interests of archaeology and in accordance with Policy M3.24 of the Nottinghamshire Minerals Local Plan.*

#### Floodlighting

22. No permanent floodlighting shall be used within the southern and eastern extension of the quarry hereby approved.

*Reason To minimise impact on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

23. Within six months of the commencement of the planning permission, as notified under the requirements of Condition 2, the operator shall audit the security lighting currently installed within the plant site and identify potential opportunities to switch to night vision CCTV. The results of this audit shall be submitted as part of a report to the MPA for its approval in writing. The report shall incorporate targeted recommendations which shall be implemented within 28 days of receiving the MPA's written approval of the scheme.

*Reason To minimise impact on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

#### Pollution Control

24. 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 pollution of the water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

25. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

*Reason: In the interest of pollution control in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

#### Storage Heights

26. Stockpiles of excavated (as dug) materials and processed mineral shall not be permitted to exceed 10m in height.

*Reason* In the interest of visual amenity and to ensure compliance Policy M3.3 of Nottinghamshire Minerals Local Plan.

### Noise

27. All plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufacturers recommendations and specifications to minimise noise disturbance to the satisfaction of the MPA.

*Reason* To ensure that noise impacts associated with the operation of the development are minimised, in accordance with the requirements of Policy M3.5 of the Nottinghamshire Minerals Local Plan. All plant, machinery and vehicles permanently used on the site shall incorporate such noise abatement measures as, from time to time, may be required by the MPA.

28. The free field noise levels associated with the development, when measured at any of the noise-sensitive properties listed below, shall not exceed the following limit measured as Equivalent Continuous Noise Level for a 1 hour LAeq:

- 23 Cottage Lane = 55 dB LAeq,1h
- Lowfields Farm = 55 dB LAeq,1h
- Langford Crossing Cottage = 55 dB LAeq,1h
- Kingfisher Grange = 53 dB LAeq,1h

*Reason* To ensure that noise impacts associated with the operation of the development are minimised, in accordance with the requirements of Policy M3.5 of the Nottinghamshire Minerals Local Plan.

29. Notwithstanding the requirements of Condition 28 above, for temporary operations such as soil stripping, replacement and bund formation, the LAeq 1 hour noise level at any noise sensitive properties shall not exceed 70 dB(A). Temporary operations which exceed the normal day to day criterion shall be limited to a total of eight working weeks in any twelve month period at any individual noise sensitive property; the dates of these occurrences shall be notified in writing to the MPA.

*Reason* To ensure that noise impacts associated with the operation of the development are minimised, in accordance with the requirements of Policy M3.5 of the Nottinghamshire Minerals Local Plan.

### Dust

30. 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 bowsers to dampen haul roads, stock-piles and other operational areas of the site;
  - b. The use of conveyor belts to transport 'as dug' sand and gravel to the processing plant;
  - c. The sweeping of access and haul roads, where necessary;
  - d. The minimisation of drop heights during loading and unloading of sand and gravel;
  - e. Limiting on-site vehicle speeds;
  - f. The use of sealant as appropriate to create a crust on dusty surfaces.
  - g. Upon request of the MPA, the temporary suspension of mineral processing, mineral extraction 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 the requirements of Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

#### Landscape Protection

31. All trees, shrubs and hedgerows on the eastern and southern peripheries of the site shall be retained, reinforced with additional planting where appropriate and managed in accordance with the details incorporated in the hedgerow management plan submitted as part of the Regulation 22 response.

*Reason: In the interests of amenity and in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan.*

32. There shall be no working or storage of materials within 5 metres of the eastern, southern and western boundaries of the site as identified on Drawing No. L208G113.PDF: Proposed Phasing of Sand and Gravel Extraction.

*Reason: To protect the integrity of the boundaries of the site in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan.*

#### Ecology

33. Site clearance works associated with the development of the bailey bridge Slough Dyke crossing shall not commence until a supplementary river bank water vole habitat survey has been undertaken by a qualified ecologist on a 30m section of watercourse either side of the proposed bridge and conveyor structure. The survey shall be carried out no more than fourteen days prior to the commencement date of the development. In the event that water voles are present, the report shall incorporate a working design, method and timetable to mitigate any undue adverse effects on the species involved. The mitigation measures shall be implemented as approved.

*Reason In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

34. A no working buffer zone of at least 50m radius shall be clearly marked and fenced off around the barn owl nesting site identified on Figure 12 Appendix 2 of the Addendum Ecological Report (Page 32) during March to May (inclusive). Between June to September (inclusive) a buffer zone of at least 30m radius shall be maintained. No quarrying activities, use of mobile plant, or other operations shall be undertaken within the buffer zone during this period. No buffer zone is necessary outside of the breeding season. The tree which supports the barn owl nest shall be retained throughout the duration of the development.

*Reason In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

35. A supplementary barn owl nesting box shall be installed prior to the commencement of the development. The location of the nesting box shall be agreed in writing with the MPA.

*Reason In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

36. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA and in such circumstances following the carrying out and submission in writing to the MPA for approval in writing of an ecological appraisal undertaken by an appropriately qualified person..

*Reason To ensure that breeding birds are not adversely affected by the development in accordance with government policy set out within the National Planning Policy Framework.*

37. Prior to any tree removal, a licensed bat worker shall re-survey all trees to be felled. The results of the bat survey shall be submitted in writing to the MPA. If bats are present, a working design, method and timetable to mitigate any undue adverse effects on the species involved shall be submitted to the MPA for approval in writing. The mitigation measures shall be implemented as approved.

*Reason In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

38. Prior to any vegetation clearance within any phase of the development a walk over survey shall be carried out by an appropriately qualified ecologist to ensure that no badger setts have become established within the working area. The results of the walk over survey shall be submitted in writing to the MPA. If badgers are present, a working design, method and timetable to mitigate any undue adverse effects on these species shall be submitted to the MPA for approval in writing. The mitigation measures shall be implemented as approved.

*Reason In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.*

39. Any trenches left overnight should have a sloping end or ramp to allow any animals that may fall in to escape. Any pipes that are over 200mm in diameter should be capped off overnight to prevent animals from entering.

*Reason In the interest of protecting species in accordance with government policy set out within the National Planning Policy Framework.*

#### Controls over Future Development

40. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any future replacement order) no fixed plant or machinery shall be erected on the site until full details have been submitted to and approved by the MPA.

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

41. Prior to its construction, full details of the concrete batching plant and ancillary buildings broadly indicated on Drawing No. L20/106 and approved as part of Planning Permission 3/17/88/0417 shall be submitted to and approved by the MPA.

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

#### Soil Stripping, Handling and Storage

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

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

43. 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.*

44. All soil handling shall be carried out in accordance with the Ministry of Agriculture, Fisheries and Food 'Good Practice Guidance for Handling Soil' (2000) and the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009).

*Reason: To ensure proper restoration and in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

45. 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 phase of the site. Such a scheme shall include the following details:

- The size, location, volume and composition of soil to be stripped;
- Details of where the soils will be placed either for direct placement as part of phased restoration operations, or their storage within mounds;
- The types of machinery to be used;
- The routes to be taken by plant and machinery involved in soil handling operations;
- The depths of subsoil and topsoil to be replaced;
- 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.*

46. The topsoil shall be stripped to the full depth of not less than 300mm, and all subsoil shall be stripped to a depth of not less than 1000mm.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

47. No plant or vehicles shall cross any area of unstripped topsoil or subsoil 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 and subsoil to a minimum depth of 1000mm has been stripped from that part.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

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

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

49. Topsoil, subsoil, and soil making material shall only be stripped when it is 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; and
  - (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 proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

50. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded with a suitable mix to benefit farmland birds within 3 weeks of their construction in accordance with a seed mixture which has been agreed in writing by the MPA. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

51. Details of the volumes and location of soils stored on the site shall be submitted to the MPA by 31 December each year.

*Reason To monitor the restoration of the site and to ensure all available soil resources are conserved or managed, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

### Soil Replacement

52. 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, and

- (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, and
- (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 proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

53. Subsoils shall only be replaced on those parts of the site which are restored above water level when the ground on which they are to be placed is in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of subsoil or topsoil shall occur in these areas:
- (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 proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

54. 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 proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Replacement Minerals Local Plan.*

55. Subsoil within areas of the site above the lake water level (dry land) shall be re-laid so that the total thickness of settled subsoil is no less than 0.7 metres.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Replacement Minerals Local Plan.*

56. Each subsoil layer placed above lake water level (dry land) shall be cross-ripped:
- (a) to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m, 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.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

57. Topsoil shall be evenly re-spread on the land above lake water level (dry land) to achieve at least a minimum of 300mm settled depth.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

58. 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 full depth of the topsoil plus 100mm;
  - (c) and 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 proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

59. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil and the fill material.

*Reason: To ensure proper restoration and in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

60. Any part of the site which is significantly affected by differential settlement that occurs during the restoration and aftercare period, and would interfere with restoration operations, shall be filled. The operator shall fill the depression to the final settlement contours specified with suitable soils to a specification to be agreed in writing with the MPA. Topsoil, subsoil and other overburden moved in the course of the work shall not be mixed and shall be handled and replaced in accordance with the above conditions.

*Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

### Restoration

61. The phased restoration plan and landscaping scheme for the total application site shall be carried out in accordance with Drawing Number L20RE9E12: Restoration Scheme dated November 2013. The implementation of the

restoration and landscaping scheme shall be carried out progressively in general compliance with the timetable shown on Drawing nos. L20PH201313/14/14/16/17.PDF Phasing Plans (2013-2017). The backfilled material shall be levelled and graded in accordance with the restoration contours identified on the plan and the level of the site shall not exceed the original ground levels of the site.

*Reason: To ensure proper restoration and in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

62. At the completion of each phase of restoration the operator shall meet on site with representatives of the MPA, and other parties with an interest in the land. The purpose of the meeting shall be to agree that the replacement material conforms generally with the landform and levels as set out in the agreed restoration plan.

*Reason: To ensure proper restoration and in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

63. All processing plant within the plant site area including their foundations shall be removed following the substantial cessation of mineral extraction from this site. The plant site shall thereafter be restored in accordance with the details shown on Drawing Number L20RE9E12 in accordance with the approved timetable of restoration works.

*Reason: To ensure proper restoration and in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

#### Aftercare

64. 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.*

65. 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.*

66. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months before the spreading of subsoil commences within each phase. 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.*

67. 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 66(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.*

68. The aftercare programme shall be implemented in accordance with the details approved under Condition 66 above, as amended following the annual site meeting referred to in Condition 67 above.

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

### Cessation of Workings

69. Should, for any reason, extraction of sand and gravel cease from this site for a period in excess of 6 months prior to the completion of the agreed phasing, working and restoration, details a revised scheme, indicating new phasing, working and restoration details including removal of plant, machinery and buildings shall be submitted to the MPA within 3 months of written notice from the MPA of the requirement for such a scheme. The revised scheme shall be implemented by the applicants and/or operators within such revised timescale as shall be determined by the MPA.

*Reason: To ensure proper restoration and in accordance with Policy M4.7 of the Nottinghamshire Minerals Local Plan.*

## Note to Applicant

1. The planning permission is issued subject to a Section 106 legal agreement which controls the routeing of lorries prohibiting them accessing and departing the quarry from north necessitating access through Collingham village.
2. The Environment Agency request that an 8 metre wide easement be maintained between the proposed development and any watercourses for access and maintenance purposes. Trent Valley Internal Drainage Board advise that their consent is required for any works over, under or within 9m of a Board maintained watercourse, for any works that would increase the flow of water to any watercourse (other than designated Mani River) and any works for culverting such watercourse.
3. The Slough Dyke is a designated a 'main river'. Please note, under the terms of the Water Resources Act 1991, and the land drainage byelaws prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank.
4. The Environment Agency advise that the current licensing exemption on dewatering is likely to be removed in 2014 after which dewatering activities will be brought into regulation by the EA. Groundwater levels in piezometers should be monitored on an ongoing basis to provide information on the abstraction and dewatering works. Results should be made available to the Environment Agency on request. Any adverse impacts on groundwater or surface water flows may require further investigation.
5. National Grid (Gas & Electricity) Identify that there is gas and electricity apparatus in the vicinity of the development site which may be affected by the development. National Grid request that you contact their company prior to commencing the development.
6. Western Power request *that* vegetation *is not* planted in *close* proximity to their equipment to ensure that it does not encroach onto live high voltage lines or penetrate underground cables. The company state that they require 24 hour access to their existing distribution substation which is sited within the existing quarry.
7. The applicant's attention is drawn to the attached advice note from National Grid PLC regarding works in close proximity to the High voltage overhead transmission line which crosses the development site.