



**16<sup>th</sup> December 2014**

**Agenda Item:8**

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

**BASSETLAW DISTRICT REF. NO.: 1/14/00479/CDM**

**PROPOSAL: PLANNING APPLICATION FOR A 56 HECTARE EXTENSION TO AND  
RE PHASING OF EXISTING SAND AND GRAVEL EXTRACTION,  
INCLUDING USE OF EXISTING PROCESSING PLANT WITH  
RESTORATION TO A MIXTURE OF AGRICULTURE AND WOODLAND.**

**LOCATION: FINNINGLEY QUARRY, CROFT ROAD, FINNINGLEY, DONCASTER**

**APPLICANT: LAFARGE TARMAC TRADING LIMITED**

**Purpose of Report**

1. To consider a planning application for an extension to Finningley Quarry, near Doncaster. The application site is not allocated for mineral extraction within the adopted Nottinghamshire Minerals Local Plan and therefore need for additional sand and gravel reserves within the County is a key consideration. The planning application does not raise any significant environmental impacts, however the protection of ecological features during the working of the quarry and maximising the ecological benefits derived from the restoration of the site whilst trying to maintain the agricultural quality of the restored habitat are important considerations.
2. The recommendation is to grant planning permission, subject to planning conditions set out within appendix 2 and a section 106 legal agreement to provide for an additional 10 years extended management of the restored quarry (15 years in total) following its restoration.

**The Site and Surroundings**

3. Finningley Quarry lies approximately 0.6km to the south-east of the edge of the village of Finningley and straddles Fiftyeights Road which defines the administrative boundary between Nottinghamshire County Council and Doncaster Metropolitan Borough Council (MBC) (see plan 1).
4. The quarry is located within a rural setting, the surrounding area being characterised by open fields delineated by drainage ditches and a series of

roads. Hedgerows and occasional trees are also present. The Doncaster to Gainsborough railway line is situated to the north of the application site. Clay Dyke defines much of the north-western boundary of the consented quarry and application area. Deeps Lane (track) and a drain define much of the southern boundary. Other site boundaries generally comprise agricultural land.

5. The existing operations at Finningley Quarry comprise an established sand and gravel extraction quarry and associated development. The current land uses on site are identified on Plan 2 and comprise:
  - (a) plant and site access;
  - (b) plant compound, stocking area and offices;
  - (c) ancillary and administrative facilities, including mineral processing;
  - (d) restored mineral workings;
  - (e) areas undergoing mineral extraction;
  - (f) areas in the process of final restoration; and
  - (g) areas within which sand and gravel remain to be extracted.
6. Access to the processing plant is obtained via Croft Road which accesses to the main highway at the A614 Bawtry Road approximately 0.2km to the west.
7. The plant site comprises a processing plant, silos, site offices and storage areas, with directional lighting operated during working hours. Land to the north-west of the plant site is used as a product store for bagged aggregate. The plant site also incorporates a large earth mound which has become colonised by trees and provides screening of views from the south. The silt lagoons are situated to the south of the plant site.
8. Sand and gravel is currently being worked from consented extraction areas to the south-east of the plant site. Material is excavated by long-arm excavators and transported to the plant site by dump truck along established haul roads.
9. Historically the restoration of the site has returned much of the quarried land to agricultural use, minimising the amount of open water bodies to avoid potential conflicts from waterfowl and low flying aircraft using the nearby Robin Hood Airport, situated approximately 1.5km to the west.
10. The site is remote from settlements, the nearest village being Finningley situated 0.6km to the north-west. A number of isolated residential properties are located in closer proximity including Misson Springs Farm and Bank End Crossing which adjoin the development site. Misson Bridleway 9 runs adjacent and outside the application site along its southern boundary.
11. There is one site of international importance within 10km of the site; Humberhead Peatlands, a Special Area of Conservation (SAC) which is 4.7km north of the site. The SAC is designated for its lowland raised bog and importance as a breeding area for nightjars, and is also a NNR. Hatfield Moors SSSI forms part of this SAC, and there are four further SSSIs within

5km of the site. The nearest is Misson Training Area SSSI, 0.7km to the south-east, designated for its important and extensive area of damp scrub and woodland. Misson Line Banks SSSI is an example of standing open water and canals with associated lowland fen, marsh and swamp fauna and flora, approximately 3.4km to the south-east. River Idle Washlands SSSI, approximately 4.5km west of the site, is designated for its wet grassland habitats. Haxey Grange Fen SSSI, 5km to the east, is designated for its wet woodland, fen and marsh.

### Proposed Development

12. Planning permission is sought for a 56 hectare eastern extension to the quarry. The boundaries of the development site have been drawn to incorporate the extended extraction area as well as the retention of the existing plant site and ancillary facilities including weighbridge, offices, access and stocking area. The ready mixed concrete plant and recycling facility (operated by Hope Construction Materials Limited) and the aggregates bagging plant would also be retained, although their retention is not sought as part of this planning application.
13. The land forming the development site cuts across the county boundary between Nottinghamshire and Doncaster with proposed phases 25 and 29 and the silt lagoons being within Nottinghamshire and the remainder of the site being within Doncaster's administrative area (see Plan 3). Any decision issued by Nottinghamshire County Council would only provide permission for that part of the development within its administrative boundary. A concurrent planning application has been made to Doncaster MBC for the development in their area. There has been regular liaison between officers within each authority to ensure a consistent approach is taken to the handling of the two planning applications.
14. The mineral extraction extension area would be divided into six distinct phases numbered 25-29 & 31 as identified on Plan 4. Phase 30, which already has the benefit of planning permission would be worked as part of a revised sequence of extraction. Extraction is programmed to progress into the extension area in early 2015 following the completion of mineral extraction within the current phase 24.
15. Phase 25 within Nottinghamshire forms the eastern most phase of the proposed extension area and is located to the north of Low Deeps Lane and to the south of the main line railway. The land is currently in agricultural use. The phase is planned to be worked in a south to north direction. Upon exhaustion of mineral reserves in phase 25, extraction would move into Doncaster MBC's administrative area wherein phases 26-28 would be worked in a north east to south westerly direction before moving back into Nottinghamshire within phase 29 with the completion of phases 30 & 31 being within Doncaster.
16. Prior to sand and gravel being extracted all soils and overburden (where present) would be stripped and either utilised on adjoining land for restoration purposes or stored and, where necessary, used in the construction of temporary amenity bunds required for noise attenuation. Extracted sand and

gravel would be transported by dump truck to the existing mineral processing plant site where it would be washed and screened to produce either a general construction aggregate or used in the manufacture of ready mixed concrete. The established silt lagoons would be used for the disposal of silt following the mineral processing operations in line with existing practices.

17. The development would yield approximately two million tonnes of mineral of which around 770,000 tonnes would be won from the land within Nottinghamshire with the remainder from land within Doncaster MBC's administrative boundary. The extensions sought permission would provide around three and half years of mineral reserves with 12-15 months extraction within phase 25 and around 3 months in phase 29. The development would involve working to depths 6m below existing ground levels.
18. The bulk of the soil resources on site and the attendant land quality are considered of best and most versatile quality. As such the planning application incorporates detailed arrangements to ensure the soils are carefully managed to maintain their integrity and quality and enable their beneficial re-use within the restoration of the site.
19. Existing quarry environmental controls would be applied to the extended quarry area to provide dust control, restrictions over operating hours/noise emissions, limits to floodlighting, pollution prevention controls for fuel storage and archaeological investigation of soil stripping operations. These matters are considered in greater detail within the observations section.
20. The restoration proposals have been designed to minimise open water to directly address the requirements of Doncaster Robin Hood Airport. Restoration within Nottinghamshire (phases 25 and 29) would make the land suitable for arable production, reinstating the ground at a lower level following the removal of mineral and incorporating new hedgerow planting.
21. The processing of an additional 2 million tonnes of sand and gravel would generate additional silt. This silt would be deposited in the existing lagoon area resulting in changes to the restoration of the site, reducing the amount of open water habitat and creating a mosaic of small water areas fringed with reeds, wet woodland, and acidic grassland. These changes would reduce the site's attractiveness to birds.
22. Restoration within the Doncaster area would provide a greater mix of habitat including the creation of woodland blocks, acid grassland and agricultural grassland (see Plan 5).
23. The planning application is accompanied by an Environmental Impact Assessment (EIA). Following the receipt of planning consultation responses and officer assessment of the original submission it became apparent that further environmental assessments and clarification was required to ensure that the EIA provides a full assessment of the potential environmental impacts resulting from the development and objections could be resolved. 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).

24. The applicant subsequently submitted a supplementary report and technical appendices. These reports do not alter the overall design concept of the development. However the information provides the necessary detail to satisfy Officers that the Environmental Statement (ES) provides a full assessment of the potential environmental impacts resulting from the development. The submission is structured to address the items raised within the Reg. 22 request relating to the following matters:
  - a. Further ecological assessment to identify the significance of ecological impact and identify any required mitigation for the quarrying proposed within the application site.
  - b. Further information regarding potential impacts to water levels within the nearby Misson Training Area Site of Special Scientific Interest (SSSI).
  - c. Further information regarding impacts to hedgerows.
  - d. Investigate potential to incorporate additional features of ecological interest within the restoration of the site.
  - e. A request to extend the aftercare period to 10 years.
  - f. Potential implications on site operations if a claimed right of way proved successful.
  
25. Subsequently a second Regulation 22 submission has been submitted to address continuing concerns raised by Natural England, Nottinghamshire Wildlife Trust and NCC Conservation (Ecology) regarding the adequacy of the ecological information submitted in support of the planning application. The submission is structured to provide:
  - a. A further ecological impact assessment to replace the impact assessment document submitted under the first Regulation 22 submission, providing an updated assessment of the baseline ecological conditions utilising further survey work carried out during 2014, consideration of the ecological effects resulting from the quarry extension and the steps to be taken to reduce or offset any ecological adverse effects resulting from the development.
  - b. An ecological management plan to cover the working and restoration of the quarry. The management plan seeks to retain important habitats during the extraction of the quarry, create and enhance habitats as part of the restoration works and to ensure that habitats are managed post restoration as part of the aftercare operations.
  - c. A revised restoration plan for the site.

## **Consultations**

26. The planning application has been subject to three rounds of planning consultation coinciding with the following stages of the planning process:
- Consultation 1: The first round of planning consultation was carried out in connection with the original planning application submission.
- Consultation 2: The second round of planning consultation was carried out following the submission of the first Regulation 22 response.
- Consultation 3: The third and final round of planning consultation was carried out following the submission of the second Regulation 22 response.
27. The responses that have been received from each stage of the planning consultation process are summarised below, the response to Consultation one being listed first with any response to Consultations two and three listed thereafter.
28. Bassetlaw District Council: *Raise no objections.*
29. Finningley Parish Council: *No representations received.*
30. Misson Parish Council: *Raise no objections, however the parish council wish to raise two observations:*
- (a) *The Parish has received complaints from residents over the last year relating to noise allegedly originating from pumps used on site to control water levels within the existing quarry operations. The Parish request that any new planning permission imposes controls regarding noise emissions from day and night running of pumps.*
- (b) *The Parish would like to see improved community amenities from the restoration including a public right of way linking the parishes of Misson and Finningley.*
31. Environment Agency: *Raise no objection subject to the development being carried out in accordance with the flood risk assessment and water management plan. The Agency have no further observations in respect of the second Regulation 22 submission.*
32. Doncaster Internal Drainage Board: *Have confirmed that the mapping of the drains and flow directions have been accurately identified in the planning application.*
33. Nottinghamshire Wildlife Trust (NWT): *Raise objections to the development on the following grounds:*
- a. *The ecological surveys do not incorporate an assessment of impact resulting from the development.*

- b. *The development would affect ponds within the Doncaster administrative area that are populated by smooth newts, frogs and toads. No avoidance/mitigation/compensate strategy has been provided.*
- c. *The site contains a significant reptile population which would be affected by the development. No avoidance/mitigation/compensate strategy has been provided.*
- d. *The bat survey which was undertaken on one single night is not adequate and may under-represent the magnitude of impact. Further surveys should be undertaken. Habitat suitable for bats including hedgerows would be lost and appropriate mitigation should be provided.*
- e. *The ditches within the site host Water Voles and qualifies the site as a mammal Local Wildlife Site. A detailed schedule of habitat that would be lost and/or damaged is required with details of avoidance/mitigation and compensation.*
- f. *Further information is required to identify how protected species would be safeguarded during the course of the development.*
- g. *Further information is required to demonstrate that adequate foraging habitat is maintained for brown hare during the course of the development.*
- h. *A rigorous assessment of the direct and indirect impact on birds is required.*
- i. *Habitat continuity for invertebrates should be maintained throughout the life of the quarry.*
- j. *Greater assurances are sought that changes to hydrological and hydrogeological regimes in the area would not compromise water levels within Misson Training Area SSSI.*
- k. *Further information to show exactly what hedges would be lost as a result of the development is required.*
- l. *NWT is very disappointed with the proposed restoration scheme, greater habitat creation is requested. Aftercare should be extended above the five years proposed.*

34. Consultation 2: *NWT maintain their objection on the following grounds:*

- a. *The latest ecological assessment is still incomplete and does not include specific information on the scale of habitat to be lost or gained, nor does it address many of the likely indirect impacts on fauna.*
- b. *The Reg 22 report states that no common toads were found in waterbodies on the site, but this is a direct contradiction to the previous ecology report which identified a significant population.*
- c. *The ecological management plan talks about the restoration of the existing ponds without describing the likely effects on existing amphibian populations and therefore this issue has not been addressed.*
- d. *Concerns remain regarding the methodologies used for the bat survey and the accuracy of information they incorporate.*

- e. *The Reg 22 submission seeks to agree the Water Vole mitigation in phases but does not contain the necessary details to enable a robust assessment of impacts to be made.*
  - f. *More information is required on how the welfare of protected species can be guaranteed.*
  - g. *Specific provision should be made to ensure that adequate foraging is available at all times for brown hare.*
  - h. *A rigorous assessment of the direct and indirect impacts on birds is required and has not been properly addressed in the Reg 22 response.*
  - i. *A condition should be imposed to ensure that no damage occurs to any neighbouring ditch with rigorous monitoring. Important invertebrate areas should be identified and a plan put in place to ensure these habitats are protected throughout the working and restoration of the site.*
  - j. *The Reg 22 information demonstrates that the River Idle Washlands SSSI and Misson Line Bank SSSI would not be affected by hydrological or hydrogeological changes as a result of the development.*
  - k. *Although some information has been provided regarding the lengths and quality of hedgerows affected by the development, this is not identified on a plan or table.*
  - l. *The Reg 22 letter states that no further Biodiversity Action Plan (BAP) habitat creation is possible due to the requirements of the landowner. This issue requires proper discussion, as it prevents the scheme from delivering BAP habitat creation on a meaningful scale in accordance with the aims of the Minerals Local Plan.*
  - m. *The commitment to a longer aftercare period is welcomed.*
35. Consultation 3: *NWT is now satisfied that the latest Reg. 22 submission incorporates an up to date suite of surveys which enable an accurate assessment of the ecological impact. NWT retain their objection to the planning application, but may be able to remove this objection if the following matters are addressed.*
- *Additional ponds should be created within field corners with areas of rough grassland around them within arable fields is requested as part of the restoration of the site to provide compensation for pond habitats used by smooth newts and common toads.*
  - *Rapidly established species rich habitat strips should be provided as part of the working scheme to attract invertebrates for foraging bats in compensation of hedgerows which would be lost.*
  - *Water vole populations should be monitored as part of the restoration of the site.*
  - *Water flows into the Misson Training Area SSSI should be monitored to ensure that water levels are not compromised.*
  - *A translocation strategy for the hedgerow in phase 29 to be relocated should be submitted.*

- *Arable weed seeds contained within the top layer of soils should be preserved by careful stripping and replacement of soils.*

*Notwithstanding the above, NWT remain very disappointed with the proposed restoration scheme on the basis that it would provide minimal UK BAP habitat.*

36. Natural England: *Raise no objections, with conditions:*

- The application is in close proximity to Misson Training Area, Misson Line Bank and the River Idle Washlands SSSIs. The development would not affect these SSSIs provided that hydrological impacts on the Misson Training Area SSSI are monitored to assess changes in ground water levels in the SSSI during phase 25.*
- Soils, Land Quality and Reclamation – Natural England are satisfied that the restoration scheme adequately restores the agricultural quality of the soils, subject to appropriate regulation through the planning conditions.*
- Natural England welcome the green infrastructure proposed in the restoration plan.*
- Impacts to protected species should be assessed against Natural England’s standing advice guidelines.*
- Natural England do not offer detailed advice in terms of the significance of impact to local environmental designations including biodiversity sites, landscape character and priority habitats/species.*
- Biodiversity enhancements: The Council should seek to incorporate biodiversity enhancements as part of the restoration of the site.*

37. Consultation 2: *Natural England maintain their position of no objection but reiterate their comments regarding hydrological changes in the Misson Training area SSSI as a result of quarry workings within Phase 25 (the closest working, this monitoring should be undertaken through piezometer measurements taken within the land between the quarry workings and the SSSI to ensure that groundwater levels are not affected, and if there is any changes to groundwater levels action should be taken to prevent impact within the SSSI.*

38. Consultation 3: *Natural England have reviewed the revised restoration plan, ecological mitigation plan and updated ecological information provided under the second Regulation 22 submission. Figure 8 of the Hydrological Report illustrates the surface water drainage details and suggests the Misson Training Area SSSI is outside of the surface water catchment. If the Internal Drainage Board agree that this drawing is a fair representation of the surface water drainage then Natural England would be satisfied that the development is unlikely to impact on the SSSI, without the need for any further monitoring. Natural England note that the restoration proposals have been improved to provide greater biodiversity enhancement.*

39. NCC (Conservation): *Although the ES incorporates survey work it does not incorporate an assessment of ecological impact arising from the development.*

*It is requested this information is submitted to inform the assessment of the planning application. With regard to the restoration of the site, the need to return the land to best and most versatile agricultural land is acknowledged and it is therefore essential that the non-agricultural restoration is undertaken to the highest quality. To achieve this a series of detailed recommendations are made which should be controlled by planning condition and the submission of a detailed landscape scheme upon the restoration of the site.*

40. Consultation 2: *NCC (Conservation) maintains concerns regarding the adequacy of the ecological survey work, particularly in respect of the methodologies used to survey for bats and the methodology used to report records of breeding birds within the site. The Ecological Impact Assessment provided under the Regulation 22 submission is considered inadequate and does not identify potential for indirect impacts to two SSSIs and local wildlife sites, neither does it identify net losses and gains of habitats, and it fails to mitigate some ecological impacts relating to reptiles, water voles and other protected species. The restoration proposals do not provide adequate mitigation for the potential ecological impacts and further mitigation should be provided by enhancing the planting and management of the site. To address these issues further updates to the ecological management plan and restoration proposals were requested.*
41. Consultation 3: *The updated ecological information provided under the second Regulation 22 submission confirms that the development site has features of ecological interest. The magnitude of the ecological impacts has been quantified within the updated Ecological Impact Assessment report and this enables an informed consideration of the impacts to be made and identify a range of mitigation measures, partly delivered through site restoration, but also through working methods during the extraction phases. The identified mitigation measures are considered adequate to compensate for the ecological effects of the development subject to controls through planning condition. The revised restoration scheme would deliver a net gain in biodiversity. The proposed extended 15 year management period will need to be secured through a Section 106 legal agreement.*
42. NCC (Countryside Access): *Raise no objections, noting that:*
- a. *Misson Bridleway No. 9 would not be affected by the development.*
  - b. *A section of 'claimed' path is located within the application site. This claim is currently being investigated by the Countryside Access Team to see whether the claimed rights are valid. If the claim is valid then the route must be retained throughout the working and restoration of the quarry.*
43. Consultations 2 & 3: *Re-iterate their comments raised to the original submission.*
44. Peak and Northern Footpaths Society (Doncaster): *State that Croft Road is one of a limited number of off-road routes in the area available to walkers. As such it needs to be borne in mind that safety of walkers must be built into the scheme. There is no mention of access to the restored areas post-excavation,*

*there should be some benefit to the public in the restoration phase of the scheme.*

45. NCC (Planning Policy): *The proposal is on an unallocated site and therefore needs to be considered against Policy M6.3 'Sand and gravel extraction in unallocated land' and M6.2 'Sand and gravel landbank' of the adopted Minerals Local Plan (MLP). The sand and gravel landbank as of December 2012 (the latest figures available) stood at 6.74 years, below the minimum 7 years as set out in the MLP and the NPPF. Information regarding the landbank as of December 2013 has yet to be published but remains at 6.7 years due to low production levels and the granting of a number of small planning permissions. More recently a southern extension to the existing permitted Langford Quarry has been permitted increasing the landbank to 7.26 years. Annual production in 2013 was 1.39 million tonnes, well below the locally agreed apportionment of 2.65 million tonnes. The emerging MLP includes site specific allocations to meet demand for minerals over the plan period to 2030, the areas of proposed extraction within the planning application are identified as proposed allocations within the new plan. Given the current position of the sand and gravel landbank and proposed future allocations, the principle of sand and gravel proposed within the planning application is supported subject to acceptable environmental impacts.*
46. NCC (Landscape): *The landscape and visual assessment has been carried out to the accepted methodology of the new 3<sup>rd</sup> edition of Guidelines for Landscape and Visual Impact Assessment (GLIVA). The assessment conclusion states that whilst there will be 'short term (3 years) moderate adverse visual effect during operation for one residential receptor (at Bank End Crossing) most predicted effects are either neutral or slight adverse during the operational phase , or neutral or slight adverse/slight – moderate beneficial following restoration. In the longer term the proposed development would have a moderate adverse effect in respect of mature tree and hedgerows, and a beneficial effect overall in terms of strengthening the landscape character.' This conclusion is considered to be accurate.*
47. Consultation 2 & 3: *Raise no further comments from a landscape perspective to the Reg 22 information.*
48. NCC (Reclamation): *Raise no objections on the basis that the proposals do not give rise to concerns regarding contamination impacts provided the various management plans, control procedures and method statements associated with an operation of this type are in place and implemented.*
49. NCC (Noise Engineer): *Raise no objections on the basis that the noise assessment demonstrates that noise emissions would be contained to an acceptable level. Planning conditions are recommended to set limits at noise sensitive properties, ensure mobile plant and machinery is appropriately silenced and impose controls on the operating hours.*
50. Consultations 2 & 3: *Raise no further comments to the Reg 22 information.*
51. NCC Highways: *The site is served from a private road that meets the public highway at its junction with the A614 Bawtry Road. The highway at this point*

*is under the control of Doncaster MBC as highway authority for the area. Although no information has been submitted in relation to the likely routing of vehicles this is likely to be on roads under the control of Doncaster or the Highways Agency. The movement of material is likely to continue at existing levels with no significant additional traffic flows anticipated. No objection is therefore raised to the proposals on highway grounds subject to existing controls in respect of lorry routing, wheel washing, and vehicular numbers be repeated.*

52. Network Rail: *Request a series of 17 planning conditions be imposed to ensure the safety and integrity of the railway line is maintained.*
53. National Planning Casework Unit: *Have been notified of the planning application.*
54. Severn Trent Water Limited: *Raise no objection subject to the imposition of planning conditions requiring the agreement of surface water and foul sewage.*
55. Robin Hood Airport (Finningley): *The airport accept the restoration proposals which seek to reinstate the site into various arable, hedgerows, water bodies and woodlands, but comment that this causes the airport extremely high risks in terms of future proofing the airport against increased wildlife issues due to the proximity of the development to the airport. To manage these risks the airport ask for consultation on the re-instatement of the site during the on-going project. The operator should ensure that they have mitigation in place to reduce any new hazards that their site will create. Particular concern is raised by the presence of species such as crows, rooks, seagulls, geese within ecological restoration schemes. A management plan regulated by planning condition is requested to restrict/prevent an increase in wildlife over the life period of the quarry and during its restoration.*
56. Defence Infrastructure Organisation: *The Ministry of Defence has no safeguarding objections to the development.*
57. NCC (Built Heritage): *The planning application site does not contain any designated built heritage assets but does come very close to a potential non-designated heritage asset (Misson Spring Farm). The Archaeological report provided identifies Newlands Farm to the east to be within 400m of the proposal site and the Landscape and Visual Impact Assessment includes the farm as a 'receptor'. As such the information provided with the proposal is sufficient for the purposes of paragraph 128 of the NPPF.*
58. *Newlands Farm House and associated agricultural buildings is described as a 19<sup>th</sup> century farmstead that was listed grade II in 1984. It is a good example of a planned agricultural facility installed at the time of the parliamentary enclosures of reclaimed land. The early C17th landscape of Vermuyden's drainage was subsequently enclosed by the mid C18th and some of the east-west drainage and hedges appear to date to this time and are probably contemporary to the establishment of Newlands Farm House and are therefore a component of its wider agrarian setting. Clearly the landscape in this area is low-lying and flat and some consideration must be provided to the*

*impact of the proposals on the views to and from the grade II listed farmhouse.*

59. *There would be no significant landscape or visual effects associated with the proposed development, although a short-term moderate adverse visual effect during operation has been predicted for one residential receptor. Most predicted effects are either neutral or slight adverse during operation (LVIA 5.2.31). The restoration scheme includes the replanting of hedgerows along pre-development land ownership boundaries and therefore reinstates the historic agricultural landscape which makes a considerable contribution to the setting of Newlands Farm designated heritage asset.*
60. NCC (Archaeology): *The desk based assessment of archaeology is acceptable and a planning condition should be imposed on any planning permission requiring a working scheme of archaeological investigation to be agreed prior to commencement and subsequently to be implemented.*
61. Western Power Distribution, National Grid (Gas), Yorkshire Electricity, Anglian Water Services Limited: *No representations received.*

## **Publicity**

62. The original planning application has been publicised by means of site notices and a press notice published within the Doncaster Star. Furthermore, the two Regulation 22 responses have been published through the display of additional site notices and press notices. Letters have been posted to the occupants of six local properties surrounding the site in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
63. Councillor Liz Yates has been notified of the application.

## **Observations**

### Introduction

64. The planning application site straddles the administrative boundaries of Nottinghamshire County Council and Doncaster MBC incorporating land within both authority's areas. Whilst the Environmental Statement assesses the entirety of the environmental effects across the whole site, from a procedural point of view, to operate the development requires separate planning permissions from each authority. Concurrent planning applications have been submitted to both authorities and there has been close liaison between respective officers to ensure a consistent approach is taken to processing the submissions. From a procedural point of view members should only consider the planning merits of the development insofar that it relates to Nottinghamshire's interests, and not concern themselves with the planning merits of any development which may be proposed in the Doncaster area.

65. 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 adopted Nottinghamshire Minerals Local Plan (MLP) and the Bassetlaw Core Strategy. 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 Bassetlaw Core Strategy does not deal specifically with minerals development.
66. Whilst not forming part of the development plan, Government planning policy set out with the National Planning Policy Framework (NPPF) is a materials consideration that should be taken into account within the decision.
67. 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, dating from December 2005. 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 the plan was 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)”.
68. The adopted MLP is currently in the process of being reviewed and replaced by a new Minerals Local Plan (new MLP). This review is currently at a comparatively early stage. The Council has published a ‘Preferred Approach’ new MLP 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 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 and resulted in County Council identifying a number of possible further locations for sand and gravel provision within the County.
69. The first consultation in connection with these additional sites was subject to an eight week period of public consultation running between 14<sup>th</sup> May and 11<sup>th</sup> July 2014. The second consultation in connection with a potential site at Shelford was put out to public consultation for an 8 week period expiring on the 10 December 2014.
70. Policy MP2a of the Nottinghamshire Minerals Local Plan Preferred Approach identifies two allocations at Finningley Quarry, the boundaries of which are consistent with the proposed extraction proposals sought within this planning application. Notably this proposed allocation has not been amended at any of the three consultation stages of the plan. The proposed allocation has generated one objection from Nottinghamshire Wildlife Trust who object on the basis that the development brief for the site does not give primacy to biodiversity within the restoration of the site, this has resulted in a change to the development brief to give more emphasis to biodiversity within the site’s restoration.

71. 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 new MLP is presently at an informal consultation stage, only limited weight should be given to its policies and proposed allocations within the determination of this planning application.

Need for additional sand and gravel within Nottinghamshire

72. 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 minerals 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.
73. 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.

74. 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 Finningley 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.

75. The sand and gravel landbank as of December 2013 (the latest figures available) stood at 6.74 years. Since this time Planning and Licensing Committee have resolved to grant planning permission for additional sand and gravel extraction on an unallocated site at Langford subject to the applicant entering into a Section 106 legal agreement. The Langford extension would provide another 1.438 million tonnes of sand and gravel reserves which would push the landbank up to 7.25 years as of December 2013. Projecting these figures forward to the present day, it is anticipated that reserves again have dipped below the crucial 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, even having taken account of new reserves at Langford. 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.
76. 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 proposed allocations it incorporates. However, the new MLP plan does set out the Council's current preferred options for addressing the shortfall in the 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.
77. The new MLP proposes two areas of land at Finningley for allocation, the boundaries of which are consistent with those currently sought planning permission.
78. The extension of Finningley 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.
79. 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, Finningley Quarry

directly employs ten people plus associated hauliers and contractors. The quarry also feeds its products to the adjacent bagging plant and ready mixed concrete plant operations supporting employment within these companies. 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.

80. The quarry is of strategic importance in terms of its contribution to Nottinghamshire's sand and gravel extraction capacity. Permitted mineral reserves at Finningley are likely to be exhausted prior to the adoption of the new MLP. The extraction of the proposed minerals would ensure there is continuity of mineral supplies at Finningley, enabling the processing plant to continue operating and ensuring mineral reserves are not sterilised. The development therefore would provide for the sustainable use of minerals.
81. It is understood that the current proposal is likely to represent the limit of sand and gravel extraction within Nottinghamshire from this quarry.

#### Transport Effects

82. The planning application would not significantly alter the existing transport patterns at Finningley Quarry on the basis that all vehicular access would continue to utilise the existing HGV access with direct access to the A614 which is within the Doncaster MBC administrative area. The output of the site would remain unchanged from existing levels which have fluctuated over recent years between 326,000tpa and 501,000tpa. This equates to traffic movements in the region of 66 – 101 HGV departures per day plus staff vehicles (132 -202 movements per day).
83. 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. The ES is supported by a traffic assessment which reviews the anticipated traffic levels in terms of the existing highway capacity and local road safety record. This demonstrates that the road network surrounding Finningley Quarry is currently operating within capacity, there have been few reported accidents and of these none relate to the operation of the quarry. The County Council's Highways Development Control Officer has reviewed the planning application and is in agreement with the conclusions. Whilst it is normal practice to regulate vehicle numbers and measures to protect the public highway through planning condition, in this instance the quarry plant site and haul road are within Doncaster MBC's administrative area and therefore it is appropriate that these matters are regulated through any decision issued by that authority.
84. Adopted MLP Policy M3.15 encourages the use of rail, barge, pipeline or conveyor where their use would provide an overall environmental benefit. The development is dependent on dump trucks to transport mineral between the quarry workface and plant site and HGVs to transport the mineral to market. The applicant explains that dump trucks are utilised for the transportation of 'as dug' mineral to the plant site, stating that there are environmental and operational reasons for this decision, primarily due to the speed of movement

of the working face which makes it inefficient to keep reconstructing the conveyor system, and also because the company progressively extract and restore the site at the same time and therefore it is more efficient to use the same plant for these works. With regard to off-site haulage the applicant reports that the quarry serves a variety of markets in a comparatively localized area and there would be little/no environmental benefits in using rail to transport the mineral.

### Ecology

85. Adopted MLP Policy M3.17 seeks to protect the integrity and continuity of habitats or ecological features of UK and county importance, only permitting their loss if there is an overriding need for the development which outweighs the nature conservation importance of the site, and in such circumstances the policy requires appropriate compensation or mitigation of the habitat elsewhere. MLP Policy M3.19 seeks to protect SSSIs from adverse effects. Policy M3.20 seeks to protect regional and local designated sites from adverse impact, only permitting their loss if there is an overriding need for the development which outweighs the nature conservation importance of the site, and in such circumstances the policy requires appropriate compensation or mitigation of the habitat elsewhere.
86. No part of the Finningley site (specifically extraction phases 25 and 29 which are within Nottinghamshire) is covered by nature conservation designations. The nearest Local Wildlife Sites, a series of drains designated for their botanical and water beetle/water bug interest lie approximately 400m to the east of the site. At least one of these, the Owl Drain LWS appears to be directly connected to Phase 25. The nearest SSSI, Misson Training Area, lies just over 1km to the south-east, whilst the nearest SAC, Hatfield Moor (which is also a SSSI) lies around 4.4km to the north.
87. The majority of the extraction areas are arable farmland. The ecological surveys identify that the hedgerows and drains around the fields have a higher ecological value. Specifically, the drains which would be lost in Phase 25 appear to be species rich, and one hedgerow within phase 29 considered as 'important' under the Hedgerow Regulations would be translocated. The silt lagoons provide a network of wetland, woodland and scrub habitats, these areas are predominantly affected by the restoration proposals rather than the extraction.
88. Many of the surveys originally undertaken in 2012 have been updated during the 2014 survey season, these surveys confirm the site incorporates species of ecological interest including:
  - Amphibians, namely common toads, common frogs and smooth newts are present at various locations within the site. There is no evidence of great crested newts (as has been the case for the previous 10 years).
  - Grass snakes and common lizard are present at various locations on the site, primarily in association with the banks of drains and the railway that bounds the north of the site.

- Tree assessments identify one tree (T36) with bat roost potential that would be lost to the proposals; no bats were recorded leaving or exiting this tree during surveys.
  - Bat activity levels were found to be generally low, although higher activity levels were found in association with open water and woodland on the west of the site.
  - Evidence of water voles was found in all drains on site, although there have been some changes in the pattern of distribution, with declines in activity in some areas, and increases in others, the overall population numbers appear stable.
  - The site continues to support a notable farmland bird assemblage including a number of high conservation priority species such as turtle dove and corn bunting; a number of wading birds including avocet and little ringed plover were also recorded.
  - Glow-worm and wall (butterfly) were recorded at the site, although no specific invertebrate surveys were carried out.
89. The Ecological Impact Assessment has been updated as part of the second Regulation 22 submission to take account of the findings of the latest ecological surveys and identify how ecological features of interest can be preserved or compensated. It identifies that:
- Potential indirect hydrological impacts on the Misson Training Area SSSI are not anticipated on the basis that this SSSI is beyond the likely drawdown zone that would result from quarrying, and water from the quarry is discharged into the Deeps Drain, between the site and the SSSI which effectively acts as a recharge trench, topping up the aquifer to the south. The Internal Drainage Board has verified that the surface water drainage arrangements identified by the applicant accurately reflect the surface water drainage in the local area and on this basis Natural England is satisfied that there would not be any adverse impact to this SSSI and on this basis monitoring of water flows as suggested by Nottinghamshire Wildlife Trust is not necessary.
  - There will be no impact on the Humberhead Peatlands SAC due to hydrological separation.
  - Approximately 6.5km of drains would be retained. These would be protected by an 8m wide buffer throughout the extraction phase; approximately 3km of drain would be removed in phases and either replaced (1.68km) on completion or compensated for elsewhere (0.55km); however, there would be a net loss of 0.75km of drains due to the fact that a number of dry drains are not restored as part of the restoration plan. Whilst the ecologically designated Owl Drain LWS is outside the site, it is hydraulically connected to the continuation of this drain which passes through the development site. This undesignated section of the Owl Drain would be diverted during quarry workings to ensure that water flows through the LWS remain unaltered.
  - 1.21km of hedgerow would be removed and replaced at restoration; 1.11km would be removed and not replaced; 5.53km would be retained for the duration of the extraction; and 1.81km of hedgerow is proposed to be created, giving a net gain of 0.7km of hedgerow. One hedgerow

which qualifies as Important under the Hedgerow Regulations would be translocated prior to extraction.

- Surveys in 2014 identified the presence of wall (butterfly) and glow-worm at the site; the former appears to be on the brink of extinction in Nottinghamshire, and glow-worms are now fairly limited in their distribution (occurring mainly at a few sites in Sherwood). A planning condition is suggested requiring further details of habitat creation for these species, provided in close proximity to the habitat the species currently occupy.
90. A range of mitigation measures are proposed which would partly be delivered through site restoration and partly through working methods undertaken during the extraction phases. Much of this mitigation has been incorporated within a revised Ecological Management Plan. Compliance with this management plan should be regulated through planning condition. The revised Ecological Management Plan would ensure that the ecological interests of the site are satisfactorily protected both through the quarry working and its restoration/aftercare and has enabled both Natural England and Nottinghamshire County Council Nature Conservation unit to withdraw their original ecological concerns/objections and support the development subject to the following supplementary measures being undertaken:
- The margins adjacent to the drains and ditches within the site should not be established as an annual arable weeds margin, this is because this type of margin would not be suitable for reptiles and could potentially increase sedimentation of the water course from surface water run-off. Wildflower rich or Tussocky grassland margins should be utilised.
  - Wild bird margins are shown on a plan in Appendix 3 of the Ecological Impact Assessment as mitigation for impacts on farmland birds including turtle dove and corn bunting, but not discussed within the report. The provision of these margins should be secured through planning condition.
  - The soil bunds proposed to be created next to the railway may become colonised by reptiles. It is therefore necessary to require surveys of these bunds for reptiles prior to them being removed from the site as part of the restoration works.
  - Monitoring for species is proposed during the extraction period, it is recommended that this monitoring is also undertaken throughout the extended aftercare period with specific reference to identifying great crested newts, water voles, reptiles, trees with bat roosting potential, badgers, and Schedule 1 birds.
  - Further details relating to the shape, size, depth and profile of scrapes should be provided.
  - Further details of ecological mitigation measures during the restoration of the plant site should be agreed.

91. Whilst it is acknowledged that Nottinghamshire Wildlife Trust maintain an objection to the development, they identify that this objection could be removed if additional ecological mitigation measures were incorporated into the development. These matters have been predominantly addressed within the recommended planning conditions except for the monitoring of water flows into the Misson Training Area SSSI which is not considered necessary by Natural England or NCC's Ecological Officer.
92. The restoration proposals for the site are identified on the Restoration Plan and the supporting Ecological Management Plan. These show that a large proportion of the site is proposed to be returned to agriculture reflecting the presence of Best and Most Versatile land at the site and the requirements of national and local policy to reinstate such land as far as practically possible following mineral extraction. Consideration also needs to be given to the requirements of Robin Hood (Finningley) Airport who are required to manage the safety of aircraft using the airfield by ensuring that developments are not undertaken in the local area which impact aircraft safety particularly in respect of birdstrike issues.
93. Notwithstanding the above constraints, there are areas of non-agricultural restoration within the development and it is essential that those areas are of high-quality to benefit biodiversity. In addition the agricultural farmland itself should be designed to benefit biodiversity through the re-instatement and creation of features such as drains, field margins and hedgerows to offer benefit to biodiversity. The non-agricultural restoration areas would retain and create areas of grassland, woodland and wetland. Overall the restoration would result in the creation of 12ha of oak-birch woodland, 1.8ha of willow carr, 5ha of arable field margins, 2.5ha of reedbed, 27ha of acid grassland, and 1.3ha of neutral grassland.
94. The Ecological Management Plan sets out the actions the operator proposes to take to ensure the operation, restoration and aftercare of the quarry development is undertaken in an ecologically sensitive manner. The actions that are proposed within this Management Plan are considered to be generally acceptable subject to the following additional provisions which can be secured through a planning condition:
- The submission of all finalised species mixes/proportions for hedgerows, wildflower rich margins, tussocky grass margins, oak-birch woodland, wet woodland/willow carr, acid grassland, wildflower (neutral) grassland, agricultural improved grassland, and seeded arable margins; and to require that all tree stock should be of native genetic origin (and ideally of local provenance, from seed zone 402 or 403), and all wildflower seed should be of certified native genetic origin.
  - A detailed design for the restoration of the silt lagoon area, to be submitted prior to final restoration works commencing in this area.
  - The production of detailed mitigation measures for protected species (i.e. water voles, breeding birds, bats) in the event that surveys show they will be affected by works.

- Monitoring of flow rate, water levels and siltation in the Owl Drain, with appropriate mitigation measures to be put in place if monitoring identifies any issues.
  - The production of an annual report stating the restoration actions completed during the year; monitoring surveys undertaken; results of the surveys; any actions required; suggestions for alternative management methods; and the level of future ecological monitoring required.
95. The restored habitat within the lagoon area would be subject to an extended management period of 15 years and this would need to be secured through a Section 106 agreement. Extended management is not proposed within the other land within Nottinghamshire (Phases 25 and 29) since this is to be predominantly restored to agricultural use. The applicant is also offering 15 years extended management within Phases 26, 30, 31 and the plant site within the Doncaster area, this would need to be secured through the Doncaster planning permission for the site.
96. Subject to the above mitigation measures being appropriately controlled through planning conditions it is assessed that the development proposals would not result in significant impacts to ecological habitats or species of conservation concern. The site restoration has potential to result in net ecological benefits in terms of creating an additional habitat, and the development would satisfy the requirements of adopted MLP Policies M3.17, M3.19 and M3.20.

#### Landscape and Visual Impact

97. Policy M3.3 of the MLP seeks to reduce the visual impact of mineral 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 seeking to restrict development which adversely impacts the character and distinctiveness of the landscape unless there are reasons of overriding public interest, ameliorative measures to reduce the impact of development to acceptable levels are encouraged.
98. 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 Humberhead Levels landscape character area, and the county level landscape appraisal which identifies the site within the Idle Lowlands, Carrlands and Valley Carrs and Levels sub-area. The characteristics of these landscape areas have been used as the baseline to judge the magnitude of change resulting from the development. The application utilises ten viewpoints surrounding the site representing views from settlements/properties, transport routes/public rights of way and publically accessible land to inform the assessment of visual impact. The landscape and visual 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.

99. The landscape assessment identifies that there would be some slight adverse impacts to the landscape during the operational stage of the quarry as a result of the temporary removal of the agricultural use of the site and its replacement with an operational quarry. However, upon restoration there would be no negative impacts since the restoration of the site would reinstate the agricultural use of the site and supplementary hedgerow planting would provide some landscape enhancements. The overall conclusion is that the development would result in no significant landscape impacts and therefore comply with MLP Policy M3.22 (Landscape Character).
100. The applicant has designed the development to minimise visual impacts and ensure the objectives of adopted MLP Policies M3.3 and M3.4 are met. Notably the development is predominantly remote from residential receptors, 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. Hedgerow and tree planting would be retained around the perimeter of the site to provide screening, and generally soil resources would be directly placed into previous workings to provide restoration benefit. Nevertheless, some adverse visual impacts would result from the development of the quarry, notably a short term adverse visual impact during the operation of the quarry has been predicted for nearby residential properties at Bank End Crossing & Beech Hill Crossing, Springs Road. To mitigate these impacts a 5m high soil store would be constructed to screen impacts at Bank End Crossing, the construction of which can be regulated through planning condition.

#### Public Rights of Way

101. Adopted MLP Policy M3.26 seeks to ensure that the quality of the existing public rights of way network is maintained. Where minerals development affects a public right of way the policy requires appropriate alternative arrangements that maintain the quality of the public rights of way network to be agreed through the planning process.
102. There are no public footpaths within the development site. Misson Bridleway 9 is located adjacent to the site, along the eastern part of Low Deeps Lane immediately south of the application area and would not be affected by the development. There would be some temporary visual impact to users of this footpath during the operational phase of the quarry, however the reinstatement of the land to agriculture ensures that no permanent harmful impacts would occur.
103. The Rights of Way Officer reports that there is a claimed right of way that crosses the application site in the vicinity of the operational quarry lagoons. The Rights of Way Team are currently investigating this claim but at present the claimed route is not a legally defined public right of way. If in due course it is established that the right of way claim is valid, it would have implications on

the existing and future operations of the quarry since it runs through the centre of the lagoon area and there may be a need to review the restoration scheme in this area to re-establish the route. An informative note as part of the decision notice is recommended to ensure that the applicant is aware of this claimed right of way and its implications if the claim is validated. The operator advises that the route of the claimed Right of Way is used on a minimal basis by the contractor for access to their compound and should a claim prove successful, the use of the route by the public would not affect the operations within the proposed extension. It is therefore concluded that the requirements of Policy M3.26 are satisfied.

104. With regard to the comments raised by Misson Parish Council and Peak and Northern Footpaths Society concerning their request for additional public access within the restored site, the applicant states that they propose to make a link footpath between Bridleway 9 and the Fiftyeights Road in Autumn 2016 to facilitate additional public access. This footpath would be on land under the jurisdiction of Doncaster MBC and it is understood that that authority propose to impose a planning condition on any permission they issue to ensure the permissive path is provided. The Parish Council have been consulted regarding this proposal and have not provided any further comments.

#### Agriculture/Conservation of Soils

105. 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, the policy provides 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.
106. The planning application is supported by an agricultural land appraisal which identifies that the agricultural land quality within phase 25 incorporates a mix of Grade 2 and 3a land as well as some Grade 3b land. The soils within phase 29 are Grade 3b and therefore not classed as 'best and most versatile'. The appraisal incorporates a soil handling strategy to ensure the soils are stripped prior to quarrying in accordance with good practice guidance issued by MAFF and, except for a small amount of soil which would be used to construct temporary screen bunds, the extracted soils would be directly placed to adjacent land to provide for its restoration to agricultural purposes. The application incorporates a commitment to reinstate an equivalent amount of the site to 'best and most versatile' agricultural status.
107. Natural England has specifically provided comment on the soil handling strategy, commenting that the restoration would adequately reinstate the agricultural quality of the site, particularly its best and most versatile status. They recommend that planning conditions are imposed to ensure appropriate

soil working methodologies are employed on site to preserve the quality of soils.

108. 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

109. 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). The noise assessment incorporates measurements of background noise levels at the four nearby residential properties and a calculation of 'worst case' noise emissions from quarrying operations at these locations to enable a comparison of predicted change in noise levels to be made. The background noise monitoring identifies the local area is comparatively quiet and the quarrying operations have potential to marginally exceed the recommended guidance (background (L<sub>90</sub>) + 10dB) at both Bank End Crossing Cottage and Misson Springs Farm. These highest levels of noise emissions are predicted to only occur when quarrying operations are undertaken at their closest proximity to the properties and therefore for a comparatively short period of time. At other times noise emissions would be much lower. The NPPF recognises that in some cases it is difficult to avoid exceeding a limit of L<sub>90</sub> + 10dB, acknowledging that strict adherence to this limit may place unreasonable burdens on development. In such circumstances the NPPF advises the maximum noise limit should be set as near to the L<sub>90</sub> + 10dB level as possible, subject to it not exceeding 55dB. Having regard to the above advice, it is considered appropriate to impose a maximum noise limit at both of these locations which reflects the predicted worst case scenario (45 dB at Bank End Crossing Cottage and 46dB at Misson Springs Farms) even though this may marginally exceed L<sub>90</sub> + 10dB.
- 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.
110. As part of Misson Parish Council's representation reference has been made to complaints that have historically been made regarding alleged noise from pumps used to control water levels within the existing quarry operations. This matter was investigated by officers at the time the complaint was made and a night-time noise survey was undertaken which demonstrated that the noise levels were not unacceptably intrusive. Since the pumps do not form part of the current planning application and their operation does not appear to be unacceptably intrusive the imposition of additional controls restricting the operation of these pumps is considered unnecessary.
111. Subject to the imposition of controls to regulate noise emissions from quarry exaction operations at surrounding property, limits on sound emissions from plant and controls on operating hours it is concluded that noise emissions from the development would not be unacceptably intrusive and therefore the development would comply with adopted MLP Policy M3.5.

#### Dust

112. 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.
113. 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.
114. Existing dust conditions have been surveyed to identify existing dust levels (39mg/m<sup>2</sup>/day) as being substantially lower than the threshold of nuisance (200mg/m<sup>2</sup>/day). The dust assessment identifies activities within the development site could lead to dust emissions and incorporates a series of mitigation measures to reduce dust impacts.
115. The proposed quarry extension would be comparatively remote from surrounding settlements, although there are one or two isolated properties in close proximity to the site. The air quality assessment identifies that the operations have potential to generate dust emissions particularly during dry and windy conditions and therefore the assessment incorporates a series of best practice/industry measures to control dust emissions at source. These include the use of water bowsers and sprays to control dust releases, 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), demonstrating that the level of PM<sub>10</sub> dust particle emissions would not exceed air quality objectives. Potential risks to human health from dust emissions are therefore not predicted.

116. It is noted that the existing activities at the quarry have not generated any dust complaints. A planning condition is suggested to ensure that appropriate dust control measures are put in place over future operations and therefore ensure compliance with adopted MLP Policy M3.7.

#### Flood Risk and Hydrology

117. The development site is located within an area at risk from flooding, (flood zone 3 and 2) 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 the development 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.
118. A flood risk assessment has been prepared to support the planning application. This assessment concludes that the proposed quarry would satisfy the flood risk requirements of the NPPF including its associated technical guidance and would not increase the risk of flooding downstream. The flood risk assessment has been reviewed by the Environment Agency who raise no objection to the development subject to the controls set out within the flood risk assessment being regulated through planning condition thereby ensuring compliance with adopted MLP Policy M3.9.
119. Many of the existing agricultural drainage systems within the extraction area would be removed/ intercepted by the quarrying operations. The restoration of the site would seek to replace this drainage and therefore impacts are anticipated to be temporary. During the operational life of the quarry any water collecting within the extraction area would be channelled through the silt lagoon complex and discharged, thus ensuring there would be no uncontrolled water flows from the quarry. Land drainage issues would be regulated by the Internal Drainage Board.
120. Assessments have been made to demonstrate that quarry dewatering would not adversely affect surrounding land uses. The Environment Agency recommend that monthly monitoring of water levels in the neighbouring fishery is undertaken to provide a knowledge base to inform them as to the impacts of dewatering. No specific remediation for impacts is requested if a lowering of the water table is noted.

#### Archaeology

121. The county historic environment record does not identify the presence of any heritage assets within the extension areas. Archaeological survey work undertaken within adjacent quarry workings has not identified any significant finds of heritage assets and themes indicating that the site is likely to be of a

generally low level archaeological resource. The archaeological importance of the site therefore is considered to be of less than national importance.

122. Adopted MLP Policy M3.24 provides scope for the extraction of minerals on sites where the needs of the development outweigh the archaeological significance of the remains. In the case of Finningley, a clear need for the mineral has been identified and it is therefore reasonable to support the quarrying of the site subject to appropriate controls being put into place to record the archaeological features of the site.
123. To ensure that any features of archaeological interest are appropriately identified and recorded it is proposed to use best practice guidelines to carry out a staged archaeological evaluation comprising field walking once land has been ploughed and sufficiently weathered to facilitate identification of finds, a geophysical survey utilising sensory machinery and trial trenching in locations informed by the earlier survey work with any finds being appropriately 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

124. The proposed gravel quarry extension does not contain any designated built heritage assets but does come very close to a potential non-designated heritage asset (Misson Spring Farm). The Archaeological report provided identifies Newlands Farm to the east to be within 400m of the proposed site and the Landscape and Visual Impact Assessment includes the farm as a 'receptor'. As such the information provided with the proposal is sufficient for the purposes of paragraph 128 of the NPPF.
125. Neither the archaeology report or the LVIA attempt to assess the setting of Newlands Farm grade II listed building, however the historic environment record provides sufficient data to identify that Newlands Farm House and associated agricultural buildings is a 19<sup>th</sup> century farmstead that was listed grade II in 1984. It is a good example of a planned agricultural facility installed at the time of the parliamentary enclosures of reclaimed land. The early 17<sup>th</sup> century landscape of Vermuyden's drainage was subsequently enclosed by the mid-18<sup>th</sup> century and some of the east-west drainage and hedges appear to date from this time and are probably contemporary to the establishment of Newlands Farm House and are therefore a component of its wider agrarian setting. Clearly the landscape in this area is low-lying and flat and some consideration must be provided to the impact of the proposals on the views to and from the grade II listed farmhouse. In this regard the assessment provided by the LVIA enables the following conclusion to be reached:

*'There would be no significant landscape or visual effects associated with the proposed development although a short-term moderate adverse visual effect during operation has been predicted for one residential receptor. Most predicted effects are either neutral or slight adverse during operation (LVIA 5.2.31).'*

126. The restoration scheme includes the replanting of hedgerows 'along pre-development land ownership boundaries' (LVIA Appendix 2). These hedges and drains follow the 17th century and 18th century Vermuyden reclamation scheme and enclosures thereafter and are a critical component of the significance of this planned historic agricultural landscape which makes a considerable contribution to the setting of Newlands Farm designated heritage asset. Their reinstatement is therefore supported from a heritage perspective.

#### Restoration

127. In accordance with the requirements of adopted MLP Policy M4.1, the development has been designed to incorporate a phased sequence of extraction, reclamation and implementation of the planned after-use.
128. The main focus of the restoration scheme is to re-establish high quality agricultural land to satisfy the requirements of both national policy within the NPPF and adopted MLP Policy M3.16 (Protection of best and most versatile agricultural land), whilst managing risks to aircraft safety and maximising opportunities to provide ecological benefits.
129. Detailed soil handling and management strategies are incorporated within the submission to demonstrate optimum use is made of the soil resource. 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.
130. Areas of open water have been minimised so as to ensure that the restored habitat is not attractive to wading birds which could have potential implications to the safety of aircraft using the nearby Robin Hood Airport.
131. The development would alter the previously agreed restoration of the reedbed area, resulting in a reduction in the area of standing water by the deposit of additional silt within the lagoons obtained from processing mineral won from the extended extraction area, and providing a network of small water bodies fringed with reeds, wet woodland, acidic grassland and retained areas of exposed silt. These changes are welcomed from both an aircraft safeguarding and an ecological enhancement viewpoint.

#### Cumulative Impact

132. The Finningley area has been extensively quarried for its sand and gravel reserves for many years resulting in substantial swathes of land where the underlying mineral has been extracted. However, the phased working practices minimise the amount of disturbed land at any one time and the site restoration predominately reinstates the worked out quarry to agricultural use, returning the site to its original character.

133. 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, particularly following site restoration, the development would not be contrary to requirements of the policy.

#### Other Matters

134. Severn Trent Water has requested a planning condition be imposed to require their prior approval of surface and foul water drainage details. Since surface water drainage proposals have been provided as part of the planning application and would be regulated by the Environment Agency and the Internal Drainage Board, Severn Trent's prior approval of these matters is not considered necessary. Furthermore, the quarry extension would not necessitate any additional connection to foul water systems, or alter any existing foul water flows. It is not therefore recommended to impose a planning condition requiring Severn Trent to give prior approval to these matters.
135. Network Rail has requested the Council impose a series of 17 planning conditions aimed at protecting their asset. Since these suggested conditions relate to the protection of a private asset they are not connected to planning matters and should not be regulated through the planning conditions. It is more appropriate to deal with this matter by an informative note with a copy of the letter forwarded to the developer for their benefit.

#### Conclusion relating to Planning Considerations

136. 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 adopted Minerals Local Plan, however is now a number of years old and many of the mineral reserves originally allocated have been extracted 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 to ensure that a seven year landbank is maintained.
137. The 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.
138. The Environmental Statement and accompanying Regulation 22 submissions incorporate a detailed 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.

139. The planning application is supported by a restoration scheme that would ensure that 'best and most versatile' agricultural land is reinstated following mineral extraction and potential increased risks to aircraft safety are suitably minimised/avoided. The restoration scheme also takes opportunities to retain and introduce additional features of ecological interest and would result in enhancements to the biodiversity of the area following the restoration of the quarry.
140. Overall the balance of considerations in this case supports a grant of conditional planning permission.

### **Other Options Considered**

141. Schedule 4 Part II(4) of the EIA Regulations requires 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.
142. In this particular instance no alternative sites for mineral extraction have been considered by the applicant. The applicant states that the reasons behind this are that minerals can only be worked where they are found. The development seeks to extract the final mineral reserves recoverable from the land surrounding Finningley Quarry, thus there are no alternative sites where the mineral can be worked. In support of the choice of extraction site the applicant references the fact that the land is identified as a preferred site for allocation within the new Minerals Local Plan.
143. As part of the development of the proposals, the applicant has considered a range of restoration alternatives with the final scheme being agreed with the landowner and key stakeholders. These have included various configurations in terms of landform and restored habitats, with the ultimate decision being to integrate as much nature conservation habitat as possible whilst ensuring the long term agricultural output of the land, and protecting the interests of aircraft safety at the nearby Robin Hood Airport.

### **Statutory and Policy Implications**

144. 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 Finningley 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.

- (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 some minor 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**

145. In determining this application the Minerals 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 Minerals Planning Authority has identified all material considerations; forwarded consultation responses in a timely manner; considered any valid representations that may have been 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 ecology and public access within the restored site and have been addressed through negotiation and acceptable amendments to the proposals requested through Regulation 22 submissions. 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.

### **RECOMMENDATIONS**

146. 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 provide a total of 15 years extended aftercare management of the lagoon area of the development site.
147. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 30<sup>th</sup> December 2014 or another date which may be agreed in writing by the Team Manager Development Management, 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 30<sup>th</sup> December 2014, or within any subsequent extension of decision time agreed in writing 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.
148. 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 Licencing Committee by virtue of its terms of reference. (SG 28/11/14)

### **Comments of the Service Director - Finance**

Text to be entered here

[Initials and date here in square brackets]

### **Background Papers Available for Inspection**

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

### **Electoral Division(s) and Member(s) Affected**

Mike Hankin  
0115 993 2582

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

## 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, the rephrasing of existing sand and gravel extraction and restoration including revisions to the approved restoration for the silt lagoon area. 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 Finningley Quarry Extension Planning Application and Supporting Environmental Statement received by the MPA on 20<sup>th</sup> March 2014, and specifically detailed on the following drawings.

- i. Drawing no. F308/PL14/0: Location Plan dated 03/14.
- ii. Drawing no. F308/PL14/02 Site Plan dated 03/14.
- iii. Drawing no. F308/PL14/03 Working Plan dated 03/14.
- iv. Drawing no. F308/PL14/04a Restoration Proposals dated Oct 2014.
- v. Drawing no. F308/PL14/05 Sections dated 03/14.
- vi. Document Reference: DW/AH – F3/13 Email for DL Walker dated 22<sup>nd</sup> July 2014.
- vii. Email from DL Walker dated 3<sup>rd</sup> November 2014.
- viii. Protected Species Update Report Final V2 dated October 2014.

- ix. Ecological Impact Assessment Report Final V4 dated October 2014.

*Reason: To define the scope of the planning consent issued by Nottinghamshire County Council insofar that it relates only to development within the Nottinghamshire CC administrative boundary, and does not provide any development rights for work within the Doncaster MBC administrative boundary for which a separate and concurrent application for planning permission has been submitted to this adjoining planning authority.*

#### Duration of Planning Permission

4. All mineral extraction operations shall cease on or before a date four years from the date of commencement as notified under the requirements of Condition 2.

*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 41-51 shall be completed on a phased basis within 12 months following the completion of mineral extraction, or within 5 years of the date of commencement, whichever is the 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.*

6. The date of completion of mineral extraction in any phase shall be notified to the MPA within 7 days of completion.

*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

7. Vehicular access to and from the public highway by vehicles used to carry out any part of the development hereby permitted shall be made only along the existing access road via Croft Road and the A614 as detailed on Drawing no. F308/SPS14/02.

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

#### Phasing

8. Extraction operations shall progress sequentially in accordance with Drawing no. F308/PL14/03 Working Plan dated 03/14.

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

9. 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

10. 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 Water Controls

11. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) report reference DABGeot/12002/Final, prepared by DAB Geotechnics Ltd in February 2013 and revised in March 2014, and the following mitigation measures detailed within the FRA:

- a. The limitation of surface water run-off to no greater than the equivalent greenfield run-off rate.
- b. It is not permitted to restore ground levels above the pre-excavated topographical level at any point across the site.
- c. No materials are to be imported from outside the planning unit to backfill the workings.
- d. The backfilled workings are to be levelled and the soils are to be replaced to create a restored profile that lies at or preferably slightly below the original ground contours.
- e. The progressive workings and restoration must not entail any loss of flood storage.
- f. Surface water is to be treated via settlement lagoons prior to discharge from the site.

- g. Soil stripped bunds which are parallel to the main drainage channels shall be no greater than 2.0m to 3.0m high and should be broken every 20m – 30m.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the MPA.

*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.*

12. During operation of all phases of the quarry development monthly water level monitoring should be carried out on all standpipes and gauge boards at the site and the neighbouring fishery. Dewatering pumping records should also be kept in order to enable comparison. The results of the water level monitoring shall be submitted to the MPA in writing as part of a report every 12 months.

*Reason: Monitoring is required in order that any impact on controlled waters can be assessed. The data can also be used in the future to assess the impacts of the quarry dewatering when the requirement for a dewatering licence comes into force.*

#### Archaeological Investigation

13. The development shall be carried out in accordance with an archaeological method statement which shall be submitted to the MPA and approved in writing prior to the commencement of soil stripping operations within any phase. The archaeological investigation method statement shall include provision for the submission of a final report of findings to be submitted to the MPA and the requirements of this planning condition shall 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.*

14. 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

15. No permanent floodlighting shall be used within the extended mineral extraction areas 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.*

#### Pollution Control

16. 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.*

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

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

#### Noise

18. 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.*

19. 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:

LOCATION	LAeq, 1hr
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- Bank End Crossing Cottage: 45dB
- Beech Hill Crossing Cottage: 44dB
- Misson Springs Farm: 45dB
- Springs Farm: 46dB

In the event of a justifiable noise complaint, the applicant shall within a period of 14 days carry out a noise survey as agreed in advance with the MPA. If the results indicate exceedance of the above levels, the applicant shall submit to the MPA for approval and implement an agreed scheme of noise mitigation.

*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.*

20. Notwithstanding the requirements of Condition 19 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.*

21. Prior to the commencement of sand and gravel extraction within Phase 25, the temporary soil bunds adjacent to Misson Springs Farm and Bank End Crossing shall be constructed in the locations identified on Drawing No. F308/PL14/03: Working Plan. The bunds shall be constructed so as to provide a 3m high acoustic and visual screen of the development. The bunds shall be grass seeded in the first available sowing season and thereafter retained throughout the duration of sand and gravel extraction within Phase 25. Following the completion of mineral working the bunds shall be removed and the underlying land re-instated to its original condition/level.

*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, and to provide a visual screen of the development in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan.*

### Dust

22. Measures shall be taken to minimise the generation of dust from operations at the site. These measures 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 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. 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

23. No trees, shrubs or hedgerows shall be removed from the boundaries of the extraction area unless previously agreed in writing with the MPA.

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

### Ecology

24. All site works shall be undertaken in accordance with the Ecological Management Plan (Final V4 dated November 2014), subject to the following enhancements and modifications
- a. The margins adjacent to the drains and ditches within the site should be managed to provide/create habitat of ecological value particularly for reptiles. Where new habitat within these margins is provided it should either incorporate annual arable weed margins using seed rich soils removed from the extraction area or utilise wildflower rich or Tussocky grassland margins.
  - b. Opportunities should be taken to create additional ponds within field corners in the retained grassland areas surrounding fields and drains.
  - c. Rapidly established species rich habitat strips should be incorporated as part of the working scheme to attract invertebrates for foraging bats and compensate for habitat losses resulting from hedgerow removal.
  - d. Prior to its removal, a method statement for the translocation of the ecologically important hedgerow within phase 29 shall be agreed in writing with the MPA. The hedgerow shall be translocated in accordance with this method statement.
  - e. Wild bird margins should be provided in accordance with the details identified in Appendix 3 of the Ecological Impact Assessment to ensure appropriate mitigation for impacts on farmland birds including turtle dove and corn bunting.

- f. The soil bunds created next to the railway shall be surveyed by an appropriately qualified ecologist and the findings of the survey submitted to the MPA within a written report for approval in writing by the MPA prior to the bunds removal/disturbance. In the event that the survey identifies reptiles are present within the bunds then the report shall incorporate measures to translocate or avoid harm to the species, these measures shall be implemented in full in accordance prior to the bunds being removed from the site.

*Reason: To ensure that retained habitats are protected during extraction, and the new habitats are created and enhanced to maximise biodiversity gain.*

25. Site clearance works which impact any water course or drain shall not commence until a supplementary river bank water vole habitat survey has been undertaken by a qualified ecologist on the section of water course that would be affected by the works. 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.*

26. 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.*

27. 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.*

28. 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.*

29. 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 shall 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

30. 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.*

#### Soil Stripping, Handling and Storage

31. 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.*

32. 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.*

33. 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.

34. 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.*

35. 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.*

36. 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.*

37. 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.*

38. 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.*

39. 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.*

40. 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

41. The MPA shall be notified in writing at least 5 working days before each of the following:
- (a) overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, 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.*

42. 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.*

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

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

44. 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.*

45. 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.*

46. 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.*

47. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:
- (a) to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
  - (b) to 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.*

48. 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.*

49. 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

50. The phased restoration plan and landscaping scheme shall be carried out in accordance with Drawing Number F308/PL14/04a Restoration Proposals dated Oct 2014. The implementation of the restoration and landscaping scheme shall be carried out progressively upon completion of mineral extraction within each phase. 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. Notwithstanding the generality of the details shown on Drawing Number F308/PL14/04a, a detailed design for the restoration of the silt lagoon area and ecological 'scrapes' shall be submitted and approved in writing by the MPA prior to final restoration works commencing in this area.

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

51. 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.*

### Aftercare

52. 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.*

53. 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.*

54. Aftercare and long term management shall be carried out in compliance with Sections 5-11 of the Ecological Management Plan (Final V5 dated November 2014) which shall be supplemented with the additional aftercare arrangements set out below to provide a comprehensive aftercare strategy for the site. The comprehensive aftercare 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 comprehensive aftercare 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 comprehensive aftercare strategy shall include but not be restricted to details of the following:

- (a) Ecological Management Plan (Final V5 dated November 2014).
- (b) Details of the finalised species mixes/proportions for hedgerows, wildflower rich margins, tussocky grass margins, oak-birch woodland, wet woodland/willow carr, acid grassland, wildflower (neutral) grassland, agricultural improved grassland, and seeded arable margins; and to require that all tree stock should be of native genetic origin (and ideally of local provenance, from seed zone 402 or 403), and all wildflower seed should be of certified native genetic origin.
- (c) Monitoring of water vole populations within the network of retained and re-instated drains within the site.

- (d) Detailed mitigation measures for protected species (i.e. water voles, badgers, breeding birds, bats, wall (butterfly) and glow-worm) in the event that surveys show they will be affected by works.
- (e) Consultation with Robin Hood Airport to ensure that appropriate mitigation is in place to reduce any new hazards that the site may create to aircraft infrastructure during the life of the project.
- (f) Monitoring of flow rate and water levels within the Owl Drain, including mitigation measures to be put in place if monitoring identifies changes in flow rates and/or levels.
- (g) weed control;
- (h) soil analysis;
- (i) 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;
- (j) drainage amendments;
- (k) management practices such as the cutting of vegetation;
- (l) irrigation; and
- (m) fencing.

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

55. 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 54 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.*

56. The aftercare programme shall be implemented in accordance with the details approved under Condition 54 above, as amended following the annual site meeting referred to in Condition 55 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

57. 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.*

## Notes to Applicant

1. The Environment Agency advise as follows:
  1. If it is not feasible to restore ground levels below the pre-excavated topographical level at any point within the site, the applicant will be required to demonstrate flood risk is not increased elsewhere as a result and if appropriate, include floodplain compensatory measures.
  2. It is recommended that the operator of the proposed development prepares a flood warning plan and, if not already done so, they should sign up to the Environment Agency's Flood Line Warnings Direct via: <https://fwd.environmentagency.gov.uk/app/olr/registeror> by calling the Flood line on 0845 988 1188 to ensure that the users of the site are warned of an imminent flood and to facilitate evacuation in the event of an extreme flood event.
  3. A minimum 8 metre wide easement should be maintained from any watercourses for access and maintenance purposes. However, the Environment Agency is aware of historical embankment collapses on the River Trent resulting from extraction works in close proximity to the river embankments and therefore it may be prudent to increase the required easement to prevent erosion and ultimately any further embankment breach.
  4. The restoration plan reference F308/NTS/04 indicates that the 'new field drains' are to be retained. The Environment Agency would however recommend that the 'new field drains' are reinstated as open channel ditches to improve water quality and provide local habitat and amenity benefits.
  5. The Water Resources Act 1991 states that any use of water that is greater than 20 cubic metres per day requires an abstraction licence whether from the ground or surface waters.
  6. Dewatering is currently exempt from the abstraction licensing system. However, the Water Act 2003, removed this and other exempt activities, but the commencement orders have been put back. The latest information on commencement of the order is that this will proceed towards the end of 2014. All dewatering sites will have to apply to the Environment Agency for an abstraction licence. The EA is satisfied with the information presented in the hydrological and hydrogeological assessment report.
  7. Lafarge Aggregates holds a licence to abstract water at this site for mineral washing (MD/028/0082/001). The applicant should confirm that the licence details are correct and applicable for the proposed new areas of development. If anything was to change with the licence, they would need to contact the EA's Water Resources Assessment team in Nottingham at the earliest opportunity.
  8. The operators should ensure that any waste produced during the operation is disposed of correctly and wherever possible recycling of material should be carried out.

9. As far as the EA understand, there will not be any additional discharges and the water treatment is to remain the same. Any new discharges etc may require additional consents and permissions from the EA.
2. The applicant's attention is drawn to the attached memo and supporting plan from NCC Rights of Way Officer. Item 2 of the letter discusses a claimed right of way which within the vicinity of the lagoons. If the route of this claimed right of way becomes legally defined it would have implications on the development site and subsequent restoration, unless approval is obtained under rights of way legislation to formally alter the route.
3. Your attention is drawn to the attached letter from Network Rail dated 1<sup>st</sup> May 2014.