



18th September 2012

Agenda Item: 9

REPORT OF GROUP MANAGER PLANNING

BASSETLAW DISTRICT REF. NO.: 1/32/12/00007

PROPOSAL: VARIATION OF CONDITION 35 OF PLANNING PERMISSION 1/32/08/00018 INCREASING LORRY MOVEMENTS FROM 50 TO 75 PER DAY TO ALLOW FOR THE INCREASED AMOUNT OF MATERIAL TO BE PROCESSED THROUGH THE AUCKLEY DEPOT

LOCATION: NEWINGTON SOUTH QUARRY, LAND SOUTH OF BAWTRY ROAD AND SLAYNES LANE, MISSON

APPLICANT: HANSON QUARRY PRODUCTS EUROPE LIMITED

Purpose of Report

1. To consider a planning application to increase the maximum number of HGV movements permitted to access the Newington South Quarry from 50 per day to 75 per day.
2. The key consideration of this planning application is the significance of environmental impact which would result from the additional HGV movements, particularly the capacity of the highway network to accommodate the additional traffic, road safety considerations, potential additional noise and disturbance resulting from increased lorry movements and the potential impact to public footpath users.
3. The recommendation is to grant planning permission, subject to the imposition of planning conditions and the issuing of a deed of variance relating to an extant Section 106 legal agreement.

The Site and Surroundings

4. The application site, (known as Newington South) comprises of 33.4 hectares of land located approximately 400m to the south west of Misson village and 1km to the east of Newington village. The boundaries of the application site comprise Hagg Lane/Slaynes Lane, a Byway Open To All Traffic (BOAT) (Misson Byway No.7) on the northern boundary of the site, and the River Idle flood defence barrier forming the southern boundary. (Plan 1). The land was

formerly arable agricultural land but has recently been developed as a sand and gravel quarry.

5. Immediately to the north of Slaynes Lane, but still south of Bawtry Road lie the existing Newington North Quarry and Misson Quarries, worked by the applicant under separate planning permissions, for sand and gravel and grey sand respectively. To the north side of Bawtry Road is an area worked for sand by a separate mineral operator, a restored sand quarry and agricultural fields.
6. Between the two villages are the buildings and associated development belonging to Tunnel Tech North Ltd, a mushroom composting and spawning unit to the immediate east of Newington and north-west of the application site. (see Plan 1).
7. To the immediate east and south west are agricultural fields. Those to the south and west do not form part of the application site, but are to be restored as part of the overall restoration scheme for the site (see Plan 2 Restoration Masterplan).
8. There are several wildlife designations either on or adjacent to the application site. The River Idle Washlands SSSI lies to the immediate south east. This is also a Site of Importance for Nature Conservation (SINC) (Slaynes Lane Washlands SINC). The application site itself lies within the Slaynes Lane SINC.

Relevant Planning History (refer to plan 1)

9. The plant and machinery used on the site shall be restricted to a wheel loader, haulage lorries and cabin for the storage of loading shovel. No further plant and machinery shall be operated on the site without the prior agreement of the MPA.
10. The dust monitoring and management scheme detailed in the letter from the operator dated 19th January 2011 and approved by MPA on the 23rd February 2011 shall be implemented throughout the life of the development so as to ensure that dust from operations within the site is minimised. Dust monitoring shall be undertaken during periods of soil stripping and the results submitted in writing to the MPA for its approval in writing. In the event that the dust monitoring survey identifies potential for nuisance from dust, the report shall identify measures to minimise dust emissions to an acceptable level, such measures shall be implemented within one month of the MPA's approval in writing.
11. Planning permission was granted in February 2010 for the development of the sand and gravel workings within the current planning application site (Newington South). The development permits the extraction of 1 million tonnes of recoverable sand and gravel at a rate of extraction of about 150,000 tonnes per annum over a seven year period with a phased restoration to create low lying wetland, reed beds, and wet woodland including extended

restoration for a period of 26 years. The planning permission also provided for habitat improvements to two parcels of land to the south (River Idle Washlands SSSI) and west of the quarry, secured through a Section 106 legal agreement. All extracted mineral is transported 'as dug' to the applicant's Auckley Quarry, Doncaster, for processing by HGV. An agreed route, secured through a Section 106 legal agreement, requires all lorries to access/egress onto Bawtry Road, turning westwards, using Newington Road, the A614, High Common Lane, A638, and Hurst Lane, to access the processing plant at Auckley. (see Plan 3).

Proposed Development

12. Planning permission is sought to vary Condition 35 of planning permission 1/32/08/00018 relating to the number of HGV movements permitted to access the Newington South site in connection with mineral operations. Condition 35 states:

'Unless otherwise agreed in writing by the MPA the number of heavy goods vehicles (HGVs) entering/leaving the site in connection with the development hereby permitted shall not exceed a maximum of 50 vehicle movements (25 in, 25 out) per day. The operator shall keep annual records of all HGV movements to and from the site and such records shall be supplied to the MPA within two weeks or a request for such records being made.'

Reason: To enable the MPA to control the development and minimise its impacts on the amenities of the local area in accordance with Policy M3.13 of the Mineral Local Plan.'

13. The strategy to ensure the safe and permanent removal of *Azolla filiculoides* (water fern) shall be implemented in accordance with the scheme submitted to the MPA in the URS/Scott Wilson letter dated 17th January 2011. Development shall not commence within Phase 3 of the quarry until such time that the schedules for further water vole survey and mitigation measures detailed within the letter from URS Scott Wilson dated 22nd November 2010 (received by the WPA on 21st January 2011) have been adhered to.

Reason: To prevent the spread of an invasive non-native species and protect the natural environment in accordance with Policy M3.19 of the MLP and to provide for the satisfactory protection of water voles.

14. In a supporting letter the applicant states that they have recently invested significant capital in a new processing plant at Auckley and is keen to increase the amount of mineral transported from Newington to the Auckley processing depot to 200,000 tonnes per year. The current restrictions on vehicle numbers assumed an annual output of 150,000 tonnes per year.
15. The applicant explains that the current planning permission was projected to be worked over a period of seven years with commencement of extraction in 2011 and completion in 2018. Mineral extraction actually commenced in April

2012 and, therefore, to satisfy the approved 2018 completion date an annual increase in the movement of minerals would be necessary.

16. The applicant states that the planning application does not seek to alter any other operating controls imposed on the planning permission and, therefore, controls over lorry routeing and hours of operation would be retained.

Consultations

17. **Bassetlaw District Council:** *Does not wish to make any observations.*
18. **Doncaster Metropolitan Borough Council:** *No representation received.*
19. **Misson Parish Council:** *Raise objections to the development on the following grounds:*
 - a. *HGV movements from the Hanson quarry were restricted to 50 per day to take account of the road condition of Bawtry Road through Newington to the Misson Quarry site. This road is a very old 'reed bed' road subject to subsidence and crumbling edges (there are no curbs), which fall away into ditches on either side. The road is not engineered to accommodate the regular use of HGVs and as a result it now resembles a switch back track.*
 - b. *The result of two HGVs passing on this very narrow road results in further falling away of the road sides and on several occasions has resulted in a lorry going off the road and into the ditch. Increasing the HGV movements by 50% from 50 to 75 per day will increase the incidence of HGVs passing on Bawtry Road and the further deterioration of the road edges.*
 - c. *Increasing HGV movements by such a large percentage will lead to a rapid deterioration in the condition of the road making the road dangerous to use for all motorists and other road users including pedestrians and cyclists who have to use the road for access to the nearest amenities in Bawtry as there is no footpath.*
 - d. *The Misson Parish Plan identifies serious deterioration in the condition of roads caused by HGV's travelling to and from local quarries and local businesses renders Bawtry Road unsafe for pedestrians and cyclists. A Strategic aim of the Parish Plan therefore is to establish a cycle and pedestrian route along Bawtry Road and to undertake regular monitoring of the condition of road surfaces. A copy of the traffic, travel and transport section of the Parish Plan is attached as appendix 3. The Parish request members note the photograph of the HGV lorry at the top of the parish plan extract which has shed its load and is within a roadside ditch.*
20. **Environment Agency Midlands Region:** *Raise no objections*

21. **NCC (Highways):** *The Highway Authority note the development would effectively increase the number of HGV movements into and out of the site by 12 each way. No change is proposed to the existing designated HGV route serving the Auckley depot. On the basis of this information, the Highway Authority raise no objections to the development.*
22. **NCC (Nature Conservation):** *No objections on the basis that the development would have no significant ecological impacts.*
23. **NCC (Countryside Access)** *The Countryside Access Section has no objection to this proposal provided that:*
 - a. *The quarry traffic gives priority to those using Misson Byway No 7.*
 - b. *The drivers of the quarry traffic are properly briefed about the existence of Misson Byway No. 7 and their requirement to give way to those using Misson Byway No 7.*
24. **NCC (Noise Engineer):** *If it was assumed that the public highways between the application site and Auckley were only used by the applicant's HGVs, the absolute level of noise increase resulting from the additional 25 movements proposed is calculated to be less than a 2db increase in noise. However, the roads are used by many other vehicles and therefore the magnitude of increase from noise would be significantly less. Since a 3dB(A) change is the minimum perceptible under normal conditions it is concluded that the development would not result in any noticeable adverse noise impact at properties alongside the designated HGV route.*
25. **Severn Trent Water Limited, Western Power Distribution and National Grid (Gas)** have not responded. Any response received will be orally reported.

Publicity

26. The application has been publicised by means of a site notice and a press notice published in the Retford Times as affecting a public right of way in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
27. Councillor Liz Yates has been notified of the application.

Observations

28. Policy M6.11 of the Nottinghamshire and Nottingham Minerals Local Plan (MLP) identifies the strategic importance of the Newington South mineral reserve as part of a 57 hectare allocation of land for sand and gravel extraction. The supporting text of the policy acknowledges the potential sensitivity of vehicle movements on the surrounding highway network, in particular identifying that controls should be imposed to ensure that quarry traffic does not pass through the village of Misson and the levels of HGVs entering and leaving the site should not result in an unacceptable environmental impact to the residents of Newington.

29. MLP Policy M3.13: Vehicular Movements states that:

‘Planning permission for minerals development will only be granted where the highway network can satisfactorily accommodate the vehicle movements likely to be generated and would not cause unacceptable impact upon the environment and disturbance to local amenity.’

30. The current planning application does not alter the route that HGVs would travel when transporting mineral between Newington South quarry and the Auckley processing facility. Existing controls that prohibit quarry traffic passing through Misson village imposed through the Section 106 agreement are therefore maintained. The planning application does, however, seek to increase the number of HGVs transporting mineral from 50 to 75 movements each day. The significance of environmental impact which would result from these additional lorry movements is the key consideration of this planning application. Issues raised by the additional HGV movements include the capacity of the highway network to accommodate the additional traffic, road safety considerations, potential additional noise and disturbance resulting from the increase of lorry movements and the potential impact to users of the public footpath.

31. In terms of highway capacity and road safety issues, advice has been received from NCC Highways who note that the planning application seeks consent for a comparatively modest increase of 25 HGV movements per day, which roughly equates to three additional HGV movements per hour. The Highways Officer is satisfied that these vehicle movements can be accommodated on the highway network without significant detriment to safety or capacity. With regard to Misson Parish Council’s concerns regarding maintenance and damage of the public highway caused by these vehicle movements, the Highway Officer notes that the road has been deemed appropriate for the use of HGVs and the increase in trips would not result in any significant effects. The maintenance of the public highway is the responsibility of the County Council and a surface dressing maintenance scheme was carried out on Bawtry Road, Misson in 2011 as part of these periodic maintenance works.

32. There is an existing legal agreement accompanying the current planning permission which controls the route HGVs are permitted to travel between Newington and Auckley. The route requires HGVs to turn left (west) towards Newington and then turn right (north) onto the A614 through Austerfield, then take the C222 (High Common Lane) before joining the A638 and accessing Auckley via the C216. Although the legal agreement protects the residents of Misson from quarry traffic, the approved route does result in HGVs trafficking past residential properties which adjoin the route with associated potential noise and disturbance issues. To assess the significance of noise impacts from the proposed increased HGV movements, advice has been received from the Council’s Noise Engineer who has applied the relevant British Standard and concluded that the additional traffic would not result in noticeable adverse noise impacts along the designated HGV route.

33. The concerns of the Parish Council have been raised with the quarry operator who has stated that the company is keen to ensure that potential

environmental impacts resulting from HGV traffic are minimised as far as possible. To achieve this objective the operator has offered to meet with the Parish Council, hear their concerns and investigate potential solutions. The operator has also offered to implement a hauliers code of conduct similar to a scheme they operate at one of their sites within North Yorkshire. The objective of the code of conduct is to minimise and reduce local environmental impacts associated with quarry traffic by implementing a voluntary agreement to control vehicle speeds, vehicle routes, driver attitude, driver safety, litter & transport times. The company provide a voluntary undertaking to ban drivers who do not comply by the rules of the code of conduct. The implementation of a such a code of conduct at Newington has potential to assist with controlling any adverse impact from HGV traffic and it is therefore recommended that such an undertaking is secured through planning condition.

34. Subject to the continued control over HGV traffic imposed through the planning conditions and legal agreement, it is concluded that the increase of HGV movements proposed as part of this planning application can satisfactorily be accommodated on the public highway without causing unacceptable impacts upon the environment and disturbance to local amenity, thus satisfying the requirements of MLP Policy M3.13.
35. Slaynes Lane is a Byway Open To All Traffic (BOAT Misson No.7) and forms a link between Misson and Newington. The condition of the byway has been repaired and improved by the applicant to a safe alternative pedestrian/cycling route between the two villages. The existing Section 106 legal agreement has an ongoing requirement for the applicant to continue to provide maintenance for this right of way. The current application would result in an increase in the number of HGVs using the existing crossing point over Slaynes Lane. Advice has been received from NCC's Countryside Access Officer who is satisfied that these increased movements would not adversely affect the users of the right of way, subject to the existing controls, which give priority to footpath users and ensure that HGV drivers are briefed of these arrangements, are carried forward into any new planning permission.
36. As part of the assessment of a previous planning application for the expansion of Misson Quarry the County Council investigated the feasibility of providing a footpath along Bawtry Road in response to a request made by Misson Parish Council. These investigations identified that the construction of such a footpath would necessitate some major engineering work due to the narrow width of the existing highway and the proximity of drainage ditches. The cost of providing such a footpath was estimated (in 2007) at £153,000 - £170,000 (although this estimate may increase if there is a need to relocate statutory undertakers equipment). Instead of providing a footpath along Bawtry Road, the applicant agreed to carry out improvement to the surface condition of the Hagg Lane/Slaynes Lane BOAT to provide safe passages for pedestrians and cyclists between Misson and Newington. It is concluded that the small increase in the number of HGV's using Bawtry Road as a result of this planning application does not change the original conclusion that the construction of a footpath link between Newington and Misson along Bawtry Road is not essentially required to mitigate impacts directly resulting from this development.

37. Since the planning application has been made under Section 73 of the Town and County Planning Act 1990 (Variation of a Planning Condition) it is necessary to issue a revised schedule of all the planning conditions as part of any decision to grant planning permission. The opportunity has been taken to update the planning conditions so that they incorporate the latest working plans relevant to the site. The suggested planning conditions are set out within appendix 1 of the report. It is also necessary to require the applicant to enter into a legal deed of variance to ensure that the controls imposed under the current Section 106 agreement continue to apply to any new planning permission issued under Section 73 should Committee be minded to approve the proposals.

Other Options Considered

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

Human Rights Act Implications

39. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce minor noise and disturbance impacts resulting from the increase of HGVs on the public highway. However, these considerations need to be balanced against the wider benefits the proposals would provide in securing mineral reserves within the local area and enabling the site to be worked within the original envisaged time-frame. Members will need to consider whether these benefits would outweigh the potential impacts.

Statutory and Policy Implications

40. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, sustainability and the environment. Where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

41. The development which seeks to increase the number of HGV movements between the application site and the Auckley processing facility does not give rise to any crime and disorder implications.

Conclusions & Statement of reasons for the decision.

42. The impacts resulting from the increase in the number of lorry movements permitted to transport material between the sand and gravel extraction facility

at Newington South and the processing facility at Auckley have been assessed against Nottinghamshire and Nottingham Minerals Local Plan Policy M6.11 (Newington Allocation) including its criteria set out within supporting paragraph 6.118 and Policy M3.13 (vehicular movements). The assessment of impact demonstrates that the additional HGV movements can be satisfactorily accommodated on the highway network without causing detriment to road safety or significant impacts to the amenity of occupiers of surrounding properties. Furthermore the development would not result in any significant adverse impacts to the users of Slaynes Lane right of way.

43. It is therefore the County Council's opinion that the development accords with the relevant development plan policies and does not give rise to any material harm. There are no material considerations that indicate that a decision should be made other than as recommended. The County Council considers that any potential harm caused by the development would reasonably be mitigated by the imposition of the attached planning conditions and the controls imposed through a deed of variation to the Section 106 legal agreement.

RECOMMENDATIONS

44. It is RECOMMENDED that the Corporate Director, Policy Planning and Corporate Services be instructed to enter into a deed of variance to the extant legal agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the existing controls set out in Appendix 2 of this report be transposed to apply to this Section 73 (variation of planning condition) application for planning permission.
45. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director, Policy Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

SALLY GILL

Group Manager (Planning)

Constitutional Comments

Planning and Licensing Committee is the appropriate committee to consider the content of this report, it has responsibility for the regulatory functions of the Council in relation to planning.

[SLB 02.08.12]

Comments of the Service Director - Finance

The contents of this report are duly noted, there are no financial implications.

[DJK 06.08.12]

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

Misterton Cllr Liz Yates

Report Author / Case Officer

Mike Hankin

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

W000331 – DLGS REFERENCE

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

22 June 2009 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

1. This permission is for a Section 73 application to vary the requirements of Condition 35 of Planning Permission 1/32/08/00018 to increase the permitted HGV movements at Newington South Quarry from 50 to 75 per day. The extant permission is for the extraction of 1,000,000 tonnes of sand and gravel, the construction of temporary topsoil banks and subsoil/overburden mounds and a means of access to the highway together with the restoration of the site to nature conservation (reedbeds, wet grassland and woodland) all within the area edged red on Drawing Number D115389.S.002 received by the Minerals Planning Authority (MPA) on 24th July 2008.

Reason: To define the permission and for the avoidance of doubt.

2. Unless otherwise agreed in writing by the MPA or where amendments are made pursuant to the other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- a) Slaynes Lane Crossing Drawing ref no D115389.ES.004 received on 24th July 2008
- b) Revised Site Establishment and Phased Working Drawings N59/65 Rev B (Phase 1), N59/66 Rev B (Phase 2), N59/67 Rev B (Phase 3), N59/68 Rev B (Phase 4), N59/69 (Phase 5), N59/60 Rev B (Phase 6), N59/71 Rev B (Final Restoration Earthworks), N59/72 Rev B HMP Figure 1(Restoration Masterplan), received on 27th February 2009
- c) Landscape restoration, 5 year Aftercare and 21 Year Habitat Management Plan Rev E February 2009 received on 27th February 2009
- d) Drawing N59/73 Lowland Wet Grassland Details and Cross Sections received on 24th July 2008
- e) Drawing N59/74 Reedbed Details and Cross Sections received on 24th July 2008
- f) Drawing N59/78 Water Control Structures received on 24th July 2008
- g) Drawing N59/79 Water Control Structures received on 24th July 2008
- h) Letter from Hanson Aggregates dated 20th October 2008 to Environment Agency including details of flood risk assessment, surface water management, and restoration.
- i) Section 73 planning submission for variation of Planning Condition 35 comprising planning application forms, supporting drawings D115389.ES.001 & 002 and supporting letter received on 18th April 2012.

Reason: For the avoidance of doubt.

3. No extraction of sand or gravel shall take place outside the limit of the excavation areas shown on the phased working drawings ref: N59/65, 66, 67, 68, 69, and 70 received by the MPA on 24th July 2008.

Reason: To ensure the development is carried out in accordance with the approved documents.

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

Reason: To ensure that the development is carried out in accordance with the approved documents.

5. Traffic direction signs to direct HGVs to make a left turn only out of the quarry onto the Bawtry Road shall be retained at all times during the development in accordance with the scheme agreed by the MPA within their letter dated 23rd February 2011.

Reason: In the interests of highway safety in accordance with Policy M3.14 of the Nottinghamshire Minerals Local Plan (MLP) 2005.

6. The bridge crossing over Slaynes Drain shall be retained in accordance with the details shown on drawing D115389.ES.004 received by the MPA on 24th July 2008.

Reason: To ensure the safe crossing of Slaynes Drain.

7. The development shall be implemented in accordance with the scheme for the provision and implementation of the methods of working, restoration and maintenance of all remaining watercourses affected by the development, as approved by the MPA within their letter dated 23rd February 2011.

Reason: To satisfy the requirements of the Rivers Idle and Ryton Internal Drainage Board and to accord with Policy M3.8 of the MLP to avoid detriment to the water environment.

8. The temporary works carried out in, under, over or adjacent to the watercourse shall be implemented in accordance with the scheme agreed by the MPA within their letter dated 23rd February 2011.

Reason: To satisfy the requirements of the Rivers Idle and Ryton Internal Drainage Board and to protect the water environment in accordance with Policy M 3.8 of the MLP.

9. The plant and machinery used on the site shall be restricted to a wheel loader, haulage lorries & ????. No further plant and machinery shall be operated on the site without the prior written agreement of the MPA.

Reason: To enable the MPA to adequately control the development in accordance with Policy M3.4 of the MLP.

10. The dust monitoring and management scheme detailed in the letter from the operator dated 19th January 2011 and approved by MPA on the 23rd February 2011 shall be implemented throughout the life of the development so as to ensure that dust from operations within the site is minimised. An annual dust monitoring survey shall be undertaken and the results submitted in writing to the MPA for its approval in writing. In the event that the dust monitoring survey identifies potential for nuisance from dust, the report shall identify measures to minimise dust emissions to an acceptable level, such measures shall be implemented within one month of the MPA's approval in writing.

Reason: To enable the MPA to adequately control the development and minimise its impacts on the amenities of the local area in accordance with Policy M3.4 of the MLP.

11. Fuels shall only be stored within the bunded fuel store in the location shown on Drawing No. N59/100 'Site Establishment, Phase 1 Working & Site Office Layout and Parking' and as detailed in the letter from the applicant dated 19th January 2011.

Reason: To reduce the risk of pollution to surface and ground water in accordance with Policy M3.8 of the MLP.

12. All soil stripping shall be undertaken in accordance with the scheme for the archaeological investigation and recording of the site prepared by Andrew Josephs Environmental Consultant (January 2011), received by the MPA on the 4th May 2011.

Reason: To ensure that adequate archaeological investigation and recording is carried out prior to the development commencing, in accordance with Policy M3.24 of the MLP.

13. The strategy to ensure the safe and permanent removal of *Azolla filiculoides* (water fern) shall be implemented in accordance with the scheme submitted to the MPA in the URS/Scott Wilson Letter dated 17th January 2011.

Reason: To prevent the spread of an invasive non-native species and protect the natural environment in accordance with Policy M3.19 of the MLP.

Commencement

14. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

15. The MPA shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Buildings, fixed plant and machinery

16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, replacing or re-enacting that Order) no buildings, fixed plant or machinery shall be erected or otherwise brought on to the site without the prior written approval of the MPA.

Reason: To enable the MPA to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy M3.3 of the MLP .

17. Unless otherwise agreed in writing by the MPA no processing or treatment of materials shall take place on the site.

Reason: To enable the MPA to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy M3.5 of the ML P.

Bird Strike

18. Populations of birds shall be monitored in accordance with the submitted scheme for monitoring of birds at Newington Quarry prepared by URS and set out within the letter from Hanson dated 5th September 2011 (ref: N59/P/RM/SC.a). The results of the monitoring shall be submitted to the MPA on an annual basis during the operational life of the planning permission (including the five year aftercare period). In the event that the bird monitoring results show a significant bird strike hazard, the annual report shall incorporate detailed mitigation measures including a timetable for controlling and reducing such a hazard.

Reason: In the interests of aircraft safety.

Duration of Operations

19. All mineral extraction shall cease before 13th June 2018.

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

20. All restoration operations shall be completed no later than 12 months after the completion of final extractive operations.

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

Water resources

21. The development shall be carried out in accordance with surface water and flood risk management details as set out in the Summary Section (on pages 6 and 7) of the letter to the Environment Agency dated 20/10/08 (see Condition 2h above). The development shall be carried out in accordance with the approved details and a timetable to be agreed in writing by the MPA, unless otherwise agreed in writing by the MPA

Reason: To ensure that flood risk issues are adequately addressed in the development of the site and to satisfy the requirements of the Environment Agency.

22. A strip of land 9 metres wide adjacent to the tops of both banks of all retained watercourses on site shall be kept clear of all excavation works and any stored materials unless otherwise agreed in writing by the MPA.

Reason: In the interests of the protection of the water environment in accordance with Policy M3.8 of the MLP and to satisfy the requirements of the Rivers Ryton and Idle Internal Drainage Board.

23. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or surface water, whether direct or via soakaways.

Reason: In the interests of groundwater protection in accordance with Policy M3.8 of the MLP.

24. No extraction shall take place below 5 metres below Ordnance Datum.

Reason: In the interests of groundwater protection in accordance with Policy M3.8 of the MLP.

Working Programme

25. The development hereby approved shall be carried out in accordance with the working programme and phasing shown on plans numbered:

Revised Site Establishment and Phased Working Drawings N59/65 Rev B (Phase 1), N59/66 Rev B (Phase 2), N59/67 Rev B (Phase 3), N59/68 Rev B (Phase 4), N59/69 (Phase 5), N59/60 Rev B (Phase 6), N59/71 Rev B (Final Restoration Earthworks), N59/72 Rev B HMP Figure 1 (Restoration Masterplan) received on 27th February 2009.

Reason: To enable the MPA to control the development and minimise its impact on the amenities of the local area.

Operational Details

Hours of Operation

26. No quarrying operations including the movement of plant or machinery and the haulage of mineral between the application site and the Auckley processing facility shall take place outside the hours of 0700 and 1900 Mondays to Fridays and 0700 to 1300 hours on Saturdays. There shall be no working on Sundays, Public or Bank Holidays, except in the case of emergency or as otherwise agreed in writing by the MPA. The MPA shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours.

Reason: To enable the MPA to control the development and minimise its impacts in accordance with Policy M3.5 of the MLP.

Noise

27. All vehicles, plant and machinery operated and used on site shall be fitted with effective silencers in accordance with the manufacturer's recommendations and maintained in accordance with the manufacturer's specifications.

Reason: To enable the MPA to control the development and to minimise its impact on the amenities of the local area in accordance with Policy M3.5 of the MLP.

Dust/Mud

28. All lorries leaving the site shall be sheeted.

Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.

29. The surface of the site access and the crossing over Slaynes Lane shall be maintained in a good state of repair and kept clean and free from mud and other debris at all times until completion of site restoration and aftercare.

Reason: In the interests of highway safety and in accordance with Policy 3.12 of the MLP.

30. All vehicles leaving the site shall use the wheel cleaning facilities approved pursuant to Condition 10 of this permission. These facilities shall be maintained in an effective state for the duration of the development so that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried on to the public highway.

Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.

31. The crossing over Slaynes Drain and Slaynes Lane shall be used so as to ensure that no user of Misson Byway No. 7 is detrimentally affected and unable to pass.

Reason: In the interests of the safety and amenity of users of Misson Byway No 7 (Slaynes Lane).

Vehicles

32. Within one month of the commencement of the development, as notified under the requirements of Condition 15, the operator shall prepare and submit to the MPA a written 'Hauliers Code of Conduct' to identify measures to minimise potential adverse impacts resulting from HGV traffic associated with the transport of mineral from, and waste sand and gravel material to the quarry. The code of conduct shall include arrangements for controlling the speed of lorries; the sheeting of lorries; the general attitude and safety of drivers; litter; haulage movement times; hard hats; visibility and other actions which may assist in achieving the objectives of the code of conduct. The code of conduct shall also incorporate arrangements for ensuring driver compliance. The code of conduct shall be implemented in full following its written approval for the full life of the quarry.

Reason: To minimise the potential adverse impacts associated with the haulage of mineral in accordance with Policy M3.14 of the MLP.

33. Unless otherwise agreed in writing by the MPA the number of HGVs entering/leaving the site in connection with the development hereby permitted shall not exceed a maximum of 75 vehicle movements per day. The operator shall keep annual records of all HGV movements to and from the site and such records shall be supplied to the MPA within two weeks of a request for such records being made.

Reason: To enable the MPA to control the development and minimise its impacts on the amenities of the local area in accordance with Policy M3.13 of the MLP.

Topographical Survey

34. A topographical survey of the site shall be carried out annually and supplied to the MPA. Supplementary topographical surveys shall be undertaken upon the written request of the MPA and supplied to the MPA within four weeks of a written request.

Reason: To ensure that reinstated ground levels are not raised over existing levels.

Soil Handling

35. No turf, topsoil, subsoil or overburden shall be removed from the site.

Reason: To conserve and manage all available soil reserves to ensure the proper restoration of the site in accordance with Policy M4.3 of the MLP.

36. No waste materials other than waste sand and gravel materials processed at the Auckley plant for restoration purposes shall be brought onto site.

Reason: To ensure the proper restoration of the site in accordance with Policy M 4.3 of the MLP.

37. No plant or vehicles shall cross any area of unstripped topsoil except where such traffic is essential and unavoidable for purposes of undertaking permitted operations. Essential traffic routes shall be marked in such a manner as to be clear and effective. No part of the site shall be excavated or traversed or used for a road or for storage of subsoil or overburden, waste or mineral deposits until all available topsoil and subsoil to a minimum depth of 1000 mm has been stripped from that part.

Reason: To ensure the proper conservation of soil resources and the restoration of the site in accordance with Policy M 4.3 of the MLP.

38. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Drawings Numbers N 59/65 Rev B to N59/71 Rev B inclusive received by the MPA on 27th February 2009, unless modified by this schedule of conditions or as otherwise approved in writing by the MPA.

Reason: To ensure the proper restoration of the site in accordance with Policy M4.3 of the MLP.

39. All topsoil shall generally be stripped to a depth of 300 mm, or to its full depth if different, and all subsoil to a depth of not less than 1000mm, unless otherwise agreed in writing with the MPA.

Reason: To ensure the proper conservation of resources and restoration of the site in accordance with Policy M4.3 of the MLP.

40. All stripped topsoil shall be permanently retained on site for subsequent use in restoration, as detailed in the application.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

41. The MPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

42. Soil stripping shall not take place 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 MLP.

43. Prior to the use of any area for the storage of subsoil that area shall first be stripped of topsoil.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

44. Subsoils should be stripped in accordance with the following details:

- a) Unit 1 (as shown on plans hereby approved under Condition 2) – up to a depth of 88 cms.
- b) Units 2 and 3 - up to a depth of 90 cms.
- c) Unit 4 – up to 120 cms.

All soil units shall be stored separately, with the exceptions of units 2 and 3 which can be stored together.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

45. All storage mounds that will remain in situ for more than 6 months or over winter shall be seeded within 3 weeks of their construction and managed in accordance with a scheme that is to be submitted to and approved in writing by the MPA before stripping and soil mound construction is due to commence.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

46. All topsoil, subsoil and soil making materials shall be stored in accordance with the flood risk assessment and surface water management details set out in the letter and accompanying appendix to the Environment Agency dated 20 October 2008 in relation to all phases of phased mineral extraction, progressive restoration and post restoration, and in accordance with the following details:
- a) bunds shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped to avoid the collection of water in surface undulations;
 - b) bunds shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or maintenance;
 - c) bunds shall not be subsequently moved or added to until required for restoration unless otherwise agreed in writing with the MPA.

Reason: To ensure the proper management of the site in the floodplain during operations and the proper restoration of the site, conserving and managing all available soil resources in accordance with Policies M3.8, M3.9 and M4.3 of the MLP.

47. On or before the date of 31 October in any year the MPA shall be supplied with a plan showing:
- a) the area stripped of topsoil and subsoil;
 - b) the location of each storage mound;
 - c) the quantity and type of the material therein;
 - d) the areas of the site which have been restored to final levels and soils replaced;
 - e) the areas of the site stripped of soils but not worked;
 - f) the operational areas of the site;
 - g) those areas remaining to be worked.

Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

Retention of Hedgerows

48. The operator shall maintain and make stock proof until restoration is completed all the existing site perimeter hedges and fences and protect the same from damage. Undisturbed hedgerows within or bounding the site shall be carefully maintained, cut and trimmed at the proper season throughout the period of working and restoration or as may be otherwise agreed in writing by the MPA.

Reason: In the interests of amenity and wildlife conservation.

49. Any trees, bushes and hedgerows within the site shall be retained until their removal is necessary to allow the development of the current or succeeding phase of mineral working.

Reason: In the interests of amenity and wildlife conservation.

50. No vegetation shall be removed between the months of April to August inclusive unless otherwise agreed in writing with the MPA

Reason: In the interests of amenity and wildlife conservation.

Restoration and Soils Replacement

51. The site shall be fully restored in accordance with the proposals shown on Drawing No. N59/72 Rev B HMP - Figure 1 received by the MPA on 27 February 2009 and those details subsequently approved pursuant to conditions attached to this permission.

Reason: To ensure the proper restoration of the site in accordance with Policies M4.3 and 4.4 of the MLP.

52. The MPA shall be notified at least 5 working days before each of the following:
- a) overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
 - b) when soil making materials or subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration is 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 MLP.

53. Subsoils and soil making materials shall only be replaced when they and the ground on which they are placed are in a moist but not saturated condition and no movements, respreading, levelling, ripping or loosening of subsoil shall occur:
- a) when it is raining;
 - b) when there are pools of water on the surface of a storage mound or receiving area.

Reason: To ensure proper restoration of the site and conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

54. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced soil making material, 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 should 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 MLP.

55. Subsoil and any soil making material shall be levelled to provide an even depth across the re-laid areas so that the total thickness of settled subsoil is no less than 1 metre.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

56. Each subsoil layer 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 non-subsoil making material, 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 pre-settlement contours.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

57. Topsoil shall be evenly respread 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 MLP.

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

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

59. The respread topsoil shall be rendered suitable for agricultural (pastoral) cultivation by loosening and ripping:
- a) to provide loosening equivalent to a single pass at a spacing of 1.5m or closer;
 - b) to the full depth of the topsoil plus 100mm;
 - c) any non-soil making materials 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 settlement contours.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

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

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

61. For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

62. Tree and hedgerow planting as indicated on Drawing Number N59/72 Rev B HMP – Figure 1 (Restoration Masterplan) shall take place in the first planting season following the replacement of soils in each phase.

Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.

63. Restored ground levels shall not exceed those detailed on the plan reference N 59/72 Rev B HMP – Figure 1 (Restoration Masterplan) submitted to the MPA on 27TH February 2009.

Reason: To ensure that reinstated ground levels are not raised over existing levels.

Removal of operational plant and machinery

64. In accordance with the restoration requirements, all fixed and mobile plant, machinery and buildings shall be removed from the site within 6 months of the agreed date of the cessation of mineral extraction.

Reason: To ensure that the site is restored satisfactorily.

Aftercare

65. The submitted aftercare and restoration scheme entitled Landscape Restoration, 5 Year Aftercare and 21 Year Habitat Management Plan Rev E February 2009 received by the MPA on 27th February 2009 shall be implemented in accordance with the details contained therein, unless otherwise varied by details agreed between the members of the approved Management Committee and as subsequently submitted to and approved in writing by the MPA.

Reason: To ensure that the site is restored satisfactorily.

Premature cessation of operations

66. Should, for any reason, extraction operations cease for a period exceeding 6 months, or in any other circumstances cease prior to the completion of the approved scheme, such cessation being in the reasoned opinion of the MPA a permanent cessation of operations, upon written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing for the approval of the MPA. Details to be submitted shall include the restoration landform, after-uses of the restored site, a programme of restoration works with timings, provision of soil cover, grass seeding, tree and shrub planting, rights of way and associated drainage, fencing and aftercare provisions, in a manner similar to those details submitted with this application and subsequently approved pursuant to conditions attached to this permission.

Reason: To ensure that the site is restored satisfactorily.

NOTES TO APPLICANT:

1. **The development hereby permitted must be carried out in accordance with the conditions attached to this planning permission and any approved**

plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution.

If, at any stage, it becomes necessary to vary any of the approved plans or details you should contact the Minerals Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.

2. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
3. The County Council may under the provisions of Section 149 of the Highways Act 1980, take proceedings against the applicant for the removal and disposal of mud and debris being carried onto the public highway as a result of the development hereby permitted.
4. Attention is drawn to the consultation response from Central Networks dated 6 August 2008 regarding network in the vicinity.
5. The Environment Agency note that proposed water control measures in the Restoration Water Level Management Plan may need the prior written consent of the Environment Agency.
6. Your attention is drawn to the Standing Advice from The Coal Authority dated 1st October 2008, set out below.

APPENDIX 2

REQUIREMENTS OF THE EXISTING SECTION 106 LEGAL AGREEMENT

1. That the applicant agrees to all HGVs turning left out of the site along the defined lorry route to Auckley, and to maintain appropriate signage as required by the MPA.
2. That the applicant fully implements an extended aftercare period of 21 years following the 5 year statutory aftercare as set out in the submitted Landscape Restoration, Aftercare and 21 Year Habitat Management Plan which accompanies planning application ref 1/32/08/00018.
3. The applicant agrees to set up a Management/Liaison Board and invites nominated parties to sit on said Board and assist in the long term management of the site during the whole of the 26 year period of aftercare
4. The applicant agrees to maintain the legal width of Slaynes Lane (Misson Byway No 7) annually to a reasonable standard of repair to be discussed and agreed with the Countryside Access Team of Nottinghamshire County Council for the active period of quarrying and restoration at the site known as Newington South.
5. The applicant agrees that no plant or structures (e.g. pipes, signs, fencing) shall be placed on or under Misson Byway No. 7.
6. The applicant agrees to maintain the crossing over Slaynes Lane and Slaynes Drain to a safe standard during the course of operations and as long thereafter as required for restoration/aftercare.

STRATEGIC AIMS



6 traffic, travel and transport

BACKGROUND

Misson Parish is situated in a rural backwater with minimal through traffic. Serious deterioration in the condition of roads has resulted from heavy goods vehicles travelling to and from local quarries, businesses and the Misson Mill industrial estate. The size and speed of vehicles have rendered Bawtry Road unsafe for pedestrians and cyclists. Misson and Newington has a limited bus service.

WHAT YOU SAID

The survey indicated that the poor condition of Bawtry Road was a concern to many users and that a foot and cycle path would be popular. The lack of some road name signs was highlighted and is a potential problem where emergency services vehicles are unable to locate an address quickly. Similarly, parking on some roads could impede bus and emergency service vehicle access. Some vehicles using the village roads do so at unsafe speeds in view of the sharp bends. The current bus service does not meet the communities' needs and is poorly utilised, which could result in it being discontinued in the future.

ACTIONS

- Investigate the establishment of a cycle and pedestrian route along Bawtry Road
- Identify an alternative vehicle route for entry and exit to Misson Mill Industrial Estate
- Monitor the condition of road surfaces with the parish council regularly reporting to the District/County councils' departments responsible for the maintenance
- Investigate practical methods of traffic calming on village roads.
- Investigate pavement improvements
- Encourage considerate parking
- Install street name signs where missing
- Work in partnership with bus companies to investigate more flexible and cost effective public transport services
- Investigate practicality of introducing a one-way route through Misson village