

Planning and Licensing Committee

Tuesday, 20 October 2015 at 10:30

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

AGENDA

- | | | |
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| 1 | Minutes of the last Meeting 22 September 2015 | 3 - 8 |
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| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Annual Report to Planning and Licensing from Trading Standards | 9 - 12 |
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Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

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

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

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Meeting **PLANNING AND LICENSING COMMITTEE**

Date **22 September 2015 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

John Wilkinson (Chairman)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Jim Creamer
Rachel Madden

Andy Sisson
Keith Walker
Yvonne Woodhead
Jason Zadrozny

ALSO IN ATTENDANCE

Councillor Richard Butler
" Bruce Laughton

OFFICERS IN ATTENDANCE

David Forster – Democratic Services Officer
Sally Gill – Group Manager Planning
Jonathan Smith – Team Manager Development Management
Rob Fisher – Group Manager – Emergency Planning
Tim Turner – Senior Practitioner Monitoring and Enforcement
Ruth Kinsey – Planning Support Officer
Neil Lewis – Team Manager Countryside Access

MINUTES OF LAST MEETING HELD ON 21 JULY 2015

The minutes of the meeting held on 21 July 2015 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

All members declared that they had received both letter and e-mail correspondence from Cropwell Parish Council with regard to Agenda item 7.

APPROVED PREMISES FOR CIVIL CEREMONIES

Mr Fisher introduced the report and took members through the annual report and highlighted the decrease in the number of venues from 69 to 65 in Nottinghamshire.

RESOLVED 2015/034

That the annual report for approved premises for Civil Ceremonies be noted.

COUNTRYSIDE ACCESS (DEFINITIVE MAP) SCHEDULE OF CASE FILES

Mr Lewis introduced the report and informed members about the progress of Definitive Map file cases.

RESOLVED 2015/035

That the update on Definitive Map case files be noted.

LAND RECLAMATION CANALSIDE INDUSTRIAL PARK KINOULTON ROAD CROPWELL BISHOP

Mr Smith introduced the report and gave a slide presentation. He highlighted to members the site has a long industrial past as it was previously associated with gypsum extraction in the area as well as clay extraction, although the latter was undertaken without planning permission.

He explained that the site is not visible from the road or from the public footpaths nearby. The main concerns of the 170 plus objectors received cite issues around HGV movements, noise and dust as the main reasons for refusing the application.

He also highlighted that site is situated in the Greenbelt and therefore special circumstances need to be demonstrated to justify the restoration of the site through the importation of inert material. Even though the site is not particularly visible there would be landscape benefits from allowing the scheme to go ahead. He also highlighted that the site had been designated a wildlife site.

Following the Mr Smith's presentation he responded to questions as follows:-

- The character of the landscape is a resource which has a value irrespective of whether it can be seen or not

- It became a wildlife site in the early 1990's following the gypsum extraction.

Following the introductory remarks of Mr Smith there were a number of speakers who were given an opportunity to speak and **summaries** of those speeches are set out below.

Mr Gilbert local resident spoke against the application and highlighted the following issues:-

- There was never any permission given regarding the clay extraction which has caused this issue in the first place.
- Could it be guaranteed that there would not be an over filling of the area
- The metric Tonnage suggested for the infill does not add up.
- The noise and nuisance to the surrounding area could be disruptive.
- There was also an unauthorised crusher working on site which was extremely noisy

Following Mr Gilbert's presentation he responded to questions and comments as follows:-

- The main traffic route used during previous gypsum extraction in the area was from Nottingham Road West and not the Kinoulton Road which is proposed for access to this site.
- The prevailing wind direction is South West to North East which is towards the village.

Mr Skales, representing Cropwell Bishop Creamery Limited, spoke against the application and highlighted the following issues:-

- There are concerns about the possibilities of the dust created contaminating the creamery is considered one of the most important international brands to come out of the East Midlands.
- The food industry is highly regulated and therefore need to ensure high standards of hygiene.
- The possible damaging effect on the brand due to the wider environmental effects this application could cause.
- The increased potential effect on the village with increased number of HGV movements.

Following Mr Skales' presentation, he responded to questions and comments as follows:-

- The extraction of the clay had an effect on the environment during the period of works.
- The Cropwell Bishop Creamery Limited has two sites one of which is close to the proposed site along Nottingham Road.
- The movement of the HGVs will cause further traffic issues around the Junction of Nottingham Road and Kinoulton Road.

Mrs Jones, local resident spoke against the application and highlighted the following issues:-

- This is not just a “land reclamation” application, but an industrial operation to import waste.
- This is already a Site of Importance for Nature Conservation and does not constitute the very special circumstances required by the National Planning Policy Framework.
- There is a strong sense of moral outrage felt by residents because if the application is to be approved it would send a message that there are rewards for not adhering to planning law.
- The village is a thriving village and is not in need of regeneration.
- Although there are extensive conditions proposed the residents would have no faith in the applicant in keeping to them.

In response to a question, Mrs Jones replied that residents were aware that a crusher was running on site, also bringing materials onto the site and it is felt this would be a processing site and not just land reclamation.

Following the public speakers against the application Mrs Smith responded to issues arising from those speeches as follows:-

- The size of the void has been calculated and the conditions would ensure the level of infill proposed.
- The unauthorised crusher on site is also covered through the conditions to ensure all materials brought onto site are recycled elsewhere and not on site.
- Condition 7 of the appendix deals with the issues of dust and noise. Also there were no complaints received during the extraction of the clay.
- The application is for 3 years only and this will entail an increase of 14% movement of traffic in the area.
- There could also be an additional condition that no material will be removed from site.

Following Mr Smith’s response to the public speeches, Mr Hunt, acting on behalf of the applicant spoke in favour of the application and highlighted the following issues:-

- This involves a small scale operation of infilling inert clay materials.
- The operation will use waste in a beneficial way to reclaim land.
- There are 3 areas which can be demonstrated as special circumstances on this application they are local landscape character, local waste management capacity and biodiversity enhancement opportunities.
- This is a short term small scale operation that will have a significant planning effect on the landscape in a Site of Importance for Nature Conservation.

Following Mr Hunt’s presentation he responded to questions and comments as follows:-

- The visual impact is one of the special circumstances to allow the infilling of the land even though it is not visible by walkers.
- There is not sufficient material left on site to be able to infill it.

- There would be regular cleansing of vehicles, roads and equipment to reduce the chance of excessive dust in the area.
- The restoration would provide more land for the local wildlife to settle in.
- There would be post site aftercare management of the site

Councillor Wilson, Chair of the Local Parish Council, spoke against the application and highlighted the following:-

- The Parish Council (PC) is supportive of sustainable businesses in the village however the PC did not feel that the landfill application fell within this criterion.
- There were 173 letters of objection written by both local residents and companies which have premises in the village.
- This application is ironic considering the area under consideration for landfill was created through non-compliance with planning permissions.
- This application would not be providing a service in the area and it will import waste materials from elsewhere in the County.

There were no questions.

Councillor Richard Butler, Local Member spoke against the application and highlighted the following:-

- Excessive dust is a concern especially with the product of the internationally famous Stilton Cheese from the village.
- 170 plus letters of objection from a village of just 700 homes is a high percentage of residents who are prepared to put pen to paper to object.
- This is a case of bringing waste from outside the area to fill a void created by the applicant
- The effect on local traffic at peak times could become an issue especially as the junction with Nottingham Road and Kinoulton Road is extremely tight.
- The realignment work suggested at the entrance to the site may encourage motorists to travel faster than they already do.
- Who will monitor the site especially as the previous work was carried out without any knowledge in the first place.

Following Councillor Butler's presentation he responded to questions and comments as follows:-

- Although it is an industrial park members of the public could visit the site on foot making it a danger to them.
- The area has a natural drainage system so the likelihood of it collecting standing water is negligible.
- Not aware of how local the infilling material will be
- There are building sites around Cotgrave, however the site at Colwick is more likely to transfer waste thus not making it locally sourced material.
- There is a large recreational area along the Nottingham Road which has a park and football pitches so there could be conflict between public and HGVs.

The Chairman thanked all the speakers.

Following the speakers members discussed the item and the following comments were made.

- Concern about the possible dust and noise issues associated with HGV movements around the area.
- There are no special circumstances as it is shielded from onlookers unless in a plane.
- The extraction should not have taken place in the first instance.
- There have been a large number of objections given the size of the village.
- The reasons for dismissing the application cannot be formed by righting a planning wrong.
- The special circumstances are not met with regard to this application with the evidence presented.
- It will be difficult to enforce what material is used unless the Council are looking at every lorry load of waste materials.
- Is it necessary to put the land back to what it once was? Nature has a way of surviving and changing areas back to interesting pockets of land.

Following discussions the recommendation as set out in the report was put to the vote by the Chairman and upon a show of hands it was

RESOLVED 2015/036

That planning permission be refused.

Members who voted for the refusal gave the following reasons

- Insufficient very special circumstances have been demonstrated to outweigh the harm resulting from the inappropriateness of the development in the Greenbelt.
- There is sufficient inert waste disposal capacity elsewhere in the County at this time.
- The Environmental impact on the residents and surrounding businesses are sufficient to turn the application down.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

RESOLVED 2015/037

That the Development report be noted

WORK PROGRAMME

RESOLVED 2015/038

That the Work Programme be noted

The meeting closed at 12.34 am. **CHAIRMAN**



20 October 2015

Agenda Item: 5

**REPORT OF THE SERVICE DIRECTOR FOR
South Nottinghamshire and Public Protection Division**

**ANNUAL REPORT TO PLANNING AND LICENSING COMMITTEE OF THE
LICENSING WORK CARRIED OUT BY TRADING STANDARDS**

Purpose of the Report

1. To update the Committee on the relevant recent licensing work carried out by the Trading Standards Service on behalf of the Committee

Information and Advice

2. The Service has an involvement in a number of licensing and registration schemes designed to ensure the safety of our communities. In some cases the authority is responsible for issuing licenses and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activities carried out by Trading Standards are covered in more detail below.
3. During the period 2014-2015, the Service received a total of £29,750.89 income from fees. This being £9,658.00 from Explosives, £17,236.00 from Petroleum, £1987.50 from petroleum searches, £771.36 from Poisons, and £68.00 from Performing Animals registration. This takes into account the annual allotment for licences covering more than one year.

Explosives storage

4. The Trading Standards Service is responsible for issuing Explosives Licences for the storage of explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'Net Mass'. The Health & Safety Executive (HSE) are responsible for quantities above 2000kg.
5. There are two 'bands', determined by the Net Mass of explosives being stored, although since the Explosives Regulations 2014 came into force, both 'bands' are now known as an Explosives Certificate. The bands are -
 - 5kg to 250kg – Explosives Licence up to 250kg's Net Mass
 - 251kg to 2000kg – Explosives Licence over 250kg's Net Mass.

Explosives Activity for 2014-15

6. A total of 118 licences (or the older certificates) were issued in 2014-15. Also 7 licences issued for storage of safety cartridges only.
7. In addition to the above, there are All Year Round licences for businesses that wish to supply fireworks all year round, or outside the restricted periods corresponding to Chinese New Year, Diwali, Bonfire Night and New Year. In this category, 2 were issued in 2014-2015.
8. In 2014-2015 Trading Standards focused their firework enforcement activity on providing support to high risk category smaller independent shops as this is generally where most problems are found. Risk rating is applied dependant on the level of compliance with the legislative storage requirements, and the confidence level in the business management systems.
24 premises were visited; these were mainly high risk with a selection of medium risk premises. Of these 20 were compliant at the time of the inspection, 2 were brought into compliance at the time of the visit, 2 being compliant after a revisit. No major problems were found. The most common problems issues being:
 - Storing fireworks next to, or near to, combustible materials (this applied to both the firework 'reserve' stock and the sales area).
 - Statutory firework sales poster not displayed.

Petroleum Licences / Petroleum Storage Certificates

9. Trading Standards licence any premises that stores petrol in a tank or bowser for delivery into the fuel tank of a vehicle or other internal combustion engine. The most common premises covered are retail petrol stations that supply fuel to motorists.
10. There are three bandings of licence which are as follows:
 - Petroleum under 2500 litres
 - Exceeding 2500 litres but not exceeding 50,000 litres
 - Exceeding 50,000 litres

Petroleum Activity for 2014-2015

11. The following is a breakdown of the types and numbers of each category issued in 2014-2015

	Licences / Certificates issued 14/15
Petroleum under 2500 litres	7
Petroleum 2500 litres - 50,000 litres	17
Petroleum exceeding 50,000 litres	33

12. The Service also received approximately 96 enquiries from businesses / Traders / Operators & Contractors for trader advice on petroleum storage related issues & enquiries etc.
13. As Trading Standards has records of the petroleum storage facilities at new and historic sites they also receive requests for searches regarding locations of disused tanks. 43 such requests were dealt with in 2014-2015.

14. The general trend, across Nottinghamshire and the U.K in general, remains a reduction in the number of smaller premises selling petrol. There was 1 new installation in 2014/15, and a further 3 rebuilds on sites previously used for petrol sale/storage. Numerous refurbishment works were also conducted at current petroleum licensed/certificated premises such as pump and pipe work replacements, changing from a pressure system to a suction system, new drainage or interceptors installed etc.
15. Trading Standards focus enforcement activity on the smaller independent retailers. Who don't have the benefit of nationally agreed procedures and are less likely to have benefited from investment in modern technology, such as double skinned storage tanks, third party wet stock monitoring to check for fuel leaks on petrol tanks, modern petroleum storage infrastructure etc. Tanks at independent sites are often the older, single skin type, so it is very important that the operator is diligent in their manual dipping of the tanks to check for unusual losses of fuel that might indicate a leak. Trading Standards Officers also check that the site and equipment is properly maintained and that important control systems are in place. This would be demonstrated by documentation such as risk assessments, staff training records and equipment test certificates.

Poisons Licences / Registrations

16. Historically local authorities have maintained a register of persons able to sell poisons (as defined in Part 2 of the Act). From 26th May 2015 retailers instead need to hold a licence issued by the Home Office.

Performing animals

17. 4 Performing Animals licences were issued in 2014-2015. These were for birds of prey for falconry demonstration, a variety of mammals, rodents and reptiles for educational school visit, and a dog for a stage productions.

Licence fees.

18. The current fees are set out in the table below

Explosives	£
New registration up to 250kg	105.00
Renewal registration up to 250kg	52.00
New licence up to 2,000kg	178.00
Renewal licence up to 2,000kg	83.00
All year round firework licence	500.00
Transfer or replacement	35.00
Petroleum	
Up to 2500 litres (per year)	42.00
2500 to 50,000 litres (per year)	58.00
Exceeding 50,000 litres (per year)	120.00
Transfer	8.00
Performing animal licence	17.00

19. The fees for petroleum and explosives licensing are set nationally via the Health & Safety (Fees) Regulations 2012 which states that fees for 2015-16 will remain at the same level as the last financial year.

Statutory and Policy Implications

20. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

21. It is recommended that: the committee notes the contents of this report and agrees the levels of activity undertaken.

PAUL MCKAY
Service Director
South Nottinghamshire and Public Protection Division
Adult Social Care, Health and Public Protection

For any enquiries about this report please contact:
Sarah Ridley
Team Manager Trading Standards and Community Safety

Legal Comments (SLB 11/08/2015)

Planning & Licensing Committee is the appropriate body to consider the content of this report

Financial Comments (MM 10/08/15)

The financial implications are contained within the body of the report.

Background Papers and Published Documents.

'None'

Electoral Division(s) and Member(s) Affected

- 'All'



20 October 2015

Agenda Item: 6

REPORT OF CORPORATE DIRECTOR – PLACE

RUSHCLIFFE DISTRICT REF. NO.: 8/14/01781/CMA

PROPOSAL: APPLICATION TO CONSOLIDATE PREVIOUS PLANNING PERMISSIONS AND AN EXTENSION (REMPSTONE) OF EXISTING QUARRY INVOLVING THE EXTRACTION OF SAND AND GRAVEL WITH RESTORATION TO AGRICULTURE AND CONSERVATION WETLAND, WITH THE RETENTION OF EXISTING AGGREGATE PROCESSING PLANT, SILT LAGOONS AND ACCESS/HAUL ROAD

LOCATION: EAST LEAKE QUARRY, REMPSTONE ROAD, EAST LEAKE

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider a planning application for an extension to East Leake Quarry at Rempstone Road, East Leake, and to consolidate previous planning permissions covering the quarry site.
2. The key issues relate to the need for the mineral; the fact that the proposed extension area is not allocated for mineral extraction in the Nottinghamshire Minerals Local Plan (adopted December 2005); bird strike and safeguarding issues at East Midlands Airport; archaeology; ecology; landscape and the restoration of the site; impacts on the best and the most versatile agricultural soils; noise, dust and visual impacts on the amenity of residents and footpath users; and impacts on the setting of designated heritage assets, including a local church.
3. The application has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to conditions and the signing of a legal agreement covering lorry routing, the Bird Strike Management Plan, and an extended period of aftercare for the conservation area.

The Site and Surroundings

4. East Leake Quarry is approximately 15 kilometres south of Nottingham City centre, towards the county boundary with Leicestershire, with Loughborough town centre and the City of Leicester being situated some 4 kilometres and 14 kilometres respectively, to the south. The City of Derby is located approximately 17 kilometres to the north-west. The quarry is located approximately 1 kilometre

to the west of the centre of Rempstone Village and a similar distance to the south-east of East Leake. The quarry is located in close proximity to the major road network, with the A6006 (Melton/Ashby Road) and A60 (Loughborough Road) linking into the M1, M42, A46 and A6.

5. The quarrying operations have extended eastwards from the main quarry site (Lings Farm) into Jenks' Land, and to the south-east (Burton's Land), whilst the current application site proposes to work an extensive area of land, known as the Rempstone extension site, to the east of Jenks' Land (see Plan 1). The surrounding area is predominately agricultural, with the wider landscape having a defined field pattern, interspersed with blocks of woodland.
6. The nearest residential development to the main quarry site is Home Farm Cottage, which directly abuts the quarry's south-western boundary along Rempstone Road; two properties (Greenacres and Four Elms), which lie to the immediate north, and finally, Holme Farm and Riseholme Farm situated on the opposite side of Rempstone Road, to the south-west and north-west respectively (see Plan 1).
7. Directly abutting the quarry's northern boundary, just beyond the processing plant, lies Manor Farm and Donkey Sanctuary. There is a mix of high soil bunding and mature hedgerow interspersed with trees along the shared boundary. To the south of the extended quarry site lies a complex of residential development, comprising Lings Farmhouse, Lings Farm, Harolds Cottage, Gardeners Cottage and Pear Bank, albeit separated from the site by the A6006 (Melton/Ashby Road).
8. The original quarry area is worked out and currently contains stockpiles of quarried material, associated aggregate processing plant and office buildings. The processing plant itself is situated approximately 220 metres due west of the proposed Rempstone extension site. The existing operational site extends into Jenks' Land, and contains a void and silt lagoon system, with the current extraction site (Burton's Land) to the south-east (see Plan 1).
9. The proposed extension, known as the Rempstone Extension site, extends eastwards from Jenks' Land, towards the Loughborough Road and Rempstone Village. It comprises a gently undulating, extensive, rectangular shaped agricultural field, which is presently in arable use, to the immediate north of the A6006 Melton/Ashby Road. There are well defined hedge lines to the field boundaries, with access being gained via two existing agricultural accesses along the southern boundary onto the A6006. A public footpath (Rempstone Footpath No. 1) crosses the site diagonally, in a north-west to south-east direction, with access being gained from the Melton/Ashby Road, to the west of All Saints' Church. The ground level across the proposed extension site varies between 70 to 76 metres above ordnance datum (AOD).
10. Sheepwash Brook bounds the site to the north establishing the northern boundary to the extension site together with pockets of interspersed woodland planting. To the west, the field is bound by Jenks' Land and the site of the former St Peter's Church. To the east lie a number of residential properties, the nearest of which is Beech Tree Lodge, which is adjacent to the eastern boundary of the extension site, albeit that no extraction would take place within

100 metres of this property and perimeter soil bunds would be 50 metres from it. Two Grade II Listed properties, namely All Saints' Church and Clifton Lodge bound the site to the south-east, at distances of 50 metre and 74 metres respectively from the site.

11. Further residential development lies to the south, beyond the Melton/Ashby Road, the nearest of which are East Lodge and Holy Cross Cottage, both of which lie 20 metres from the southern site boundary, albeit separated by the road. This group of properties, includes the Grade II Listed Rempstone Hall, which is situated some 40 metres to 70 metres from the proposed site. Other properties include Lings Farmhouse, Rempstone Hall Farm Cottage, Rempstone Hall Farmhouse, Farm Cottage and Rempstone Hall Farm.
12. More distant to the site, are the Oaklands, Oakland Farm and Nos. 1 to 4 Loughborough Road, situated approximately 170 metres to 330 metres respectively to the north-east. Several of these properties, notably Oaklands Farm and No. 4 Loughborough Road, have views down towards the site from their more elevated position at the top of the Wolds. Beyond the A60, to the south-east of the extension site, lies Rempstone village and further residential development in Kings Brook Close.
13. To the south-west of the site beyond the Melton/Ashby Road lies the Grade II listed Stanford Hall within the Stanford Park setting. To the immediate north lies Sheepwash Brook Wetland Local Wildlife Site (LWS), St Peter's Church Cemetery, and beyond this a small fishing lake. Two further non-statutory local wildlife sites lie within a 1 kilometre radius of the site, namely Stanford Park LWS 645 metres to the south-west, and Manor Farm East Leake Grassland LWS some 847 metres to the north-west. There are no statutory wildlife sites within a 2 kilometre radius of the site.
14. Access to the quarry site is via an existing haul road off Rempstone Road. The site has a designated traffic route along Rempstone Road leading onto the A6006 Melton/Ashby Road.
15. East Leake Quarry is located within the flight path of East Midlands Airport, with the proposed extension area being located 10 kilometres from the airport and therefore within the 13 kilometre radius safeguarding consultation area for the airport.

Relevant site history and background

16. The existing quarry site has three permitted planning units known as Lings Farm, Jenks' Land, and Burton's Land, operating under three separate planning consents. In addition to the proposed extension, these three planning permissions would be consolidated as part of these proposals.
17. A planning application for the main quarry site (Lings Farm) was originally submitted by Butterley Aggregates to the County Council in July 1985 (planning reference 8/J1/85/1141/P) for the extraction of 2.85 million tonnes of sand and gravel with the importation of suitable fill in order to restore the site back to agricultural use. However, this was refused planning permission in July 1986 on the grounds that the site was not allocated in the Sand and Gravel Local Plan;

there was no identified need for the site; and it was not considered acceptable in a predominately rural area. Other reasons for refusal were that there was a substandard access, and unacceptable impacts on water resources, archaeology, as well as impacts of lorry movements and noise.

18. A subsequent planning application was submitted by Butterley Aggregates in March 1989 (planning reference 8/89/0472/P) which again sought to extract sand and gravel reserves. However, the restoration of the site proposed a low level restoration, including the creation of a lake, which did not require the importation of waste material. This application was again refused planning permission as it was considered that there was insufficient need for the quarry.
19. The applicant appealed against this second refusal, with a public inquiry being held in December 1990. The Inspector upheld the appeal, with planning permission being granted in January 1991, subject to thirty-seven conditions. Operations at the quarry commenced in January 1996 but, due to operational difficulties whereby the sand and gravel reserves have revealed a much higher silt content than was originally envisaged, extraction was completed towards the end of 2009, rather than the originally anticipated end date of 2016.
20. It is noted that in 2000, as part of the preparation of the Nottinghamshire Minerals Local Plan (adopted in December 2005), the then operator RMC put forward an area of land immediately to the east of the Lings Farm Quarry site. This area of land extended towards the A60 and the village of Rempstone, covering an area of approximately 59 hectares. The indications were that the area held approximately 2.5 million tonnes of sand and gravel. At the time, the County Council considered that allocating the site in the Deposit Draft Minerals Local Plan would be premature as existing reserves at the operational quarry (Lings Farm Quarry) were expected to last until 2016, with the silt problems not being fully apparent at that time. RMC did not submit representations objecting to the non-allocation of the site in the plan so the site was not considered by the Inspector at the Public Inquiry held in 2004 to consider objections to the Minerals Local Plan.
21. Planning permission for an extension to the original quarry on adjacent agricultural land identified as Jenks' Land, was granted to the current operator Cemex in June 2009 and has been superseded by two further permissions in September 2010 and February 2012 respectively. It was proposed to release 320,000 tonnes of sand and gravel which would be worked at a rate of up to 180,000 tonnes per annum, as three phases of working across the site.
22. The extraction of sand and gravel on that extension site (Jenks' Land) was originally anticipated to be exhausted and worked out by September 2012, but due to the economic downturn, this proved not to be the case. Consequently, a further planning permission 8/12/01488/CMA was granted in March 2013 to complete mineral extraction by September of that year.
23. A subsequent planning permission (reference 8/11/00157/CMA) was granted in August 2013 to further extend mineral extraction at East Leake Quarry, on agricultural land identified as Burton's Land, in a four phased extension to the south-east of the original quarry site. This was premised on an understanding that the existing processing plant would continue to be utilised for the duration of

these works. A further permission (reference 8/14/00341/CMA) granted in March 2014 sought to retain the processing plant and infrastructure until September 2017.

24. Planning permission 8/11/00157/CMA was amended by a Non-Material Amendment (Ref No. NMA/3226) in March 2015 which sought to reduce the extraction area in accordance with an Archaeological Written Scheme of Investigation, which involved reducing the phased extraction from 4 to 2 phases. This involved the exclusion of the western part of the Burton's Land extension site, sterilising mineral to leave the archaeology in situ.
25. An application for the proposed development considered in this report was originally submitted in June 2014 (Ref No. 8/14/01537/CMA) but was withdrawn that August upon the submission of this application due to the need to slightly amend the application area.

Current Situation

26. Lings Farm ceased mineral extraction in 2007 and the land has been progressively restored, utilising soils, overburden and silt. The final restoration scheme comprises a single large water body, low level agriculture, wet woodland, gravel substrate and conservation grassland. The original plant site and ancillary equipment and infrastructure remains in situ and is proposed to be retained for the duration of proposed mineral extraction on the Rempstone Extension site. Its retention forms part of these proposals.
27. Jenks' Land has also ceased mineral extraction and the site is partially restored. At present, the area holds three water bodies, two of which are deep and steeply sided and which would be utilised as silt lagoons for the first three phases of the Rempstone Extension site, before being reinstated to agricultural land.
28. Mineral Extraction at Burton's Land commenced in 2013 and now operates in accordance with the Non-Material Amendment referenced above. The restoration incorporates agriculture along with two water bodies, hedgerows and planting. Areas yet to be extracted in Phase 2 are still in agricultural use. The western part of the Burton's site has been sterilised and will not be worked due to the national importance of the archaeological finds in that part of the site.

Proposed Development

29. The planning application seeks to consolidate previous planning permissions covering quarry workings, and also proposes a further extension to the east of the existing consented area, for the phased extraction of sand and gravel.
30. The planning consents proposed to be consolidated under this application are:
 - (a) 8/12/01488/CMA covering the permission area known as Jenks' Land;
 - (b) 8/11/00157/CMA covering the permission area known as Burton's Land;

- (c) 8/14/00341/CMA covering the permission area known as Lings Farm, under which the existing processing plant, silt lagoons and haul road has the benefit of planning permission until 30th September 2017.
31. It is proposed to extract approximately 1.78 million tonnes of aggregates in six phases (see Plan 2) from a 27.5 hectare extraction area. Extraction would take place at a production rate of 150,000 to 180,000 tonnes per annum, over a ten to twelve year period, with progressive restoration. The land would be restored to low level agriculture and wetland conservation, with the restoration concept for the site having been designed to ensure that the final landform complements the existing restoration scheme for the wider East Leake Quarry.
 32. A mix of 4 metre high topsoil/subsoil bunds and 5 metre high clay bunds, situated along the eastern and southern boundaries would provide screening of quarry workings from the nearest sensitive receptors, as each of the six phases is progressively worked. There would also be significant stand-offs incorporated into the scheme, including a 3 metre distance from boundary hedgerow, a minimum of 35 metres from the A6006 Ashby/Melton Road (which would include soil bunds, a surface water trench, as required, and Right of Way diversion), 100 metres from Beech Tree Lodge, 15 metres from Sheepwash Brook and 160 metres from All Saints' Church.
 33. Sand and gravel would continue to be transported by dumper truck to the existing processing plant at the main quarry site. The internal haul road would be located along the northern extraction boundary, extending southwards into the individual phases as and when necessary. It would exit the proposed extension site at a point along the western boundary with the adjoining Jenks' Land.
 34. HGVs exiting the site would continue to use the existing access onto Rempstone Road, with vehicles turning left out of the site, to keep to the agreed lorry route, to avoid East Leake.
 35. Preparatory works would commence in Phase 1 of the proposed Rempstone Extension site during the final phase of extraction on the consented Burton's Land, although mineral extraction would not occur simultaneously. Mineral would continue to be extracted on a multiple campaign basis, i.e. rather than mineral extraction being a continuous process, it would take place over six to eight week periods four times a year.

Method of working

36. Prior to the commencement of extraction operations for each phase, vegetation would be cleared and the phasing area would be subject to archaeological investigation in accordance with an approved archaeological watching brief. Future phases would remain under agricultural cultivation.
37. Soil stripping and placement would be carried out in accordance with the 'Good Practice Guide for Handling Soils' prepared by MAFF (DEFRA) dated April 2000. Soils would only be handled when in a dry and friable condition.

38. It is proposed to stockpile soils to a maximum stocking height of 3-5 metres, with topsoil and subsoil/overburden being stripped and stored separately. All soils would remain on site and would be used in the restoration. The soil storage mounds would be seeded with a wild flower grass seed mix and appropriately maintained until replacement at the restoration phase of the operations. It is anticipated that the restoration of the entire quarry site would be completed within two years from the cessation of mineral extraction.
39. Operations would commence in the south-western corner of the extension site, with extraction progressing in an anti-clockwise direction back towards the existing consented East Leake Quarry (see Plan 2).
40. Occupying a surface area of approximately 4.93 hectares on the western edge of the extension area, Phase 1 would be worked on a campaign basis, extracting approximately 298,000 tonnes of sand and gravel. The void created by mineral extraction in the first phase would be used to create two silt lagoons to assist in the processing of material and recycling of water on-site.
41. Soils would be stripped from the south-western corner of the extraction site, moving northwards. Topsoil would be placed in 4 metre high storage mounds, along part of the southern boundary, providing attenuation barriers (acoustic/screening) to both residential development south of the site, and to All Saints' Church and Clifton Lodge to the south-east. Clay would be placed in 5 metre high bunds on the eastern boundaries to the Phase 1 site, and the wider Rempstone Extension site, to provide an acoustic barrier to Beech Tree Lodge. The earth mounds to the south-eastern boundary would be topped with 150mm of topsoil or subsoil and seeded to provide landscaping towards the church.
42. Phase 2 is divided into three distinct areas (Phases 2a, 2b and 2c) to the immediate east of Phase 1 to assist progressive extraction, restoration and silt disposal. Occupying a surface area of 6.04 hectares, the three phases would be worked over approximately two years, yielding approximately 306,000 tonnes of aggregate. Interburden or clay, and topsoil from Phase 2a would assist in creating the Phase 1 silt lagoons, with the topsoil enabling bank profiling of the lagoons. Further interburden and clay would be used to create final restoration contours within Phase 2a. Any remaining clay would be stored in the existing south-eastern bund.
43. During Phase 2a, progressive restoration would begin to restore the margins to the silt lagoon system in Phase 1, with this being completed by Phase 2b.
44. Topsoil removed during Phase 2b would be placed along the southern boundary to complete the bund along the site boundary to the A6006, Ashby Road. Interburden would be used within Phase 2b, and any remaining interburden and clay would be placed within Phase 2a. Operations within Phase 2c would progress in a broadly northerly direction, with topsoil from this phase going into Phase 2a, and interburden into Phases 2b and 2c. Clay would be removed and used within Phase 2b for restoration purposes.
45. Phase 3 would continue eastwards, occupying a surface area of 4.08 hectares on the southern side of the site, split into two equal areas (Phases 3a and 3b). This phase would see the extraction of approximately 306,000 tonnes of

aggregate, over some twenty months. Interburden would be used within Phase 3a, and any topsoil removed, placed within Phases 2b and 2c. Removed clay would be placed within Phases 2c and 3a. Extraction during 3b would continue from south to north, with the direct placement of interburden within Phases 3a and 3b, and clay within 3a. Any removed topsoil would be placed to the east and stored for restoration purposes.

46. By Phase 3a, Rempstone Footpath No. 1 would be completely diverted around the perimeter of the Rempstone Extension site.
47. Progressive restoration would see Phase 2a restored and parts of Phase 1, by Phase 3a. By Phase 3b, both Phases 2b and 2c would be restored, and at this point Phase 3a would be in the process of being restored.
48. Occupying a surface area of 2.87 hectares in the south-east corner of the site, Phase 4 would be worked over sixteen months, extracting approximately 210,000 tonnes of aggregate. To enable restoration to continue, removed topsoil would be placed within Phase 3a and clay into Phase 3b. Interburden would be used in this phase, and also as subsoil and backfill within Phase 3b.
49. Phase 5 covers 5.1 hectares of land in the north-east corner of the site and would be worked over a period of some thirty months, with an extraction rate of 397,000 tonnes. This phase would involve topsoil being removed and placed within the eastern part of Phase 3b thereby enabling restoration to continue. Further topsoil would go into the topsoil bund along the south-eastern boundary. Clay and interburden would be placed within Phases 4 and 5. By Phase 5, Phase 3a would be restored.
50. Finally, Phase 6 would involve extracting 298,000 tonnes of material from approximately 4.62 hectares of agricultural land on the northern side of the site over approximately twenty-one months. Both clay and topsoil from Phase 6 would be placed within Phase 5 to enable restoration. As Phase 6 progresses, clay would be removed from the storage bunds to the eastern boundaries, to be used within the restoration of Phase 5. Topsoil from the south-eastern bund would be used within the restoration of Phase 4. Interburden would be used within Phase 6, and as backfill and subsoil in Phase 5. By Phase 6, Phase 3b would be restored.
51. Following on from Phase 6, final soil placement would restore the remaining areas in Phases 5 and 6, involving topsoil from the south-eastern bund being placed in Phase 5, and that from the southern bunds into Phase 6. Clay from the eastern bund would also go into Phase 6. Finally, as part of these works, remaining topsoil and clay from the southern and eastern bunds respectively, would be placed in Phase 1 (silt lagoons).

Silt disposal

52. It is proposed to retain the void within Jenks' Land as a means of silt disposal.
53. There is sufficient capacity within the silt lagoon system in Jenks' site, for the deposition of silt produced from the extraction and processing in Rempstone Phases 1-3. The newly created silt lagoons resulting from Rempstone Phase 1

would accommodate the remaining silt from Phases 3-6. The newly created silt lagoons would be linked into the existing freshwater lagoon and existing processing plant.

Operational process

54. It is proposed to dewater the extraction area by pumping using electric pumps, followed by the excavation of the mineral, using a 360 degree hydraulic excavator. The dewatering pumps would be located along the western boundary, and kept to the north of the site wherever possible to reduce noise impact to sensitive receptors. Sand and gravel would be transported to the existing processing plant via dumper truck, for screening, washing and grading. It is proposed to extract sand and gravel on a campaign basis, in approximately six-eight week periods, on a quarterly basis. Unprocessed material would be stockpiled within the existing plant site stocking area, to a height not exceeding 10 metres above existing ground levels, ready for processing and sale.
55. A 360 degree back actor mobile excavator and a dumper truck would be used for soil stripping operations. The storage bunds would be formed by the loose placement of stripped soils by the dumper, and shaped using a bulldozer with low pressure tracks.

Other operational matters

56. The planning application does not seek to alter existing working hours, which are 0700-1900 hrs Mondays to Fridays, and 0700-1300 hrs on Saturdays.
57. The traffic movements associated with the proposals would continue at approximately 72 movements per day (36 two-way trips) with a maximum of 100 vehicle movements as previously conditioned.
58. The established designated lorry route would remain in place, requiring vehicular traffic leaving the site to turn left onto Rempstone Road towards the A6006 (Melton/Ashby Road), thereby avoiding taking traffic via East Leake. Typically the average vehicle is a two-tonne truck with the largest vehicles to the site having a twenty-tonne capacity.

Restoration

59. The proposed restoration is for a mix of agriculture (arable and pasture) and conservation grassland, with dry and wet woodland planting, ponds with variable shallow margins and marginal reedbed habitat, and areas of tree, shrub and hedge planting (see Plan 3).
60. Some 14 hectares of the site, covering the central, and southern part of the site extending eastwards, would be restored to low-level agriculture (arable/grazing land), including the southern, eastern and northern margins. Ponds would be created to the northern part of the site, with planting to the wider margins comprising a combination of lowland mixed deciduous woodland and wet woodland (with small ponds and scrapes) on undulating ground, beyond

marginal aquatic and reedbed habitat. The site's north-eastern slope would be planted with native broadleaved woodland mix and hazel coppice, whilst the south slope would be restored and planted with native broadleaved trees to create parkland landscape to complement Rempstone Hall.

61. The western part of the extension site would be restored to a mix of conservation grassland, and a large pond, with small ponds and scrapes within the conservation areas. The conservation grassland would comprise lowland meadow on neutral soil, over undulating land. The south-western silt area would be restored to species rich grassland suitable for low intensity grazing, with levels restored to localised undulations, ridges and furrows.
62. The slopes to the silt ponds would be restored to a shallower gradient and planted with native broadleaved woodland or thorny scrub mix, upon cessation of extraction, prior to commencement of silt disposal. There is potential for bank shaping on the westernmost pond, but this would be limited to the shallower northern banks, due to the availability of restoration material, and the need for water and silt capacity. Silt would be pumped in at different locations to create delta-type features. Again there would be aquatic and reedbed habitat to the pond margins. There would be soil placement on the lake/pond margins to give an uneven surface, so as to create microhabitats for tussocky grassland development.
63. The tree planting proposed includes species such as field maple, alder, oak, native black poplar, crack willow, and small leaved lime, whilst the shrub planting would include hazel, hawthorn, blackthorn, dog rose, willow, osier and wych elm.
64. The diverted Rempstone Footpath No. 1 would be reinstated, with native black poplar planting proposed to define the footpath route.
65. Restoration would be completed within two years of cessation of mineral extraction. As part of the restoration proposals, it is proposed to provide aftercare of five years for the area restored to agricultural pasture/native woodland, whilst the wetland conservation area would be managed for a further five years (ten years in total).

Lings Farm site

66. The planning application also seeks to amend the permitted restoration of the Lings Farm site. Additional silt disposal within the existing silt lagoon system on this site has altered the final landform, water levels and lake formations. Amendments to the site contours and developing habitats has given rise to this revised restoration scheme. The revised Lings Farm restoration scheme would continue to provide a mixed use restoration scheme.
67. The key elements of the revisions to the scheme are as follows:
 - (a) Rather than being planted in straight rows, proposed hedgerow would follow the final contours around the wet grassland, to give a more natural line with the land. Hedgerow planting has also been extended in a northerly direction, so as to replicate an historic hedgerow line;

- (b) The middle lake would develop into a seasonal wetland/silt conservation area instead of being open water, with re-profiling to its northern and western wetland margins, using soils currently stored in bunds along the boundary with Lings Farm;
 - (c) Ponds proposed to the north of the site, along Sheepwash Brook, would be incorporated into the lake, with stepped margins to provide seasonal variation, linking to a small pond to the north of Lings Farm;
 - (d) Aggregate would no longer be extracted from beneath the plant site, with the area being reinstated to conservation grassland, rather than being part of a lake, with pockets of bare sand floor and scrapes, to enhance the biodiversity of the area;
 - (e) The historic silt lagoons to the north of the site, along Sheepwash Brook, would be retained, with additional woodland/scrub planting. Since being filled with silt, these lagoons have developed into wet willow woodland. When mineral extraction ends, it is anticipated that the lagoons would dry out and develop into dry woodland;
 - (f) The soil bund along Sheepwash Brook, would be maintained until mineral extraction has ceased, at which time, the soils would either be partially removed, or retained in situ (based on monitoring of the evolving landscape).
68. The planning application also seeks to amend the agricultural element of the restoration of Jenks' Land. The change proposed is from the existing proposed permanent pasture (neutral grassland) to species-rich grassland.
69. The approved restoration scheme for Burton's Land would remain as permitted and has simply been transposed upon the overall restoration plan to show the full context of the final restoration at East Leake Quarry. It comprises agriculture and two water bodies, with hedgerow and small pockets of woodland of limited density to deter roosting. The western part of the site, where the mineral has been sterilised, would be restored to permanent pasture (neutral grassland).
70. The application is accompanied by an environmental statement (ES), with supporting technical appendices, which has considered the following aspects of the development:
- (a) Assessment of environmental effects;
 - (b) Ecology;
 - (c) Landscape and visual impact;
 - (d) Hydrology and hydrogeology;
 - (e) Noise, (including noise monitoring scheme);
 - (f) Air quality (including dust monitoring scheme);
 - (g) Archaeology, including impacts on listed buildings;

- (h) Transport assessment;
 - (i) Soils;
 - (j) Aerodrome safeguarding;
 - (k) Restoration and agriculture; including impacts on the 'best and most versatile soils'.
71. Further environmental assessments and clarification were sought, to ensure the EIA provided for a sufficiently robust and full assessment of potential environmental impacts arising from the development and to overcome objections. Under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (Reg. 22 request), the following information was submitted:
- (a) An updated ecological assessment;
 - (b) An amended method of working;
 - (c) Amended restoration plan for Rempstone, and composite restoration plan for the whole site;
 - (d) Observations on the setting of listed buildings;
 - (e) Assessment of the impacts of dewatering on the settlement to All Saints' Church;
 - (f) Archaeological desk-based assessment summary;
 - (g) Amendments/landscaping of earth bunds on the south-eastern boundary close to All Saints' Church.
72. Subsequently a second Regulation 22 submission was submitted in August 2015 seeking to address a holding objection raised by East Midlands Airport. The additional information provides further mitigation measures to address bird strike safety, through final restoration, landscaping and long-term management.
73. The submission is structured to provide:
- (a) An amended landscaping, restoration and aftercare scheme (dated July 2015);
 - (b) A revised final restoration plan for the site;
 - (c) A revised composite restoration plan for the entire site, covering the four planning units (Lings Farm, Jenks' and Burton's Land, and the proposed Rempstone Extension site);
 - (d) Method of working phasing plans.

Consultations

74. The planning application has been subject to three rounds of planning consultation, covering the original submission and two subsequent Reg. 22 submissions.
75. The responses received from each stage of the planning consultation process are summarised below.
76. **Rushcliffe Borough Council (RBC)** raises no objections to the proposal subject to carrying over planning conditions from planning permission 8/10/00190/CMA covering dust and noise, updated to incorporate the additional sensitive receptor. Further conditions are sought requesting a 3 metre high noise screen on the southern and south eastern boundaries, designed and constructed with approval from the Minerals Planning Authority (MPA); a requirement that any dust complaints made to the applicant are maintained in a log and both forwarded to the MPA on request and Rushcliffe Borough Council's Environment and Waste Management Service to enable the impacts of quarrying to be assessed under the local air quality management (LAQM) process.
77. Where a detailed assessment is required under the LAQM, all necessary modelling and/or monitoring to determine the potential effects of particulate matter shall be carried out as required by Rushcliffe Borough Council. Dust monitoring should follow the approved 2013 scheme, with a twice yearly report to the MPA, and should take place during soil handling and mineral extraction within phase 1, and thereafter for six weeks, at the start of each phase to demonstrate the effectiveness of dust mitigation measures. Finally, it is advised that the trench to the southern boundary should not adversely affect any existing boundary hedgerow.
78. **RBC Environmental Health Officer (EHO)** raises no objection to the proposed development subject to the proposed controls being put in to operation; and having reviewed the application and supporting noise and air quality assessments is satisfied that any potential impacts have been adequately addressed, and the recommended mitigation measures are satisfactory. Predicted noise levels should not exceed those set for mineral extraction in the Technical Guidance to the National Planning Policy Framework (NPPF). It is recommended that existing conditions relating to noise and dust are carried over into any permission granted and updated to reflect the identified sensitive receptors shown in the acoustic and dust reports. It is confirmed that there are no registered complaints with regards to dust from the existing site operations.
79. **Rempstone Parish Council (PC)** raises various concerns regarding amenity impacts on the Rempstone Church, given the proximity of the development to the church. Assurances are sought for the provision of appropriate dust and noise monitoring, in particular noise generated from reversing vehicles. It is noted that there are occasions (Sunday Services, burials and weddings), when a respectful silence is needed, so direct communication between the church and the applicant is essential. Issues around final location of earth bunds together with stand-off distances from the church boundary, are still to be resolved, although there is agreement over planting, which it is requested should be subject to a maintenance programme. Assurances are also sought that the diverted footpath would be continually accessible to the public. Detailed phasing

plans of the proposed works would be appreciated, to be prepared for the implications on the church and surrounding area.

80. *It is noted that no community funding from the applicant has ever been forthcoming, and a Section 106 agreement is requested covering funding for repairs to the church. The proposed extension would directly affect Rempstone, and in particular the church and it seems reasonable to expect the applicant to put funding into the community to help alleviate the disruption over the next ten to twelve years.*
81. **NCC (Planning Policy)** *raises no objection to the proposal and the principle of sand and gravel extraction at the proposed site is supported given the current position of the sand and gravel landbank and the location of the extension within the proposed MP2k allocation. However, this is subject to the environmental and amenity impacts of the development being acceptable to the relevant teams within the County Council and relevant external bodies. In considering these impacts, attention is drawn to the environment protection and reclamation policies set out in Chapters 3 and 4 of the Adopted Nottinghamshire Minerals Local Plan (Adopted MLP), and also the emerging development management policies in the emerging Nottinghamshire Minerals Local Plan (Emerging MLP)*
82. *In planning policy terms the application must be considered in light of the National Policy Planning Framework (March 2012) (NPPF) and, in line with paragraphs 214-26 of the NPPF, due weight and consideration should also be given to the Adopted MLP and Emerging MLP (i.e. if local policy conflicts with the NPPF, the NPPF must take precedence).*
83. *The national policy context in relation to mineral extraction is clear and when determining planning applications for minerals development, great weight should be given to the benefits to be derived from extraction, including to the economy, whilst ensuring that there are no unacceptable adverse impacts (both individually and cumulatively on the natural and historic environment, human health and aviation safety). Securing restoration and aftercare at high environmental standards at the earliest opportunity is also mentioned.*
84. *Adopted MLP – The proposal is 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’. The sand and gravel landbank as of December 2013 (the latest published figures available) stood at 7.95 years, slightly above the minimum 7 years as set out in the MLP and the NPPF.*
85. *However, since Dec 2013, additional reserves have been granted planning permission for extensions to Langford and Finningley quarries and a new site at Scrooby. Taking these new reserves in to account, the landbank at the end of October 2015 can be estimated at 7.11 years based on the most recent 10 year production average, although this is higher than recent production levels.*
86. *As well as this planning application for an extension to East Leake quarry, two planning applications are being considered at Newington Quarry in the north of the county. Newington south is an extension to the existing quarry and Newington west is considered as a new site.*

87. *The East Leake proposal contains 1.78 million tonnes, adding an additional 9.5 months to the landbank. Newington south contains 150,000 tonnes, equivalent to 0.8 months, and Newington west contains 350,000 tonnes equivalent to 1.9 months.*
88. *If all three applications are granted planning permission, the landbank of permitted reserves would increase to 8.13 years. This would ensure that a steady and adequate supply of sand and gravel continues to be provided over the plan area to meet demand.*
89. *The Emerging MLP sets out the draft policies and site specific allocations to meet demand over the plan period to 2030. Consultation on the Preferred Approach was undertaken between October and December 2013. Further rounds of consultation were undertaken on sand and gravel provision in May 2014 and then a site specific consultation in October 2014. Policy MP2 'Sand and Gravel Provision' includes an allocation called MP2k: East Leake East. The above application covers the same area to the allocation identified in the plan.*
90. *Potential issues regarding bird strike – given the proximity of the existing quarry and proposed extension to East Midlands Airport the issues arising from bird strike need to be considered. The Adopted MLP does not contain a policy on this, however in light of Paragraph 144 (bullet point 3) of the NPPF, the Emerging MLP document sets out a draft Policy DM12: Airfield Safeguarding. The main aim of this policy is to ensure that extraction, restoration and after-use will not constitute a hazard to air traffic. It also states that proposals within safeguarded zones should consult the relevant airfields.*
91. **The Environment Agency (EA)** *raises no objection to the proposal subject to a planning condition covering a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Such a scheme would prevent an increased risk of flooding, and improve and protect water quality; improve habitat and amenity; and ensure the future maintenance of the sustainable drainage structures. The submitted scheme should demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or National sustainable drainage systems (SUDs) standards, should the latter be in force when the detailed design is undertaken. Further advice to the applicant and County Council would be attached as an Informative and Advisory Note in line with the EA's recommendations covering SuDS and hydrogeological impacts.*
92. **Severn Trent Water Limited** *raises no objection to the proposal subject to a planning condition covering surface water and foul drainage to ensure that the development is provided with a satisfactory means of drainage as well as reducing the risk of creating or exacerbating a flooding problem and minimising the risk of pollution.*
93. **Natural England** *raises no objection subject to conditions covering safeguarding soils and advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. The application has not been assessed for impacts on protected species, but guidance is given as to applying*

their Standing Advice as it is a material consideration in the determination of the planning application. The proposal site should also be assessed in relation to local sites (for example Local Wildlife Sites, Regionally Important Geological and Geomorphological Sites (RIGS) and Local Nature Reserves (LNR)) and Impact Risk Zones for Sites of Special Scientific Interest.

94. *Biodiversity enhancements – there may be opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The County Council should consider securing measures to enhance the biodiversity of the site from the applicant if so minded to grant planning permission, in accordance with Paragraph 118 of the National Planning Policy Framework. Attention is drawn to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.*
95. *Landscape enhancements – there may be opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example, through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.*
96. *It is noted that the proposed development would extend to 27.5ha, including 24ha of ‘best and most versatile’ (BMV) agricultural land. NE are not satisfied that the site working and reclamation proposals provided in support of this application meet the requirements for sustainable minerals development, as set out in the NPPF and the minerals planning practice guidance. The restoration scheme proposes to reinstate 14ha to an agricultural after-use with the remainder being a lake and wetland. The former should potentially be capable of being BMV quality, however the rest of the land being developed for wetland creation would still lead to a net loss of 10ha of BMV land.*
97. *Notwithstanding these reservations on the loss of BMV land, it is noted that the non-agricultural elements of the proposed restoration scheme may be capable of delivering significant biodiversity/green infrastructure benefits, in the event that the application is approved. The Authority should consider securing measures to enhance the biodiversity of the site through restoration, in accordance with NPPF paragraph 118.*
98. *It is noted that the EIA and supporting statement are sufficient to demonstrate that the 14ha of BMV land, disturbed as a result of the development, would be reinstated to a similar quality, suited to a productive agricultural after-use. Furthermore, the Regulation 22 submission document states that the quality of soils within the proposed extension area, are such that it is appropriate to maintain BMV land, as part of the proposed restoration scheme. This scheme*

provides for over 12ha of new UK BAP priority habitats from the 27.5ha of proposed sand and gravel extraction, whilst still reclaiming over 14ha of BMV agricultural land. It is considered the scheme provides a significant benefit to local biodiversity whilst maintaining economic land-use, which would offset the long-term management of the conservation land to the north and west. Suggested conditions to safeguard soil resources and achieve a high standard of agricultural reclamation are set out. The adoption of loose handling methods to minimise damage to soil structure and achieve high standards of restoration are welcomed.

99. **NCC (Nature Conservation)** *is able to supports the proposals subject to minor amendments to the final Restoration Plan and the Landscaping, Restoration and Aftercare document. This would cover minor adjustments to the wet woodland tree mix, and ensure that there is consistency between the final restoration plan and the Landscaping, Restoration and Aftercare document.*
100. *It is noted that the application is now supported by a comprehensive ecological impact assessment based on up-to-date ecological survey work. This has confirmed that the proposals will not directly affect any designated sites, and that the site does not lie within the Impact Risk Zone of any SSSIs. Whilst being in proximity to three local wildlife sites, the only one impacted would be Sheepwash Brook Wetlands LWS 2/34, which abuts the site's north western boundary, as a result of hydrological changes. To address this, mitigation is proposed by way of a water level monitoring and mitigation plan for Sheepwash Brook and the associated wetlands LWS. Planning conditions are recommended to secure this and further appropriate mitigation measures, to ensure that there are no significant impacts on any protected species or notable habitats.*
101. *Overall, it is noted that the site is dominated by arable farmland of low nature conservation value with extremely limited semi-natural habitat with only higher conservation value to the boundary hedgerows. It is expected that whilst no breeding bird surveys have been carried out, the site would be used by a range of farmland bird species. However, ample habitat remains in the surrounding area and much of the site and much of the site would be restored to farmland. Finally, amendments are proposed to the shape of the restored pond in Jenks' Land which is to be welcomed. It is expected that this would give a less rectilinear and varied shoreline by reworking the existing landform.*
102. **Nottinghamshire Wildlife Trust** *is able to withdraw its objections to the proposals subject to minor amendments and clarification which are capable of being secured through the imposition of planning conditions. This would seek to ensure the restoration of the south western silt area to species-rich grassland; the overall species mix on both the plan and in the Landscaping, Restoration and Aftercare document, particularly with regards to the wet woodland mix.*
103. *It is noted that the habitats of greatest value on the Rempstone Extension site, namely the hedgerows, would mainly be retained, gapped up and managed appropriately for the duration of the scheme. Further substantial hedgerow would be planted in the restoration scheme. The potential for impact on the water levels of the lake of the Sheepwash Brook LWS, due to dewatering pumping, would be mitigated by a programme of monitoring and recharging the*

water is necessary. Planning conditions could secure a hydrological regime covering Sheepwash Brook LWS; the adoption of an amphibian and reptile strategy; the seeding of the soil mounds with a hay meadow mix to provide replacement habitat for farmland birds and foraging bats; the usual time restriction on removing vegetation outside the bird breeding season; the resurveying of soil mounds to avoid impacting upon a protected species; and securing a ten metre stand-off from Sheepwash Brook and its associated ditches.

104. *Where possible, the restoration scheme should include further shallower margins to the ponds, suitable for the establishment of marginal vegetation and reedbed habitat. Also, greater areas of species-rich grassland should be included in the restoration scheme. Overall, the proposed plant mixes are considered satisfactory and the details of a regime of aftercare through hay cutting is welcomed.*
105. **Highways England** *raises no objection to the proposal as it is not expected to have a material impact on the Highways Agency's Strategic Road Network, namely its closest strategic routes, the M1 and A46.*
106. **NCC (Highways)** *raises no objection to the proposals. It is noted that Section 2.9 of the non-technical summary specifies that the proposed extension would not create additional vehicle movements, only the duration of operations at East Leake Quarry. The existing vehicular access on Rempstone Road would be retained, and Section 2.7 of the same document specifies that the site would continue to adhere to the Section 106 Routing Agreement, ensuring that no vehicles travel through East Leake Village.*
107. *It is not envisaged that this proposal would change the existing situation. The Highways Authority requests that the previous arrangements to secure the access, routing agreement, and prevention of dust/dirt/loose aggregate onto the public highway are repeated.*
108. **Historic England** *raises no objection to the proposals, having now removed its objection to the original submission. The additional information submitted has proved satisfactory, in particular now that the preservation in-situ of previously discovered remains of national importance has proceeded, and the significance and potential of the site as a whole has been reviewed by an eminent academic.*
109. *It will be for the County Council to come to a balanced view on the impacts and benefits of the proposed working in line with national and local planning policy and guidance. In this context Historic England supports the offer made by the applicant that, in the case that further remains of national importance are discovered, they will, subject to a reasoned request from the County Archaeologist, be also preserved in-situ to address the substantial issue of NPPF paragraph 139 in respect of remains of demonstrable equivalent importance to scheduled monuments. There is a strong probability that further remains of national importance will be found and Historic England are now reassured that the application contains a generally robust approach to addressing the significance of all archaeological remains on site.*

110. *Specific recommendations are that the archaeological investigation and mitigation of the site, including preservation in-situ for nationally important remains, should be secured through appropriate planning conditions, in respect of works and management before, during and after extraction operations take place and appropriate reporting, archiving and dissemination of results.*
111. *Any condition agreeing a written scheme of investigation should require both the heritage consultant and the archaeological field work contractors documentation, for approval by the MPA. The written scheme of investigation should support a staged approach to the investigation of difficult top soil/plough soil deposits. It is recommended that stripping of upper material is carried out working down- hill (hence with the likely orientation of former ridge and furrow). The working area should then be surveyed with a caesium magnetometer to deliver a high resolution geophysical plot, and should be thoroughly scanned with a metal detector. On the basis of this evidence strenuous efforts should be made to discreetly strip out the former furrows (working across the slope) to maximise the exposure of earlier remains. This method is preferable to taking the second machine strip to the base of medieval furrows thereby removing any undisturbed ground and remains below the former ridges. Whilst appreciating these are difficult soils to excavate it is strongly recommended that this approach is trialled.*
112. *With regards to Burton's Land, permanent grassland creation in the western part of the site, is being awaited, together with a long term scheme for any remains preserved in situ; and the securing of these measures (and future provisions for new discoveries of national importance) by way of conditioning any new planning consent*
113. **NCC (Archaeology)** *raises no objections and is supportive in proceeding with a scheme of archaeological mitigation secured by an appropriate condition and considers it satisfactory to use a standard condition that has been applied to previous permissions covering East Leake Quarry. It is considered that this is capable of achieving satisfactory preservation in-situ of any nationally significant remains which might be discovered on the site.*
114. *There is awareness that Cemex have indicated that they will be sympathetic towards the discovery of any remains that are of national significance, as they have demonstrated previously through the voluntary exclusion of the area of the cremation cemetery. The standard condition would require the full implementation of the agreed mitigation scheme. It is advisable that the MPA continues with a straight forward condition and ensures that all the issues are fully covered in the detail of the mitigation scheme to be submitted and agreed with the MPA and County Council's Archaeologist.*
115. **NCC (Built Heritage)** *raises no objection to the proposed development. Whilst the operational phase of the site is likely to cause a level of harm to Designated Assets through development in their setting, it is considered that this would be less than substantial harm based on the fact that any permission would be dependent on a scheme of restoration which would mean this harm would be temporary for a period of 10 years. However, it should be noted that harm is harm nonetheless.*

116. *It is advised that the NPPF (paragraph 134) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.*
117. *In this scenario the restoration scheme may well be considered in the longer term to provide a public benefit, though it is unlikely that much in the way of mitigation can be found for the impact on setting during the operational phase.*
118. *In mitigation of operational impacts, it is suggested that the applicant could provide enhancements to the significance of the Heritage Asset through other means; perhaps in the form of maintenance or repairs to the church (if required) or its churchyard features.*
119. *The application site is in close proximity to several listed buildings and the historic village core of Rempstone. The Grade II Church has a shared boundary with the site as does Rempstone Hall, albeit with Ashby Road in between. Within the wider landscape is the Grade II Listed Stanford Hall, its Registered Park and Garden and several separately listed estate buildings. Further to the north-west of the site lies East Leake with its conservation area and listed buildings, though this is beyond existing quarry workings. The site is divided by a public right of way which exits adjacent to All Saints' Church.*
120. *The information submitted with the application sets out the National Planning policy in relation to the Historic Environment including paragraphs 128 and 132 of the NPPF.*
121. *Paragraph 128 states that in terms of determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*
122. *It is noted that within the context of this application the reference to setting is key. Whilst the desk based assessment for archaeology references the surrounding Designated Assets it does not evaluate the contribution made to the significance of those assets by setting.*
123. *There is included a section on physical setting which details topography, soils and geology from which some general landscape character can be acquired, but this does not take into account the concept of setting.*
124. *The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a*

positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.

125. *Within the conclusions of the report 10.1.2 it notes the presence of trees and vegetation screening the listed buildings from the site. No impacts on the setting of Listed buildings are noted within 11.1 Assessment of Impact.*
126. *Whilst views are clearly important to setting, there are other environmental factors such as noise, vibration, dust which can impact on the way in which a Heritage Asset can be experienced. As this is not explored within the assessment, the County Council's Historic Buildings Officer can only base his comments upon his own site visit and interpretation. In doing so, it should be noted that paragraph 132 of the NPPF sets out that significance can be harmed or lost through development within the setting of a heritage asset.*
127. *Paragraph 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional'.*
128. *The impact of the application should be considered on two phases. There is the impact during the operational phase followed by the impact of the restoration scheme.*
129. *Operational phase – during the course of the operations at the quarry extension, extraction activity will be brought closer to listed buildings in Rempstone. The existing character of the site is somewhat typical of a South Nottinghamshire Wolds landscape as an undulating field of cut grain crops and hay bales (as visited in August 2014). The Church Tower is visible from the footpath crossing the site, as it heads directly towards it. In terms of setting of heritage assets, it is considered that the site does have a role in the manner in which All Saint's Church can be experienced. During the operation of the site, the agricultural setting of the rural parish church will be interrupted by the environmental effects such as noise, dust, and vibration, as well as the physical change to the appearance of the site. This will be apparent from both the footpath and to a degree the churchyard itself.*
130. *The operation of the site for extraction purposes will have an impact upon this, that should be considered to have a level of harm upon the setting.*
131. *Rempstone Hall also lies in close proximity though separated from the site by Ashby Road. The road forms a relatively noisy barrier between the two sites, which the existing growth of vegetation, trees and boundary wall, plays an effective role in screening. Whilst it is possible that noise levels could be*

increased through the environmental effect of plant operation or increased traffic, it is considered that the level of any impact would be minor compared to that on the Church.

132. *Restoration phase – the restoration of the site will see the land return to agricultural character mixed with habitat zones, parkland planting and native hedgerows following historic field boundaries. This should see a return to a character that would serve once again to enhance the setting of the listed buildings. It is strongly recommended that in order for this to be as effective as possible that any unnatural gradients are shallow and that planting should be considered so as not to obscure views of the church tower from the fully reinstated right of way. A level of interpretation of the site could also be considered though it is considered that the archaeological resource should be the primary driver for this.*
133. **NCC (Countryside Access)** *raises no objection to the proposed development. Rempstone Bridleway No. 11 and Footpath No. 1 are both affected and Cemex have dealt with them appropriately. An alternative route for Footpath No. 1 has been discussed, and an alternative to the legal temporary diversion of Footpath No. 1 would allow a more interesting route, to the east and north of the site. Furthermore, the phased works and the willingness to keep the definitive path open as long as possible with phased permissive diversions as well as the legal one is appreciated.*
134. *Cemex in allowing a permissive route to the east and north, do so on the basis that they are liable for the route, its suitability and safety for users. This route would provide a circular walk for the local walkers for the duration of the works. For the protection of the land, it is recommended that this permission is made obvious through a sign on the path, and that on completion of the work it would be withdrawn when the original route is restored and reinstated.*
135. **NCC (Landscape)** *raises no objection to the proposals given that although there are serious doubts about the design of the restoration proposal, notably the impact on landscape character (due to topographic change), on balance this is probably counter-balanced by the post-operational visual impact.*
136. *A Landscape and Visual Assessment provided to support the application is generally thorough and explains the methodology, although it would have been useful if a ZTV image (Zone of Theoretical Visibility) had been included to verify the selection of viewpoints. The development site forms a gently sloping north facing slope bounding Ashby Road, generally between the 70 and 75 metre contours (approximately 1:100 slope). The surrounding topography undulates between 55-80 metres and the views across the plateau are limited by hedge lines and woodland as well as topography. It is identified that the site falls within Policy Zone NW02: East Leake Rolling Farmland, which has an overall landscape strategy of Conserve and Enhance.*
137. *Impact on Landscape Character (operational phase) – the designation of the landscape as having medium sensitivity is agreed with. As the site is gently rolling plateau with agricultural land use, extraction can only be a significant impact, with the overall magnitude of the impact on landscape character being assessed as moderate adverse for the operational period.*

138. *Impact on Landscape Character (post-restoration phase) – the restoration proposals show a landscape with quite different topography, with the plateau being replaced with a void, boundary slopes as steep as 1:2:5, terraced ponds and an overall height difference of 13 metres. The former extensive arable field is replaced by smaller fields, hedged field boundaries and linear woodland, which are in line with the policy recommendations. However, given that the strength of the landscape character is derived in part from topography, identified as ‘rolling landscape which forms part of the wider glacial plateau’, and in the context of an overall landscape strategy of Conserve and Enhance, what might be an attractive post-restoration landscape in a different part of the county, is not necessarily viewed so positively in this context.*
139. *The only similar landscape in the vicinity would be that restored on the adjacent extraction site. Consequently, the magnitude of change is assessed as low to medium, giving an overall slight-moderate adverse impact.*
140. *Impact on visual amenity (operational phase) – there would undoubtedly be a high magnitude of change for receptors adjacent to the site and where these are receptors with high sensitivity (footpath users), the overall impact would be moderate adverse. For road users, who are of low sensitivity, there would be glimpses through the hedge; and overall the impact is considered to be slight adverse.*
141. *Impact on visual amenity (post-restoration phase) – The LVIA assesses visual impact from all viewpoints as beneficial to some extent, including viewpoints from where the development will be barely, or not at all, visible. Taking a more measured view, the restored landscape would be attractive and diverse. For footpath users particularly, the resultant impacts would be at least neutral-beneficial, depending on the receptors perception of the change to landscape character. For nearby residents and road-users, it is considered the post-restoration phase would also be neutral-beneficial.*
142. *In conclusion, whilst serious doubts have been expressed about the design of the restoration proposal, notably the impact on landscape character, (due to topographic change), on balance, this is probably counter-balanced by the post operational visual impact.*
143. **NCC (Reclamation)** *raises no objection to the planning application and considers that the site proposals have addressed the main contamination issues for such a development.*
144. *In terms of contamination impacts, the extraction of sand and gravel gives rise to the risk of uncontrolled sediment release to the local aquatic ecosystems, however these risks are identified within the environmental statement, and satisfactory methods of works to mitigate such risks are proposed.*
145. *The extraction of the sand and gravel once completed will lead to a site level which is lower than existing, thereby forming the wetland conservation feature. It is not proposed that any imported materials are used in the restoration process, thus the risks of importing contaminated materials are averted. Any proposal to vary this should be conditioned such that the provenance of the proposed imported material is known and that a full contamination*

assessment/analysis is completed prior to any materials being imported to the site, including any topsoil.

146. *The area is not suspected of containing contaminated ground, the prime use having been agricultural production.*
147. *The proposals identify that the handling, storage and re-use of the topsoil and subsoil at the site are in accordance with industry practice.*
148. **NCC (Noise Engineer)** *raises no objection to the proposed development on grounds that it is acceptable on noise grounds subject to the inclusion of various planning conditions, placing noise limits and associated controls on extraction and ancillary operations. As the applicant is seeking to consolidate all existing permissions, attention is drawn to the fact that the conditions would need to carry over noise limits for previously permitted works in other areas of the site.*
149. *The noise assessment has considered the noise impact in accordance with the NPPF technical guidance at the nearest receptors. The noise assessment predicted noise levels from extraction operations based on the procedure outlined in BS5228 – Part 1, and for the purposes of predicting ‘worst case’ noise levels has assumed that plant will operate 100% of the time, at 1 metre below existing ground levels at the closest approach at each receptor. The modelling indicated that the prescribed noise levels would be exceeded at property locations 1 (Lings Farmhouse), 3 (Rempstone Church) and 5 (Beech Tree Lodge).*
150. *The assessment has therefore proposed a series of noise mitigation measures, which include minimum stand-off distances and earth bunds, and the predicted noise levels, with the mitigation in place, are compliant with the maximum level of 55dB_{LAEQ, 1hr}, which is the daytime noise limit for normal operations.*
151. *Temporary operations to soil strip, construct bunds and dismantle bunds are classified as temporary operations. The NPPF technical guidance in recognition of the short term nature of these works recommends a maximum noise level of 70dB_{LAEQ, 1hr} for a maximum of 8 weeks in a calendar year. The noise assessment has considered the noise levels and duration of the temporary operations at each receptor and concludes that this can be complied with.*
152. *Conditions are recommended regarding the use of white noise reversing alarms and silencers on mobile plant, machinery and vehicles; the setting of noise limits at the nearest noise sensitive properties during normal operations; controls over temporary operations; quarterly noise monitoring at the nearest noise-sensitive properties throughout the operational life of the quarry; additional noise monitoring in the event of a justifiable complaint from any surrounding residential property; and controls over the hours of operation.*
153. **Nottingham East Midlands Airport (EMA)** *is able to remove its holding objection to the development subject to conditions covering a bird management plan for the entire East Leake Quarry site, and ensuring that the applicant adheres to restoration plan Drawing Number 13_C007_ELEK/P5/689/9A, both of which should be subject to approval by the MPA through further consultation with East Midlands Airport.*

154. **Trent Valley Internal Drainage Board** raises no objection to the proposed development. The site is located outside of the Board's district but within the Board's catchment. Surface water run-off from the site must not be increased during the extraction or restoration phases. It is directed that the Board is to be consulted on any proposed changes of surface water drainage at the site. An advisory note/informative would be attached to any decision notice.
155. **National Planning Casework Unit, Costock Parish Council, East Leake Parish Council, British Gypsum Limited, National Grid (Gas), Western Power Distribution, British Horse Society, East Midlands Helicopters, the Ramblers Association, and NCC (Forestry and Arboriculture)**, have made no response. Any responses received will be orally reported.

Publicity

156. The application has been publicised as a departure application, affecting the setting of a listed building and a public right of way by means of twenty-two site notices, a press notice and thirty-four neighbour notification letters sent to the nearest occupiers on Ashby Road, Rempstone Road and Loughborough Road, and to All Saints' Church, Ashby Road, Stanford Hall, Ashby Road and the Manor Animal Farm and Donkey Sanctuary, Castle Hill, East Leake, in accordance with the County Council's Adopted Statement of Community Involvement Review.
157. Eight letters of objection have been received from six separate addresses (five residential properties and All Saints' Church). These comprise three objections made on the previous application which was subsequently withdrawn, and five more submitted with respect to this application. Objections have been raised on the following grounds:
- (a) dust impacts, with potential for the local area to be contaminated by dust from the operations; health impacts from breathing in dust, and safety issues, including affecting the operations of the helicopters at East Midlands Helicopters, which is situated on the A60 near the proposed development;
 - (b) noise impacts, with heightened levels of noise (and dust) given the prevailing westerly wind;
 - (c) environmental impacts, with a destruction of the environment and impacts on a wide variety of wildlife;
 - (d) impact on the amenity and seclusion of adjacent occupiers, (particularly Clifton Lodge, a Grade II Listed dwelling abutting the proposed site); 'massive' de-valuation of property, including saleability, as no-one would want to buy a property with 'a quarry in its back garden';
 - (e) visual amenity impacts, given a very obvious and obnoxious presence of an industrial site; concern that current uninterrupted south-western views of farmland towards the A6006 and beyond, would be considerably blighted by the proposed workings despite stated plans for landscape screening;

- (f) residential amenity impacts, with disturbance from quarry operations; spoiling local residents enjoyment of their homes, particularly for those who are retired;
- (g) traffic impacts; whilst assurances are given that traffic volumes will not increase, there is concern that this may be breached and how it can be monitored; heavy traffic congestion at the A6006 traffic lights at both Rempstone and Zouch with severe delays, and any increase will further exacerbate this situation. Furthermore, the stated variance between the average of 2 tonnes and the largest of 30 tonnes may have the effect of increasing heavy lorry traffic, north along the A60;
- (h) problems with access, with numerous lorries trying to approach the proposed development from the A60 or the A6006; there is a major safety aspect as both the roads are trunk roads and very busy at all times of the day; traffic will add to the bottlenecks and time delays;
- (i) opposition to the diverted public footpath coming anywhere near residential properties;
- (j) recreational impacts, particularly on walkers;
- (k) there is nothing the operator can do to make its presence more acceptable, whilst 'all sorts of barriers' would be constructed to hide quarry workings, this will not prevent the very obvious presence of an industrial site;
- (l) proposed quarry boundary is too close to residential properties, and assurances are sought that everything possible will be done to minimise distance noise, so local residents can continue to enjoy their retirement undisturbed;
- (m) the long-term nature of the development is a blight on local residents retirement and twilight years;
- (n) cumulative impact of development in this area, with helicopter activity, proximity to East Midlands Airport, British Gypsum traffic, and extended workings beneath this area; and since 2005 increased traffic on the A60 as major M1 and A453 roadworks have taken place. This latest development is yet another major disappointment in the apparent lack of planning controls in this part of Nottinghamshire;
- (o) what guarantees are being agreed by the Council, if the development does go ahead to clean up; address dirty roads; and secure restoration in the future?;
- (p) concern that once the applicant has extracted all it can and got their 'monies worth' out of the land, and it is of no use to them, there are uncertainties. Would they sell the land on? Would warehouses and industrial units be built on Green Belt land to support its operations?;
- (q) future concerns that Cemex may apply for another extension once they have exhausted the reserves in this area, which may see them acquiring

more farmland on the other side of the A60, with impacts on the community, house prices, and way of life, in this so far unspoilt area;

(r) all relevant planning officials should fully understand the need for strict control and future monitoring for an indefinite period, if this development goes ahead;

(s) concerns about the amenity impact to All Saints' Church.

158. One letter of objection has raised non-specific concerns which the objector has stated that they have raised with the applicant. The letter proposes to submit a detailed letter in the event that they do not hear from the applicant but no additional letter has been received.

159. All Saints' Church has raised an objection to the proposed development on grounds of amenity impacts to the church.

160. Councillors Reg Adair and Andrew Brown have been notified of the application.

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

Observations

Introduction

162. The extension at East Leake Quarry is critical to Cemex's operations within the East Midlands Region. The applicant is a leading global producer of cement, concrete and other building materials, and strategically the existing quarry at East Leake is a key site that is well located to supply the South Nottinghamshire and North Leicestershire aggregate markets.

163. It is considered that the proposed extension, known as the Rempstone Extension site, provides a strategic release of sand and gravel to the south of the County and provides an opportunity for biodiverse conservation restoration. The Rempstone Extension site is considered a logical progression of mineral working within the East Leake area ensuring the release of quality reserves prior to quarrying operations ceasing in this area.

164. It is proposed that the Rempstone Extension site would commence during the final phase of Burton's to ensure there is a continuation of mineral extraction at East Leake Quarry. The proposed extension area is not allocated within the existing Adopted MLP as a site specific allocation, but is being included as a draft allocation in the Emerging MLP. The next stage of consultation will be the submission draft consultation expected to be undertaken in December 2015. The Emerging MLP will then be submitted to the Government in early 2016 for Examination in Public.

165. Reference is now made to those material considerations considered relevant to the determination of this planning application.

Mineral policy considerations

166. The NPPF sets out the national policy approach towards development, including minerals development, which is set out under Section 13 'Facilitating the sustainable use of minerals'. This is supported by a technical guidance, relating to the environmental criteria against which to assess minerals development. In addition, the NPPF sets out guidance as to the degree of weight that should be afforded local plans since its publication. 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 to the Framework, the greater the weight that may be given)'. As such, the Adopted MLP remains valid for the purposes of determining this planning application.
167. Paragraph 216 also indicates that from the day of publication, weight may also be given to emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF. In this respect, the strategic and development management policies of the Emerging MLP are also given due weight and consideration in relation to this application, although that weight is still limited by the stage of preparation.

Need for the site

168. As identified in the NPPF, minerals are essential for sustainable economic growth and in supporting quality of life. The Framework therefore seeks to ensure that sufficient supplies of minerals are maintained to support the development of infrastructure, buildings, energy and goods that the Country needs (paragraph 142).
169. To this end, it requires minerals planning authorities to plan for an adequate and steady supply of aggregates, which in the case of sand and gravel means maintaining reserves equivalent to **at least** seven years of annual production (referred to as a 'landbank') (paragraph 145). In support of this approach, the Framework encourages local planning authorities to incorporate allocations within their local development plans, of specific sites, preferred areas and/or locational criteria, to ensure an adequate landbank is maintained.
170. Whilst pre-dating the NPPF, the adopted MLP approach is consistent with the Framework, and requires the County Council to maintain a seven year landbank of permitted sand and gravel reserves. This is set out in adopted MLP Policy M6.2 (Sand and Gravel Landbank), and Policy MP1 of the emerging MLP. To ensure that this landbank is maintained, the adopted MLP allocated sites across the County, to ensure an even distribution of sand and gravel reserves. East Leake Quarry was one of seven sites allocated at the time, many of which have now been worked out, due to the age of the plan.
171. The proposed extension is not an allocated site for sand and gravel extraction within the adopted MLP as, at the time of the plan's adoption (December 2005), it was considered that the original site allocation (Lings Farm) had sufficient

reserves to last throughout the duration of the MLP. Consequently, the proposal must be assessed in the context of adopted MLP Policy M6.3, as an unallocated site for sand and gravel extraction, and also needs to be considered against adopted MLP Policy M6.2.

172. Adopted Policy M6.3 states that sand and gravel extraction, falling outside allocated areas, would only be permitted, when it is evident that permitted reserves and remaining allocations cannot sustain an adequate landbank and processing capacity, as required under adopted Policy M6.2 of the MLP.
173. The sand and gravel landbank as of December 2013 (the latest published figures available) stood at 7.95 years, which is marginally above the minimum 7 years as set out in the MLP and the NPPF. However, since December 2013, additional reserves have been granted planning permission, as part of a new site at Scrooby (36,000 tonnes), and extensions at Langford (1,438,000 tonnes) and Finningley (770,000 tonnes) quarries. Taking these new reserves into account and based on the assumption that production since December 2013 has been equal to the 2.24 million tonnes figure in the Local Aggregates Assessment, the projected landbank as of the end of October 2015, is 7.11 years, which is marginally above the minimum requirement as set out in adopted MLP Policy M6.2.
174. The proposed extension to East Leake Quarry would provide another 1.78 million tonnes of sand and gravel reserves, which would contribute a further nine months, 2 weeks of sand and gravel supply to the landbank. It is also noted that two applications for a combined 510,000 tonnes of sand and gravel at Newington South and Newington West have officer recommendation for approval at this committee. These two applications would contribute approximately 11 – 12 weeks of additional reserves to the landbank. All three proposals would therefore increase the sand and gravel landbank to 8.13 years.
175. With the existing landbank being only marginally above the 7 year minimum, it is considered that the proposed extension would help to sustain the 7 year landbank, as required by Policies M6.2 and M6.3 of the MLP. Furthermore, it would not result in an oversupply of sand and gravel in the county and would not jeopardise the delivery of other sites allocated in the MLP. Instead, the increase in the landbank would provide some security of supply.
176. An additional material consideration, which lends further policy support to the proposal, lies in the fact that the proposed Rempstone Extension site is a preferred option in the emerging MLP, and as such, has been identified as part of the future provision of sand and gravel in the county over the new plan period. Policy MP2 'sand and gravel provision' includes an allocation called MP2k: East Leake East (the Rempstone Extension site) with the application covering the same area as the allocation identified in the emerging plan.
177. As with Policy M6.2 of the adopted MLP, Policy MP1 of the emerging MLP requires provision to be made to maintain a 7 year landbank for sand and gravel. To achieve this, Policy MP1 of the emerging MLP has identified provision of 49.02 million tonnes of sand and gravel to meet anticipated levels of demand over the entire plan period (2012-2030). It is anticipated that the extraction of remaining reserves at existing permitted sites, including East

Leake, would initially help to maintain an acceptable landbank and ensure continuity of supplies. For the remainder of the plan period, Rempstone Extension site is identified as one of a number of preferred options for sand and gravel extraction, being one of twelve extensions to existing quarry sites distributed across the county which are needed in order to secure additional reserves over the plan period. The commencement of the proposed Rempstone Extension site would assist the county's supply of sand and gravel between 2016 and 2028.

178. Attention is drawn to paragraph 144 of the NPPF, which requires planning authorities, when making decisions, to give great weight to the benefits derived from mineral extraction, including those to the economy. In this respect, East Leake Quarry is a key strategic site, ideally situated to serve the south Nottinghamshire and north Leicestershire markets with aggregates. The loss of production capacity at East Leake would impact on the strategic aim to provide a steady and adequate supply of aggregates from an established quarry in the south of the county, with its own distinct local market.
179. By way of this application, the applicant is seeking to extend the life of this quarry over the longer term, and the continuation of existing operations in the south of the county. It is proposed for the Rempstone Extension site to come on line in 2016 during the final stages of the permitted extraction in Burton's Land, with reserves expected to be depleted by March 2016.
180. Without the reserves contained within the extension site, existing operations would cease at the quarry and the processing plant removed. In effect, the reserves would be sterilised from being a high grade product, to one which at some future date, might be excavated and sold unprocessed 'as raised' material, for low grade uses, such as bulk fill. The proposal seeks to ensure the continuation of East Leake Quarry and the effective use of the mineral reserve. As such, it is considered that it is appropriate to bring the Rempstone Extension site forward now, in order to continue supplying an essential product to a defined local market, utilising existing infrastructure and providing restoration benefits. This accords with the aims and objectives of the NPPF, which emphasises the need to supply a range of types of aggregates, secure an adequate distribution of locations of permitted reserves relative to markets, and maintain the productive capacity of permitted sites.
181. Permitted mineral reserves at East Leake are likely to be exhausted prior to the adoption of the emerging MLP. The need for the extension site is a material consideration, in line with the NPPF, which lends support to maintaining the viability of existing quarry sites (paragraph 145), and ensuring local supplies of sand and gravel (paragraph 143). Therefore, whilst a decision on this application is somewhat premature ahead of the new MLP's formal adoption, material considerations would argue in support of the Rempstone Extension site. The policy support is outlined above, in terms of adopted MLP policies M6.2 and M6.3, and Policy MP1 of the emerging MLP.
182. The proposal would contribute to the county's ability to maintain its flexibility in supply of sand and gravel and its even distribution across the county, in accordance with the NPPF. It would benefit the local economy and ensure that local demand is both met and sustained. If East Leake is to maintain its current

contribution to the landbank, assessed as being 180,000 tonnes per annum up to 2016 (reflected in the MLP's Table 6.4), as well as making up a proportion of the projected shortfall into the future under the new replacement plan (up to 2028), then the Rempstone Extension site is needed as a replacement for Burton's site. On balance, it is considered appropriate to bring this extension forward now, and there would be no benefit in terms of delaying a decision on the application, prior to the adoption of the replacement plan.

183. Overall, there is sufficient policy support and other supporting material considerations to indicate that the proposal should be permitted subject to there being no unacceptable environmental and amenity impacts associated with this development.

Environmental impacts of the development

Highways implications

184. MLP Policy M3.13 states that planning permission will not be granted for minerals development where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable impact upon the environment and disturbance to local amenity.
185. The existing transport patterns at East Leake Quarry would not be altered by the proposed development, with the only significant change being the duration of operations. Given this fact, a Transport Assessment (TA) submitted as part of the Environmental Statement, has considered the suitability of the quarry access arrangements and local highway network (namely, the A6006 and its junctions with Rempstone Road and the A60) to accommodate continuing quarry related traffic, taking into account growth in traffic levels up to 2024, when extraction activities are expected to cease.
186. The results (based on AM peak hour traffic levels) have demonstrated that daily traffic flows using the major road network at the Rempstone Road/A6006 Melton/Ashby Road junction would continue to be well below the maximum levels recommended for this type of junction, and traffic levels along Rempstone Road would be only marginally above the threshold. It is therefore concluded that the junction would continue to operate within its design capacity, for the duration of sand and gravel extraction at the quarry.
187. The assessment looked at A6006/A60 signalled junction, a 4-armed signal controlled junction adjacent to Rempstone Village. Based on current traffic patterns, this location would accommodate some 50 percent of vehicle movements associated with the quarry. This equates to six HGV and three light vehicle trips during the AM peak hour, based on existing extraction rates continuing, as proposed under this planning application.
188. Quarry traffic routing east of the site would continue to use the A6006 Melton/Ashby Road, which then continues through Rempstone Village along Main Street, via the controlled junction. As referred to previously, up to half of the daily HGV movements associated with the quarry could potentially travel through Rempstone Village. However, it is noted that this part of the highway

network, including the section of the A6006 through Rempstone Village, has been designed to accommodate two-way traffic flows of up to 2,200 vehicles per hour, and is designated as an 'urban all-purpose road'. The indications are that the A6006 Melton/Ashby Road and A6006 Main Street, Rempstone Village, would continue to carry traffic levels significantly below their design capacity, which would include quarry related traffic. Both Melton/Ashby Road and Main Street passing through Rempstone Village are considered suitable in terms of accommodating the limited peak hour traffic associated with a continuation of quarrying activities up until 2024.

189. The Highways Authority has indicated that the surrounding highways network is suitable in terms of accommodating existing quarry related traffic. The TA's findings demonstrate that the surrounding highway network, in its existing form, would continue to be acceptable in terms of highway capacity and safety up to the projected completion date of quarrying activities. The predicted AM peak hour traffic for that year demonstrates that quarry traffic would make up a negligible proportion (0.4 percent) of the total traffic level predicted to pass along the local road network in 2024. Therefore, the continuation of extraction operations at East Leake Quarry, by way of the proposed Rempstone Extension site, would not materially impact on the operation of the surrounding highway network, in terms of capacity.
190. In terms of highway safety, it is considered unlikely that the proposed development would have a negative impact, given that it would not increase traffic using the local highways. The TA indicates a limited record of personal injury accidents in the vicinity of the site. During the most recent five year period, recorded incidences indicate only a single minor accident involving an HGV at the A6006/A60 signalled junction, and it is not known if this involved a quarry vehicle. No incidents have been reported involving HGV traffic at either the quarry access onto Rempstone Road, or the Rempstone Road/A6006 junction. This would suggest that the access route via Rempstone Road has satisfactorily accommodated HGV traffic associated with the quarry. There is nothing to indicate that this route would be anything other than suitable in terms of highway capacity and safety, for a continued use by quarry traffic associated with this planning application.
191. No objection has been raised with regards to the duration of operations at East Leake Quarry by the Highways Authority and all other aspects of the proposals remain constant in terms of levels of traffic generated by the proposed development, and access and lorry routing arrangements, and the site continuing to adhere to the lorry routing agreements. It is considered that the proposals would not generate any additional environmental impacts or disturbance to local amenity. As such, the proposed development is compliant with Policy M3.13 of the Adopted MLP.
192. Overall, the proposed development would not have a material impact on either the surrounding local road network, or the closest strategic routes (namely, the M1 or A46), with the highway network remaining capable of satisfactorily accommodating the vehicle movements associated with this development, subject to previous planning conditions and lorry routing agreement remaining in place.

193. A key issue raised by local residents relates to potential traffic impacts associated with the proposals. Specifically, there is concern relating to traffic congestion, the capacity of the local road network to accommodate traffic associated with the development and safety aspects, which the above observations seek to address.
194. These concerns would appear to be unfounded given that the proposals would only result in the continuation of historic production levels, and as a result, traffic movements associated with these operations would remain as currently experienced at the permitted quarry site.
195. A further point raised relates to that of the robustness of the controls in place to control traffic volumes. In response, attention is drawn to the fact that the site is routinely monitored by the County Council, as the Minerals Planning Authority, and the records of vehicle numbers are open to inspection. Historically, the applicant has demonstrated that it strictly adheres to the agreed practices relating to quarry traffic, and there is nothing to suggest that current practices would not continue. A planning condition would remain in force for the duration of site operations, controlling daily HGV movements, and requiring the applicant to maintain written records of all such movements, and to make these available to the MPA. It is considered that sufficiently robust measures exist to control vehicle numbers.
196. The Highways Authority underlines the acceptability of the proposals, with an understanding that the previous arrangements (to secure the access, routing agreement, and prevention of dust/dirt/loose aggregate onto the public highway) would be kept in place. As part of the planning application, existing access, routing arrangements and wheelwash facilities, would remain in place for the duration of site operations, and would continue to be secured by previously attached planning conditions, and the lorry routeing agreement.
197. These arrangements have proved satisfactory in the case of existing operations, and no complaints have been received by the MPA with regards to traffic issues. As such, the proposals would continue to accord with Adopted MLP Policies M3.14 (Vehicular Routeing); and M3.12 (Highways Safety and Protection), which seeks to protect the highway from damage and contamination from minerals developments through the use of wheel cleaning facilities, sheeting of lorries and the metalling of haul roads to minimise mud and other debris entering the highway. Subject to the retention of these arrangements throughout the operational life of the site, the requirements of these policies would continue to be satisfied.

Noise impacts

198. Policy M3.5 of the Adopted MLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, setting maximum noise levels at sensitive locations, and the use of acoustic screening, such as baffle mounds or fencing. Noise limits have been set in the NPPF's technical guidance with regards to mineral extraction.

199. A noise assessment undertaken as part of the Environmental Statement, has calculated the noise impact from quarrying activities, in line with the NPPF's technical guidance, at four local residential properties, and All Saints' Church. Baseline noise surveys were conducted over two days, at these five locations, which were considered representative of the nearest noise sensitive properties to the site. The NPPF guidance recommends a maximum noise limit, during permitted hours for mineral extraction, of 10dB above existing background noise levels, up to a maximum level of 55dB (LAeq, 1hr).
200. Without mitigation, the results indicate that the quarrying operations have the potential to exceed the recommended noise levels (background (L₉₀) + 10dB) at three of the five locations (Lings Farmhouse, All Saints' (Rempstone) Church and Beech Tree Lodge).
201. The proposed development has, however, been designed to include acoustic attenuation barriers, by way of 3-4 metre high soil and clay storage mounds, to the eastern and southern site boundaries. This would include two storage mounds (clay and topsoil) to the south-eastern perimeter boundary which would act as an acoustic baffle to All Saints' Church and Clifton Lodge. In all cases, there would be significant stand-off distances between the proposed extraction site and the nearest noise sensitive properties.
202. With mitigation, the calculated noise levels, for regular quarrying operations, demonstrates that the proposed development would be capable of complying with the recommended noise limits, at all the assessment locations.
203. Other noise mitigation measures would involve the enforcement of on-site low speed limits (10-20mph), one way haulage routes to reduce reversing alarms and good maintenance of the site road surface. The applicant proposes the regulation of operating hours.
204. A higher permissible noise level exists for temporary operations, with the NPPF recognising the short-term nature of these works and recommending that noise levels from activities such as soil stripping and constructing and dismantling earth bunds should not exceed 70dB(A) LAeq, 1hr for more than 8 weeks in any calendar year. The assessment has considered the noise levels and duration of these temporary operations at each receptor, and has concluded that this can be complied with. Towards the end of the restoration, there would be a short period when the screening effect of the perimeter bunds is reduced or lost completely, and at that stage noise levels would be above the appropriate criterion level for normal operations. However, the works would be capable of being completed well within the criterion level for temporary operations of 70 dB(A) LAeq, 1hr.
205. Subject to the imposition of controls over noise emissions from the development, in line with the recommendations made by the County Council's Noise Engineer, the proposals would be acceptable on noise grounds. In accordance with Adopted MLP Policy M3.5, planning conditions would seek to ensure that maximum noise levels at the nearest sensitive receptors are not exceeded (both for normal and temporary operations), including a requirement on the part of the applicant to undertake regular noise monitoring, at five identified properties, including the church, at three monthly intervals during the operational life of the

quarry. Other controls would include restrictions on operational hours, and the appropriate use of silencers and reversing alarms on mobile plant, machinery and vehicles. Furthermore, in the event that a justifiable noise complaint is received by the MPA from any residential property or the church, the applicant would be required to undertake a noise survey, and in the event of noise limits being exceeded, identify steps to be taken to ensure future compliance.

206. As the proposals also include consolidating all existing permissions, noise limits for previously permitted works in other areas of the quarry site would be carried over into any new planning consent.
207. It is noted that there are no objections to the application on environmental health grounds subject to existing conditions relating to noise being carried over in any permission and updated to reflect the sensitive receptors identified in the acoustic report.
208. Subject to the above provisions, it is considered that the proposed development would accord with Policy M3.5 of the Adopted MLP and with the requirements of the NPPF's technical guidance. It is considered that the proposed extension site is capable of being worked with noise emissions controlled to within environmentally acceptable limits.

Air quality/dust impacts

209. The potential for dust emissions to the atmosphere from extraction and restoration activities together with the magnitude and significance of these impacts has been assessed within an air quality assessment, which forms part of the technical appendices to the ES. This references the NPPF's technical guidance, which is based on unavoidable dust emissions being suitably controlled, mitigated or removed at source.
210. Adopted MLP Policy M3.7 and the NPPF support the 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.
211. The principle air emissions from sand and gravel quarries are wind-blown fugitive dusts (particulate matter) and nitrogen dioxide from engines in HGVs and mobile plant. A number of possible dust sources have been identified, which in the absence of remedial measures have the potential to give rise to dust nuisance. These include dust emissions from large scale earth moving during soil and overburden stripping, bund formation, and site preparation and restoration works; dust from extraction, loading, and placement of restoration material; and finally, dust emissions from lorry movements along haul roads. These operations have the potential to be a source of dust, especially when conditions are excessively dry and windy. Dust emissions from the actual sand and gravel extraction and processing are deemed to be low, as a result of the high moisture content of the excavated material.
212. The air quality assessment contains both an analysis of wind patterns in the area, and the susceptibility of neighbouring properties to dust dispersal. Of the nearest residential receptors, only Beech Tree Lodge is identified as being

highly susceptible to dust impacts, with other properties deemed to have a low to moderate level of susceptibility. This particular property is the closest potential dust sensitive receptor downwind of the prevailing south-westerly wind direction and without mitigation, the potential for dust impacts to this property is significant. However, the potential risk of dust impacts would only occur when operations are at their closest point to these respective properties, which would be confined to only one or two phases of the works, and over a relatively short duration of time.

213. However, there is existing tree screening, albeit somewhat limited, around the property, and the use of screening bunds to the eastern site boundary would protect this particular receptor location. It is identified that potential dust sensitive receptors to the south and south-west of the site would have a low likelihood of dust impacts, given the prevailing wind.
214. Additional dust control measures, monitoring, and reporting when working in areas close to sensitive receptor locations (most notably Beech Tree Lodge), are proposed. This would include rigorous monitoring of meteorological conditions supplemented by the use of water bowsers to prevent any potential dust emissions. Subject to appropriate mitigation, it is considered unlikely that any of the surrounding environmentally sensitive receptors would experience an increase in dust levels. A combination of the site design and extensive dust control measures would ensure that there is a low risk of potential dust emissions.
215. Based on previous site operations, there are sufficient site operational controls in place, which have ensured effective dust control. Any potential dust nuisance arising from quarrying activities would continue to be minimised.
216. The air quality assessment has clearly identified both dust generating activities associated with the proposed extension, and the appropriate mitigation strategies necessary to avoid, reduce and remedy the effects of dust generation. An existing dust monitoring scheme, which has proven to be effective across the consented areas, would be extended to cover the proposed extension site. The purpose of the dust scheme is to control dust generation and movement at source, through appropriate mitigation measures, and to monitor dust emissions to ensure recommended levels are not exceeded. Specific measures identified to control dust emissions at source include the use of water bowsers and sprays to control dust, the sheeting of lorries, defined haulage routes with a maintained surface dampened as necessary; dampening of surface restoration areas as necessary; suspension of operations in extreme wind; bunding as required; and the progressive restoration of the site to minimise exposed areas. There are no objections on environmental health grounds, provided that these measures are secured through the dust management plan, and put into operation across the proposed extension site. Planning conditions, as carried over from previous permissions, would continue to place suitable controls over dust emissions.
217. The air quality assessment has clearly identified both dust generating activities associated with the proposed extension, and the appropriate mitigation strategies necessary to avoid, reduce and remedy the effects of dust generation. An existing dust monitoring scheme, which has proven to be effective across the consented areas, would be extended to cover the proposed extension site. The

purpose of the dust scheme is to control dust generation and movement at source, through appropriate mitigation measures, and to monitor dust emissions to ensure recommended levels are not exceeded. Specific measures identified to control dust emissions at source include the use of water bowsers and sprays to control dust, the sheeting of lorries, defined haulage routes with a maintained surface dampened as necessary; dampening of surface restoration areas as necessary; suspension of operations in extreme wind; bunding as required; and the progressive restoration of the site to minimise exposed areas. There are no objections on environmental health grounds, provided that these measures are secured through the dust management plan, and put into operation across the proposed extension site. Planning conditions, as carried over from previous permissions, would continue to place suitable controls over dust emissions.

218. Site design considerations would also reduce the potential for dust emissions at the proposed Rempstone Extension site. This would include aspects such as maintaining the existing screening around the site to reduce wind speeds; maintaining the existing processing plant; managing storage piles in the sheltered existing quarry areas; and designing storage piles and bunds with gentle slopes to reduce wind whipping.
219. The site is not identified as an Air Quality Management area. With regards to human health, it is PM10 dust particles (very small dust particles) that are of concern, as they are capable of being inhaled into the lungs. The air quality assessment indicates that the Rempstone Extension site would not be a source of fine particulate dust. This is evidenced on a review (dated 2009 and 2011) of air quality in the local area, by Rushcliffe Borough Council. Whilst East Leake Quarry was identified as being a potential source of PM10, the review indicated that there is no relevant exposure to this source of particulate emissions within the local area.
220. The Borough Council's report concluded that this area is unlikely to exceed PM10 levels, and there are no areas of concern with regards to dust concentrations in the East Leake Area. Furthermore, DEFRA indicates that quarrying operations are unlikely to contribute to background PM10. Potential risks to human health from dust emissions are therefore not predicted. It is noted that the EHO has not raised any concerns with regards to human health and quarrying operations.
221. With regards to vehicle emissions, it noted that whilst there would be some exhaust emissions from operational plant and machinery, and vehicles transporting material, all plant and vehicles would be fitted with exhaust equipment, in accordance with legislation, under EC Directives.
222. It is noted that the existing activities at the quarry have not generated any dust complaints. Existing planning conditions relating to dust control would be carried over in any new permission, and updated to reflect the identified sensitive receptors highlighted in the air quality assessment report. This would ensure compliance with Adopted MLP Policy M3.7, and the NPPF's technical guidance. The air quality assessment together with the EHO observations has clearly demonstrated that any environmentally sensitive receptors surrounding the site would not be adversely affected, and any impacts, subject to appropriate mitigation, would be minimal.

Landscape and visual impact

223. Policy M3.3 of the Adopted MLP seeks to reduce the visual impact of minerals developments to acceptable levels by controlling the location, colour and height of any plant, buildings and structures on site. Policy M3.4 seeks to reduce visual impacts through the screening and landscaping of minerals developments. Policy M3.22 requires landscape character and local distinctiveness to be fully taken into consideration as part of development proposals and does not allow for development which adversely impacts the character and distinctiveness of the landscape unless there are reasons of overriding public interest and where ameliorative measures can reduce the impact to acceptable levels.
224. The landscape and visual impact of the development has been assessed as part of the Environmental Impact Assessment process. In terms of the national level landscape character assessment, the application site is defined as being part of the 'Leicestershire and Nottinghamshire Wolds', with this providing the landscape context for the site. At a county level, the intrinsic characteristics of the site and its surroundings have been appraised as falling within Policy Zone 'NW02 East Leake Rolling Farmland' of the Greater Nottinghamshire Landscape Character Assessment, within the Nottinghamshire Wolds Character Area; and is typically characterised by undulating pastureland, interspersed with woodland copses, and defined field margins with hedgerow trees. The overall landscape strategy is to conserve and enhance, with specific reference being made to the conservation of hedgerows. The proposed extension site is generally characteristic of the landscapes within this area, and it is identified that the gently undulating topography, and existing hedge lines and woodland, limit views across the proposed development site.
225. In terms of the existing East Leake Quarry, it has previously been identified that the sand and gravel quarry has had a localised influence on the landscape character of the 'rolling farmlands' designation. This is reflected in the landscape strategy for the Nottinghamshire Wolds Character Area, which seeks to ensure that on completion of quarrying, hedgerow trees, hedgerows and small woodlands are encouraged within the restoration proposals to ensure that the land integrates with the surrounding area.
226. The above overview of the landscape characteristics of the Rempstone Extension site and its surroundings, provide a baseline against which to assess the sensitivity of the landscape to change resulting from the development, and the magnitude of that change.
227. The proposed extension site is considered to be of medium sensitivity to the proposed development, given its proximity to previous and current working areas, including the processing plant, which reduces the sensitivity of the site to similar proposals. The boundaries to the site are also largely contained by mature vegetation, which restricts views both into and out of the site. There is also scope for characteristic mitigation through the proposed restoration scheme. The proposed restoration scheme would return over half the land back to low level agriculture (pasture/grazing), whilst the remainder would be restored to rough grassland, naturally regenerated scrubland (to succeed to woodland) over old silt lagoons and small ponds with shallows. Furthermore, areas of woodland and new hedgerows would be planted, which would be typical of the

general rural character of the surroundings. It is therefore considered that the capacity of the site to accept change, resulting from being developed for minerals extraction, is moderately good. To mitigate potential impacts on the landscape character, it is proposed that boundary hedges would be gapped up and maintained at a height of 1.8 metres. Temporary earth mounds, some 3-5 metres in height bounding the extension site, would also assist in the screening of quarrying activities.

228. The landscape assessment identifies that there would be a moderately adverse impact to the landscape during the operational phase of the quarry. As the site is a gently rolling plateau with an agricultural land use, extraction can only be a significant impact on landscape character. Over the long-term, the magnitude of change is somewhat reduced, but continues to be slightly-moderately adverse, in terms of impact on the restored landscape. The post-restoration phase would show a landscape that has been restored with a relatively different topography. The plateau would be replaced with a void, with steep boundary slopes, terraced ponds and an overall height difference of 13 metres. However, other elements of the restoration scheme reflect the landscape strategy for this area, with the replacement of the former extensive arable field with smaller fields, together with hedged field boundaries and linear woodland. Nevertheless, the strength of the landscape character is derived, in part, from its topography, which is identified as rolling landscape forming part of a wider glacial plateau. When taken in context with the overall landscape strategy, which seeks to conserve and enhance the landscape, the post-restoration landscape would be viewed as less than positive.
229. However, this aside, the County Council's Landscape Officer does not object to the proposed scheme, and considers that long-term impact on landscape character due to topographic change may be balanced by the post-operational visual impact. In this respect, the restored landscape is assessed as being attractive and diverse, and for nearby residential receptors and footpath users, the resultant impacts are considered to be neutral to beneficial, in terms of the effect on the visual character of the area.
230. Post restoration, whilst the restored quarry operations would be noticeably different to the original landscape, and the proposal would increase the area of 'restored mineral workings', the restored land would still be rural in character and reasonably characteristic of the surroundings, with the proposed restoration scheme having been designed to promote key characteristic features of the Nottinghamshire Wolds Character Area. On balance, it is concluded that the impacts are capable of being reduced to an acceptable level, in compliance with Adopted MLP Policy M3.22.

Visual impact

231. The development has been designed to minimise visual impact and ensure the objectives of Adopted MLP Policies M3.3 and M3.4 are met. In this respect, significant stand-off distances and attenuation screening mounds to the eastern and southern boundaries have been incorporated into the scheme. All works occur at or below ground level thus ensuring the works are kept as low as practicable. Further mitigation would be provided by direct placement of soils

wherever possible together with progressive restoration of the site, to minimise disturbed areas visible at any one time.

232. More broadly, the visibility of the site from the wider surroundings is restricted mainly by existing intervening vegetation (most significantly the mature hedgerow around the southern and western boundaries) and the nature of the gently undulating landform. Nevertheless, there would be a notable change for the nearest sensitive receptors to the site, and for those receptors with high sensitivity (footpath users) there would be a moderately adverse impact, in terms of visual amenity, during the operational phase. In terms of residential properties, this would relate to Oaklands Farm, whose elevated position affords good views across the site, and Beech Tree Lodge, as the nearest sensitive receptor. However, it is considered that the highest impacts would only be temporary during screen bund construction/removal works, and that once in place, the attenuation bunds would screen views of the extraction works.
233. Beech Tree Lodge would be a relatively significant distance from the extraction site itself, being 100 metres away, with a 4 metre high bund to the eastern site boundary, maintaining a distance of 80 metres from this property.
234. It is considered that the proposal is in accordance with Adopted MLP Policies M3.3 and M3.4, given that any adverse visual impacts associated with this development, can be kept to acceptable levels, subject to securing the proposed attenuation measures by way of planning conditions.

Ecology

235. The proposed extraction site does not incorporate any designated ecological sites, and there are no statutory wildlife sites within a 2km radius. The proposals would not directly or indirectly impact on any SSSI's. Three Local Wildlife Sites (LWS) occur within proximity to the site, with the nearest, Sheepwash Brook Wetlands LWS 2/34, abutting the north-western boundary of the site. It is identified that impacts may occur, as a result of hydrological changes. No impacts are predicted with regards to two further LWS, which lie within 1km of the site, identified as Stanford Park LWS and Manor Farm, East Leake Grassland LWS.
236. Ecological surveys of the site have been undertaken in support of the application, and these indicate that no rare or notable habitats occur within the proposed site. It is identified that the eastern extension area is predominantly arable farmland, of low inherent nature conservation value, and containing very limited areas of semi-natural habitat.
237. Whilst the ES contained an ecological survey of the Rempstone Extension site and its surroundings, an updated ecological assessment was requested as part of the Reg. 22 submission, and technical advice sought from Natural England, NWT and the County Council's Nature Conservation Officer. An overview of the key ecological findings and potential effects of the development are outlined below:

- The site is bounded by hedgerows, which are of conservation value, and indeed provide the habitats of greatest value on the proposed site. These would largely be retained, gapped up and managed appropriately for the duration of the scheme. To a limited extent, boundary hedgerows would be directly impacted on by the development, with the permanent loss of a 4m stretch of hedgerow. This moderate loss would, however, be mitigated for, with the planting of some 1250m of hedgerows, within the phased restoration. Overall, some 1905m of hedgerows would be retained within the proposed scheme, with these boundary hedgerows qualifying as priority habitats.
- Whilst no breeding bird surveys have been carried out, it is expected that the site would be used by a range of farmland bird species. It is considered highly likely that a number of red listed species use the arable fields and the grassland buffer strips, including grey partridge, skylark and lapwing. However, whilst there would be a temporary loss of habitat for these species, much of the site would be restored to farmland, and there would remain sufficient habitat in the surrounding area to support farmland bird species. The Conservation Organisations are satisfied that the impacts on farmland birds would be acceptable subject to the seeding of soil mounds with a hay meadow mix to provide replacement habitat throughout the life of the site for farmland birds. Potential indirect impacts, such as noise and dust, are not considered likely to give rise to a significant impact on bird species using the site and wider area. The proposed use of acoustic mounds would reduce noise effects on birds external to the site.
- No activity surveys were undertaken for bats, despite the presence of an exceptional hotspot of County importance for bats, in close proximity at Stanford Hall and Park. The hedgerows and Sheepwash Brook provide suitable corridors for foraging, and it is also possible that bats feed over the open areas of the proposed development site. The Conservation Organisations are satisfied that any impacts are capable of being mitigated, by measures proposed by the applicant, including the gapping up of the perimeter hedgerows, and the retaining of hedgerow trees. The swards on the seeded soil mounds would also help to provide suitable foraging habitat for bats. Subject to planning conditions securing these measures, this aspect of the development is considered satisfactory.
- Whilst noting that Sheepwash Brook provides suitable habitat for water voles and otters, no evidence of these species were recorded during the surveys.
- No evidence of badgers were found on site.
- The ecological assessment indicates that there are no waterbodies within the extension site which are potentially suitable for breeding Great Crested Newts (GCN) and/or common toads. Indeed, no standing or running water is present within the extension site. However, the adjacent Sheepwash Brook Wetlands LWS holds two ponds, both within 145m of the extension site, and these have been subject to the application of a Habitat Suitability Index Assessment (HSI), the results of which indicate that both ponds have a 'poor' likelihood of supporting GCN. However, the size and character of one of these two ponds, is suitable for breeding common toads.

- Whilst no targeted surveys for protected species have been carried out, except for an HSI of ponds in relation to GCN, assessments of the likelihood of protected species have nevertheless been undertaken. Within this context, it is agreed that various amphibians and reptiles, notably common toad, frog, grass snake and slow worm, may be present on site, albeit in relatively low numbers, as suitable habitat occurs. Consequently, a precautionary approach has been adopted by way of proposing to follow an amphibian and reptile strategy. The Conservation Organisations are satisfied that subject to planning conditions securing this measure, these species would not be harmed through the quarry activities.
- Hares have been recorded on site, and the site provides suitable habitat for hedgehogs. Harvest mice are also likely to be present in scrub/grassland habitats adjacent to watercourses, such as along the Sheepwash Brook. The Conservation Organisations seek to ensure continuity of habitat for all these species throughout any working and restoration scheme, and to this effect, would expect a minimum 10m stand-off from the Sheepwash Brook and its associated ditches to ensure continuity of the scrub/grassland habitat favoured by harvest mice and other mammals. Hares would also be able to utilise the retained habitat during the phased working, as well as the seeded mounds.
- There is the potential for impact on the water levels in the lake of the Sheepwash Brook LWS, due to dewatering pumping. However, it is noted that the applicant intends to commit to a programme of monitoring, and replenishing the water, if it becomes necessary, through pumping water into the lake, from the quarry site.

238. Overall, it is assessed that the development proposals would have no significant impacts on protected species or notable habitats, provided that appropriate mitigation is implemented. To this effect, and in line with recommendations made by the County Council's Nature Conservation Officer and NWT, various precautionary, protective and compensatory measures would be put in place, by way of the following suggested planning conditions:

- The production of a precautionary working methodology in relation to amphibians and reptiles;
- The production of a water level monitoring and mitigation plan for the Sheepwash Brook Wetlands LWS and Sheepwash Brook, to address potential impacts on this local wildlife site, caused by dewatering;
- The undertaking of a walk-over survey, to check soil bunds, for a protected species, prior to their removal;
- The control of vegetation clearance should take place outside the bird nesting season, which runs from March to August inclusive;
- Retained vegetation should be protected during extraction, with measures to include the retention of a 5m buffer along the boundary hedgerows;

- Seeding of soil bunds with a species-rich neutral grassland seed mix, to help mitigate impacts on invertebrates, and other fauna.
239. Subject to the above controls, the development would satisfy adopted MLP Policy M3.17 (Biodiversity) which seeks to protect the integrity and continuity of habitats or ecological features of UK or County importance, and Policy M3.20 which seeks to protect regional and locally designated sites.
240. The site restoration scheme has the potential to deliver significant ecological benefits and a net gain in terms of biodiversity. Critically, it would create five new UK priority habitats (lowland mixed deciduous, and wet woodlands, lowland meadows, reedbed and eutrophic standing waters), and deliver an overall net gain of 1246m of hedgerows.
241. The scheme would deliver positive impacts, in terms of gaining habitats with increased biodiversity values compared to those they replace (both permanent, for example, new habitat creation within a restoration scheme, and temporary, for example the seeding of storage mounds and screening bunds). Other benefits include habitat alteration or enhancement, for example infill planting to hedges, which may increase hedgerow species and improve hedgerow structure, so benefitting a wide variety of other fauna; and the adoption of management practices, which may be beneficial to biodiversity, both during and post development. As such, the proposal accords with the NPPF, which aims to conserve and enhance biodiversity (paragraph 118).
242. Overall, the design of the restoration scheme for the Rempstone Extension site would utilise silt deposition and extraction to create marginal aquatic reed bed habitat and wet wood land. The restoration has taken account of Sheepwash Brook Wetlands LWS, to provide a balance between agriculture and conservation, thereby contributing to the County's biodiversity targets.

Archaeology

243. Adopted MLP Policy M3.24 states that planning permission will not be granted for minerals development which would destroy or degrade nationally important archaeological remains and their settings, whether scheduled or not. The policy states that planning permission will only be granted for development which would affect archaeological remains of less than national importance where it can be demonstrated that the importance of the development outweighs the regional or local significance of the remains and where appropriate provision is made for the excavation and recording of the remains.
244. A Reg. 22 request has secured an appendix to the submitted desk-based assessment (archaeology and historic features), with an appropriate mitigation strategy and specialist assessment of the Anglo-Saxon archaeology. This reflects the significance of previous archaeological discoveries on Burton's site, which has revealed that this area is one of very high archaeological potential, particularly with respect to late pre-historic and early-medieval remains. Material of national importance has been discovered in current operations and there appears a strong likelihood that further material of equivalent importance may be found in the new application area.

245. Historic England is now satisfied that sufficiently robust, enforceable and funded solutions have been put in place to secure archaeological remains within both the existing and proposed quarry areas. Of particular note is the fact that the preservation in-situ of previously discovered remains of national importance has now proceeded, with the voluntary exclusion by the applicant of the area of the cremation cemetery and an undertaking by them to adopt this approach on the Rempstone Extension site, if remains of equivalent national importance are found.
246. In line with recommendation made by the County Council's Archaeology Officer and Historic England, a planning condition would ensure that the area set aside in situ on Burton's Land is restored to permanent pasture and at no times would be subject to arable cultivation practices, such as ploughing or tilling.
247. Based on the previous archaeological findings on Burton's site (which are of significant national importance) modifications have already been made to the design of the Rempstone scheme, and specific undertakings made by the applicant. Key concerns were notably twofold. Firstly, evidence indicated an undated, hill-top enclosure, identified by a large ditch, which demarcated the top of a prominent knoll, lying on the central boundary of the proposed development. Approximately half of this potentially significant site lay within the proposed extraction area. This was subsequently taken out of the extraction area, and the boundary modified. Furthermore, the scheme has been modified to ensure that no earth bunds would be located along the northern boundary, across the top of the knoll. Plant would also be prohibited from this area towards the northern margins of the site.
248. A further concern relates to the cemetery feature found on Burton's site, and the potential for other finds of national significance, which may be present within the Rempstone Extension site, but which by virtue of their size and character would be difficult to locate and identify by evaluation. There is potential for these remains to be of the early Medieval period, and potentially to be of national importance.
249. There is a high potential for localised funerary monuments, and related settlement from the Bronze Age, and with regard to the Anglo-Saxon period, the likelihood of funerary sites to be found, particularly in the southern part of the site, is highlighted.
250. However, in mitigation, the applicant has given an undertaking to leave in situ any further areas of the site in which there are finds of national significance (subject to a suitable case being made by the County Archaeologist).
251. On balance, the evidence (as referenced in an expert report submitted by the applicant) indicates that the quarry area as a whole, and potentially the Rempstone Extension site, contain elements of equivalence in importance to scheduled monuments, and as such require assessing under the NPPF's policy on designated heritage assets, as set out under paragraphs 132 to 135. It is considered that the applicant's undertaking to treat any future archaeological finds in the same way as those on Burton's site, is sufficiently robust to ensure that substantial harm to or loss of archaeological assets, through alteration or destruction, would be avoided. Preservation in situ clearly represents the most

robust form of mitigation in this instance, and one that is supported by both the applicant and the relevant heritage organisations. On this basis, it is considered that subject to appropriate planning controls to secure this objective, the proposed minerals development on the Rempstone Extension site is capable of complying with the NPPF.

252. On the evidence of the experience to date at Burton's site, the County Council's Archaeology Officer is satisfied that a detailed written scheme of archaeological investigation is sufficiently robust to deal with any future potential finds of high archaeological importance on the proposed extension site. Under this format an extremely detailed brief can be achieved. It is recommended that this is secured by way of a standard planning condition, as applied to previous planning permissions covering the quarry. The standard condition would require the full implementation of the agreed mitigation scheme. 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 and the NPPF.

Heritage

253. Adopted MLP Policy M3.25 seeks to ensure that minerals development does not result in unacceptable impacts to conservation areas, listed buildings, historic battlefields and historic parks and gardens. This policy pre-dates the NPPF. The NPPF further strengthens the level of protection afforded the historic environment insofar as it requires an applicant to submit a heritage appraisal where relevant, so as to assess any potential impact from the development on the significance of any heritage assets (both designated and non-designated heritage assets) including their settings. Planning authorities are required to give consideration to the scale of any harm or loss and value of the heritage asset affected, in determining an application.
254. Within the context of this application, the reference to setting has been key, in terms of assessing the nearest designated heritage assets. A heritage assessment has been provided, as part of the applicant's Reg. 22 response, with particular reference to this aspect. The report identifies four listed buildings within proximity to the proposed development area (PDA), namely Clifton Lodge and All Saints' Church, and to the south of the Melton/Ashby Road, Rempstone Hall and Gardners Cottage. However, the report does make a distinction between the PDA and the proposed extraction area (PEA), as there are significant stand-offs between the heritage assets and the PEA on the eastern and southern boundaries.
255. Thus, four listed buildings and their settings (i.e. the surroundings in which the asset is experienced) have been identified as being potentially affected by the application, with these properties all lying within the 'near' area, i.e. within 50-100 metres of the PDA boundary.
256. It is noted that each asset has a discrete curtilage (i.e. the land in which it stands), none of which would be impacted on by the PDA, and similarly its own character (i.e. the sum of its attributes). It is identified that this aspect of the setting would also not be affected, with the significance of setting in relation to

individual context, curtilage and character, and the contribution of each of these elements to their respective heritage assets not being changed. This includes the historical connections between Rempstone Hall, the church and the village.

257. With regards to the landscape setting, the heritage assessment notes that all four listed buildings are screened from the PDA, by substantial dense understorey vegetation and trees, and the topography of the land.
258. The significance of setting regarding Rempstone Hall and Gardners Cottage is mainly restricted to the south of Ashby Road, and whilst they lie in relatively close proximity to the periphery of the PDA, they are physically separated from it. Similarly, Clifton Lodge, positioned behind the church and churchyard, has a sense of being more secluded in its surroundings, and is thus identified as being more detached from its wider setting. The contribution of setting to the significance of these three listed buildings, in the context of the wider landscape setting, is therefore assessed as being of minor significance.
259. With regards to All Saints' Church, the contribution of the surrounding arable land, part of which forms the Rempstone site, makes a very significant contribution to the setting of the church and its churchyard. These heritage assets are situated on a discrete parcel of land, which although now physically separated from it, historically formed part of the PDA block. The church tower is visible from the footpath crossing the site, as it heads directly towards it. In terms of the setting of this heritage asset, the proposed development site does have a role in the manner in which All Saints' Church is experienced.
260. Paragraph 132 of the NPPF states that significance can be harmed or lost through development within the setting of a heritage asset, with any harm or loss requiring clear and convincing justification. Any substantial harm to or loss of a listed building should be wholly exceptional.
261. The operation of the site for extraction purposes would have a level of harm upon the setting of the church. During site operations, the agricultural setting of the rural parish church would be disturbed by environmental effects (potentially noise and dust), as well as the physical change to the appearance of the church. This would be most apparent from the public footpath crossing the Rempstone Extension site. There would be an increased impact, given the temporary loss of some sightlines and the progressive reduction in arable land.
262. Whilst the operational phase of the site would cause a level of harm to the nearest designated assets, through development in their setting, the County Council's Heritage Officer considers this to be less than substantial harm, given that any permission would be dependent on a scheme of restoration, meaning that this harm would be temporary, for a period of some 10 years. Furthermore, it is considered that the restoration scheme may well provide a public benefit in the future, though the impact on setting during the operational phase is unlikely to be mitigated.
263. Paragraph 134 of the NPPF states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.

264. The proposed restoration scheme would introduce a wider range of habitat and more varied landscape to the north and west of the heritage assets. Existing sightlines and the public footpath would be restored, native hedgerows would follow historic field boundaries and it would introduce parkland planting. As such, whilst impacts on the current settings would occur, these would be temporary over the life of the development. Overall, there would be beneficial improvements to the landscape, which would increase the significance of setting to All Saints' Church, and to a lesser extent the other listed buildings.
265. Overall, the impacts to the nearest heritage assets would be less than substantial in magnitude, and would occur for a temporary duration. On balance, it is concluded that the need for the mineral and the economic benefits that would be derived outweigh any harm to the heritage assets in the surrounding area. The development is therefore compliant with Adopted MLP Policy M3.25 and the NPPF.

Flood Risk and Hydrology

266. The development site lies in Flood Zone 1 and therefore has an extremely low probability of flooding during the working life of the quarry. Adopted MLP Policy M3.9 supports minerals development where it does not give rise to unacceptable impact on flood flows and flood storage capacity, or on the integrity or function of flood defences and local land drainage systems. The NPPF, and its supporting technical guidance classify sand and gravel quarries, as being 'water compatible' uses, subject to it being demonstrated through a flood risk assessment that there would not be any significant adverse flooding impacts to the surrounding area.
267. As part of assessing the material considerations and impacts of the proposed extension, a flood risk assessment has been prepared to support this planning application, and given the site's location, the principle concern has been to assess whether flood risk downstream could be affected by the development. Currently, the site is used for agriculture and drainage is towards Sheepwash Brook to the north. Potentially, localised flood risk could be affected by the proposed bunding, which could lead to increased run-off. The bunds would increase slopes locally, which could have an adverse impact on runoff from the site.
268. The proposed soil bund to the southern margin of the site, bounding Ashby Road, could potentially carry water and sediment on to what is a main A-road, and without mitigation could pose a risk to highway safety. However, the development has been designed to mitigate this risk, by way of an infiltration trench that would be dug on the bund's southern margin. The material proposed to be stored in the bunds would also be of good permeability.
269. Various proposed measures to minimise the risk of runoff from bunds to the margins of the site, include grass seeding on perimeter slopes, construction of perimeter trenches for interception of runoff and sediment, and regular inspections of the bunds with more frequent observations after heavy rainfall, to check on the integrity of the bunds, especially the perimeter slopes. The infiltration trenches have been designed to manage run-off from the 1:100 year

storm, with a 10 percent allowance for climate change, to reflect the twenty year design life of the quarry. Further mitigation would be provided with regards to the two lakes created in the scheme of restoration, where a freeboard of 0.5 metres to 1 metre would be provided to allow for increases in water depths following storm events.

270. The flood risk assessment has been reviewed by the Environment Agency who raise no objection to the development subject to an approved surface water drainage scheme. Planning conditions would seek to ensure that this is based on sustainable drainage principles, and reflects the local hydrological/hydrogeological context. As such, this would prevent any increased risk of localised flooding, and enhance and protect water quality.
271. Subject to these controls, the development would be compliant with Adopted MLP Policy M3.9 and the NPPF.
272. The working of the mineral would require some 'dewatering' of the sand and gravel aquifer, and excess water would be discharged to the Sheepwash Brook.
273. Due to the relative remoteness of the site and distance from sensitive receptors the magnitude of impact from these changes to groundwater levels is assessed as being less than significant and, where there is an identified impact, capable of mitigation. Whilst the base flow to Sheepwash Brook may be slightly reduced by dewatering, this would be mitigated by the continued discharge of excess water to the brook. The impact on flow in Kings Brook would not be significant. Flow to two springs (Rempstone and Lings Farm spring) may be reduced due to dewatering, however, flow would recover following extraction and restoration, and this reduction in flow is not considered significant.
274. Further survey work, focussing on settlement around All Saints' Church, was submitted under the Reg. 22 submission. This found that just 0.5m of superficial materials in the vicinity of the church are saturated, and this, combined with the standoff distance of 160 metres, led to the conclusion that there would be no significant impact on groundwater levels beneath the church, from dewatering. Therefore the risk of settlement is deemed low. However, it is recommended that there is ongoing monitoring of the nearest, existing borehole, for the duration of the works. If any concerns arise during the works, regarding groundwater impacts, a further borehole should be installed adjacent to the church, to allow groundwater levels to be measured directly. It is further advised that it would be prudent to undertake a pre-works structural survey of the church, to determine the baseline condition. Subject to planning controls, the proposed development would not adversely affect the church. Given that the church is a designated heritage asset, it is considered proportionate to implement the recommendations.
275. No significant long term impacts on surface water flows are anticipated. It is recommended that routine groundwater monitoring is carried out, together with monitoring the rate of dewatering from the excavation.

Agriculture/Conservation of soil resources

276. 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. This approach remains consistent with current Government policy set out 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.
277. A soil and agricultural land classification report, providing an extraction area land classification and pre-working physical condition of the agricultural field which forms the site, is contained in the Environmental Statement. This identified the soils within the proposed eastern extension as predominantly Grade 2 and 3a making them 'best and most versatile', with small sections of 3b.
278. The intention is to restore a significant proportion of the extraction area to grade 2/3 'best and most versatile' agricultural land, thereby ensuring that the soil resource is appropriately protected and beneficially used. It is considered that the proposed best practice soil handling scheme would ensure that appropriate mitigation measures are implemented, so that no significant impact is caused to the soil resources on site. The quality of soils within the proposed extension area is such that it is considered appropriate to maintain agricultural land, as part of the proposed restoration scheme.
279. Natural England is satisfied that the Environmental Statement has sufficiently demonstrated that some 14 hectares of the 'best and most versatile' agricultural land, disturbed as a result of the development, would be reinstated to a similar quality, suited to a productive agricultural after-use; and that the proposed extension has been adequately designed to protect the agricultural land and its soil resources. Reservations are nevertheless expressed regarding the net loss of 10 hectares of high quality agricultural land, and over the proposal's ability to meet the requirements for sustainable development, as set out in the NPPF.
280. Whilst the NPPF seeks to protect 'best and most versatile' agricultural land, it also recognises that minerals can only be worked where they are found, and that it is important to make the best use of them, to secure their long-term conservation (paragraph 142). In respect of this proposal, there is clearly a tension between these two aspects of national policy. A similar tension exists in Adopted MLP Policy M3.16 where the first part of the policy supports proposals on 'best and most versatile' agricultural land where the long-term agricultural potential of the land would not be affected, and the second part of the policy which offers support where there is no alternative and the need for development outweighs the agricultural interest. The proposal can only partially comply with the first element of this policy, as only part of the agricultural land affected by the development would be reinstated to productive agricultural after-use.
281. However, the development is considered to be compliant with the policy's second element, given that the viability of East Leake Quarry as a continuing working quarry, with a long-term future, depends on working the proposed

Rempstone Extension site. It is understood that not working the Rempstone Extension site would lead to the closure of the quarry, effectively sterilising the remaining mineral reserve. The applicant has had to sterilise a large area of mineral on Burton's Land, and so has had to bring forward the Rempstone Extension site prior to the Emerging MLP plan being adopted.

282. When the elements for and against the proposals are balanced against each other, it is considered that there is policy support for the development. It is considered that the current need for the development on balance does outweigh the adverse impact on the agricultural interest of the extraction site. Further support for this position is provided by the fact that a significant part of the extraction site would still be restored to best quality agricultural land and given that the non-agricultural elements of the proposed restoration would deliver significant biodiversity and green infrastructure benefits, in accordance with paragraph 118 of the NPPF. Paragraph 118 supports development proposals where the primary objective is to conserve or enhance biodiversity. On balance, whilst there is tension between the two relevant elements of Adopted MLP Policy M3.16, it is considered that subject to appropriate planning conditions to safeguard soil resources and achieve a high standard of agricultural reclamation, the proposal is capable of complying with this policy.
283. 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, including those recommended by Natural England, which seek to safeguard soil resources, and achieve a high standard of agricultural reclamation.

Public Rights of Way

284. Adopted MLP Policy M3.26 seeks to ensure that the quality of the existing public rights of way network is maintained. Where mineral development affects a public right of way the policy requires appropriate alternative arrangements that maintain the quality of the public right of way network to be agreed through the planning process.
285. It is noted that the use of the void for silt disposal on Jenks' Land, from the Rempstone Extension site, would delay reinstatement of the diverted Rempstone Bridleway No. 11. However, upon completion of the restoration works, the definitive route would be reinstated to a suitable condition, for its lawful use as a public bridleway.
286. There would be a beneficial gain on the bridleway's reinstatement, as it is proposed to extend it in a northerly direction, to a point where it would link into Rempstone Footpath No.1. This would enhance what was previously there, as historically the bridleway has not linked up with any other rights of way.
287. In order to facilitate mineral extraction, it is also necessary to temporarily divert footpath Rempstone Footpath No. 1, along the internal site boundary, in an anti-clockwise direction around the field margins. In order to mitigate impacts on footpath users, the applicant proposes to maintain the current definitive footpath

for as long as possible, and the route would not be completely diverted until Phase 3a of the Rempstone Extension site. Other compensatory elements built into the scheme would involve linking the existing bridleway diversion with the proposed footpath diversion, with a gate being introduced into the hedgerow between the Jenks' site and Rempstone Extension site. This gate would eventually be removed and the hedgerow replanted with species-rich hedgerow. Again, the diversion would be reinstated along its original definitive route.

288. The proposed routes would ensure that there is continuous access along Rempstone Footpath No. 1 during extraction and restoration. The diverted footpath would be a grassed surface, 2 metres wide, and would be fenced off to protect users.
289. Quarry operations would give rise to some adverse visual impacts to users of the footpath, mainly due to the fact that there would be limited vegetation between the footpath and the working operations. However, it is noted that the highest impacts would only be temporary during screen bund construction/removal works. When in place, the bund would limit these views, screening the vast majority of views towards the extraction works. An overview of the visual impacts would indicate that these would be temporary in duration and limited to the working life of the quarry.
290. Over the longer term, the restoration of the site is considered to provide additional interest and therefore enhance the views from the public right of way. Following restoration and aftercare works, the site would be reinstated to a mix of agriculture and nature conservation and it is noted that the impact on views, post-restoration, would generally be beneficial. It is therefore concluded that the requirements of Adopted MLP Policy M3.26 are satisfied.

Aerodrome Safeguarding

291. The NPPF states that when granting planning permission for mineral development, local authorities should ensure that there are no unacceptable adverse impacts on aviation safety. Policy DM12 in the Emerging MLP states that minerals development within the Airfield Safeguarding Areas of the listed airports, including East Midlands Airport (EMA) will be supported where the applicant can demonstrate that the proposed extraction, restoration and after use will not constitute a hazard to air traffic.
292. East Leake Quarry is situated within EMA's Safeguarded Zone, being within its flight path, and therefore, aerodrome safety is a key material consideration in terms of determining this application. In response to this constraint, the applicant has taken into consideration aerodrome safeguarding, in terms of both designing the scheme, and in the management and mitigation of the development, to ensure aircraft safety. The scheme needs to achieve appropriate mitigation, to minimise any increase in the risk of bird strike in the interest of aviation safety.
293. To this effect, a site wide bird management plan (BMP) for the entire East Leake Quarry site forms part of the Environmental Statement submission, focusing on a number of target bird species (geese, swans and starlings), which either occur

in large dense flocks and/or are large species. It is proposed to undertake a scheme of bird hazard management in accordance with the BMP, during both the operational phase of the Rempstone Extension site and the aftercare period. The risk of bird strike would be managed through appropriate monitoring, habitat management and, if necessary, bird scaring methods. To this end, the proposed restoration plan has been designed to decrease the attractiveness of the site for these species. Any residual impact has been designed out of the scheme, in line with recommendations made by EMA, and the airport is now able to lift its objection.

294. Overall, EMA welcomes the addition of the site wide BMP, subject to minor adjustments to this plan as agreed and approved by the MPA in consultation with the EMA, and is satisfied that appropriate design mitigation has now been incorporated into the final restoration plan (Drawing Number 13_C007_ELEK/P5/689/9A). As such, the proposed development would not pose an unacceptable risk to air safety, and is compliant with Policy DM12 of the Emerging MLP, and the NPPF.
295. It is noted that the applicant proposes to include the BMP in the heads of terms for the legal agreement.

Restoration

296. The proposed development has been designed to incorporate a phased sequence of extraction, reclamation and implementation of the planned after-use. This accords with the requirements of Adopted MLP Policy M4.1.
297. It is considered that whilst the scheme delivers a significant net gain in terms of local biodiversity, it still maintains a viable economic land-use, which would offset the long-term management of the conservation areas set aside to the north and west.
298. As part of these proposals, the applicant has reviewed the whole of the restoration scheme across the wider East Leake Quarry site, in line with the principles of bird strike management outlined in the Bird Management Plan, and various mitigation measures have been designed into the final composite restoration scheme.
299. Key features in the restoration scheme, specifically designed to discourage wildfowl and starlings, would include maintaining mature rough grassland and wet grassland over the silt pond restoration, to reduce its attractiveness to swans and geese. As geese feed on good quality short turf, heights would be maintained with only one maintenance cut per annum. Swans and geese may potentially be drawn to the water bodies and grassland habitats proposed in the restoration scheme, so these have been designed to decrease their attractiveness, by way of providing fringe emergent vegetation around water bodies and hedgerows bordering the grassland. Marginal reed fringes would be created around the lakes/ponds to deter wildfowl from accessing the lake via the banks. The lakes have been split into a series of small water features, rather than a single water body, to prevent geese and swans from landing on the water.

300. With regards to starlings, the key preventative measure is to deter roosting habitat and to this end, various measures have been designed into the scheme. It is not proposed to implement any dense planting or woodland, (traditionally used to mitigate views of sand and gravel operations), to reduce the potential of creating starling roosts on site. The restoration scheme for East Leake Quarry includes replacing historic hedgerows, and these would be of limited berry fruiting species, and would be managed to prevent them becoming a roost.
301. The proposed development would vary the previously agreed restoration of Lings Farm. Amendments include the removal of hedgerow around Home Cottage, and the thinning of an area of woodland, previously planted, through long-term management, to prevent the creation of starling roosts. Furthermore, any future wet and broadleaved woodland would be planted at reduced densities to reduce their attractiveness as roosts, including both on the proposed extension site and in relation to Burton's Land, where the permitted restoration would see small woodland pockets again planted at limited density, to deter roosting.
302. The nature of the operations at East Leake Quarry means that the proposed extension site would be left with some form of water features. Mitigation measures are implemented throughout the wider site, including maintaining water depth at 4 metres and providing water features which are simple in shape with simple features and no islands, piers or peninsulas. This would be carried through on the Rempstone Extension site. In order to reduce the landing surface, the scheme has been designed to incorporate a series of water bodies, rather than individual large features. It is proposed on the Rempstone Extension site to incorporate a network of smaller ponds towards the northern boundary. Other areas of the water feature would have a reduced shoreline, thereby mitigating nesting potential, especially for Canada Geese.
303. A final key change is to a large water body previously approved under the Lings Farm restoration scheme. Due to silt disposal, this has developed into a silt bed, which is naturally regenerating with reeds, thereby reducing a large open water body in this area.
304. The final restoration scheme covering the entire East Leake Quarry site, represents a serious undertaking on the part of the applicant to design out risk, and address the airport's concerns. The reduced size and nature of the water features has sought to mitigate any potential hazard posed to the airport, and the potential for cumulative impact. In this instance, due to the nature of site operations, with a high level of silt workings and the depth of extraction, the site would inevitably be left with some form of water feature. The only way of returning to the original contour levels would be to import waste into the site.
305. Whilst wetland conservation is proposed to be extended into the Rempstone Extension site, the scheme has been designed in line with the principles of bird strike management, and further adjustments have been made to the overall restoration covering the entire quarry site. Measures have been introduced to reduce the ecological diversity of the various water features and minimise their usefulness to waterfowl, with an emphasis on providing a series of small water bodies fringed with marginal aquatic/reed habitat, wet woodland (planted at lower density), acidic grassland and retained areas of silt. The scheme is now

satisfactory to the airport, and overall it is considered that the proposed development is compliant with Policy DM12 of the emerging MLP, and the NPPF.

306. Overall, the proposals seek to achieve a scheme of restoration that provides a balance between reducing the potential of bird strike whilst providing beneficial after-use and conservation.

Cumulative Impact

307. The extent of the sand and gravel reserve at East Leake has resulted in a succession of applications for extraction, and it is acknowledged that a stage may be reached where it is the cumulative rather than the individual impact of a proposal, that renders it unacceptable.
308. The proposed Rempstone extension would cumulatively add to the amount of quarry workings there are in the area and the attendant increase in restoration to wetland habitat, and net loss in agricultural land. 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.
309. The proposed extension is situated to the east of existing workings, moving away from sensitive receptors in East Leake towards sensitive receptors in Rempstone. Consequently, the impact upon sensitive receptors is variable.
310. The phased working pattern would reduce noise, dust and air quality impacts, limiting any combined or cumulative impact. Again, there would no increase in vehicle movements, limiting any combined impact. The phased working practices would minimise the amount of disturbed land at any one time and the site restoration at the Rempstone Extension site would reinstate low level agriculture to over half of that site, returning half of it to its original character, albeit with a more traditional field pattern.
311. It is considered that with good environmental practice, and mitigation measures that have been in place across East Leake Quarry, there would be no cumulative impact upon sensitive receptors from this development. The proposed development would not result in any significant adverse environmental or amenity impacts on the surrounding area, subject to planning controls, and as such, is not contrary to the requirements of Adopted MLP Policy M3.27.

Legal Agreement

312. As referenced in the Observations Section, a legal agreement would be entered into to secure the extended period of aftercare for the conservation restoration, the lorry route, and the Bird Management Plan.

Other Options Considered

313. Schedule 4 Part 2 (4) of the EIA Regulations requires an Environmental Statement to provide an outline of the main alternatives considered by the

applicant and an indication of the main reasons for choosing this proposal, having taken into account the environmental effects. In this instance, the following alternatives are available to the applicant.

314. The 'do nothing' option would simply mean that the quarry would have to close and there would be increased pressure for new reserves to be identified from elsewhere in the county. As a consequence the delivery of the biodiversity benefits offered under these proposals could not be realised, and reserves would be sterilised.
315. Another option would be to rely on alternative suppliers of mineral, either from local sites or through importation to supply local contracts. The release of Rempstone reserves would reduce reliance on alternative primary aggregate, which is not a practical proposition, as it would lead to supplies either being drawn into the county from elsewhere, or excessive transportation of material, as East Leake Quarry is one of only a few sand and gravel extraction sites in the south of the county. Alternative production from other mineral sites in the county might be increased, but this would only mean that reserves at such sites would be taken up more quickly, accentuating the need for new sites. Nor could the demand be met by alternatives, such as secondary and recycled aggregate because these materials are simply not of sufficient quality to be able to replace all sand and gravel products from East Leake. The reality is that the shortfall in output resulting from the closure of East Leake Quarry would mean that Nottinghamshire would have a market shortfall in the south of the county, and may not be able to meet its sub-regional apportionment commitment, unless new reserves are permitted to maintain current production levels.
316. If the proposed extension were to be brought forward at a later stage there would be pressure on the effectiveness of this site, regarding its ability to meet market demand. The quarry would have to close with the resulting loss in employment and infrastructure, as existing reserves would have been depleted. In any event, it is sustainable practice to maximise the recovery of as much mineral as possible, to the highest grade as possible, before the closure of a quarry takes place and new sites are opened up.
317. Regarding alternative new sites in the vicinity, the applicant does not have any alternative site to East Leake within the surrounding area to bring forward at this time. The Company does have an existing site at Attenborough, which would be in the final stages of production when the Rempstone Extension site is proposed to commence, and is therefore not an economically or viable alternative. The Company has a site over 30 kilometres away in Derbyshire but the distance means that it would not serve the same market and again has too limited a life to be considered an alternative to Rempstone.

Other Matters

318. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer 'departure' planning applications to the Secretary of State (SoS). The application does not trigger the thresholds for referral set out within the Circular. As such, there is no requirement to refer the application to the SoS should Committee be minded to approve.

Statutory and Policy Implications

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

Financial implications

320. The granting of planning permission is subject to a legal agreement, and the applicant would be expected to cover all reasonable costs incurred by the County Council in preparing this agreement.

Human Rights implications

321. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) may be affected. The proposals have the potential to introduce impacts such as dust, noise and visual amenity impacts on the surrounding area, and in particular upon the nearest sensitive properties to the site, including All Saints' Church. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as contributing towards sustaining a local supply of aggregate to the local construction sector, which is more sustainable than hauling sand and gravel from more distant quarries; coupled with the ability to control amenity impacts by way of suitable planning conditions and a lorry routeing agreement. It would also be a sustainable option in terms of continuing to use existing plant and ancillary infrastructure; thereby representing a more efficient use of resources and limiting environmental disturbance.
322. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations Section above in this consideration.
323. In respect of Article 6, it is considered that appropriate publicity/consultation has taken place, involving the application being advertised by a press notice, twenty-two site notices, and neighbour notification letters sent to thirty-four occupiers of residential properties on Ashby Road, Rempstone Road, and Loughborough Road, to All Saints' Church, Ashby Road, Stanford Hall, Ashby Road, and to Manor Animal Farm and Donkey Sanctuary, in accordance with the County Council's Adopted Statement of Community Involvement Review. Any representations received have been given due consideration in considering whether the benefits of the proposals outweigh the potential impacts, and reference has been made to these in the Observations Section of the report.

Implications for Sustainability and the Environment

324. The application has been considered against the National Planning Policy Framework, and both the adopted and emerging Minerals Local Plan, all of which are underpinned by the objective of achieving sustainable development. The development would contribute towards the sustainable use of mineral resources, with the extraction scheme representing an efficient use of resources and one which has been designed to limit environmental disturbance. The use of existing plant and ancillary infrastructure is considered the most sustainable and environmentally acceptable option as the plant is established and screened. Both mineral extraction and restoration would be on a progressive phased basis, to limit the scale of the active quarry, and to ensure that worked land is restored to beneficial purposes at the earliest opportunity. The restoration would increase biodiversity and a net gain, in terms of the ecological value of the site.
325. There are no service user, equalities, crime and disorder, safeguarding of children or human resource implications.

Statement of Positive and Proactive Engagement

326. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and encouraging pre-application community engagement which the applicant acceded to by holding a pre-application exhibition. 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 and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; 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 impacts on archaeology, heritage, ecology, and bird strike/safeguarding issues with regards to East Midlands Airport, and these have been addressed through negotiation and acceptable amendments to the proposals requested through two Regulation 22 submissions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

327. It is RECOMMENDED that the Corporate Director for Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a further five years extended aftercare management of the conservation areas of the development site, the HGV route, and the bird management plan.
328. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 22nd December 2015 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director for Place 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 22nd December 2015, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director for Place 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.

329. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Planning and Licensing Committee is the appropriate body to consider the content of this report.

[SLB 09/10/15]

Comments of the Service Director - Finance

The financial implications are set out in the report.

[SES 01/10/15]

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Soar Valley

Councillor Andrew Brown

Ruddington

Councillor Reg Adair

Report Author/Case Officer
Deborah Wragg
0115 9932575

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

RECOMMENDED PLANNING CONDITIONS

Definition and commencement

1. This permission is for the consolidation of Planning Permissions 8/11/00157/CMA (Burton's Land), 8/12/01488/CMA (Jenks' Land), 8/14/00341/CMA (Lings Farm) and the extraction of sand and gravel with restoration to agriculture and conservation wetland on land known as the Rempstone Extension site, as shown on the land edged red on Drawing Number 13_C007_ELEK_001 – Site Plan received by the Minerals Planning Authority (MPA) on 22 August 2014.

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

2. The commencement of the extraction of sand and gravel from the Rempstone Extension site shall begin within three years of the date of this permission.

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

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

(a) The date of commencement of the permission; and

(b) The date of commencement of sand and gravel extraction at the Rempstone Extension site.

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

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 plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the MPA during normal working hours.

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

Approved plans

5. The development hereby permitted shall only be carried out in accordance with the submitted application, and the following supporting documents, and plans other than where amendments are made in compliance with other conditions of the permission:

- (a) Planning application forms and Planning Statement received by the MPA on 22 August 2014;
- (b) Environmental Statement received by the MPA on 4 July 2014;
- (c) Regulation 22 submission received by the MPA on 27 March 2015;
- (d) Regulation 22 submission received by the MPA on 3 August 2015;
- (e) Drawing Number 13_C007_ELEK_001 – Site Plan received by the MPA on 22 August 2014;
- (f) Drawing Number 13_C007_ELEK_012 – Extension Area received by the Minerals Planning Authority (MPA) on 22 August 2014;
- (g) Drawing Number P2/689/9/6a – Final Restoration Plan (Lings Farm and Jenks' Site) received by the MPA on 22 August 2014;
- (h) Drawing Number P2/689/13b – Interim Restoration Plan (Lings Farm and Jenks' Site) received by the MPA on 22 August 2014;
- (i) Plan titled 'Method of Working' Drawing No. P3/689/3 Working Phases received by the MPA on 4th January 2010;
- (j) Plan titled 'Method of Working' Drawing No. P3/689/3 Phase 1a received by the MPA on 4th January 2010;
- (k) Plan titled 'Method of Working' Drawing No. P3/689/3 Phase 1c received by the MPA on 4th January 2010;
- (l) Drawing Number REM_SUR_PW_1007.PDF – Topographic Survey (October 2007) (with East Leake Quarry – Dec 12) received by the Minerals Planning Authority (MPA) on 22 August 2014;
- (m) Drawing Number EAL_MOD_PW_1213.PDF – Quarry Survey (Dec 13) received by the Minerals Planning Authority (MPA) on 22 August 2014;
- (n) Drawing Number EAL_BAP_PW_1213.PDF – Areas of Restoration, Bunding, Soil Stripping (Burton's Land) received by the Minerals Planning Authority (MPA) on 22 August 2014;
- (o) Drawing Number ELEK_PLA_689_CAW_261112 – Water Management received by the Minerals Planning Authority (MPA) on 22 August 2014;
- (p) Drawing Number 13_C007_ELEK_005_B – Rights of Way received by the Minerals Planning Authority (MPA) on 22 August 2014;
- (q) Drawing Number 13_C007_ELEK_004 – Planning History received by the Minerals Planning Authority (MPA) on 22 August 2014;
- (r) Drawing Number 13_C007_ELEK_006_A – Ancillary Operations (Plant Site/Stocking/Offices/Weighbridge/Silt Lagoons and Haul Route) received by the Minerals Planning Authority (MPA) on 22 August 2014;

- (s) Drawing Number P4/689/4D – Restoration (Lower Level) (Burton’s Land) received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (t) Drawing Number P4/689/3f Phasing Site Area – Method of Working (Burton’s Land) received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (u) Drawing Number P4/689/3f Phase 1 – Method of Working (Burton’s Land) received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (v) Drawing Number P4/689/3f Phase 1 Operational – Method of Working (Burton’s Land) received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (w) Drawing Number P4/689/3f Phase 2 – Method of Working (Burton’s Land) received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (x) Drawing Number P4/689/3f Phase 2 Operational – Method of Working (Burton’s Land) received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (y) Drawing Number P4/689/3f Final Restoration – Method of Working (Burton’s Land) received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (z) Drawing Number 13_C007_ELEK_003_B – Aftercare received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (aa) Drawing Number 15_C001_ELEK_001 – Proposed New Hopper received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (bb) Drawing Number P5/689/12 – Landscaping to All Saints’ Church received by the Minerals Planning Authority (MPA) on 27 March 2015;
- (cc) Drawing Number L/FE/01 – Timber Post and Stockproof Wire Fence (Barbed) received by the MPA on 3 August 2015;
- (dd) Drawing Number L/FE/05 – Timber Post and Rabbitproof Wire Fence received by the MPA on 3 August 2015;
- (ee) Drawing Number L/FE/25 – Field Gate 3.6m Wide received by the MPA on 3 August 2015;
- (ff) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 1 (Rempstone) received by the MPA on 3 August 2015;
- (gg) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 2A (Rempstone) received by the MPA on 3 August 2015;
- (hh) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 2B (Rempstone) received by the MPA on 3 August 2015;

- (ii) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 2C (Rempstone) received by the MPA on 3 August 2015;
- (jj) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 3A (Rempstone) received by the MPA on 3 August 2015;
- (kk) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 3B (Rempstone) received by the MPA on 3 August 2015;
- (ll) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 4 (Rempstone) received by the MPA on 3 August 2015;
- (mm) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 5 (Rempstone) received by the MPA on 3 August 2015;
- (nn) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Phase 6 (Rempstone) received by the MPA on 3 August 2015;
- (oo) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Final Soil Placement (Rempstone) received by the MPA on 3 August 2015;
- (pp) Drawing Number 13_C007_ELEK/P5/689/8B – Phased Method of Working Outline Restoration (Rempstone) received by the MPA on 3 August 2015;
- (qq) Drawing Number 13_C007_ELEK/P5/689/9A – Final Restoration (Rempstone) received by the MPA on 3 August 2015;
- (rr) Drawing Number s106 Plan Area – Restoration – Conservation Management Area received by the MPA on 3 August 2015, except for the area of proposed rough grassland with naturally regenerating scrub as shown on Jenks' Land which shall be reinstated to species-rich grassland;
- (ss) Drawing Number ELQE/5 – Restoration received by the MPA on 18 October 2007;
- (tt) Drawing Number ELQE/6 – Restoration Sections received by the MPA on 18 October 2007;
- (uu) Drawing Number SK5825350 – Borehole Locations received by the MPA on 16 August 2012;
- (vv) Documentation of borehole logs (Type – No) FA-02/04 received by the MPA on 16 August 2012;
- (ww) Volume 5 – Additional Information containing revised Landscaping, Restoration and Aftercare, revised Restoration Scheme, except for references to Ash and Phragmites australis which shall be omitted from the planting scheme, Revised Method of Working Scheme, Revised Method of Working Plans, and Soil Handling Programme, received by the MPA on 17th December 2012, as amended by revisions to the scheme contained in document 'Landscaping, Restoration and Aftercare' received by the MPA on 14th February 2013 and an amendment to the date of the December

2012 report as referenced in paragraph 1.1 contained in an email letter from the applicant dated 8th March 2013;

(xx) Plan titled 'Water Management' Drawing No. ELEK_PLA_689_CAW_261112, received by the MPA on 22 August 2014.

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

Duration of the planning permission

6. All mineral extraction shall cease within 12 years of the date of commencement of mineral extraction from the Rempstone Extension Site, as notified in accordance with Condition 3(b) above. The MPA shall be notified in writing of the date on which mineral extraction ceases. In the event that mineral extraction is not commenced in the Rempstone Extension site, all mineral extraction from the Jenks' Land and Burton's Land and Lings Farm shall cease by 27 August 2016.

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

7. All restoration operations in accordance with conditions 81 – 87 shall be completed within two years after the cessation of mineral extraction, as notified under condition 6 above, or by 27 August 2017 in the event that mineral extraction is not commenced in the Rempstone Extension site.

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

Quarry access and protection of the highway network

8. Vehicular access to the site shall only be gained from Rempstone Road along the existing site access as shown on Drawing Number 13_C007_ELEK_006_A - Ancillary Operations (Plant Site/Stocking/Offices/Weighbridge/Silt Lagoons and Haul Route) received by the Minerals Planning Authority (MPA) on 22 August 2014. Vehicular access to the site shall not be gained from any other route. The site access road shall be restored to agricultural access track within 24 months of the completion of extraction as notified under Condition 6 above.

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

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

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

10. All HGVs leaving the site shall pass through the existing wheel wash facilities or other wheel cleaning facility as may be approved by the MPA prior to joining the public highway in order to prevent the deposit of mud, clay and other deleterious materials upon the public highway. The wheel wash facilities shall be maintained in good working order throughout the life of the development. The wheelwash shall be removed from the site within 24 months of the completion of extraction as notified under Condition 6 above.

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

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

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

12. The processing plant and quarry access road detailed on Drawing Number 13_C007_ELEK_006_A - Ancillary Operations (Plant Site/Stocking/Offices/Weighbridge/Silt Lagoons and Haul Route) received by the Minerals Planning Authority (MPA) on 22 August 2014 shall only be used for the processing and movement of sand and gravel arising from the development hereby permitted and for purposes of clarification this shall include land known as Burton's Land and the Rempstone Extension site.

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

Hours of working

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

Mondays to Fridays 0700 hrs – 1900 hrs

Saturdays 0700 hrs – 1300 hrs

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

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

Noise

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

Location	Site noise limit dB L_{Aeq} , 1hr free-field
Home Farm Cottage	54
Home Farm	50
The Lings Farm	50
Lings Farmhouse	55
Holy Cross Cottage	55
Rempstone Hall	55
Manor Farm	50
Four Elms	50
Riseholme Farm	50
Lings Farm Cottage	55
Bars Farm	51
Rempstone Church	55
4 Loughborough Road	53
Beech Tree Lodge	54
Property off the A60	51

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

15. For temporary operations such as site preparation, soil stripping, bund formation and removal, and final restoration, the free-field noise level due to operations at the site at the nearest point to each of the noise sensitive locations listed in condition 14 above shall not exceed 70 dB L_{Aeq} , 1hr free-field expressed in the same manner as for condition 14 above. Temporary operations shall not exceed a total of eight weeks in any 12 month period. Written records and the dates where these temporary operations take place shall be kept and be made available to the MPA following a written request.

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

16. Noise levels shall be monitored throughout the life of the development hereby permitted, at three monthly intervals, at each of the noise sensitive locations listed in condition 14 above. The monitoring shall take place when site equipment is operating normally and the duration of sample measurements shall

be 15 minutes unless the site noise level is at or above the relevant site noise limit agreed for the location, in which event a full 1 hour sample shall be taken. The surveys shall exclude so far as possible extraneous noises such as passing traffic. The measurements shall be carried out in accordance with the provisions of BS4142:2014 (or as maybe subsequently amended) and the $L_{A90, T}$, and $L_{Aeq, T}$ noise levels shall be reported, together with the weather conditions and the sources of audible noise. On request, the operator shall, within two weeks of a written request, provide the MPA with details of the noise measurements. The monitoring locations and frequency of sampling may be varied by agreement with the MPA.

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

17. Notwithstanding the requirements of Condition 16 above, in the event of a noise complaint from any residential property which the MPA considers to be justified, the applicant shall undertake a noise survey to determine if noise from quarrying operations complies with the recommended limits in the NPPF Technical Guidance of $L_{90} + 10\text{dB(A)}$ subject to a maximum of 55 dB(A) for 'normal' operations (unless already specified in Condition 14) or 70 dB(A) for 'temporary' operations. In the event that either limit is exceeded a report shall be submitted to the MPA for its approval in writing containing an explanation as to why the permitted noise levels have been exceeded and where appropriate identification of steps to be undertaken to ensure future compliance. The steps identified to ensure compliance shall be implemented in accordance with the approved details.

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

18. All mobile 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.

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

19. All excavated mineral shall be transported to the adjacent plant site by dumper truck and mineral extraction shall only take place on a campaign basis, a maximum of 4 campaigns shall take place in any calendar year and each campaign shall be for a maximum period of 8 weeks. A record of the date of commencement and completion of each campaign shall be kept in writing by the operator and copies shall be made available to the MPA within two weeks of a written request. No campaign shall commence unless there is sufficient capacity within the processing plant area to accommodate the mineral won in that campaign in stockpiles of less than 8m in height, both in unprocessed and processed stockpiles. The base level from which the 8m height of the stockpiles

shall be taken is a marked out point on the bottom right hand concrete step to the electrical switch house, which is given as a datum of 66.10AOD, as notified to the MPA in an email letter dated 14th November 2011, and stockpiles shall not exceed 74.5mAOD. A level of 74.5mAOD has been marked out on the crusher house handrail, as notified to the MPA in the same 14th November 2011 email letter.

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

Dust

20. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- (a) The use of water bowsers to dampen haul roads, stock piles and other operational areas of the site;
 - (b) The sweeping of access and haul roads, where necessary;
 - (c) The minimisation of drop heights during the loading and unloading of sand and gravel;
 - (d) Limiting on-site vehicle speeds;
 - (e) Upon request of the MPA, the temporary suspensions of mineral extraction, conveying and processing or soil movements during periods of unfavourably dry or windy weather conditions.
 - (f) The monitoring of total dust (Burton's Land) shall take place during soil handling and mineral extraction within Phases 1 and 2 to demonstrate the effectiveness of dust mitigation measures with respect to mineral extraction upon Home Farm Cottage. The dust assessment shall take place in accordance with the details provided in the 'Scheme of Dust Control and Monitoring', dated February 2011 and shall be reported to the MPA twice yearly;
 - (g) The monitoring of total dust (Rempstone Extension Site) shall take place during soil handling and mineral extraction at the beginning of each phase for a period of 6 – 10 weeks to demonstrate the effectiveness of dust mitigation measures with respect to mineral extraction upon Beech Tree Lodge and Clifton Lodge. The dust assessment shall take place in accordance with the details provided in the Dust Monitoring Scheme contained in the Environmental Statement received by the MPA on 4 July 2014 and shall be reported to the MPA twice yearly.

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

Prevention of pollution and protection of surface and ground water

21. Prior to the commencement of mineral extraction on the Rempstone Extension site, the following schemes shall have been submitted to and been approved in writing by the MPA:

- (a) A groundwater level monitoring scheme; and
- (b) Mitigation or remedial measures to maintain groundwater levels should there be any unacceptable dewatering effects on the surrounding environment. Any such scheme shall include a full assessment and interpretation of recorded groundwater levels and be reported to the MPA.

Reason: To ensure that there are no detrimental impacts on surrounding properties from dewatering activities associated with sand and gravel extraction in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

22. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the MPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- (a) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken;
- (b) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
- (c) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- (d) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- (e) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

23. Processed water used in the sand and gravel washing system shall be discharged into the approved settlement ponds prior to being discharged into any controlled waters. From the commencement of the development until restoration of the site the operator shall maintain the settlement ponds on a regular basis to ensure the lagoons remain operational.

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

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

Reason: To prevent pollution of the water environment.

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

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

26. A scheme (Burton's Land) for the provision and implementation of surface water drainage shall be implemented in accordance with the approved details outlined in the document titled 'East Leake: Surface Water Run-Off Limitation Scheme, 2013' as received by the MPA on 20 November 2013 and approved by the MPA in a letter dated 18 May 2014. The scheme shall thereafter be implemented and maintained in accordance with the approved details for the duration of the development.

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

27. The drainage ditches and water settlement lagoons shall be maintained in accordance with the scheme (Lings Farm) shown on Plan titled 'Water Management' Drawing No. sk5265_CAW_D_070307_A as received by the MPA on 30th March 2007 and the revised Drawing No. sk5265_CAW_D_070307_A_1 received on 8th September 2008. The fencing around the settlement lagoons shall be maintained to prevent unauthorised access.

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

28. Any material discharged from the site into any river, stream or watercourse shall be passed through the Discharge Point, which shall be maintained in accordance with the details shown on Drawing titled 'Discharge Point' Drawing No. sk5265_CAW_D_210307_A as received by the MPA on 30th March 2007.

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

29. There shall be no interruption to the surface water drainage system of the surrounding land as a result of the operations on site. Adequate provision must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

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

Mineral processing and stockpiling

30. Excavated minerals from the development hereby permitted shall only be processed and stockpiled on the plant site as detailed on Drawing Number 15_C001_ELEK_001 – Proposed New Hopper received by the Minerals Planning Authority (MPA) on 27 March 2015. No excavated mineral shall be processed and stockpiled outside the original quarry area known as Lings Farm as highlighted in yellow on Drawing Number 13_C007_ELEK_004 – Planning History received by the Minerals Planning Authority (MPA) on 22 August 2014.

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

Buildings, fixed plant and machinery

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent amended legislation, no buildings, fixed plant or machinery, other than that approved by this permission, shall be erected or placed on the site without the prior written approval of the MPA.

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

Landscaping

32. The planting measures to improve screening of the Rempstone Extension site shall be implemented in accordance with details outlined in Section 5.0 of the document titled Landscaping, Restoration and Aftercare July 2015 received by the MPA on 3 August 2015. These screening measures shall be maintained throughout the life of the development.

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

33. The planting measures to improve the screening of the site (Jenks' Land) implemented in accordance with measures outlined in the document titled 'Extension to existing quarry involving the extraction of sand and gravel and restoration of site to agriculture and wetland conservation – Submission of details under condition 18, 23, 25, 28, 34 and 39 of planning permission 8/07/02187/CMA' dated February 2010, Section 3.0 Condition 23, as received by the MPA on 4th March 2010, and approved by the MPA in a letter dated 10th March 2011 shall be maintained throughout the life of the development.

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

Ecology

34. Prior to the commencement of the development hereby permitted, details shall be submitted to the MPA for its written approval of the measures to be taken to protect all retained trees, shrubs and hedges from damage during the course of the development. The means of protection shall accord with the provisions set out in British Standard BS 5837:2005 entitled 'Trees in Relation to Construction' (or as may be subsequently amended) and shall include:

- (a) A plan to define the trees, shrubs and hedges to be protected including means of protection;
- (b) Measures to prevent the disturbance, raising or reduction in soil levels within the area of the root spread of trees, shrubs and hedges;
- (c) Measures to prevent the storage and placement of materials or the movement of plant or machinery in the protected area(s).

The means of protection shall be implemented in accordance with the approved details prior to any equipment or machinery being brought onto the site for the purpose of the development and shall be retained on site until all plant and machinery have been removed from the site. No excavation shall be made within the protected area(s) without the prior written approval of the MPA.

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

35. The retained trees and hedgerow on Jenks' Land shall be protected in accordance with the measures specified on Plan titled 'Soil Mound Plan'

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

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

36. The retained trees, hedgerow and shrubs on Burton's Land shall be protected in accordance with the measures specified on Plan titled 'Vegetation Protection' Drawing No. P4/689/8 – Phasing Site Area received by the MPA on 20 November 2013 and approved by the MPA in a letter dated 18 March 2014. The means of protection shall accord with the provisions set out in British Standard BS 5837:2005 entitled 'Trees in Relation to Construction' (or as may be subsequently amended). The means of protection shall be implemented and maintained in accordance with the approved details and shall be retained on site until all plant and machinery have been removed from the site. No excavation shall be made within the protected area(s) without the prior written approval of the MPA.

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

37. A re-survey of Jenks' Land shall be undertaken within three months of the date of the commencement of the development, as notified under Condition 3(a), and in the event that any protected species are identified, a working design, method statement and timetable of works to mitigate any undue adverse effects to protected species, shall be submitted to the MPA for its approval in writing. The submission shall include a plan showing the location of the protected species' habitat, suitable stand-off distances between the habitat and operational areas associated with the development, and a suitable means of demarcating this stand-off distance. The mitigation measures shall be implemented in accordance with the approved details and maintained for the duration of the development.

Reason: To ensure that protected species are not adversely affected by the development in accordance with the National Planning Policy Framework.

38. Prior to the removal of each soil bund during the progressive restoration of the Rempstone Extension Site, a walkover survey shall be undertaken by an experienced ecologist to ensure that there is no occupation by a protected species, in accordance with the details outlined in Section 15.3.10 of the Ecological Assessment dated December 2014 by Andrews Ecology received by the MPA on 27 March 2015. In the event that there is occupation by a protected species, the mitigation measures outlined in Section 15.3.10 of the Ecological Assessment dated December 2014 by Andrews Ecology received by the MPA

on 27 March 2015 shall be followed and rigorously implemented during the removal of any soil bunds.

Reason: To ensure that protected species are not adversely affected by the development in accordance with the National Planning Policy Framework.

39. Site clearance works in any phase/part phase involving the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows or the removal of any standing crops, shall not commence until all potential habitats for protected species and nesting birds have been investigated by a qualified ecologist and a report of the investigation has been submitted to, and been approved in writing by, the MPA. In the event that protected species or nesting birds are present, the report shall provide a working design, method and timetable to mitigate any undue adverse effects on the species involved. The mitigation measures shall be implemented as approved prior to any site clearance works taking place within that phase.

Reason: In the interest of protecting species and their habitats in accordance with the National Planning Policy Framework.

40. Prior to the removal of a section of hedgerow on the western boundary of the Rempstone Extension site required to allow the transportation of minerals from the extraction area to the plant site, a precautionary method of working shall be produced in relation to amphibians and reptiles, based on the details outlined in section 15.3.2 of the Ecological Assessment by Andrews Ecology, dated December 2014 and received by the MPA on 27 March 2015, and shall be submitted to the MPA its approval in writing. The section of hedgerow on the western boundary of the site shall thereafter only be removed in the active season of April through to October in accordance with the approved precautionary method of working.

Reason: In the interest of protecting species and their habitats in accordance with the National Planning Policy Framework.

41. A water level monitoring mitigation plan for the Sheepwash Brook Wetlands Local Wildlife Site and Sheepwash Brook shall be produced based on the details outlined in section 15.1.3 of the Ecological Assessment by Andrews Ecology, dated December 2014 and received by the MPA on 27 March 2015, and shall be submitted to the MPA for its approval in writing. The works shall thereafter be carried out in accordance with the approved water level monitoring mitigation plan.

Reason: In the interests protecting a local wildlife site and adjacent brook in accordance with the National Planning Policy Framework.

42. Throughout the duration of the works, a minimum five metre stand-off between all boundary hedgerows and the edge of the extraction area shall be maintained.

Reason: In the interest of visual amenity in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan.

43. Throughout the duration of the works, a minimum 10 metre stand-off from the Sheepwash Brook and its associated ditches shall be maintained.

Reason: To ensure the scrub habitat is retained during the development hereby permitted.

Archaeology

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

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

45. The archaeological mitigation scheme detailed in the document by White, Young Green Planning, dated 21st October 2009, and Plan 'Figure 1: Mitigation Strategy' received by the MPA on 12th April 2010, approved by the MPA in a letter dated 10th May 2010 shall remain in place throughout the life of the development on Jenks' Land.

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

46. The archaeological mitigation scheme detailed in the document by The Guildhouse Consultancy dated 2nd August 2013, received by the MPA on 20 November 2013 and approved by the MPA in a letter dated 18 March 2014 shall remain in place throughout the life of the development on Burton's Land.

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

47. Within one month of the date of the commencement of the development, as notified under Condition 3(a), a plan shall be submitted to the MPA for its approval in writing confirming the area on the Burton's Land outside phases 1 and 2 which is to remain unworked. The plan shall also confirm that this area shall be restored to permanent pasture and at no time shall be subject to arable cultivation practices such as ploughing or tilling.

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

Public Rights of Way

48. Throughout the operation of the development the public footpath shall be fenced off from the lagoons. The existing fencing shall be maintained as constructed so as not to reduce the existing width of the footpath and signs shall be maintained warning of the dangers associated with the lagoons. Such fencing and signs shall be maintained in good order for the duration of the operations on the development.

Reason: To provide for the safe operation of the development.

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

Reason: In the interest of safety of bridleway users.

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

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

51. Prior to the commencement of soil stripping operations within Phase 1a of the Rempstone Extension site, details of the measures to protect users of Rempstone Footpath Number 1 from mobile plant crossing the public footpath shall have been submitted to, and approved in writing by, the MPA. The measures shall include details of suitable signage to all users of the public footpath together with instructions to operators of mobile plant crossing the public footpath. The measure shall be implemented in accordance with the approved details and maintained for the duration of the development, or until the public footpath is completely diverted as detailed on Drawing Number 13_C007_ELEK/P5/689/8B titled Phased Method of Working – Phase 3A received by the MPA on 3 August 2015.

Reason: In the interest of safety of footpath users.

52. Prior to the commencement of soil stripping in Phase 3A, Rempstone Footpath Number 1 shall be completely diverted along the southern, eastern and northern boundaries of the site as detailed on Drawing Number 13_C007_ELEK/P5/689/8B titled Phased Method of Working – Phase 3A received by the MPA on 3 August 2015. The diverted public footpath shall provide a continuous five metre wide right of way and shall be separated from the operating quarry by storage bunds or by appropriate fencing.

Reason: In the interest of safety of footpath users.

53. At the end of all quarrying operations, the diverted Rempstone Bridleway Number 11 and Rempstone Footpath Number 1 shall be reinstated along their original definitive routes as detailed Drawing Number 13_C007_ELEK_005_B – Rights of Way received by the MPA on 22 August 2014. Any fencing that may have been erected to secure the diverted rights of way from the operating quarry shall be removed.

Reason: To maintain the public right of way network in accordance with Policy M3.26 of the Nottinghamshire Minerals Local Plan.

Phasing

54. Extraction operations in Burton's Land shall progress sequentially in accordance with Drawing Number P4/689/3f – Method of Working (Burton's Land) received by the Minerals Planning Authority (MPA) on 27 March 2015.

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

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

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

56. Extraction operations in the Rempstone Extension site shall progress sequentially in accordance with Drawing Numbers 13_C007_ELEK/P5/689/8B – Phased Method of Working (Rempstone) received by the MPA on 3 August 2015.

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

57. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following the commencement of the development as notified under Condition 3(a) above. The survey shall identify areas of the site which are unworked, those undergoing mineral extraction, those to be restored and those already restored and when.

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

Soil stripping, handling and storage

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

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

59. 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.

60. Each phase of the development, phases 1 – 6 of the Rempstone Extension site shall be carried out in accordance with the soil handling scheme detailed in the document titled Rempstone Soil Handling Scheme 2015 contained in Appendix 7 of the Regulation 22 submission received by the MPA on 27 March 2015 and Section 6.0 – Soil Movements and Handling of the document titled Landscaping, restoration and Aftercare July 2015 received by the MPA on 3 August 2015.

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

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

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

62. Each phase of the development, phases 1 – 2 of the Burtons' Land shall be carried out in accordance with the approved scheme, as outlined in the revised soil handling scheme titled Soil Handling Scheme – Burton's – East Leake 2013 received by the MPA on 20 November 2013 and approved by the MPA in a letter dated 18 March 2014. The soil handling scheme shall thereafter be implemented in accordance with the approved details.

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

63. All available topsoil and subsoil shall be retained within the site to enable a minimum depth of one metre of soil cover to be used for restoration of that area in accordance with the scheme for the restoration of the site, as shown on Plan titled 'Hedgerow Planting' Drawing No. P2/689/15 received by the MPA on 8th April 2011, Drawing Number P2/689/6a – 'Final Restoration Plan' received by the MPA on August 25th 2009, and the document entitled 'Submission of Details under Condition 33 and 34 (Restoration and Landscaping) of Planning Permission APP/M3000/A/90/158492/P3' received by the MPA on 26 May 2009, and as approved in the MPA's letter of the 22nd December 2009.

Reason: To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality.

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

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

65. The topsoil and subsoil stocks on the site shall be constructed with a minimum of compaction necessary to ensure stability and they shall be no higher than 3m and 5m respectively, unless otherwise agreed in writing by or on behalf of the MPA.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan (Adopted December 2005) and in the interests of visual amenity in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan (Adopted December 2005).

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

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

67. The topsoil and subsoil stocks on Lings Farm shall be maintained in accordance with the details shown on the revised soil storage Plan titled 'Soil Bund Volumes' Drawing. No. VOL1007-1250-A1.PDF, as received by the MPA on the 9th November 2007, and approved in the MPA's letter of 25th August 2006, and the most current soil storage bund location shown on Plan titled 'Survey of Post-Strip, Restoration and Lagoon Wall' Drawing No. AOB0508T-1250-A1.PDF, as received by the MPA on 6th August 2008. Within three months of the

construction of any further topsoil and subsoil stocks the applicant shall submit a revised plan showing the contours and volume of each soil stock on site, to be approved in writing by the MPA.

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

68. No soil stripped from Lings Farm and stored on the site shall leave the site and all such soil shall be used in the final restoration of the site in accordance with the scheme for the restoration of the site, as shown on Plan titled 'Hedgerow Planting' Drawing No. P2/689/15 received by the MPA on 8th April 2011, Drawing Number P2/689/6a – 'Final Restoration Plan' received by the MPA on August 25th 2009, and the document entitled 'Submission of Details under Conditions 33 and 34 (Restoration and Landscaping) of Planning Permission APP/M3000/A/90/158492/P3' received by the MPA on 26 May 2009, and as approved in the MPA's letter of the 22nd December 2009.

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

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

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

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

- (a) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (b) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

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

71. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction in accordance a traditional hay meadow seed mix (NVC – 'MG5' Mix). The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

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

72. Details of the volumes and location of soils stored on the site shall be submitted to the MPA by 31 December each year in conjunction with the details submitted pursuant to condition 57 above.

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

Soil Replacement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Safeguarding

79. The development hereby permitted shall not commence until a Bird Management Plan (BMP) for the entire site as edged red on Drawing Number 13_C007_ELEK_001 – Site Plan received by the MPA on 22 August 2014 has been prepared, submitted and approved in writing by the MPA. The BMP shall be based on Appendix 11 – Aerodrome Safeguarding submitted as part of the Environmental Statement received by the MPA on 4 July 2014 and shall include an assessment of the current regulatory background, identification of target Bird Strike species, definitions of thresholds (e.g. ‘acceptable populations’ for actions and response) and detailing the methods used during the implementation of bird control operations for each identified target species listed in the assessment, including how birdstrike monitoring shall be undertaken. The operation and restoration of the site shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby permitted does not result in inherent risk to aircraft in accordance with the National Planning Policy Framework and Policy DM12 in the Emerging Nottinghamshire Mineral Local Plan.

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

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

Restoration

81. Within 18 months of the completion of excavation operations on any phase on the entire site not required for ongoing operational purposes (e.g. silt lagoons), that phase shall be restored to the agreed after-use in accordance with the conditions of this planning permission.

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

82. The Burton’s Land shall be restored in accordance with Drawing Number P4/689/4D – Restoration (Lower Level) (Burton’s Land) received by the Minerals Planning Authority (MPA) on 27 March 2015, subject to the details to be submitted pursuant to Condition 47 above. Landscape planting shall be undertaken during the first seeding and planting seasons following placement of topsoils in each phase.

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

83. Prior to the carrying out of any landscaping planting required under condition 82 above for the Burton’s Land, details of all tree and hedgerow planting, and grassland establishment, shall have been submitted to the MPA for its approval

in writing. These details shall include proposed species to be planted including proportions, size, spacing, positions, densities, seed mixes to be used in grassland establishment methods, proportions, sources (which should be of local provenance), sowing rates, methods of establishment of species, areas left for natural regeneration, creation of field margins, ground preparation, cover material, proposed soil profiles and fencing off of planting areas, and timescales for any additional planting that may be required as a result of the birdstrike monitoring undertaken under Condition 79 above. The plant material should be of native provenance and from provenance areas 402 and 403 (refer to using local stock for planting native trees and shrubs – Forestry Commission Practice Note August 1999). All landscape planting shall be carried out in accordance with the approved details.

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

84. The Jenks' Land shall be restored in accordance with Drawing Numbers ELQE/5 and ELQE/6 received by the MPA on 18 October 2007, subject to the replacement of the permanent pasture (neutral grassland) to species-rich grassland, the details of which shall be submitted to the MPA for its approval in writing within three months of the date of the commencement of the development, as notified under Condition 3(a). Landscape planting shall be undertaken during the first seeding and planting seasons following placement of topsoils in each phase.

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

85. All tree and hedgerow planting, and grassland establishment required under condition 84 above for the Jenks' Land shall be carried out in accordance with the details contained within the report titled 'Restoration to Pasture, Wetland and Open Water, Outline Five Year Aftercare Scheme' dated February 2012, including Appendix 2, received by the MPA on 14th February 2012, and approved by the MPA in a letter dated 4th May 2012.

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

86. A phased restoration scheme for Lings Farm shall be carried out from the date of the commencement of the development, as notified under Condition 3(a), in accordance with the approved revised restoration details as shown on Drawing Number P2/689/13b – Interim Restoration Plan (Lings Farm and Jenks' Site) received by the MPA on 22 August 2014, Drawing Number s106 Plan Area – Restoration – Conservation Management Area received by the MPA on 3 August 2015.

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

87. The Rempstone Extension site shall be restored in accordance with Drawing Number 13_C007_ELEK/P5/689/9A – Final Restoration (Rempstone) received by the MPA on 3 August 2015 except for the following amendments which shall

be submitted to the MPA for its approval in writing within three months of the date of the commencement of the development, as notified under Condition 3(a).

- (a) The exclusion of small-leaved lime from the wet woodland planting mix;
- (b) The exclusion of Eared Willow from the wet woodland planting mix and its replacement with Hawthorn;
- (c) The provision of grassland micro-habitats within the south-western species-rich grassland area, through either the creation of shallow ridge and furrow through the blading of materials, or by the formulation of shallow and irregular undulations/scrapes (approximately 0.5 metres in depth);

The restoration of the Rempstone Extension site shall be carried out in accordance with the approved details.

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

Aftercare

88. 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.

89. 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.

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

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

91. Following restoration the Burton's Land shall undergo aftercare management for a 5 year period for the agricultural pasture land and native woodland, and a 10 year period for the pond and conservation grassland area, as demarcated by a drainage ditch, fence and hedgerow, as shown on Plan titled 'Restoration (Lower Level) Drawing No. P4/689/4 D, received by the MPA on 27 March 2015.

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

92. Aftercare on the Rempstone Extension site shall be carried out in accordance with the document titled Landscaping, Restoration and Aftercare July 2015 received by the MPA on 3 August 2015.

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

93. 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 the document titled Landscaping, Restoration and Aftercare July 2015 received by the MPA on 3 August 2015, 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.

94. The aftercare programme for the Rempstone Extension site shall be implemented in accordance with the details approved under condition 92 above, as amended following the annual site meeting referred to in condition 93 above.

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

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

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

96. The revised restoration scheme approved under condition 95 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 92 and 93 above.

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

Notes/Informatives to applicant

1. The attention of the applicant is drawn to the fact that the Trent Valley Internal Drainage Board is to be consulted on any proposed changes of surface water drainage at the site. Surface water run-off from the site must not be increased during the extraction or restoration phases. If assistance is required the applicant is advised to liaise with the Board's Planning and Byelaw Officer, on 01507 328095 or planning@tvidb.co.uk
2. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative

sustainable drainage should be used, with a preference for above ground solutions.

3. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
4. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in the NPPF.
5. It is acknowledged that the FRA submitted incorporates drainage features to intercept any additional runoff caused by the screening bunds and haulage roads. Once more detailed designs of such features have been produced this information will be welcomed for our consultation.
6. With regards to hydrogeological impacts, the applicants attention is drawn to the fact that the physical act of 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 this order is that this will proceed towards the end of 2014. All dewatering sites will have to apply for an abstraction licence.
7. The applicant has stated that dewatered water will flow into a sump, which is subsequently used for mineral washing. If the abstractions rates are greater than 20m³/day then this may require an abstraction licence. The site lies within the Soar Abstraction Licensing Strategy (previously CAMS) area and groundwater resources are open for further abstraction.
8. Furthermore, the effect of dewatering may impact on the spring, which is the source of water for abstraction licence 03/28/57/0103/S. This may be subject to a derogation agreement with the licence holder.
9. The attention of the applicant is drawn to comments contained in letters from Western Power Distribution dated 26 February 2013, The Ramblers' Association received by the MPA on 19 February 2010, Trent Valley Internal Drainage Board received by the MPA on 20 September 2012, copies of which has previously been provided with an earlier decision notice.
10. The applicant is required by the Environment Agency to demonstrate that the proposed extraction is not going to derogate the three licensed groundwater abstractions in the vicinity in order to ensure that the water supply to Woodgate Farm, Lings Farm and Riseholme Farm are not derogated by dewatering activities.
11. The applicant is encouraged to maintain a line of communication with All Saints' Church with respect to any particular events at the church during operational hours in order to respect the function of the church in the community.

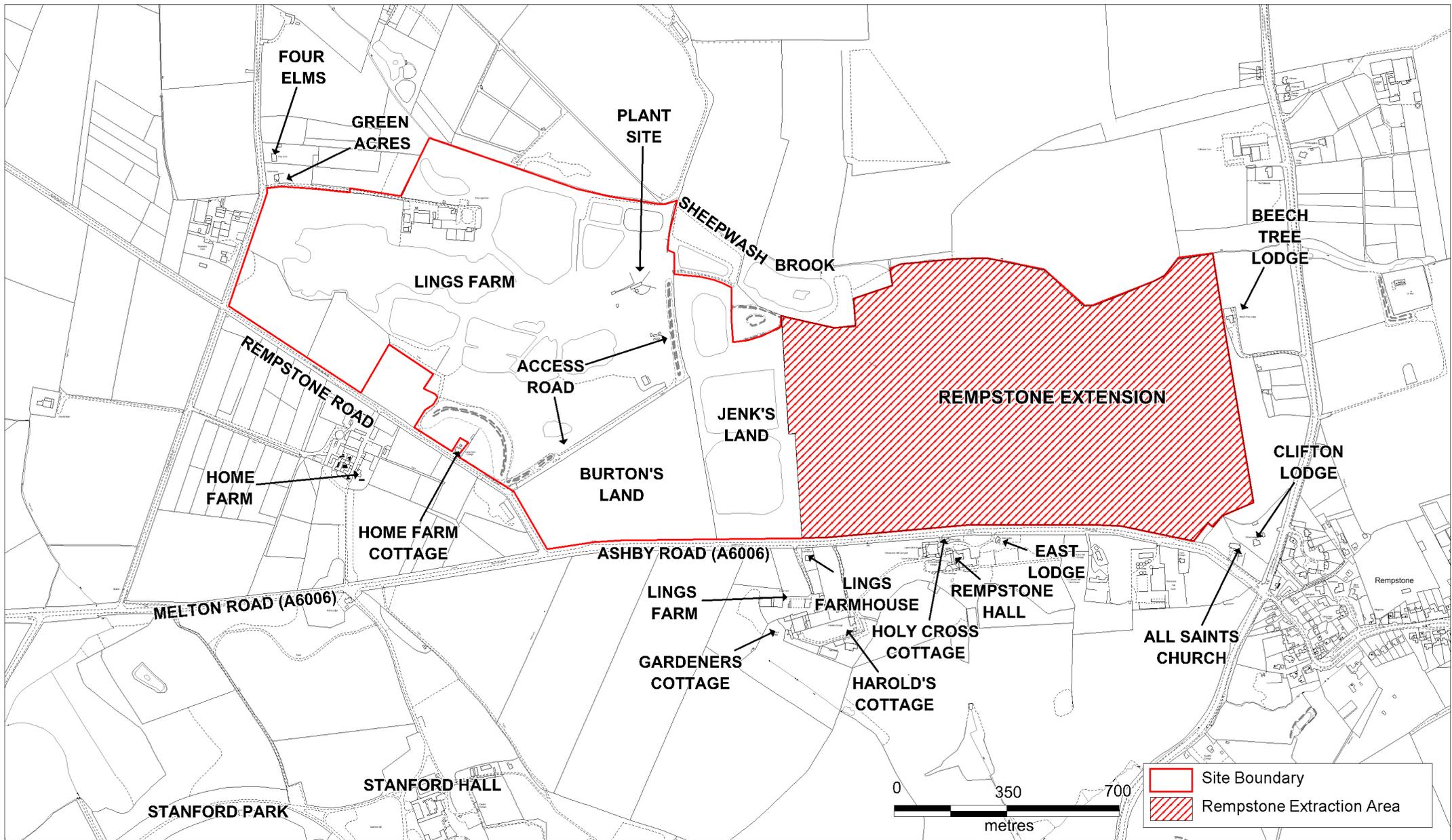
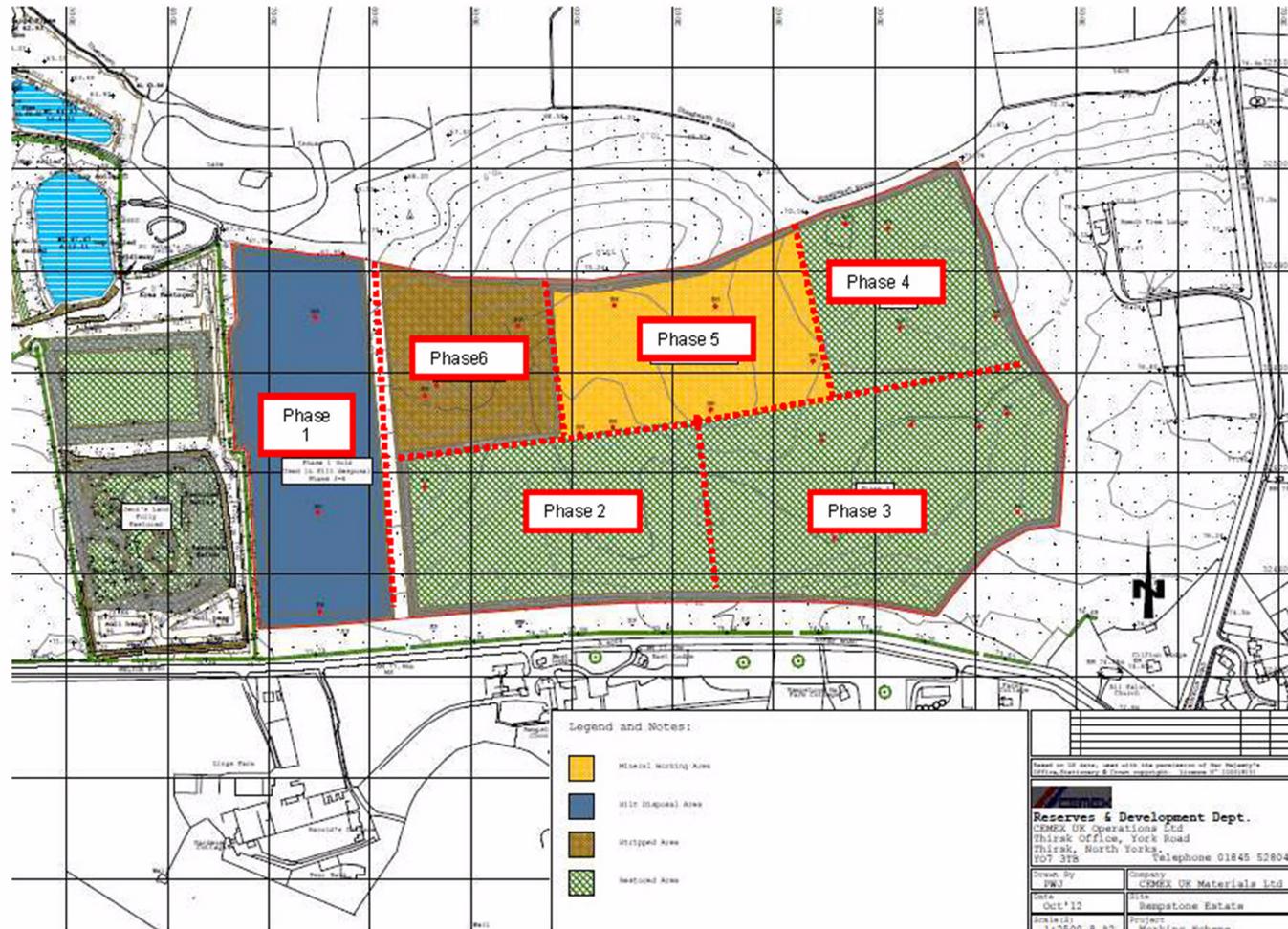


Figure 9 Phase 5 of Proposed Development



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20 October 2015

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR PLACE

BASSETLAW DISTRICT REF. NO.: (1) 1/15/01019/CDM

(2) 1/15/01020/CDM

PROPOSAL: (1) VARIATION OF CONDITIONS: 1, 2, 3, 13, 21, 25, 32, 38, 51, 62, 63, & 65 OF PLANNING PERMISSION 1/32/12/00007, TO ALLOW ADDITIONAL EXTRACTION TO THE SOUTH OF THE EXISTING WORKING AREA

(2) APPLICATION FOR A PROPOSED NEW WORKING AREA WITH RESTORATION TO NATURE CONSERVATION AND A TEMPORARY NEW ACCESS OFF BAWTRY ROAD

LOCATION: (1) NEWINGTON SOUTH QUARRY, MISSON, NEAR BAWTRY

(2) NEWINGTON WEST, NEWINGTON QUARRY, LAND TO THE SOUTH OF BAWTRY ROAD, MISSON, NEAR BAWTRY

APPLICANT: HANSON QUARRY PRODUCTS EUROPE LIMITED

Purpose of Report

1. To consider two planning applications relating to sand and gravel extraction at Newington Quarry, near Misson.
 - a) The first application (Newington South) relates to the variation of conditions attached to the existing planning permission 1/32/12/00007 to allow the extraction of an additional 150,000 tonnes of mineral from an area to the south of the existing working area; and
 - b) The second application (Newington West) relates to a new working area for the extraction of 360,000 tonnes of mineral, to be worked after the completion of mineral extraction in the Newington South additional working area.
2. The Newington South application is within an area that has an existing planning permission and is designated for sand and gravel extraction in the Nottinghamshire Minerals Local Plan.

3. Newington West lies outside of any area allocated for sand and gravel extraction identified within the Nottinghamshire Minerals Local Plan. Accordingly the application has been treated as a 'departure' from the Development Plan.
4. The key issues relate to planning policy, ecology, air quality and dust, traffic, aviation safety, public rights of way and archaeology. The recommendation is to grant both applications.

The Site and Surroundings

5. The Newington Quarry sites are sand and gravel workings located in the north of Nottinghamshire, within the district of Bassetlaw. The sites are located approximately 12km north of Retford and 13km south-east of Doncaster.
6. The character of the local area is dominated by intensive arable farmland, with fields bounded by hedgerow, drainage ditches and linear tree belts. A number of woodland blocks also form wider landscape features. The surroundings are part of the catchment area and floodplain of the River Idle with a relatively flat topography, and the area has historically been quarried for sand and gravel.
7. The local settlements include Misson to the east, and Bawtry, Austerfield and Newington (hamlet) to the west. There are scattered farms in the landscape. There are also a number of industrial developments within the area, including Misson Mill (industrial business and retail units), Tunnel Tech (a mushroom substrate company), and the Newington Quarry works itself.
8. The sites are situated to the south of Bawtry Road which runs between Austerfield, Newington and Bawtry to the west, to Misson in the east. Newington Quarry is made up of two workings:
 - a) Newington North (Planning Permission Ref: 1/32/08/00018) – comprises an area of land to the south of Bawtry Road and to the north of Slaynes Lane (a Byway Open to All Traffic – BOAT No. 7). Extraction has now been completed in this area and it is undergoing restoration with the exception of a weighbridge area and access road which leads to Newington South.
 - b) Newington South (Planning Permission Ref: 1/32/12/00007) – was first granted planning permission in 2010 and comprises an area of land lying between Slaynes Lane BOAT and the River Idle.
9. In addition, Misson Quarry (Planning Permission Ref: 1/32/09/00005) forms part of the wider minerals extraction in the area. This quarry is off Bawtry Road, and adjacent to the north-west of Newington North. The same access for Newington North and South is used. This quarry is for the working of 'grey' sand which is worked in smaller quantities and serves a specialist market.
10. The nearest residential receptors to the sites are within the edge of Misson, approximately 360m to the north-east and the edge of Newington approximately 500m to the west. In addition there are isolated rural properties including Everton Carr farmhouse, approximately 500m to the south-east and Northwich Hill approximately 550m to the north-west.

11. With regard to nearby businesses, the Tunnel Tech site is located adjacent to the west of the Newington West application area, however the boundary is approximately 200m from the proposed extraction area. In addition, the Misson Mills units are located approximately 500m to the north-east of the nearest Newington South extraction area.
12. With regard to ecological designations, the nearest statutory designated site is the River Idle Washlands Site of Special Scientific Interest (SSSI), which comprises a number of units that run alongside the River Idle. The nearest is Unit 2, adjacent to the southern side of Newington South, which is a 10.38ha site and comprises a good example of wet grassland plant communities, and attracts large numbers of wintering and passage waterfowl. Unit 1 of the SSSI is approximately 300m to the west of Newington West, separated by the Tunnel Tech site. There are also 10 non-statutory designated Local Wildlife Sites (LWS) within 1km of the application sites.
13. There are two Scheduled Monuments within 2km of the application sites. A Moated site and fishpond to the east of Misson Village, approximately 1.2km to the north-east of the Newington South application site; and a Roman Fort and section of Roman Road approximately 2km to the south-west of the Newington West application site.
14. There are 17 listed buildings within 2km of the application sites, all of which are within the villages of Misson and Austerfield. The Church of St John is a Grade I building and is located approximately 900m to the north-east of the Newington South extension. The other listed buildings in Misson are Grade II. There are three listed buildings within Austerfield, and of these the Grade II* Church of St Helena is the most sensitive.
15. Running through the Newington Quarry site is the Slaynes Lane Byway No. 7, and separates Newington North from Newington South. It connects to Bawtry Road, near Newington in the west and enters Misson to the east.
16. The River Idle meanders to the south of the application sites in a generally west/east direction. Also noteworthy is Slaynes Drain, which runs alongside Slaynes Lane. Both application sites are within Flood Zone 3, with a small area to the north-west of Newington North located in Flood Zone 2.
17. Robin Hood Airport is located approximately 3km to the north-west of the Newington West site.

Proposed Development

18. Planning permission is sought for two applications for sand and gravel extraction at Newington Quarry. The two applications are described in turn.

Newington South

19. Newington South Quarry was originally granted planning permission in 2010 (Ref: 1/32/08/00018) for the extraction of 1,000,000 tonnes of sand and gravel, with permission for extraction until 13th June 2018. A further planning permission

was granted in February 2013 (Ref: 1/32/12/00007) for an increase in vehicle movements from 50 to 75 per day.

20. This planning application is seeking to vary the existing Newington South planning permission to allow a 4.5ha Additional Working Area (AWA), resulting in the extraction of an additional 150,000 tonnes of sand and gravel.
21. The rate of extraction is currently 150,000-175,000 tonnes per annum, and there is no proposed change to this. As such, the development is expected to provide an additional year to aggregate production beyond existing reserves. It is anticipated that the extraction can take place within the existing time period of 13th June 2018.
22. The proposed AWA would run in a linear manner along the southern boundary of the existing working area. It would measure approximately 600m in length and 80m in width. The existing site lies between 1m – 3m Above Ordnance Datum (AOD) and, on average, the sand and gravel is 2.4m thick, overlain with 2.4m of overburden. As such, the site would be worked to approximately 5m below ground level.
23. The site preparation works would involve stripping topsoil, sub-soil and overburden which would be stored for later use in restoration. Top soil and sub-soil would be located to the eastern and western extents of the application site. The storage bunds would be aligned parallel to flood flows and arranged in discontinuous mounds. Stand-off distances to the River Idle would be maintained.
24. The working of Newington South currently comprises six phases worked sequentially in an east to west direction. The proposed development adds two more phases, also worked in an east to west direction. Phase seven would be worked to the south of phases two, three and four; and phase eight would be worked to the south of phases five and six.
25. The excavations would be dewatered, to allow the extraction of sand and gravel that lies below the water table. Water would be managed by pumping from sumps, which would be created in each phase, to an existing settling lagoon located in the north-east of the site. From the settling lagoon, clean water is discharged on a periodic basis to the River Idle via a pipe to a discharge point.
26. The sand and gravel would be excavated from the dry quarry face by a rubber tyred loading shovel. Sand and gravel is then loaded onto road haulage vehicles using the same loading shovel, from temporary stockpiles on the quarry floor.
27. The road haulage vehicles would use the existing site access for Newington South which runs to the north, over Slaynes Drain and Slaynes Lane, and along the access road located within the original Misson West Quarry. All vehicles would turn left on exiting the site and follow a designated route which is stipulated in an existing Section 106 agreement. Sand and gravel would be transported to the Hanson processing plant at Auckley, near Doncaster.
28. The sand and gravel transported to Auckley would be processed (washed and graded). This would result in silt being generated, which would be stored

adjacent to the plant for drying. The silt would then be returned to the site by HGV for use in restoration. All silt material would be transported back to Newington in the HGVs transporting sand and gravel to Auckley and will, therefore, not result in additional HGV movements.

29. The proposed restoration of the AWA would be incorporated into the existing Newington South restoration. It would involve a mix of after-uses comprising floodplain wetland habitats. It would involve the creation of Biodiversity Action Plan (BAP) habitats including wet grassland, open water bodies, channels, marsh and swamp, and broadleaved wet woodland.
30. The restoration of Newington South would comprise mosaic wet grassland to its eastern half, with a number of open water bodies located sporadically. There would also be some small areas of fringe planting around the open water bodies. The western half of the site would predominately comprise reed bed planting, which would be separated into six blocks, with small open water bodies scattered within the reed bed planting. The restoration also involves the provision of a permanent reinforced concrete access bridge over Slaynes Drain, and a boardwalk and viewing platform over the reedbed, off Slaynes Lane.
31. Newington South is already the subject of a Section 106 legal agreement securing extended aftercare for 21 years following the statutory 5 year aftercare period. It is proposed that the AWA is incorporated into the Section 106 Agreement.
32. The hours of operation at Newington South are 07:00-19:00 Monday to Friday (excluding Bank and Public Holidays); and 07:00-13:00 Saturdays. Pumping of groundwater takes place on a 24 hour basis when required. There are no proposed changes to the hours of working. However, it is indicated that restoration aftercare such as habitat management would occur outside of normal working hours.
33. The existing Newington South permission restricts HGV movements to 75 per day. No change to the condition that restricts HGV movements is proposed.
34. As a result of the above proposed development, the applicant is seeking to vary Conditions 1, 2, 3, 13, 25, 32, 38, 51, 62, 63 and 65 of the extant permission. These conditions and the proposed changes are summarised in Table 1 below:

Table 1 – Existing conditions and proposed changes summary

No.	Existing Condition	Proposed Condition
1	Defines the permission, including limiting to total extraction to 1,000,000 tonnes of sand and gravel.	Defines the permission, but increases the proposed extraction to 1,150,000 tonnes of sand and gravel.
2	Sets out the approved drawings.	Replaces the approved drawings with those submitted as part of this AWA extension application.
3	Prevents the extraction of sand outside the extraction areas shown on plans.	Prevents the extraction of sand outside areas on replacement plans submitted as part of this application to include the AWA.
13	Requires the submission of a strategy to remove water fern.	Removal of water fern in accordance with the previously submitted scheme.
25	Requires the development to be carried out in line with a working programme and phasing, as shown on plans detailed in the condition.	Replacement plan to reflect the change to the phasing.
32	Requires the submission of a hauliers' code of conduct.	Development undertaken in accordance with hauliers' code of conduct previously submitted.
38	Identifies the soil stripping drawings.	Replacement plan to reflect the changes to soil stripping.
51	Identifies the drawing which restoration shall be undertaken in accordance with.	A replacement restoration plan which included the AWA.
62	Requires tree and hedgerow planting to take place in the first planting season in accordance with details on a plan.	Seeks to replace the approved plan.
63	Restored ground levels shall not exceed those identified on a plan.	Seeks to replace the approved plan.
65	Requires restoration and aftercare to take place in accordance with approved plan.	Seeks to replace the approved aftercare and restoration scheme.

Newington West (Ref: 1/15/01019/CDM)

35. This application seeks planning permission for the extraction of 360,000 tonnes of sand and gravel across a 16.9ha area of arable land to the west of Newington North. This proposed extraction site is referred to as Newington West.
36. The extraction rate is expected to be at a similar rate to that at Newington South, at approximately 150,000 – 175,000 tonnes per annum, and the proposals would take 2-3 years to complete the extraction, with restoration taking place over a 12 month period following extraction. The working of Newington West would take place following the completion of extraction operations in Newington South.
37. The proposed Newington West site would take place immediately to the west of the restored Newington North site. The extraction area would measure 550m in length at its longest point and 220m wide at its widest point. The extraction area lies between approximately 2.5m AOD, with the site rising in the north-west of the application site boundary to approximately 5m AOD. Extraction would be to between -3 and -4m AOD in Phases 1 and 2, and to -0.4m AOD in Phase 3. The site would be worked up to approximately 6.5m below ground level.
38. The site preparation would involve stripping topsoil, sub-soil and overburden which would be stored for later use in restoration of the site. All soils would be stored to the north-west of the extraction site with top soils stored furthest to the

north, followed by sub-soil and then overburden. The storage bunds would be aligned parallel to flood flows and arranged in discontinuous mounds. Stand-off distances to the River Idle would be maintained.

39. The working of Newington West would comprise three phases, worked sequentially in a south to north direction. The excavations would be dewatered, to allow the extraction of sand and gravel that lies below the water table. Water would be managed by pumping from sumps (created in each phase) into the settlement lagoon located to the east of the extraction area. From there water would be discharged into either the River Idle, or into the restored lakes in Newington North (in the event that monitoring of the water levels indicates a significant lowering within the lakes due to dewatering operations).
40. The sand and gravel would be excavated from the dry quarry face by a rubber tyred loading shovel. Sand and gravel is then loaded into road haulage vehicles, using the same loading shovel, from temporary stockpiles on the quarry floor.
41. Newington West would include the formation of a new access point to the north of the extraction area, off Bawtry Road (C219). The access road would be 8.8m wide and would extend for approximately 150m, with the first 20m being hard surfaced. A wheel wash facility would be located near to the site entrance.
42. The existing site access which serves Newington South and the new access proposed for Newington West would not be used concurrently for the export of minerals from Newington Quarry.
43. It is proposed that the lorry movements are limited to 75 per day, which is the same level of traffic movements associated with Newington West. Given that the operations would run consecutively, there would be no increase in traffic movements over existing levels.
44. The existing arrangements relating to Newington South, secured by Section 106 Agreement, which require all HGVs to approach and leave Newington Quarry to the west using the prescribed route to Auckley Quarry would be maintained. It is expected that a further Section 106 Agreement would be required to secure this.
45. Minerals would be processed at Auckley. Some of the silt materials remaining after processing would be returned to the site by HGV for use in restoration. All silt material would be transported back to Newington in the HGVs transporting sand and gravel to Auckley and will, therefore, not result in additional HGV movements.
46. The proposed restoration scheme would be to nature conservation and public amenity use. The scheme would comprise predominately wet/dry grassland mosaic. There would be three areas of higher ground located centrally within the extraction area and a large pond to the north of the restored extraction area with two smaller ponds to the south. All ponds would incorporate reed fringe planting. There would be a water vole ditch to encircle the southern and central part of the restoration area and a circular footpath route with a lookout over the wet grassland.

47. Newington South is the subject of a Section 106 legal agreement securing extended aftercare for 21 years following the statutory 5 year aftercare period. It is proposed that Newington West is subject to a similar extended programme of aftercare and habitat management.
48. The hours of operation proposed would be 07:00-19:00 Monday to Friday (excluding Bank and Public Holidays); and 07:00-13:00 Saturdays. Pumping of groundwater would take place on a 24 hour basis when required. It is indicated that restoration aftercare such as habitat management would occur outside of normal working hours. These are the same working hours as Newington South.

Consultations

Newington South (Ref: 1/15/01020/CDM)

49. **Bassetlaw District Council** – *No objection.*
50. **Bassetlaw District Council Environmental Health Department** – *No objection.*
51. **Misson Parish Council** – *No objection.*
52. **Environment Agency Midlands Region** – *No objection. It is recommended that information relating to the dewatering of more than 20 cubic metres of water per day is brought to the attention of the applicant.*
53. *The concept restoration plan is supported and the EA welcomes the opportunity to work with the development to achieve positive environmental outcomes.*
54. **NCC (Planning Policy)** – *The proposal is contained within the existing planning permission boundary of Newington South quarry but needs to be considered against policy M6.2 'Sand and gravel landbank' of the adopted Nottinghamshire Minerals Local Plan (MLP).*
55. *The sand and gravel landbank as of December 2013 (the latest published figures available) stood at 7.9 years, slightly above the minimum 7 years set out in the MLP and the NPPF.*
56. *However since December 2013, additional reserves have been granted planning permission for extensions to Langford and Finningley quarries and a new site at Scrooby. Taking these reserves into account, the landbank at the end of October can be estimated to be 7.11 years based on the most recent 10 year production average (although this is higher than recent production levels).*
57. *As well as the two planning applications for additional reserves at Newington Quarry, an extension to the East Leake quarry in the south of the country is also being considered.*
58. *Newington South contains 150,000 tonnes adding an additional 0.8 months to the landbank and Newington West contains 350,000 tonnes equivalent to 1.9 months. The East Leake proposal contains 1.78 million tonnes, equivalent to an extra 9.5 months.*

59. *If all three applications are granted planning permission, the landbank of permitted reserves would increase to 8.13 years. This would ensure that a steady and adequate supply of sand and gravel continues to be provided across the plan area to meet demand.*
60. *Given the current position of the sand and gravel landbank and the fact the proposal is an additional working area within the existing permitted site boundary; it is considered that the principle of sand and gravel extraction at the proposed site is supported. However, this is subject to your satisfaction that the environmental and amenity impacts of the development are not unacceptable – for this we would defer to the relevant teams within the Council and relevant external bodies. In considering these impacts we would draw your attention to the environment protection and reclamation policies set out in Chapters 3 and 4 of the MLP (which the applicant comprehensively reviews in their Supporting Planning Statement paragraphs 3.4.7 – 3.4.22) and also the emerging development management policies in the preferred approach.*
61. **Natural England** – *The application is in close proximity to the River Idle Washlands and Misson Line Bank Sites of Special Scientific Interest (SSSI). However, the SSSI does not represent a constraint in determining the application.*
62. *A number of conditions are recommended to ensure the development will not impact upon the features of special interest for which the River Idle Washlands SSSI is notified including conditions relating to methods of working, monitoring and management of water levels, bird monitoring, and groundwater monitoring.*
63. *With reference to soils, the commitment to handling, reinstating and managing soils in line with acceptable best practice is welcomed. The details for the post restoration management of the site, as set out in the landscape restoration 5 year aftercare and 21 year habitat management plan appear to meet the requirements for sustainable minerals developments.*
64. *The restoration of the new extraction area offers the potential to create an enhanced nature conservation based restoration scheme which compliments the existing restoration of the quarry and nearby SSSI.*
65. **NCC (Nature Conservation)** – *The proposed Newington South AWA lies immediately adjacent to Unit 2 of the Idle Washlands SSSI, and will bring the extraction closer to the boundary of that site. The potential for changes to hydrology due to dewatering have been assessed as negligible.*
66. *The scheme forms part of the Slaynes Lane LWS. Whilst the proposals would result in the loss of existing farmland habitat which make up part of the LWS, it is only a small part and supports a small range of species, for which extensive areas of similar habitat exist in the wider area. Impacts upon other LWS in the area are not expected.*
67. *The two parts of the scheme are dominated by farmland currently under arable production. The loss of this habitat is not seen as significant and restoration proposals would result in habitat of much greater nature conservation benefit.*

68. *Bats, otter, water vole, amphibians, reptiles and invertebrates are not expected to be significantly affected by the proposals. A small area of habitat potentially suitable for reptiles would be affected by the scheme and it is understood that a precautionary approach to reptiles has been taken on other parts of the site. It is indicated that the same measures would be sufficient, and this should be secured through a condition requiring the submission of a Precautionary Working Method in relation to reptiles, or mirroring an existing reptile condition.*
69. *Direct impacts to birds are limited (through loss of arable farmland) and can be controlled through the timing of works such as soil stripping. It is suggested that a condition is used to control works in the bird nesting season. With regard to indirect noise impacts, Newington South is an active quarry and species are likely to have become habituated to extraction works and vehicle movements to a large degree. For Newington West, a new access route onto Bawtry Road is proposed, which would avoid vehicle movements through Newington North. This will minimise impacts on that part of the site. Consequently no significant adverse effects are predicted on birds as a result on noise.*
70. *It is noted that there may be an impact upon nesting birds within Newington North as a result of rapid localised changes in water levels. In the absence of mitigation this is a moderate adverse impact. To address this it is proposed that water pumped from Newington West is recirculated to Newington North, with a level board placed in the lake nearest to Newington North. It is requested that a condition is used to require the submission of a Water Management Scheme for Newington West to monitor surface water levels and make provision of water from the lake to be circulated back to Newington North.*
71. *Restoration of the Newington South AWA would result in an increased area of reedbed and wet grassland, which is welcomed and supported.*
72. *Restoration of the Newington West area seeks to deliver an increased area of wet grassland and associated habitats, although the area is segregated from the main Newington North site by a bund (upon which is a hedge). From an ecological perspective it would be beneficial to remove the bund to deliver an enlarged area of contiguous habitat. It is requested that this is given consideration. There appears to be a public access route looping through the restored Newington West, which would result in disturbance to the area; it is therefore requested that this is removed.*
73. *Detailed restoration proposals (including species mixes, establishment methods and maintenance regimes) and management prescriptions would be required for both parts of the scheme, and it is suggested that existing conditions are applied for this purpose.*
74. *The success of the restoration of the wider Newington North and Newington South sites will rely to a large degree in the ability to manage water levels, and water control points are proposed in both areas. It is assumed that the submission of further details on this is required through conditions attached to the relevant planning permissions, but given the extended area of the restorations, it is likely that these schemes will need to be amended – or at least for it to be demonstrated that such schemes will still operate effectively. An appropriate condition is requested.*

75. *It is noted that the scheme will be subject to an extended 21 year management programme, which is welcomed. This would need to be secured through a Section 106 agreement or equivalent.*
76. **Nottinghamshire Wildlife Trust** – *The AWA lies within the Slaynes Lane LWS and immediately to the north of Unit 2 of the Idle Washlands SSSI. Both of these are designated for their breeding and overwintering bird populations. There is a risk that working closer to Unit 2 could affect breeding and overwintering birds through noise and disturbance. The applicant has indicated that the noisiest operations (soil stripping and restoration) would occur outside the bird breeding season, and there would not be an impact on breeding birds as a result. The proposed period for soil stripping is until the end of March. It is recommended that this is reduced to mid-March.*
77. *Effects on overwintering birds are possible, however, NWT is reasonably satisfied that the extension into the AWA would not have a significant detrimental effect with regard to noise and disturbance, and it would take place over no more than 1 breeding season. There will be no noise and disturbance effects on Unit 1 of the Idle Washlands SSSI, and it lies outside the zone for the draw down effects of dewatering. Unit 2 of the SSSI is within the draw down zone, although the water levels are due to surface flows and there is not a groundwater connection. As such, there is not considered to be a detrimental hydrological effect on the SSSI as a result of the AWA.*
78. *The proposed AWA is cultivated land that is intensively farmed and of very limited biodiversity value. The replacement of this arable land with wetland habitats of reedbed and wet grassland would result in a net gain for biodiversity and would contribute to targets for the recreation of priority floodplain BAP/Sn 41 habitats.*
79. *NWT is satisfied there would be no impact upon bats, otters, water vole, invertebrates and protected species. With regard to herptiles, the proposed precautionary approach to stand off distances from the main ditch and stripping prior to soil stripping is supported. A receptor area for any reptiles encountered should be identified, with the most suitable location being within the central area of Newington North.*
80. *The area of land to be lost is of limited interest to birds, so the direct loss of habitat would be minor. There would be some impacts of noise, however, on balance the restoration benefits outweigh the likely relatively short term effect.*
81. *NWT strongly welcome the proposal to restore the whole AWA to priority floodplain habitats. The possibility of more sinuous ditches through the reedbed has been discussed with the applicant and it is suggested that this is reflected in a proposed scheme, which could be agreed by conditions. The 21 year aftercare period is also supported.*
82. *There are some minor details which may need review, including bank angles on some minor ditches in the wet grassland. NWT is satisfied that these can be agreed post determination. Subject to the resolution of the minor matters, NWT can support the proposed variation of conditions.*

83. **Doncaster and District Ornithological Society (DDOS)** – *DDOS raise concern about the effect that the proposals may have on the restoration to nature conservation of the Idle Valley Washlands between Hagg Lane and Misson Village.*
84. *DDOS highlight that Nottinghamshire Wildlife Trust and the RSPB have not objected to the proposed development, and suggest that they may be compromised by their involvement with the applicant at other sites locally and nationally.*
85. *DDOS claim that the site is a ‘mere shadow’ of what it was two years ago, and that to bring it back to its former attraction for birds the water levels will need to be raised substantially, which would conflict with Hanson’s objective of extracting sand to the west of the former north quarry. It is requested that the concerns are taken into account and that Hanson ameliorate their environmental impact by raising the water level of the north quarry to its former 2013 level, as well as gaining assurance that the water level would be maintained at this level throughout any future extraction.*
86. **Royal Society for the Protection of Birds (RSPB)** – *The RSPB raises no objection to the principle of either application. The EIA makes it clear that the land proposed for quarrying in both cases is of low value for nature. The RSPB is satisfied that the applications will have no significant adverse effect on existing features of nature conservation interest.*
87. *The RSPB strongly supports the proposed restoration of both areas to nature conservation, comprising high priority wetland habitats entirely suited to the floodplain of the River Idle, together with provision for public access and informal recreation.*
88. *The RSPB provide a number of comments in relation to details connected with the stated conservation objectives, target species and the design and management of some features. The RSPB state that provided the MPA is prepared to accept small changes to the restoration plan or Habitat Management Plan arising from discussions of the management committee, there is no reason for the applications not to be determined.*
89. **Historic England** – *We refer you to the detailed advice of the County Archaeologist.*
90. **NCC (Archaeology)** – *Archaeological evaluations have proved to locate only a scatter of archaeological features. However, there is a possibility that they have hit early iron furnaces, so a controlled strip of three areas will be done under archaeological supervision. There is also clarification required in relation to palaeochannels and flint finds. It is therefore recommended that a condition is attached requiring the submission of a written scheme of investigation and the subsequent implementation of the scheme to our satisfaction.*
91. **NCC (Built Heritage)** – *The information provided in the cultural heritage and landscape and visual impact sections of the ES has been reviewed. The setting of listed buildings in the vicinity of the proposals has not been given a great deal of attention. However, in line with the NPPF the Built Heritage Team has*

undertaken their own assessment of the likely impacts and concur with the conclusions of the cultural heritage assessment in the ES, which find that there will be no appreciable harmful impact to any of the designated built heritage within the zone of visual influence of the proposals.

92. **NCC (Landscape)** – *The methodology for the Landscape and Visual Impact Assessment (LVIA) for the scheme is accepted as best practice. The conclusions of the LVIA are no significant landscape and visual effects (greater than moderate effects) at the operational phase, at year 1 of operation, and at 15 year post restoration are accepted.*
93. *With regard to landscape restoration, it is recommended that Ash is not planted and this should not be included in the plant mixes of the restoration scheme.*
94. **NCC (Highways) Bassetlaw** – *The amendment to Condition 1 increases the extraction of sand from 1 million tonnes to 1.15 million tonnes. However, the daily HGV movements will remain capped at 75 vehicles per day by virtue of Condition 33. This will not impact on highway network capacity. It is assumed that quarry traffic will be routed to avoid the village of Misson.*
95. *With regard to Condition 2, the revised phasing drawings have no implications on Bawtry Road*
96. *No objection to the inclusion of Hanson's 'Haulier Rules and Procedures' document in relation to Condition 32.*
97. **NCC (Countryside Access)** – *No objection.*
98. **NCC (Noise Engineer)** – *The predicted noise levels exceed the recommended guidance of $L_{90} + 10\text{dB}$ at both Pine Tree Cottage and Pasture Farm on Saturdays. However, this is due to very low levels of background noise during the day, and will only occur when noise sources are located at the closest approach to the receptors. For the majority of time noise levels will be much lower than this.*
99. *The NPPF recognises that in some cases it will be difficult to avoid exceeding a limit of $L_{90} + 10\text{dB}$ and where this places an unreasonable burden on the operator the limit should be set as near to this level as possible subject to a maximum level of 55dB. Therefore, the noise limits of these properties should be adjusted to the predicted 'worst case' noise levels, to prevent unreasonable burdens being placed on the operator, in accordance with NPPF guidance.*
100. *There is no objection to the proposed development subject to conditions relating to noise levels, reversing alarms, and working hours.*
101. **NCC (Reclamation)** – *The Environmental Statement recognises the potential for contamination of the controlled waters which lie coincident with the site and beyond. Control measures are proposed to contain sediment and uncontrolled releases of fuels and other liquids stored on site. A lagoon system is proposed for control of sediments during excavation and materials management. The conservation of soils is also recognised with a considered proposal for the storage and reuse of such detailed within the ES.*

102. *There is no objection with respect to contamination risks and issues and it is recommended that conditions are attached relating to soils, and the construction of a secure bunded fuels and oils facility.*
103. **Peel Airports (Finningley) Limited** – *The existing bird monitoring and management secured by condition is acceptable.*
104. **Canal and River Trust** – *No comments.*
105. No response has been received from **NCC (Road Safety), The Ramblers Association, Health & Safety Executive, National Planning Casework Unit, Anglian Water Services Limited, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas), National Grid Company PLC PYLON, Trent Valley Internal Drainage Board, Doncaster Internal Drainage Board and Yorkshire Electricity**. Any responses received will be orally reported.

Newington West (Ref: 1/15/01019/CDM)

106. **Bassetlaw District Council** – *No objection.*
107. **Bassetlaw District Council Environmental Health Department** – *No objection.*
108. **Misson Parish Council** – *No objection. Misson Parish Council (MPC) would welcome the public display and cataloguing of any archaeological finds.*
109. *MPC note the highway has recently been repaired. Should Newington West be approved, it is requested that a condition is attached which requires the Hanson Management Team to have an annual meeting with the NCC Highways Manager to review the impact on the highway. Ideally this would involve the principal traffic generating businesses including Misson Mill industrial site, Misson Grey Sand Quarry, Hanson Quarry Products and Tunnel Tech. MPC are of the opinion that the HGV traffic has a significant detrimental effect on the quality of the highway surface and those businesses creating the HGV traffic should contribute to the repair of the highway.*
110. *MPC are pleased to see the plans for Newington West restoration include public access walks and observation areas which would benefit the community and wildlife. As new wildlife is created and matures, it is envisaged that greater vehicle usage of Slaynes Lane would occur. This may result in fly tipping, criminal damage and antisocial activity. MPC requests that the NCC Public Rights of Way Team consider any mitigation measures that may reduce these hazards.*
111. **Environment Agency Midlands Region** – *No objection subject to conditions relating to the development being carried out in accordance with the Flood Risk Assessment (FRA), and mitigation measures relating to topsoil, sub soil and overburden, ground elevations, stand-off distances to the flood embankment, and alignment of temporary stored materials.*

112. *It is recommended that information relating to the dewatering of more than 20 cubic metres of water per day is brought to the attention of the applicant.*
113. **NCC (Planning Policy)** – *The proposal is not located within an area allocated within the adopted Minerals Local Plan and will therefore need to be assessed against two key policies: M6.3 sand and gravel extraction in unallocated land and M6.2 sand and gravel landbank.*
114. *The sand and gravel landbank as of December 2013 (the latest published figures available) stood at 7.9 years, slightly above the minimum 7 years set out in the MLP and the NPPF.*
115. *However since December 2013, additional reserves have been granted planning permission for extensions to Langford and Finningley quarries and a new site at Scrooby. Taking these reserves into account, the landbank at the end of October can be estimated to be 7.11 years based on the most recent 10 year production average (although this is higher than recent production levels).*
116. *As well as the two planning applications for additional reserves at Newington Quarry, an extension to the East Leake quarry in the south of the country is also being considered.*
117. *Newington South contains 150,000 tonnes adding an additional 0.8 months to the landbank and Newington West contains 350,000 tonnes equivalent to 1.9 months. The East Leake proposal contains 1.78 million tonnes, equivalent to an extra 9.5 months.*
118. *If all three applications are granted planning permission, the landbank of permitted reserves would increase to 8.13 years. This would ensure that a steady and adequate supply of sand and gravel continues to be provided across the plan area to meet demand.*
119. *Although the proposal is an unallocated site, given the proximity to the existing Newington Quarry and the current position of the sand and gravel landbank, it is considered that the principle of sand and gravel extraction at the proposed site is supported. However, this is subject to your satisfaction that the environmental and amenity impacts of the development are not unacceptable – for this we would defer to the relevant teams within the Council and relevant external bodies. In considering these impacts we would draw your attention to the environment protection and reclamation policies set out in Chapters 3 and 4 of the MLP (which the applicant comprehensively reviews in their Supporting Planning Statement paragraphs 3.4.7 – 3.4.22) and also the emerging development management policies in the preferred approach.*
120. **Natural England** – *Same as above.*
121. **NCC (Nature Conservation)** – *Same as above.*
122. **Nottinghamshire Wildlife Trust** – *The proposed Newington West site lies within the Slaynes Lane LWS and to the north of Unit 2 of the Idle Washlands SSSI and east of Unit 1 of the SSSI. All these areas are designated for their breeding and overwintering bird populations. The proposed extension is further*

away from Unit 2 of the SSSI than the current working quarry so there is no increased risk of an impact to breeding and overwintering birds through noise and disturbance. The working of this area is likely to increase disturbance to birds currently using the restored habitats on Newington North. The applicant has indicated that the noisiest operations (soil stripping and restoration) would occur outside the bird breeding season, and there would not be an impact on breeding birds as a result. The proposed period for soil stripping is until the end of March. It is recommended that this is reduced to mid-March.

123. *The potential hydrological impacts of the habitats already restored on Newington North are more complex, as it appears that dewatering of the void may affect levels in the wetland of Newington North, which could have detrimental effects of the breeding success of wildfowl and waders that currently use the wetland, and which have included Schedule 1 birds in recent years. The applicant has undertaken to install gage boards and to recharge the wetlands with clean discharge water as necessary to ensure continuity of water levels. This should be secured by condition.*
124. *Unit 1 of the SSSI lies outside the zone that might be affected by draw down, and Unit 2 of the SSSI is not groundwater dependant. The applicant's Water Framework Directive (WFD) assessment is welcomed. It is possible that the restoration of the land that is currently in arable use to long term biodiversity habitats would help to marginally reduce Phosphate run-off into the river.*
125. *The applicant has undertaken a Phase 1 habitat survey. The proposed western extension is cultivated land that has been intensively farmed and of very limited biodiversity value. The replacement of this arable land with wetland habitats of reedbed and wet grassland would result in a net gain for biodiversity and would contribute to targets for the recreation of priority floodplain BAP/Sn 41 habitats.*
126. *NWT is satisfied there would be no impact upon bats, otters, water vole, invertebrates and protected species. With regard to herptiles, the proposed precautionary approach to stand of distances from the main ditch and stripping prior to soil stripping is supported. A receptor area for any reptiles encountered should be identified, with the most suitable location being within the central area of Newington North.*
127. *The area of land to be lost is of limited interest to birds, so the direct loss of habitat would be minor. There would be some impacts of noise, however, on balance the restoration benefits outweigh the likely relatively short term effect.*
128. *It is noted that the proposal would create a new access from Bawtry Road, so as to remove the current access that bounds Newington North and goes to Newington South. This would result in reduced HGV disturbance overall, so NWT are satisfied this would be a better outcome overall.*
129. *NWT strongly welcomes the proposal to restore a large proportion of the extension to priority flood habitats. However, it is noted that the area of land that is proposed for soil storage is proposed to be restored to agriculture, rather than BAP/Sn41 habitats. It is hoped that this would be restored to permanent grassland, rather than arable land, as this would have some value for feeding waders and wildfowl, although it is noted that this would leave an awkwardly*

shaped field and a new boundary hedge would be required. If this is not possible, it is suggested that the applicant commits to the creation of a cluster of small amphibian ponds surrounded by grassland in the part of the soil storage area closest to the other wetland habitats. This would provide complimentary priority floodplain habitat whilst still allowing the restoration of the field to agriculture. The 21 year aftercare period is also supported.

130. *It is noted that a circular access route is proposed around Newington West and NWT support and encourage people's engagement with wildlife. However, access by people and dogs can cause disturbance problems. As such, deep ditches, viewing screens and vegetation barriers should be used.*
131. *There are some minor details which may need review, including bank angles on some minor ditches in the wet grassland. NWT is satisfied that these can be agreed post determination. Subject to the resolution of the minor matters, NWT can support the proposed variation of conditions.*
132. **Doncaster and District Ornithological Society** – Same as above.
133. **Royal Society for the Protection of Birds (RSPB)** – Same as above.
134. **Historic England** – Same as above.
135. **NCC (Archaeology)** – Same as above.
136. **NCC (Built Heritage)** – Same as above.
137. **NCC (Landscape)** – Same as above.
138. **NCC (Highways) Bassetlaw** – *The current planning permission reference for Newington South (Ref: 1/32/12/0007) allows a maximum of 75 HGV movements based on an annual output from the quarry of 200,000 tonnes. The output is proposed to remain at a similar level, therefore, no increase in traffic movements is forecast as a result of the application proposals. It is assumed that lorry routeing would avoid Misson, as is the case at present.*
139. *There are no objections subject to conditions relating to traffic direction signs; sheeting of lorries; access surfaces; the use of Slaynes Lane and Drain; a haulier code of conduct; the number of HGV movements; wheel wash; visibility splays; public access and parking arrangements.*
140. **NCC (Countryside Access)** – *No objection subject to the dewatering pipeline route having no impact upon Slaynes Lane. With regard to restoration it is required that Misson Byway No. 7 is not subject to damp or wet conditions and if necessary Hanson must reconstruct the surface of the byway so that it is capable of withstanding the wetland conditions. It is noted that the surface of the Byway is benefitting from the works that are being carried out in relation to the S106 agreement of the existing permission.*
141. *NCC Countryside Access notes the request by MPC for the team to consider possible anti-social behaviour mitigation measures. Policy requires that requests for mitigation measures are accompanied by evidence that proves that these*

activities are occurring and that all possible avenues of action have been taken by the police and other relevant authorities and that these have been exhausted. Structures on public rights of way are a last resort and should be kept to a minimum. In addition, the public right of way is a Byway Open to All Traffic which means it must be available for use by walkers, horse riders, cyclists, carriage drivers and road legal motorised vehicles. This would place severe limitations on any action that the Countryside Access Team may be able to take to prevent illegal or anti-social activities.

142. *Notwithstanding the above, it may help if access to the wildlife site is restricted to one or two entrances with strategically placed landscape features. Another deterrent may be a form of site warden. The Police and Bassetlaw District Council have powers to deal with illegal activities and fly tipping and may be able to provide further advice.*
143. **NCC (Noise Engineer)** – Same as above.
144. **NCC (Reclamation)** – Same as above.
145. **Canal and River Trust** – No comments.
146. **Peel Airports (Finningley) Limited** – *The restoration scheme will not increase the potential for wildlife strike at Robin Hood Airport as most of the restoration consists of lowland wet grassland, reed beds, wet woodland and species rich hedgerow. Nevertheless, it is recommended that a condition is attached that requires the submission and implementation of a bird monitoring and management scheme.*
147. No response has been received from **NCC (Road Safety), The Ramblers Association, Health & Safety Executive, National Planning Casework Unit, Anglian Water Services Limited, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas), National Grid Company PLC PYLON, Trent Valley Internal Drainage Board, Doncaster Internal Drainage Board, and Yorkshire Electricity**. Any response received will be orally reported.

Publicity

148. The applications have been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review. The Newington West application was advertised as a departure from the Development Plan.
149. The County Council has received two representations from members of the public, one of which informs NCC that otters have been identified near to the site and requests that any impact on this species is taken into account in determination. The other representation states that they do not object as there will be no change to the traffic situation.
150. Councillor Liz Yates has been notified of the application.

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

Observations

Introduction

152. Two planning applications have been submitted in relation to sand and gravel extraction at Newington. First, an application has been submitted to extend the existing Newington South Quarry to allow an additional 150,000 tonnes of mineral to be extracted with no change to the existing end date of June 2018. Secondly, permission is sought to create a new working area, referred to as Newington West, to extract 360,000 tonnes of mineral over a 2-3 year period following on from extraction works at Newington South.
153. Whilst the two proposals are separate, they are supported by one Environmental Impact Assessment (EIA) covering both applications.

Planning Policy Assessment

National Planning Policy Framework

154. Chapter 13 of the National Planning Policy Framework (NPPF) relates to the sustainable use of minerals. Paragraph 144 states that when determining planning applications great weight should be given to the benefits of the mineral extraction, including to the economy. In granting planning permission, there should be no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and account should be had of the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. In addition, it should be ensured that any avoidable noise, dust and particle emissions are controlled, mitigated or removed at source.
155. Paragraph 144 of the NPPF also looks for decision making to provide for restoration and aftercare at the earliest opportunity and to be carried out to high environmental standards.
156. The NPPF also encourages Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates. One of the methods for doing this is by using landbanks of aggregate mineral reserves as an indicator of security of aggregate minerals supply. Provision should be made for the maintenance of at least 7 years for sand and gravel; longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.
157. Chapter 3 of the NPPF provides support for economic growth in rural areas in order to create jobs and prosperity. This should be done through supporting sustainable growth and expansion of all types of business and enterprise in rural areas; promoting the development and diversification of agriculture and other land based rural business; and supporting sustainable tourism and leisure developments that benefit businesses in rural areas, which respect the character of the countryside.

Nottinghamshire Minerals Local Plan (adopted December 2005)

158. Policy M6.2 of the Nottinghamshire Minerals Local Plan (MLP) states that the County Council will endeavour to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction and also an adequate production capacity so that Nottinghamshire meets its reasonable share of regional provision of aggregates. Policy M6.3 of the MLP states that proposals for sand and gravel outside allocated areas will not be permitted unless it is evident that adequate landbanks cannot be sustained.
159. Policy M6.11 of the MLP identifies 57 hectares of land at Newington, South of Slaynes Lane, for sand and gravel extraction. The proposed Newington South extension is within this allocated area.

Bassetlaw Core Strategy (adopted December 2011)

160. Policy DM1 of the Bassetlaw Core Strategy & Development Management Policies DPD (BSC) relates to economic development in the countryside. The policy supports economic development (tourist attractions; equine enterprises; rural businesses) in the countryside where the following relevant criteria can be demonstrated:
- a) The development requires the specific location proposed and there are no other suitable sites in, or close to, settlements covered by Policies CS2-CS8 or on brownfield land;
 - b) It is viable as a long term business;
 - c) The scale, design and form of the proposal will be appropriate for its location and setting and be compatible with surrounding land uses;
 - d) It will not create or exacerbate existing environmental or highway safety problems.

New Minerals Local Plan Preferred Approach (published October 2013)

161. Policy SP4 of the Minerals Preferred Approach Document (MPAD) outlines the strategy for the supply of minerals in Nottinghamshire and seeks to identify suitable land for mineral extraction; give priority to the extension of existing sites; allow for development on non-allocated sites where a need can be demonstrated; and ensure the provision of minerals in the plan remains in line with wider economic trends through regular monitoring.
162. Policy MP1 of the MPAD highlights the demand for aggregate minerals over the plan period (2012-2030) as 49.02 million tonnes of sand and gravel and 8.74 million tonnes of Sherwood Sandstone, and states that the County Council will make provision for the maintenance of landbanks of at least 7 years. It also states that proposals for aggregate extraction outside of the areas identified in the MPAD will be supported where there is a demonstrable shortfall in the landbank.

163. Policy MP2 relates specifically to the provision of sand and gravel identifying, in connection with proposals maps in the appendix, sites with existing reserves, potential extensions to existing sites, and new sand and gravel sites. The proposed Newington South extension is within an area identified as having remaining reserves at a permitted site. The proposed Newington West site is outside of allocated areas.

Policy Considerations

164. There is considerable support for the Newington South AWA in the NPPF, which attributes 'great weight' to the benefits of mineral extraction. Furthermore, the site is located within an area allocated for sand and gravel extraction within the MLP (Policy M6.11) and as an area with remaining reserves in the MPAD. In summary, there is considerable support for the extension of Newington South, subject to there being no unacceptable impacts on the environment or amenity.
165. The proposed development at Newington West also benefits from the 'great weight' attributed to the benefits of minerals extraction in the NPPF. However, it is not within an area allocated for sand and gravel extraction in the MLP and in such instances, Policy M6.3 of the MLP states that development should only be permitted where the adequate landbanks cannot be sustained. This policy is reflected in the MPAD in Policy MP1.
166. As of December 2013 Nottinghamshire had 17.8 million tonnes of permitted reserves and the annual rate of future demand identified in the most recent Local Aggregate Assessment (LAA) was 2.24 million tonnes per annum. This resulted in a landbank of 7.95 years, as of December 2013.
167. Notwithstanding the above, a number of other sites have been granted planning permission including Scrooby (36,000 tonnes) in January 2014; Langford (1,438,000 tonnes) in March 2015; and Finningley (770,000 tonnes) in April 2015. However, taking into account the 22 months that have passed since December 2013, the projected landbank stands at approximately 7.11 years as of the end of October 2015 based on production continuing at a rate of 2.24 million tonnes per annum.
168. In light of the above, Newington West is outside of an allocated area and Nottinghamshire's sand and gravel landbank is marginally over 7 years. Therefore, the proposed development is contrary to Policy M6.3 of the MLP and emerging Policy MP1 and SP4 of the MPAD.
169. Notwithstanding the above, the NPPF looks to Minerals Planning Authorities to make for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of **at least** 7 years for sand and gravel. Based on the above assessment, Nottinghamshire is only 0.11 years (5-6 weeks) above the 7 year landbank. This means that by December 2015 Nottinghamshire will be below the landbank that the County is required to maintain if no further reserves are permitted.
170. It is noted that an application for an additional 1.78 million tonnes of sand and gravel at East Leake has Officer recommendation for approval at this

committee. This proposal would contribute approximately 9 months, two weeks to the sand and gravel landbank.

171. The proposed developments do not represent a significant addition to the landbank with the Newington South extension contributing 3 to 4 weeks and Newington West approximately 8 weeks. As such, the proposed developments do not result in an oversupply of sand and gravel or jeopardise the delivery of other sites allocated within the MLP, but would provide some security in terms of landbank requirements taking it to 8.13 years in combination with the East Leake proposal.
172. In addition, the two applications are essentially extensions to existing workings and in that respect the continuation of existing workings is seen as positive in Policy SP4 of the emerging MPAD. For this reason, and that Nottinghamshire is not significantly above its landbank, the proposals are supported by the NCC Planning Policy Team.
173. Policy DM1 of the BCS applies to all development in the countryside and provides support for economic development provided certain criteria are met. With all minerals extraction development can only occur where the minerals are located and the history of mineral extraction in this location demonstrates that it is viable as a long term business (albeit with restoration once the mineral has been exhausted). The scale and form of the development are considered appropriate for the surroundings and it would not create or exacerbate existing environmental or highway problems; these topics are covered in more detail in following sections of the committee report. Both proposals accord with the criteria set out in Policy BE1 of the BCS.

Ecology

Habitats

174. The River Idle Washlands Site of Special Scientific Importance (SSSI) is the only statutory designated site within 2km of the boundary of both application sites. The SSSI comprises a number of units and Unit 1 is approximately 300m to the west of the Newington West site and Unit 2 is adjacent to the southern boundary of the Newington South site and comprises a good example of wet grassland plant communities, and attracts large numbers of wintering and passage waterfowl.
175. There are 10 Local Wildlife Sites (LWS) within 1km of the planning application boundaries. One of which is Slaynes Lane LWS, described as carr farmland and sand quarry prone to winter/spring flooding supporting a rich assemblage of breeding birds; overlaying the Newington West application site.
176. The proposed extension to Newington South would take extraction approximately 60m closer to the Unit 2 SSSI. The application recognises that dewatering is undertaken to allow the extraction in a dry environment, and this can have a drawdown impact on groundwater for up to 216m. However, the overriding influence on the SSSI is the seasonal winter flooding from the River Idle during periods of prolonged rainfall. As a result there would be a negligible

effect on the features for which the SSSI is designated from the Newington South workings.

177. Natural England, Nottinghamshire Wildlife Trust (NWT) and NCC Ecology are satisfied that there would not be an unacceptable adverse impact on the hydrology of the Unit 2 SSSI, and that Unit 1 lies outside of the zone of dewatering effects. Notwithstanding this, Natural England recommends conditions relating to working methods, monitoring of water levels, bird monitoring and groundwater level monitoring.
178. Part of the existing habitat comprising the Slaynes Lane LWS would be lost through the Newington West proposal amounting to approximately 12.5ha. Given the extensive areas under cultivation in the wider area the applicant has assessed this loss as negligible. This position is supported by NCC Ecology. It is also noted that a number of other LWS occur within the vicinity of the schemes but effects on these are not expected.
179. The applicant has undertaken a Phase 1 habitat survey of both application sites and demonstrates that they are cultivated land that has been intensively farmed and is of little biodiversity value. The restoration proposals would create habitat that is of significantly greater nature conservation value, and would contribute to the re-creation of priority flood plain Biodiversity Action Plan (BAP) habitats. This view is shared by NCC Ecology and NWT.

Birds

180. The direct impact of habitat loss is considered to be small as it is of low value and limited interest to birds. Nevertheless, it is recommended that soil stripping works are timed to occur outside of the bird breeding season, which could be secured by condition. This is suggested by NCC Ecology and NWT.
181. Notwithstanding the above, sand and gravel extraction can be an intensive operation and the potential for indirect impacts relating to noise and the potential for dewatering impacting on water levels have been raised in consultation responses, particularly as both the Unit 2 SSSI and Slaynes Lane LWS are designated partially due to the overwintering and breeding birds that they support.
182. Undertaking soil stripping outside of the bird breeding season would assist in minimising noise impact on breeding birds, however, there remains the possibility of adverse impacts on overwintering birds. In regard to the Newington South extension, this is considered in relation to the fact that it would be closer to the Unit 2 SSSI. However it is highlighted in consultation responses that there is an existing bank which would separate Newington South and the SSSI providing visual and noise screening. Furthermore, it is recognised that works in this locating would only take place for one breeding season and Newington South is an active quarry with birds having become habituated to extraction works and vehicle movements, evidenced in monthly bird counts submitted as part of the application. NWT and NCC Ecology are satisfied there would not be an unacceptable impact on birds due to the Newington South proposal.

183. NWT have identified that there would likely be noise impact from works at Newington West on breeding birds that rely on the margins of cultivated land, although this is common habitat and is unlikely to be significant. There would also be some noise impacts on the wider LWS area due to the extended period of working. However, NWT considers the long term restoration benefits outweigh the short term disturbance.
184. It is also important to recognise that upon the restoration of Newington South, the existing access route which passes along the eastern side of Newington North would be discontinued. This would reduce the noise disturbance from HGVs on a large area of the restored Newington North. This is viewed as a benefit by NCC Ecology and NWT.
185. The potential for impacts associated with water level changes resulting from dewatering activity at the proposed Newington West site is a concern that has been raised by consultees. Indeed, the Doncaster and District Ornithological Society has singled this out as their primary concern claiming that the site is a “mere shadow of what it was even two years ago” and call for water levels to be raised substantially.
186. The applicant themselves have identified that, without mitigation, the dewatering associated with the Newington West proposal will have a moderate adverse impact on nesting and foraging birds by allowing previously inaccessible areas to be reached by predators. In addition, NCC Ecology also highlight that rapid changes in water levels could flood-out nests. However, it is proposed that water that is pumped out of Newington West would be re-circulated into Newington North rather than to the River Idle and levels could be maintained through the installation of water level boards. Through mitigation the applicant concludes that the level of impact is not significant. Both NCC Ecology and NWT are satisfied with this approach and NCC Ecology recommends that a water management scheme is secured through condition for water level management and monitoring.

Herptiles

187. The planning application identifies records of common amphibians within the existing quarries and the now restored Newington North, including recent records of common toad, common frog and records of smooth newt to the north of Bawtry Road. There are no records of Great Crested Newt or reptiles within 1km of the scheme boundary.
188. NWT agrees that the sites are unlikely to provide extensive foraging habitat for amphibians or reptiles and encourages the applicant’s intention of strip prior to soil stripping along soil margins. It is also recommended that a receptor area is identified for any reptiles that are encountered. It is recommended that both these measures are secured by condition.

Bats

189. The application identifies a number of recent bat records, including a roost on Bawtry Road in Newington. There are also older records (over 10 years) of roosts towards Newington and foraging at Misson. However, no features for

roosting bats were identified at the application sites, which comprise only arable land. As such, no bat survey is deemed necessary and there would no impact on roosting or foraging bats.

Otter

190. The application notes that there are records of otter using the River Idle downstream of Newington South, but acknowledges that there is nothing to prevent them from using the river upstream where the quarry is located. However it notes that there would be no loss of boundary features and the application site comprises cultivated habitat which is not of value to otter. As such, it is concluded that no specific otter survey is required. However, the restoration proposals provide for an increase and enhancement of suitable otter habitat.
191. One consultation response informs the County Council that they have seen otters recently close to the proposed development. The response requests that the impact on these animals is assessed and not dismissed, as is the case in the application.
192. No concerns regarding the methodological approach to otter assessment have been raised by NCC Ecology. NWT is satisfied that the proposals are too distant to have an impact on this species. In this instance no further assessment is considered necessary.

Water vole

193. Records of water vole in Slaynes Lane is acknowledged in the planning application, although it is noted that neither of the applications would result in the loss of water vole habitat and stand-offs from other ditches and drains mean that there is no likelihood of impacting on water voles.
194. Provision of water vole habitat is made through the use of mosaic wet grassland, reed beds and shallow water bodies in the restoration proposals, as well as a water vole ditch in the restored Newington West site.
195. NWT is satisfied that there would be no adverse impact on the species and the restoration scheme would include many more suitable features in comparison to the existing sites.

Invertebrates

196. The applicant is of the view that the land is under regular cultivation and unsuitable for most types of invertebrates; and has therefore not undertaken any surveys. NWT is satisfied with this approach.

Protected species

197. The applicant notes that no signs of protected species were recorded in the walkover surveys and that the land south of Slaynes Lane often floods completely and no signs of protected species have ever been picked up. NWT is satisfied that there would be no impact on protected species.

Restoration

198. The restoration scheme would result in both sites being restored to priority flood plain habitat including wet grassland, reed bed and associated habitats. The principle of the proposed restoration schemes is supported by NCC Ecology, NWT, Natural England, the Environment Agency and the RSPB. Notwithstanding the support there are a number of comments made by the consultees in relation to the restoration scheme, along with suggested approaches, which are summarised in Table 2 below:

Table 2 - Restoration scheme comments

Consultee	Comment	Suggested approach
NCC Ecology	There is a bund (on which there is a hedge) which separates the existing Newington North site from the proposed Newington West. It would be preferable to deliver an enlarged area of contiguous habitat.	A revised restoration scheme secured by condition which removes the bund (or part of).
NCC Ecology	Detailed restoration proposals including species mixes, establishment methods and maintenance regimes.	Secured by condition.
NCC Ecology	The success of the restoration scheme will rely on the ability to manage water levels.	Use of a water management scheme secured through condition – as discussed above.
NCC Ecology	Welcomes the sites being subject to an extended 21 year aftercare management programme.	Secured through a Section 106 Agreement.
NWT	In relation to Newington West, the area for soil storage is proposed to be restored to agriculture. It is suggested that this is restored to grassland, or the creation of a cluster of small amphibian ponds surround by grassland close to the other wetland habitat.	Condition used to secure detailed restoration scheme indicating grassland or ponds.
NWT	Supports the commitment to 21 year aftercare and welcomes the specific mention of NWT in the Landscape, Restoration, Aftercare and Management Plan (LRAMP).	It is suggested that NWTs inclusion in this group is conditioned.
NWT	Supports the LRAMP although highlights that there are some minor details such as bank angles which need to be revisited.	A condition to revisit these details.
NWT	In relation to Newington South it is recommended that there is the use of more sinuous ditches and open water within the reed beds.	A condition to revisit these details.
RSPB	The proposed grazing periods are too prescriptive.	A more flexible and responsive approach depending on conditions.
RSPB	The design of the main reed bed at Newington South could be improved for biodiversity and the amenity of visitors.	This can be addressed by condition.

	There should be more 'edge' habitat and areas of open water.	
RSPB	Method of reed bed establishment is critical and will need protection from grazing by waterbirds until established. Only one establishment technique is proposed (planting).	Suggested transportation of large turves of reed by machine.
RSPB	Monitoring of breeding waders and wintering bird numbers to be undertaken post restoration.	Can be subject to a condition.

199. The RSPB have also made a number of comments in relation to the restoration of the wider quarry sites; including the quality of the wet grassland in the restored Newington North and water holding in the Unit 2 SSSI. The comments made are not in relation to these two applications and are therefore not for consideration.
200. There is an aftercare management committee as part of the Section 106 attached to the existing Newington South planning permission and the RSPB have indicated that they wish to participate in on-site discussions with all members of the management committee. The RSPB are referenced in the proposed composition of the management committee and Hanson has confirmed that they will be invited to any future group meetings. In addition, should planning permission be granted for Newington West a Section 106 Agreement will secure an aftercare and management committee and it is anticipated that RSPB will also feature.
201. NCC Ecology note that there is a public access route looping through the restored Newington West site and request that it is removed as it would result in disturbance. NWT also note the disturbance that could be caused to wildfowl and waders but are of the view that mitigation measures include deep ditches, viewing screens and vegetation barriers would be sufficient mitigation and allow a suitable balance between encouraging access and protecting sensitive species.
202. The restoration scheme and aftercare for both sites is detailed and receives in principle support from the ecological parties, although there are suggestions in relation to relatively minor aspects as detailed above. The significance of such suggestions does not change the recommendations on the applications and can be guided by the management committee which would be subject to a Section 106 Agreement. Should there be any material alterations as a result of management committee discussions this would need to go through the appropriate planning process.

Policy

203. Policy M3.19 of the MLP seeks to prevent development which would have an adverse impact on a SSSI, directly or indirectly. The planning applications are proximate to SSSIs, indeed Newington South is immediately adjacent to one. Nevertheless, the above assessment demonstrates that the proposed development would not affect the features of special interest for which the SSSI has been designated and that it is entirely in accordance with the policy.

204. Policy M3.20 of the MLP relates to regionally and locally designated sites and states that where minerals development is in such an area planning permission will only be granted where it can be demonstrated that the importance of the development outweighs the importance of the regional or local value of the site. In addition, Policy M3.17 of the MLP seeks to protect non-designated habitat that includes features identified as priorities in the UK and/or Nottinghamshire Biodiversity Action Plan.
205. The Newington South site is immediately adjacent to the Slaynes Lane Washland LWS (which overlays the Unit 2 SSSI) and Newington West sits within the Slaynes Lane LWS. Given that Newington South will not have an unacceptable adverse impact on the Unit 2 SSSI it is reasonable to conclude that the Slaynes Lane Washland LWS which overlays the SSSI will also not be harmed. However, part of the Slaynes Lane LWS which the Newington West site sits within would result in the loss of the habitat in that location. In this regard, Policy M3.20 states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy M3.17 also seeks the creation of equivalent habitat where the loss of habitat cannot be avoided.
206. Given that minerals can only be extracted where they occur and the Newington West application would result in a direct impact (i.e. removal of habitat) it would not be possible to locate the development elsewhere or mitigate the direct impacts. However, the actual habitat to be lost through the Newington West development is cultivated farmland with low habitat value, whilst the restored site is of high habitat value and the restoration scheme is supported by NWT, RSPB and NCC Ecology. As such, the development is in accordance with Policy M3.20 and M3.17 of the MLP, and DM4 of the MPAD.
207. Policy DM9 of the Bassetlaw Core Strategy (BCS) relates to green infrastructure; biodiversity and geodiversity; landscape; open space and sports facilities. The biodiversity and geodiversity section of the policy expects development to take the opportunity to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance, including trees and hedgerow; ancient woodlands; SSSIs; regionally important geodiversity sites; LWS; Local and UK BAP sites and protected species. Given that for both application sites the proposed restoration which is of greater habitat value than that which would be lost, the development is in accordance with Policy DM9.
208. Policy DM9 also expects development to support the Council's strategic approach to the delivery, protection and enhancement of Green Infrastructure and particular support will be given to proposals that will further the development of the Idle Valley Project. Where opportunities exist, development proposals provide improvements to the green infrastructure network that benefit biodiversity through the incorporation of retained habitats and by the creation of new areas of habitat. The proposed development would result in a significant habitat enhancement within the Idle Valley and is therefore supported by this aspect of Policy DM9.

Traffic and Transportation

209. Condition 33 of the extant Newington South planning permission limits the number of HGVs entering/leaving the site to a maximum of 75 vehicle movements per day. No change is sought to this condition.
210. It is proposed that the extraction rates associated Newington West will be at the same level as existing extraction from Newington South (i.e. approximately 150,000 – 175,000 tonnes per annum). As a result, the traffic levels that would be generated by Newington West are predicted to be the same as those generated by Newington South. Given that Newington West would commence extraction only after the cessation of Newington South, a matter which would be secured by condition, there would be no increase in HGV movements over current levels.
211. HGVs from Newington South approach and leave the quarry from the west, ensuring that no HGVs pass through Misson. HGVs then travel via the prescribed route to Auckley Quarry where the mineral is processed. The route is secured as part of an existing Section 106 Agreement. The applicant proposes that the same route is used for the Newington South extension and Newington West and suggest that this is secured through a new Section 106.
212. As part of the Newington West application a new access is proposed onto Bawtry Road, approximately 670m to the west of the existing access to Newington South. The proposed access would include appropriate visibility splays to allow HGV drivers visibility along Bawtry Road and would include macadam surfacing and wheel wash facilities.
213. The applicant intends to retain the Newington South access, but states that the two access points will not be used simultaneously for the export of minerals. It is proposed that the new Newington West access would be restored to an agricultural access once the restoration has been completed.
214. The NCC Highways Team has no objection to the Newington South extension and comment that the proposed condition variations have no impact on highway matters. The NCC Highways Team also have no objection to the Newington West application subject to a number of conditions relating to lorry signage, sheeting of lorries, wheel cleaning facilities, a hauliers code of conduct, HGV movement numbers, visibility splays, access and parking arrangements. There is also a note to applicant about if any off-site highway works are necessary the applicant would have to enter into a Section 278 agreement with the Authority.
215. The NCC Highways Team has also recommended a condition about the use of the crossing over Slaynes Lane and Drain to ensure that Misson Byway is not affected. Clearly this condition would only relate to the Newington South application.
216. It is noted that MPC has requested that the site operator has an annual meeting with the Highways Authority to review the impact of the development on the highway, with the meeting also involving other traffic generating businesses in the area. It is also suggested that those businesses contribute to the repair of the highway. With regard to an annual meeting, it would not be within the remit

of the planning authority to oblige other businesses to take part and it would be impossible to attribute any highway damage to a single party. In relation to the repair contribution, it should be noted that the hauliers visiting the site will be subject to road tax and fuel duty and to ask for further contribution is not reasonable given that the site is accessed from a classified road. Finally, the proposed developments do not result in any increase in traffic generation over existing levels. As such, the requests do not meet the requirement for conditions or obligations set out in the NPPF and, therefore, are not recommended.

217. Policy M3.12 of the MLP seeks to put in place measures to prevent damage to the highway and prevent mud and other deleterious material contaminating the public highway. As requested by NCC Highways, conditions would be attached relating to sheeting of lorries, wheel wash facilities and the hard surfacing of access entrances. These conditions are in accordance with Policy M3.12.
218. Policy M3.13 states that planning permission will only be granted where the highway network can satisfactorily accommodate the level of vehicle movements generated and there would not be an unacceptable impact on the environment and disturbance to amenity. The approach taken in the NPPF is arguably more relaxed, stating that development should only be prevented on transport grounds where residual impacts of development are severe. In any case, for both applications there would be no change to existing traffic levels, there is no capacity concerns from NCC Highways and the development is deemed to be fully in accordance with the Policy.
219. Policy M3.14 of the MLP relates to vehicular routing and recommends the use of conditions relating to signage and issuing instructions to lorry drivers; negotiating planning obligations to secure highway improvements. The recommendations made by NCC Highways relating to driving, the hauliers code of conduct and the use of the S106 agreement for the routing of vehicles are entirely in accordance with this Policy.
220. The proposed development is also in accordance with Policy DM9 of the MPAD, which also relates to highways safety, vehicle movements and routing.

Ground and Surface Water / Flood Risk

221. The site is located within the flood plain of the River Idle and the Environment Agency web based flood maps show Newington Quarries as being located within Flood Zone 3 (a 1 in 100 or greater annual probability of flooding). There is an extensive system of flood protection bunds that extend along the River Idle in the vicinity of the application sites.
222. There are numerous man made drainage channels within the wider area and separating Newington South from Newington North and the proposed West site is Slaynes Drain. Land drainage within the low lying land along the River Idle is managed by the Isle of Axholme and North Nottinghamshire Water Level Management Board (WLMB).
223. The Sherwood Sandstone which underlies the site is a Major Aquifer and the superficial sand and gravel deposits in the area are classed as minor aquifers. In addition, the sites are within the Source Protection Zone (SPZ) of a public

supply borehole at Highfield Lane approximately 2.5km to the north-west of Newington Quarry. This is Yorkshire Water's public supply and approximately 9 million m³ is pumped annually. The closest abstraction is at the Tunnel Tech site approximately 250m from the Newington West extraction area.

224. The public water supply abstraction is said to exert a strong influence on the groundwater levels and the regional flow direction within the Sherwood Sandstone is to the north and north-west, away from the River Idle.
225. Dewatering has taken place as part of the existing sand and gravel extraction works at Newington Quarry and has facilitated previous extraction at Newington North. The applicant has identified a poor hydraulic connectivity between the sand and gravel workings and the River Idle.

Hydrology and Hydrogeology

226. The proposed method of working involves dewatering so that sand and gravel can be extracted in a dry environment. This would have an impact on local groundwater levels. The applicant identifies that the progressive working and restoration of the site means that the dewatering impact is likely to be limited to the actual working face at any given time and has assessed the impact on groundwater levels a negligible with a minor significance.

Water would be discharged to the River Idle. The assessment notes that the total discharge would be less than 1% of the combined mean flow of the Rivers Idle and Ryton and the significance has been assessed as minor. It is also noted that there have been numerous other sand and gravel workings that have extracted near the river without adverse impacts. During times of flooding operations would temporarily cease and there would be no pumping to the river.

227. As discussed in the ecology section above, the nearby Unit 2 SSSI is not groundwater dependent and Unit 1 is sufficiently distant so as not to be affected by dewatering. NCC Ecology, NWT and Natural England are satisfied that there would not be an impact on the SSSI.
228. It is possible that dewatering associated with the Newington West site could result in water levels in the restored Newington North site lowering. Should this occur in the bird breeding season it could have an adverse impact on nesting birds allowing access for predators that would otherwise have been unable to access nests. This is proposed to be mitigated through the use of water level gage boards which would be monitored. If the lakes dropped below an agreed level the water being pumped to the River Idle would be temporarily diverted to Newington West to maintain acceptable levels.
229. Good working practice on the site would be adopted and fuels and oils would have appropriate storage, with spill kits and a site specific emergency response plan.
230. Policies W3.8 of the MLP and DM2 of the MPAD seek to protect the water environment in respect of surface water flows, groundwater levels and pollution to ground and surface water. This policy is supported in paragraph 109 of the NPPF which looks to prevent new and existing development from contributing to

or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. The applicant has satisfactorily demonstrated that through the use of mitigation measures there will be no adverse impacts and the proposed development meets the requirements of this policy.

Flood Risk

231. The planning application sites are located within an area at high risk of flooding. However, the Flood Zone and Flood Risk Tables within Planning Practice Guidance identify sand and gravel extraction as water compatible development. As such, the vulnerability of the proposal to flooding is not significant.
232. During the operational phase of the proposals, there will be an increase in net flood storage capacity through the creation of additional quarry void which could store floodwater, thereby reducing flooding elsewhere. The restoration of the site would be back to nature conservation and the wetland vegetation associated with this is assessed as providing higher flow resistance than the existing farmland, reducing flood risk elsewhere.
233. The new hard surfaced access to Newington West would have a low level of permeability. However, it would be a very small area and any increased surface water runoff would be directed towards the extraction water management system for the site.
234. There are no objections on the basis of flood risk and the Environment Agency are satisfied that the development can be carried out without adverse impact subject to conditions relating to development being carried out in accordance with the Flood Risk Assessment; soil handling and storage; and stand-off distances to flood embankments.
235. The NPPF seeks to ensure that appropriate development should only be considered in areas at risk of flooding, and ensure that the risk of flooding is not increased elsewhere. Policies M3.9 of the MLP and DM2 of the MPAD reflect this position stating that development will not be granted planning permission where there is an unacceptable impact on flood flows, storage capacity or the function of flood defences and local land drainage. In addition, Policy DM12 of the BCS only supports development in high risk flood zones where the development is defined as suitable in national guidance. The proposed development is in accordance with these policies.

Noise

236. The applicant has considered the impact of noise associated with sand and gravel extraction and has undertaken a noise assessment. The main noise generating activities are identified as vehicles entering and leaving the site; stripping of topsoil, sub-soil, overburden and storage; extraction of minerals; mobile plant; and reversing beepers.
237. Works hours would be 07:00 – 19:00 Monday to Friday (excluding Bank and Public Holidays) and 07:00 – 13:00 Saturdays, with no working on Sundays. The pumping of groundwater would take place 24 hours per day, when it is

needed. These are the operational hours used at the existing Newington South site.

238. To inform the noise assessment measurements of operational noise at the existing quarry have been used, which included noise from dump trucks, tracked loaders and excavators.
239. As a rural location there are few noise sensitive receptors in the immediate vicinity, nevertheless four noise monitoring locations have been identified, including:
- a) M1 – Pine Tree Cottage, approximately 380m from the limit of extraction, to the north of the site;
 - b) M2 – Pasture Farm, approximately 800m from the limit of extraction, south of the site;
 - c) M3 – Everton Carr Farm, approximately 500m from the limit of extraction, east of the site; and
 - d) M4 – Newington Farm, approximately 380m from the limit of extraction, west of the site.
240. A summary of the predicted noise levels, and a comparison against the existing background levels, is set out in Table 3 below.

Table 3 - Baseline and predicted noise levels

Receptor Location	Criteria Limit (Background noise level + 10dB L_{Aeq,1hr}) (dB) A	Predicted noise level from operational activities L_{Aeq,1hr} (dB) B	Level above background noise level + 10dB L_{Aeq,1hr} (dB) B - A
M1 – Pine Tree Cottage	51 (weekday)	51	0
	47 (Saturday)	51	+4
M2 – Pasture Farm	45 (weekday)	44	-1
	42 (Saturday)	44	+2
M3 – Everton Carr Farm	48	48	0
M4 – Newington Farm	55	51	-4

241. The NPPF looks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. The Planning Practice Guidance (PPG) provides specific guidance looking to MPAs to establish noise limits through planning conditions to not exceed background noise levels by more than 10dB(A) during normal working hours (07:00 – 19:00).
242. The noise assessment demonstrates that noise levels would exceed the 10dB(A) limit on Saturdays at Pine Tree Cottage (+4dB) and Pasture Farm (+2dB).

243. Notwithstanding the above, the PPG goes on to state that where it would be difficult to not exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable and in any event not exceed 55dB(A) $L_{Aeq\ 1hr}$ (free field).
244. Taking this into account, and acknowledging that background levels on the Saturday are low, it is considered appropriate that noise levels are set 44dB(A) and 51 dB(A) at Pasture Farm and Pine Tree Cottage respectively, with both these levels being below the 55dB(A) maximum set out in the PPG. Furthermore, it is recognised that the predicted noise levels are worst case scenario with all plant operating at full capacity and at the closest approach to the sensitive receptors. For the majority of the time it is likely that noise levels would be below that predicted.
245. The NCC Noise Engineer is satisfied that there would not be an unacceptable noise impact, subject to conditions controlling noise levels at sensitive receptors; reversing alarms; and working hours. It is also noted that there have been no historic objections in relation to noise.
246. Policies M3.5 of the MLP, and part of DM1 of the MPAD, relate to noise and prevent development where noise outside the boundary of the site would exceed acceptable levels. The applicant's noise assessment has demonstrated that there would not be adverse noise impacts associated with the development. The use of conditions recommended by the NCC Noise Engineer is also supported by Policies M3.5 and DM1.

Heritage and Archaeology

Built Heritage

247. There are no world heritage sites, historic parks and gardens or historic battlefields within 2km of the sites. There are two scheduled monuments that lie within 2km of the site, namely a moated site and fishpond to the east of Misson Village, approximately 1.2km to the north-east of the Newington South application site; and a Roman Fort and section of Roman Road approximately 2km to the south-west of the Newington West application site.
248. There are 17 listed buildings within 2km of the sites, all within the villages of Misson and Austerfield. The only Grade I building is the Church of St John the Baptist in Misson approximately 900m north-east of the scheme boundary. The Church of St Helena in Austerfield is also Grade II* Listed. All other listed buildings are Grade II.
249. The Scheduled Monuments have been assessed and the Misson Moat has no visual or contextual connection with the site, being located 1.2km from the boundary. The Roman Fort lies approximately 2km from the scheme boundary and view towards the site are interrupted by flood banks of the River Idle. The nearest listed buildings are located on West Street, Misson approximately 700m from the site and views of the extraction area are interrupted by intervening development. The Grade I listed Church of St John is centrally located within Misson. The applicant has assessed the impact of the proposed development

on the setting of scheduled monuments and listed buildings and concluded that there will be no impact either directly or indirectly. The NCC Built Heritage Team agrees with these conclusions.

250. Chapter 12 of the NPPF also sets out criteria for the protection of heritage assets, as do Policy M3.25 of the MLP, Policy DM8 of the BCS and Policy DM6 of the MPAD. In light of the above assessment the proposals will have no impact on built heritage assets and are in accordance with the relevant policies and guidance.

Archaeology

251. The applicant has highlighted that the Newington South area has very limited archaeological potential and, whilst extremely unlikely, waterlogged remains such as boats, trackways or occupation platforms may occur. The Newington West site has higher archaeological potential which has been evidenced by geophysical anomalies and cropmarks that point to Iron Age or Roman activity to the west of the site, with linear cropmarks continuing into the site boundary.
252. At the time of writing the ES highlighted that a further geophysical survey within Newington West would be undertaken when ground conditions allowed. This work has been reported to the NCC Archaeologist and it identified a scatter of archaeological features with the possibility of early iron furnaces.
253. In terms of mitigation the applicant recommends an occasional watching brief for the Newington South proposal. For the Newington West site the applicant recommends a watching brief which would comprise:
- a) Removal of overburden under the supervision of an archaeologist;
 - b) Archaeological excavation, mapping and recording of a sample of features identified;
 - c) Palaeoenvironmental sampling (to reconstruct the biological, chemical, and physical nature of the environment at the collection site at the time of deposition);
 - d) Analysis, assessment and publication.
254. Policy M3.24 of the MLP states that planning permission will not be granted for minerals development which would destroy or degrade national important archaeological remains and their settings, whether scheduled or not. Where the remains are of less than national significance the importance of the development should outweigh the regional or local significance of the remains. In addition, Policy DM8 of the BCS and Chapter 12 of the NPPF are of relevance, seeking to protect heritage assets. Policy DM6 of the MPAD states that development can be supported where the importance of the development outweighs the significance of the heritage asset and provision is made for excavating and recording and affected archaeological remains. The applicant has concluded that there would be no significant residual impacts on archaeology provided that the mitigation is followed, and the NCC archaeologist raises no objection to the proposed development schemes. As such, the proposals are in accordance with the relevant policy.

255. In line with the applicant's comments, the NCC archaeologist recommends that a written scheme of investigation is submitted and implemented, secured through condition.
256. Misson Parish Council has noted the potential for archaeological finds and would welcome the public display and cataloguing of any archaeological finds in Retford Museum. The appropriate place for archaeological finds would need to be established depending on their nature and significance, which would be done in consultation with NCC Archaeology. As such, a condition in relation to display and cataloguing at Retford Museum would not meet the tests of conditions set out in the NPPF. Nevertheless, the Parish Council's suggestions will be brought to the attention of the applicant by way of an informative should planning permission be granted.

Landscape and Visual Impact

Landscape Impact

257. No specific designations relating to landscape value or scenic quality have been identified at, or near to, the proposed development sites.
258. At a national level the development lies within the National Character Area (NCA) 39: Humberhead Levels, with the wider landscape study area (within 1km of the boundary of the site) there is the NCA 48: Trent and Belvoir Vales. In terms of Regional Character Areas (RCAs) the site lies within the Idle Lowlands RCA. At a local level Bassetlaw is divided into Landscape Policy Zones (LPZs) and the application site falls into IL02: Misson and IL03: Misterton LPZs, with the study area including the Doncaster H2: Sandland Heaths and Farmlands.
259. The Misson policy zone has a *high sensitivity* landscape that is in *moderate condition*. The policy objective for the zone is one of conserve and restore. The Misterton policy zone also has a *high sensitivity* landscape and is said to be in *good condition*, with a policy objective of conserve.
260. A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the EIA and the magnitude and significance of the landscape effects has been assessed in relation to the construction, operation and restoration of the sites.
261. The assessment identifies the magnitude of the potential impact on the Misson and Misterton Policy Zones, and the study area, as being low during construction, operation and post restoration. The significance of the landscape effects is assessed as negligible.
262. During construction and operation there would be a medium magnitude of the potential effect on the site itself, with minor significance. However, at post restoration this reduces to a low magnitude with negligible significance.
263. The NCC Landscape Team is satisfied with the methodology of the LVIA and that there are no significant landscape effects. The only comment being that Ash should not be included in the restoration scheme plant mixes.

264. The NPPF at paragraph 109 looks to the planning system to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Policy M3.22 of the MLP states that operators must demonstrate that landscape character and local distinctiveness are fully taken into consideration within development proposals and that planning permission will not be granted for minerals development which is likely to adversely impact upon the character and distinctiveness of the landscape. Policy DM5 of the MPAD supports development that does not have an adverse impact on landscape and encourages restoration proposals to take it into account. In addition, the landscape character section of Policy DM9 states that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment.
265. The landscape character effects of the proposed development have been assessed as being of negligible significance, other than at the site during construction and operation, where the significance is minor. Whilst the LVIA does not reference this, the proposed development would further the development of the Idle Valley Project, which is given support in Policy DM9 (albeit not in the landscape section of the policy). Overall the development is in accordance with the relevant landscape policies.

Visual Impact

266. The LVIA includes an assessment of the visual impacts of the proposed development.
267. Nine visual receptor locations have been assessed and these include viewpoint locations on a Byway Open to All Traffic, the Highway and Public Rights of Way. The locations represent viewpoints from all compass points surrounding the proposed extraction sites. The magnitude of the visual impact, and its significance, has been assessed for the initial earthworks, at year 1 of operation and post restoration (at 15 years).
268. During the initial earthworks and the operation stages the magnitude of the visual effects is either low or medium, resulting in minor or negligible significance at all viewpoint locations. In relation to the post restoration stage the magnitude is low and the significance is minor for all view point locations. The assessment highlights the short duration of the works and concludes that no mitigation measures are necessary as the development would not result in any significant long term landscape or visual effects.
269. The NCC Landscape Team is satisfied with the methodology of the LVIA and that there are no significant visual effects. Policy M3.3 of the MLP and Policy DM1 of the MPAD relate to visual intrusion and states that planning permission should only be granted where any adverse impact can be kept to an acceptable level. Give the above assessment, the development is in accordance with this policy and no addition screening or mitigation measures are deemed necessary.

Agriculture and Conservation of Soils

270. The Newington West site and the extended Newington South area currently comprise cultivated land that has been intensively farmed. The planning application identifies that extraction would take place across a total of 11.8ha, 4.5ha within the Newington South AWA and 7.3ha with the Newington West site.
271. The agricultural land comprises Grade 2 and sub-grade 3a soils, thereby falling into the Best and Most Versatile Agricultural Land (BMVAL) classification. The restoration scheme is not to agriculture and BMVAL would be lost as a result of the proposed development.
272. The applicant concludes that the scheme would have a minor adverse impact, highlighting that the removal of BMVAL within the Idle Valley is relatively small and the restoration scheme has benefits in relation to UK BAP habitats and the nearby SSSI.
273. Policy M3.16 of the MLP looks to restrict development in BMVAL unless (a) proposals will not affect the long term agricultural potential of the land; or (b) there is no available alternative and the need for development outweighs the agricultural interest; or (c) available land of lower value has sustainability considerations which outweighs the agricultural land quality. In addition the NPPF directs planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
274. With regard to Policy M3.16, there is no reasonably available alternative land taking into account that minerals have to be worked where they are and the applicant has considered alternative sites within the ES and has highlighted the relatively small scale additional working at an existing quarry site has benefits over the development of a wholly new site.
275. With regard to the need for the development outweighing the agricultural interest it is noted that Nottinghamshire is currently above its 7 year landbank and therefore there is not a pressing need for additional sand and gravel. However, the scheme delivers more than additional minerals in the high quality restoration scheme that is being proposed, a scheme which would help to deliver biodiversity aims identified in the BCS and by the ecological consultees. The NPPF states that great weight should be given to the benefits of mineral extraction, and this can extend to restoration. In this regard the need for the scheme is considered to outweigh the agricultural land quality, meeting the requirements of Policy M3.16.
276. Furthermore, it is noted that no concerns have been raised about the loss of BMVAL from any consultees or members of the public.

Bird Strike and Aviation Safety

277. Robin Hood Airport is approximately 3km to the north-west of the application sites, lying within the 13km bird strike risk consultation zone. The restoration of mineral extraction sites can be of particular concern in terms of airport safeguarding particularly where new open waterbodies, which could attract waterfowl, are being created.
278. An assessment of bird strike risk was undertaken for the original application for the Newington South site, and the site is now operating in accordance with a bird monitoring scheme which was submitted in 2011. Condition 18 of the extant Newington South permission references the monitoring scheme stating:
- “Populations of birds shall be monitored in accordance with the submitted scheme for monitoring 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 5 year aftercare period). In the event that bird monitoring results show a significant strike hazard, the annual report shall incorporate detailed mitigation measures including a timetable for controlling and reducing such a hazard”.*
279. The applicant is not seeking to alter the existing condition relating to bird monitoring and mitigation measures.
280. It is noted that in line with the existing permissions that bird monitoring is undertaken on a monthly basis for all of the Newington Quarry/Misson Mineral areas, and has been since 2007. The ES includes survey results from October 2013 to November 2014, with a summary of the historical findings from 2007. The total water bird trigger level is set at 2,000, although it is lower for individual species and the 2014 data shows that across the survey area (Newington North, Newington South and the Washlands SSSI) a peak of 861 birds was reached in October 2014.
281. There was an individual species threshold breach in July 2014 when 111 greylag geese were recorded (threshold of 50 at Newington North). It is suggested that this was a flock of post breeding birds on their way to a larger waterbody for their post breeding moult, especially as the following month numbers had dropped to 19.
282. There have been total waterbird (all species combined) threshold breaches in the past, however, these in most cases appear to be as a direct result of large scale flooding of the valley rather than the sand and gravel workings and subsequent restoration schemes.
283. The applicant highlights the restoration scheme for Newington South which includes 3.3ha of reed bed and 1.2ha of wet grassland to be incorporated into the restoration of the wider area. The restoration for Newington West includes wet/dry grassland mosaic with ditches, areas of higher ground and bare ground. No significant open water bodies are proposed, with the scheme designed to be attractive to water vole, invertebrates and small birds. The applicant has

assessed the potential impact of the scheme as very low risk in terms of increasing bird strike with effects of negligible significance.

284. Robin Hood Airport has commented on the applications stating that the restoration appears as though it will not have the potential to attract large wading wildlife like Canadian and Greylag Geese. They are satisfied with the existing condition in relation to Newington South and request an equivalent condition for monitoring and mitigation attached to any permission granted for the Newington West site. Robin Hood Airport also request that they are consulted on alterations to the restoration scheme.
285. In light of the design of the restoration scheme and the ongoing monitoring and mitigation measures to be secured by condition, it is concluded that the development would be in accordance with the NPPF.

Public Rights of Way

286. The Slaynes Lane BOAT (Byway Open to All Traffic) runs alongside Slaynes Drain passing centrally through Newington Quarry and separating Newington North from Newington South. It connects to Bawtry Road, near Newington in the west and enters Misson to the east.
287. To enter the Newington South site HGVs cross Slaynes Lane Byway and pass over Slaynes Drain on a reinforced concrete access bridge. This crossing is secured by Condition 6 on the extant planning permission and no change to this is proposed. The Newington West proposals would not directly impact on the Slaynes Lane Byway.
288. The NCC Rights of Way Team has reviewed the proposals and has no objection to the extension of Newington South.
289. With regard to the Newington West proposal some concern has been raised in relation to the placement of dewatering apparatus and whether this would interfere with the Byway. However, it has been confirmed that an existing pipeline would be used. The risk of increased flooding and damp or wet conditions impacting on the Byway was also raised, however, the applicant's Flood Risk Assessment demonstrates that there would be no increased risk of flooding. In addition, it is noted that the Byway is benefiting from previous works undertaken by the applicant as part of the previous Section 106 Agreement.
290. The NPPF states that planning authorities should protect and enhance public rights of way and access. In addition Policy M3.26 of the MLP and Policy DM7 of the MPAD seek to ensure that proposals do not adversely impact on public rights of way. It is noted that there would be limited visual impact on the rights of way, but this is not deemed to be significant. These applications have no unacceptable direct adverse impact of rights of way and are in accordance with the relevant policies.

Dust and Air Quality

291. The applicant has identified the existing sources of dust and air pollution from the current mineral operations at Newington to include mineral extraction,

movement, storage, processing and transportation. On a wider basis existing local sources of particulate matter include windblown dust from agricultural land, local industrial sources, exhaust emissions from road vehicles, break and tyre wear from road vehicles and long range transportation of material from outside of the study area.

292. There is no Air Quality Management Areas (AQMA) in the vicinity of the application sites and background concentration of nitrogen dioxide (NO₂) is below air quality objective values.
293. The applicant has acknowledged that the development can have the potential to generate dust which may travel beyond the site boundary and that this can vary significantly based on meteorological conditions. The main effect of the proposals would be to move the workings to the south during the extension of working of Newington South and to the west during activities at Newington West. There would be no residential receptors within 100m of activities, with the closest being Pine Tree Cottage and Newington Farm (circa 380m distant) and these are judged to be at a sufficient distance that significant adverse effects would not occur.
294. It has been identified that there would be short periods of working closer to the boundary of Tunnel Tech to the west. However, the applicant states that the potential for dust generation would be at a similar level to agricultural activities and management procedures and mitigation would ensure that any increased risk would be minimised having an overall effect of minor significance.
295. The applicant has considered the impact of dust generation on the SSSI Unit 2, noting that work would be taking place closer to the boundary (less than 25m distant). Nevertheless, the applicant states that the impacts would be of negligible significance as any soil material deposited on vegetation would be displaced during periods of precipitation; the actual distance between working and the SSSI will be more than 25m the majority of the time; and significant impacts are unlikely to occur at deposition rates less than 1,000 mg/m²/day, which is much higher than that expected to occur from Newington Quarry.
296. It is also noted that the volume and frequency of road traffic using the sites would remain as is the case at present, meaning there would be no increase in NO₂ and PM₁₀ from the proposed development.
297. The existing Condition 10 of the Newington South planning permission references a previously undertaken dust monitoring and management scheme which ensures that dust from operations within the site is minimised and requires monitoring to be undertaken during periods of soil stripping and submitted to the MPA. If the monitoring identifies the potential for nuisance, measures have to be identified and implemented to minimise emissions to an acceptable level.
298. The most recent dust monitoring considered dust levels at three locations (including one at the Tunnel Tech boundary). The highest recorded level was of 33.6 mg/m²/day at the Tunnel Tech boundary between 17 October 2014 and 18 December 2014. Levels of 20 to 100 mg/m²/day are reported as being typical in rural areas and 200 mg/m²/day is the criteria level for nuisance.

299. The applicant is not seeking a variation of Condition 10 of the Newington South permission. With regard to Newington West it is considered that with good working practice, suitable mitigation and on-going monitoring, secured by condition, there will not be an adverse impact. This approach is in line with Policy M3.7 of the MLP and Policy DM1 of the MPAD which recommend the mitigation of dust impacts, and the NPPF which seeks to prevent new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of air pollution and ensure that any unavoidable dust and particle emissions are controlled, mitigated or removed at source.
300. It is also noted that no objections based on dust or air quality have been raised.

Restoration, After-Use and Long Term Management

301. Newington South is currently being worked over six phases and the proposed extension would add an additional two phases to this. Extraction at Newington West would take place over three phases. The applicant has submitted phasing plans for both sites demonstrating the ongoing restoration as working in subsequent phases takes place. This is in accordance with the NPPF which seeks to provide for restoration at the earliest opportunity and Policy M4.1 of the MLP which states that mineral extraction proposals should be designed to allow a phased sequence of extraction, reclamation and implementation of the planned after use.
302. Policy M4.2 of the MLP also relates to phasing and requires applications to include an overall concept plan with sufficient detail to demonstrate the scheme is feasible and illustrative details of contouring, landscaping and other relevant information. In the case of both the Newington South extension and the Newington North proposal the applicant has included restoration schemes that do not have any unacceptable impacts and are supported, in principle, by the ecological bodies (Nottinghamshire Wildlife Trust, RSPB and NCC Ecology). Notwithstanding this, these parties have recommended some minor alterations to the restoration schemes that do not alter their overall concept. The significance of such suggestions does not change the recommendations on the applications and can be guided by the management committee which would be subject to a Section 106 Agreement. Should there be any material alterations as a result of management committee discussions this would need to go through the appropriate planning process.
303. The existing Newington South planning permission was granted subject to a Section 106 Agreement which included an extended 21 year aftercare period. The extension to Newington South would also be subject to such a period. In addition, the applicant has volunteered a similar 21 year aftercare period for the Newington West extension which would also be subject to a Section 106 Agreement. This commitment would greatly assist the establishment of high quality habitat created in the restoration schemes and would be fully in accordance with Policy 4.11 of the MLP. It is also supported by the NPPF which encourages aftercare to high environmental standards.

Socio-Economic Impact

304. The NPPF outlines at its start the purpose of the planning system being to contribute to the achievement of sustainable development, which comprises three dimensions: economic, social and environmental. There is significant weight given to supporting economic growth through the planning system and all types of business and enterprise in rural areas. In addition, Chapter 13 (Facilitating the sustainable use of minerals) highlights the essential role they play in supporting economic growth and our quality of life. In addition, Policy DM1 of the BCS applies to all development in the countryside and provides support for economic development provided certain criteria are met.
305. The applicant highlights that the proposed developments together would continue mineral operation in the area without a break in production and this would support growth of the local and regional construction industry, which is experiencing recovery after the recession. Also highlighted are the jobs that would be sustained through the continuation of the site, including those on-site, at the processing facility in Auckley, haulage drivers and other contractors (machinery repair and maintenance, plant hire, earth moving, landscaping and restoration).
306. The applicant considers that the potential community and socio-economic impact of the scheme would be low-medium (beneficial) with effects of minor-moderate-significance. The applicant's assessment is not disagreed with, although the benefits are considered to be towards the 'low' and 'minor' ends of the scale. Nevertheless, there would be some economic benefit, and the NPPF states that significant weight should be given to supporting economic growth.
307. In addition, there would be a socio-economic benefit in the restoration of the site to a high quality landscape with public access.

Cumulative and Combined Impact

308. Where effects occur as a result of different effects originating from the proposed development (e.g. noise effects and air quality effects) together on a receptor this is a cumulative effect. Effects which occur from the proposed development in conjunction with other development in the vicinity are known as combined effects.
309. The applicant does not identify any cumulative impacts primarily because there are few significant impacts associated with the proposals and the site is in a rural area with few near-by receptors on which cumulative effects would occur.
310. The applicant has identified a number of sites which they have considered combined effects of the proposed development with:
- a) Finningley Quarry (Ref: 1/14/01104/ CDM) – an extension of time to allow remaining sand and gravel reserves to be extracted. Approximately 4km to the north;

- b) Scrooby Top Quarry concrete batching plant (Ref: 1/14/00955/CDM) – and 1/14/00956/CDM) variation of conditions for an extension of timescales. Approximately 5km south-west;
 - c) Misson Grey Sand Quarry (Ref: 13/01145/CDM) – 2ha extension. North of Newington Quarry on the north side of Bawtry Road.
311. Given the distances to the Finningley and Scrooby sites the only real combined impacts is likely to be in relation to traffic. However, it is recognised that these proposals would not increase in traffic over the existing situation. In relation to the Misson Grey Sand site it is noted that this scheme comprises the extraction of 26,000 tpa over a 5 year period, and there would be no increase in the quarry's existing output or vehicle movements. The applicant has assessed the combined impacts as being not significant.
312. In addition, the applicant has identified an EIA Screening opinion for a potential 5MW solar park on land to the north, off Bawtry Road (approximately 100m north of the Newington West extension), but considers this to be at an early stage and has not considered it further.
313. On a site not identified by the applicant is a proposal for a shale gas exploratory borehole at a site off Springs Road, Misson. At the time of writing the proposed development has been subject to EIA scoping, although no planning application has been submitted. The site is approximately 4km north-east of the Newington sites. Given the distance the potential for cumulative impacts is limited to traffic, however, it is noted that the Newington Quarry HGVs are routed west away from Misson and the proposed traffic associated with the exploratory borehole would be routed northwards, also not passing through Misson. As such, there is unlikely to be any combined impact.
314. A planning application for groundwater monitoring boreholes has been submitted in relation to the site off Springs Road, Misson. The distance and routing of vehicles mean that there would not be any significant combined impacts from the proposal and the Newington Quarry applications.
315. The NPPF, at paragraph 144, highlights the need to take into account cumulative impacts. In addition, Policy M3.27 of the MLP and Policy DM8 of the MPAD seek to prevent development which would result cumulatively in a significant adverse impact on the environment and/or the amenity of local communities. The applicant has assessed cumulative and combined impact and demonstrated that the application is in line with these policies.

Legal Agreement

316. Planning permission for Newington South was granted in 2010 (Ref: 1/32/08/00018) subject to a Section 106 Agreement which:
- a) Secured a designated route between Newington South and the processing facility at Auckley, ensuring that all HGVs enter/leave the site avoiding Misson;

- b) Maintenance and repair of Misson Byway No. 7 for the duration of the quarrying operations and the first 5 years of the restoration and aftercare; a restriction to placing any plant, machinery, equipment or structures on or under the Byways; and maintenance of the Byway crossing point for the duration of the quarrying, restoration and aftercare.
 - c) An additional 21 year aftercare period;
 - d) A management committee meeting at least every 6 months.
317. A further planning permission was granted for Newington South in February 2013 (Ref: 1/32/12/00007) for the increase in vehicle movements from 50 to 75 per day. This application included a deed of variation to the original Section 106 to ensure that it applied to the new permission.
318. The applicant has stated that they anticipate the use of a further legal agreement to be entered into in relation to Newington South, reflecting the existing arrangements. Given that there has been a previous Section 106 which has subsequently been amended by a deed of variation the applicant is proposing a single Section 106 Agreement to cover both sites with the existing Section 106 Agreement being released (as it will be superseded).
319. In addition, any off site works to the public highway will require the application to enter into a Section 278 Agreement with the Highways Authority. This will be brought to the attention of the application by attaching an informative to any planning permission granted.

Other Matters

320. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer 'departure' planning applications to the Secretary of State (SoS). The application does not trigger the thresholds for referral set out within the Circular. As such, there is no requirement to refer the Newington West application to the SoS should Committee be minded to approve.

The comments from MPC are noted in relation to increased antisocial activity associated with increased public access at a restored site. Unfortunately this is an acknowledged risk with providing public access to a site. The NCC Countryside Access Team have been consulted and highlight that the use of mitigation is a last resort response to an actual problem rather than a potential one, as their aim is to minimise use of structure on public rights of way. Nevertheless, they recommend the one to two public access points and the use of landscaping. The restoration scheme for Newington West includes two access points with a habitat ditch that would prevent access from other points. Overall the amenity value to the public is considered to outweigh antisocial risk, and further measures can be taken in consultation with the police and Bassetlaw District Council should persistent problems arise.

Conclusion

321. The committee report relates to two planning applications at Newington Quarry. The first application is to vary conditions attached to an existing planning

permission to allow an extension of the extraction area and working of an additional 150,000 tonnes of mineral. The second application is a new working area referred to as Newington West, which would comprise extraction of 360,000 tonnes of mineral over a 2-3 year period following on from the extraction works at Newington South.

322. The Newington South extension is located within an area allocated for minerals extraction within the Minerals Local Plan and therefore benefits from policy support, in principle.
323. The Newington West application site is not within an allocated area within the Minerals Local Plan and based on up-to-date calculations Nottinghamshire has a landbank of over 7 years. As such, the proposed development is contrary to Policy M6.3 of the MLP.
324. Notwithstanding the above, Nottinghamshire is just 5-6 weeks supply above the 7 year landbank that the County is required to maintain, and by December 2015 will be below it. The NPPF looks to Minerals Planning Authorities to make for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of **at least** 7 years for sand and gravel.
325. The proposed developments do not represent a significant addition to the landbank with the Newington South extension contributing 3 to 4 weeks of supply and Newington West approximately 8 weeks supply. As such, it is not considered that the proposal would result in an oversupply of sand and gravel or jeopardise the delivery of other sites that are allocated within the MLP. It is also worth noting that Policy SP4 of the emerging Minerals Local Plan provides support for the extension of existing working areas over extraction at new sites.
326. The sites are close to the River Idle Washlands SSSI but have been assessed as not having an adverse impact. The Newington West scheme would result in extraction within an LWS, although the habitat to be created through the restoration scheme is an enhancement. Subject to conditions the development would not have a significant adverse impact on any protected species. Overall the restoration schemes for both sites would result in an increase in valuable wetland habitat within the Idle Valley and is supported by Natural England, NCC Ecology, the Environment Agency, Nottinghamshire Wildlife Trust and the RSPB.
327. The site lies within an area of flood risk, however sand and gravel extraction is flood compatible development and the restoration of the sites will not result in increased flood risk elsewhere. The sand and gravel extraction would be worked dry and the dewatering to achieve this would cause changes in localised groundwater conditions, most notably to the restored Newington North lakes. This can be mitigated through monitoring and discharging water to Newington North when water reaches trigger levels.
328. Based on a worst case scenario the proposed operations would have a noise impact of more than 10dB(A) above background noise levels at the nearest residential properties when working on a Saturday. However, this is largely due to the low background levels at the weekend and the noise generated would still be within acceptable levels for mineral working.

329. The proposed development would have no significant impact on the setting of any listed buildings or scheduled monuments. There is some potential for archaeological remains, more so at Newington South, and this is to be suitably addressed through, a condition requiring the submission and implementation of a written scheme of archaeological investigation.
330. The impact of the proposal on landscape character has been assessed as being of low significance during operations reducing to negligible upon restoration. The visual impact of the proposals is assessed as having minor to negligible significance (depending on viewpoint) during operations, reducing to minor significance for all viewpoints following restoration.
331. Both sites are cultivated agricultural land which falls into the Best and Most Versatile Agricultural Land category. The proposed development would result in the loss of this land. It is acknowledged that there is significant agricultural land in the wider area.
332. The restoration schemes do not include large open bodies of water and are therefore unlikely to be attractive to large wading wildlife which poses a bird strike risk to the nearby Robin Hood Airport. In order to ensure that bird strike does not become a risk in the future monitoring and mitigation can be secured by condition.
333. Misson Byway No. 7 runs between the two application sites and the access to Newington South passes over the Byway. These applications would have no unacceptable direct or indirect adverse impact on the rights of way.
334. The likely level of dust generated by the proposal would fall within or below typical levels for rural areas and significantly below the nuisance criteria levels. This has been demonstrated through monitoring associated with the existing Newington South site.
335. It is recognised that there is some socio-economic benefit to the proposal in the continuation of jobs associated with the site directly and indirectly and that the minerals extracted would feed into the local construction industry. Whilst the impact would be minor beneficial, great weight is placed on this benefit by the NPPF.
336. There are not anticipated to be any significant cumulative or combined impacts associated with the proposed development.
337. The restoration scheme is widely regarded as beneficial and associated with it would be a long term aftercare of 21 years. This would be secured by legal agreement for each site. In addition, the legal agreement would cover vehicle routing, maintenance of the Byway (in relation to Newington South) and a management committee following restoration.
338. In conclusion, the Newington South application is supported by the sand and gravel policies within the MLP. It is acknowledged that the proposal would result in the loss of some BMVAL, however, this is not considered significant in the context of the wider environment and the habitat benefits of the final restoration and aftercare are considered to exceed the loss of the agricultural land. In all

other respects, impacts can be kept within acceptable levels. As such, it is recommended that planning permission is granted subject to conditions.

339. The Newington West proposal is not within an allocated area and at present Nottinghamshire is over the 7 year sand and gravel landbank that it is required to maintain. Therefore there is not support for the Newington West proposal within the sand and gravel policies of the MLP. However, the scheme would not result in an oversupply of sand and gravel or jeopardise other allocated sites; and there is merit in the continuation of extraction from an existing site. In addition, the scheme would result in the loss of some agricultural land, however, again this is considered relatively minor in the context of the wider environment and the habitat benefits of the final restoration and aftercare are considered to exceed the loss of the agricultural land. In all other respects, impacts can be kept within acceptable levels. As such, it is recommended that planning permission is granted subject to conditions.

Other Options Considered

340. Both planning applications have been subject to an EIA. It is a requirement of the EIA Regulations that the Environmental Statement states what alternatives have been considered in the development of the scheme. The main alternatives discussed in the ES relate to sites, access, method of working, extraction footprint, mitigation and restoration.
341. The applicant has not considered other sites but has justified their approach to selecting the Newington South and West locations by:
- a) Using remain resources within an area identified within the Minerals Local Plan (in relation to the Newington South site);
 - b) Existing systems and infrastructure can be used;
 - c) The new workings can be accommodated into the existing quarry setting more easily than new quarries;
 - d) Mineral reserve at the quarry is proven and mitigation measures are known to work;
 - e) Restoration of the additional areas in combination with the existing worked areas would have an overall biodiversity benefit.
342. Consideration was given to using the existing access to Newington South to serve the Newington West site. However, the preferred option of a new direct access was selected to avoid travelling through the restored Newington North and move the entrance further from Misson.
343. The applicant decided the most appropriate method of working is to follow established working methods that have been used at previous and existing extraction at Newington North and South. The applicant is of the view that these methods have been demonstrated to be efficient, and minimise impacts from the operations on the environment and public amenity.

344. For Newington South the remaining area within the planning application boundary would be used. For Newington West the extraction footprint takes account of the depth of the mineral across the site, the location of the access and the provision of a stand-off from Tunnel Tech to the west.
345. The applicant states that the various mitigation measures that they have identified in their ES represent best practice and effective working established through previous extraction at Newington.
346. The applicant states that the restoration scheme has been designed to complement and enhance the existing restoration at the quarry, being the most appropriate scheme delivering significant benefit in the medium to longer term.

Statutory and Policy Implications

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

Financial Implications

348. Any planning permissions granted will be subject to Section 106 Agreement(s). Legal costs incurred by the County Council associated with drawing up and/or reviewing these agreements shall be met by the applicant. This is standard practice.

Crime and Disorder Implications

349. The Newington Quarry sites are surrounded by open agricultural land, with a public right of way passing centrally through the land. As such, there is the potential for trespass and other crimes. The proposed development would not have any additional impact on the potential for on-site crime and disorder above the existing situation.
350. The restoration proposals for Newington West include for public access. There is a small risk that this increases the potential for antisocial behaviour.

Implications for Sustainability and the Environment

351. 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 schemes have been designed on a phased basis to minimise the size of the active quarries and ensure that land is restored to beneficial purposes at the earliest practical opportunity. The issues have been considered in the Observations section above.

Safeguarding of Children

352. The sites are accessible from the surrounding areas, including the Byway which separates Newington West and South. The quarry would continue to comply with health and safety procedures which aim to minimise as far as possible the risk of accidents happening on site.

Implications for Service Users, Equalities and Human Resources

353. No implications.

Human Rights Implications

354. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the proposed development. The proposals have the potential to introduce impacts such as dust and noise upon users of Byway No. 7 and nearby residences. It is important to note that the impacts of noise and dust are assessed as being minimal and within acceptable levels. In addition, these potential impacts need to be balanced against the wider benefits the proposals would provide such as the economic benefit of minerals extraction and a restoration scheme with significant habitat enhancement. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Statement of Positive and Proactive Engagement

355. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts of ecology and restoration, traffic and airport safeguarding and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and the Minerals Planning Authority has also engaged positively in the preparation of the draft Section 106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

Newington South Additional Working Areas – Application Ref: 1/15/01019/CDM

356. It is RECOMMENDED that the Corporate Director for Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:
- a) A designated route for all HGVs using the site;
 - b) The maintenance and repair of Misson Byway No. 7 to an acceptable standard;
 - c) A 21 year aftercare period following on from the 5 year statutory aftercare period for the site;
 - d) The establishment of a management committee.
357. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 20th January 2016 or another date which may be agreed by the Team Manager Development Management, the Corporate Director for Place 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 20th January 2016, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director for Place 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.

Newington West New Working Area – Application Ref: 1/15/01020/CDM

358. It is RECOMMENDED that the Corporate Director for Place be instructed to enter into an agreement under Section 278 of the Highways Act 1980 (as amended) to secure a new access on to the public highway and a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:
- a) A designated route for all HGVs using the site;
 - b) A 21 year aftercare period following on from the 5 year statutory aftercare period for the site;
 - c) The establishment of a management committee.
359. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 20th January 2016 or another date which may be agreed by the Team Manager Development Management, the Corporate Director for Place 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 20th January 2016, or within any subsequent extension of decision time agreed with the Minerals Planning

Authority, it is RECOMMENDED that the Corporate Director for Place 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.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

The recommendation in the report fall with the Terms of Reference of the Planning Committee.

[LM – 2/10/2015]

Comments of the Service Director - Finance

The financial implications are set out in the report.

[SES 06/10/2015]

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

Misson - Councillor Liz Yates

Report Author/Case Officer

Oliver Meek

0115 9932583

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

W001427

ES/3264 and ES/3265

RECOMMENDED PLANNING CONDITIONS - NEWINGTON SOUTH ADDITIONAL WORKING AREAS (REF: 1/15/01019/CDM)

1. This permission is for the continuation of extraction of 1,150,000 tonnes of sand and gravel at Newington South Quarry, 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 47072089.NS.SS.003 received by the Minerals Planning Authority (MPA) on 24th March 2015.

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

2. Unless 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) Drawing Ref: N59/145 titled 'Existing Site Layout' – received by the MPA on 24th March 2015;
 - b) Drawing Ref: N59/146 titled 'Phase 5 Working & Phase 4 Restoration' – received by the MPA on 24th March 2015;
 - c) Drawing Ref: N59/147 titled 'Phase 6 Working & Phase 5 Restoration' – received by the MPA on 24th March 2015;
 - d) Drawing Ref: N59/148 titled 'Phase 7 Working & Phase 6 Restoration' – received by the MPA on 24th March 2015;
 - e) Drawing Ref: N59/149 titled 'Phase 8 Working & Phase 7 Restoration' – received by the MPA on 24th March 2015;
 - f) Drawing Ref: N59/150 titled 'Final Earthworks & Restoration Phase 8' – received by the MPA on 24th March 2015;
 - g) Drawing Ref: N59/151 titled 'Concept Restoration Plan' – received by the MPA on 24th March 2015;
 - h) Drawing Ref: D115389.ES.004 titled 'Slaynes Lane Crossing' – received by the MPA on 24th March 2015;
 - i) Drawing Ref: N59/152 titled 'Typical Section through Wet Grassland & Boardwalk over Reedbeds' – received by the MPA on 24th March 2015;
 - j) Landscape Restoration, 5 Year Aftercare and 21 Year Habitat Management Plan dated March 2015 – received by the MPA on 24th March 2015;
 - k) Section 73 planning submission for continuation of the development at variance to planning permission 1/32/12/00007 and comprising planning application form, supporting statement and accompanying drawings – received by the MPA on 24th March 2015.

Reason: For the avoidance of doubt.

3. No extraction of sand and gravel shall take place outside the limit of the excavation areas shown on the phased working drawings ref: N59/146–N59/149 – received by the MPA on 24th March 2015;

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 the 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 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 accord with Policy M3.8 of the MLP to avoid detriment to the water environment.

7. 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 protect the water environment in accordance with Policy M 3.8 of the MLP.

8. The plant and machinery used on the site shall be restricted to a wheel loader, haulage lorries & cabin for the storage of loading shovel. 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 and M3.5 of the MLP.

9. 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.

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 M3.7 of the MLP.

10. 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. For the avoidance of doubt 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 MLP.

11. 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 and approved by the MPA on 9th June 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.

12. The strategy to ensure the safe and permanent removal of Azolla Filiculoides (water fern) shall be implemented in accordance with the scheme detailed 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 and to provide for the satisfactory protection of water voles.

Commencement

13. The development hereby permitted shall be begun before the 13th June 2017.

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).

14. 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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 amenity of the local area in accordance with Policy M3.3 of the MLP.

16. 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 MLP.

Bird Strike

17. 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 2008 (ref: N59/P/RM/SC.a) as approved by the MPA on 23 February 2011. 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 in line with the NPPF.

Duration of Operations

18. All mineral extraction shall cease before 13th June 2018. Should extraction cease before this date the MPA shall be notified within 1 month of extraction ceasing.

Reason: To ensure the proper restoration of the site within an acceptable timescale in line with the NPPF.

19. 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 in line with the NPPF.

Ecology

20. Vegetation clearance shall be undertaken in accordance with the precautionary measures in relation to reptiles outlined in Section 4.3.7 of the Environmental Statement – received by the MPA on 24 March 2015. Should any reptiles be found during vegetation clearance, works shall cease until they have been relocated to a suitable receptor area, the details of which shall have been previously submitted to, and agreed in writing by, the MPA.

Reason: In the interests of amenity and wildlife conservation.

21. Any vegetation clearance works shall only be conducted outside the bird breeding season (15th March – end of August) unless a written ecological report by a suitably qualified ecologist demonstrating that no harm will be caused by such works, is previously submitted to, and approved in writing by, the MPA. Any works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of amenity and wildlife conservation.

Water Resources

22. 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 October 2008 – received by the MPA on 29 October 2008. 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 in line with Policy M3.9 of the MLP.

23. 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.

24. 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.

25. 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

26. The development hereby approved shall be carried out in accordance with the working programme and phasing shown on plans N59/145-N59/151 – received by the MPA on 24th March 2015.

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

Hours of Operation

27. 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

28. The free field noise levels associated with the development, when measured in the curtilage of any of the noise sensitive properties listed below, shall not exceed the following limits measured as an Equivalent Continuous Noise Level for 1 hour LAeq (free field):

Criterion Noise Levels LAeq, 1 hour	
Location	LAeq
M1 – Pine Tree Cottage	51dB
M2 – Pastures Farm	44dB
M3 – Everton Carr Farm	48dB
M4 – Newington Farm	51dB

In the event of a justifiable noise complaint, the applicant shall within a period of 30 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 minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the MLP.

29. All mobile 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 manufactures specifications to minimise noise disturbance to the satisfaction of the MPA.

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.

Lighting

30. No floodlighting shall be used within the planning application area hereby approved.

Reason: To minimise impact on the amenity of the local area, in accordance with Policy M3.5 of the MLP.

Dust and Mud

31. 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.

32. 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 M3.12 of the MLP.

33. All vehicles leaving the site shall use the wheel cleaning facilities. 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.

34. 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

35. The development hereby approved shall be undertaken in accordance with Hanson's 'Haulier Rules and Procedures' dated June 2013 and 'Safety / Environmental Procedures for Face Lorries' dated September 2010 – received by the MPA on 24th March 2015.

Reason: To minimise the potential adverse impacts associated with the haulage of mineral in accordance with Policy M3.12 of the MLP.

36. 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

37. 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 pre-worked levels.

Soil Handling

38. 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.

39. 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.

40. 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 M4.3 of the MLP.

41. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Drawing Numbers N59/145-N59/150 inclusive – received by the MPA on 24th March 2015;

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

42. 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.

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

43. 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.

44. 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.

45. 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.

46. 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.

47. Subsoils should be stripped in accordance with the following details shown on the Newington South ADAS Figure H2 – received by the MPA on 24 July 2008:

- a) Unit 1 – 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.

48. 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.

49. 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, received by the MPA on 29 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.

50. 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

51. 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.

Reason: In the interests of amenity and wildlife conservation.

52. 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.

Restoration and Soils Replacement

53. The site shall be fully restored in accordance with Drawing No. N59/151 titled 'Concept Restoration Plan' – received by the MPA on 24 March 2015.

Reason: To ensure the proper restoration of the site in accordance with Policies M4.2 and M4.4 of the MLP.

54. 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 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 MLP.

55. 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.

56. 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 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 MLP.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. Following placement of topsoil, the surface shall be rooted and cross-rippled 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.

63. 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.

64. Tree and hedgerow planting as indicated on Drawing Number N59/151 received by the MPA on 24th March 2015 and those details subsequently approved pursuant to conditions attached to this permission 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.

65. Restored ground levels shall not exceed those details on the plan reference N59/151 received by the MPA on 24th March 2015.

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

Removal of operational plant and machinery

66. 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 date of the cessation of mineral extraction as notified to the MPA under Condition 19 above.

Reason: To ensure that the site is restored satisfactorily.

Aftercare

67. The submitted aftercare and restoration scheme entitled Landscape, Restoration, 5 Year Aftercare and 21 Year Habitat Management Plan Dated March 2015 received by the MPA on 24th March 2015 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 in accordance with Policy M4.9 of the MLP.

Premature cessation of operations

68. 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 in accordance with Policy M4.9 of the MLP.

69. The revised scheme for the restoration of the site required under Condition 68 shall be implemented in accordance with the approved details and shall be subject to aftercare requirements detailed in Condition 67 above.

Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP.

Notes to Applicant – Newington South Additional Working Area (Ref: 1/15/01019/CDM)

- 1) In order to carry out off site works to the public highway you would need to enter into an agreement under Section 278 of the Highways Act 1980 (as amended). Please contact Nottinghamshire County Council (Martin Green – 01623 520 734) for details.
- 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) The applicant's attention is drawn to the consultation response from Misson Parish Council, dated 21 April 2015, which suggests the public display and cataloguing of any archaeological finds in Retford Museum.
- 7) The applicant's attention is drawn to the consultation response from the Environment Agency, dated 5th June 2015, with particular reference to dewatering more than 20m³ per day.

RECOMMENDED PLANNING CONDITIONS - NEWINGTON WEST NEW WORKING AREA (REF: 1/15/01020/CDM)

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. No mineral extraction associated with the development hereby permitted shall commence until mineral extraction operations at Newington South (Planning Permission Ref: 1/15/01019/CDM).

Reason: To prevent cumulative impacts in accordance with Policy M3.27 of the Nottinghamshire Minerals Local Plan (MLP).

3. The Minerals Planning Authority (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 development.

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

Permission

4. This permission is for the extraction of 360,000 tonnes of sand and gravel at Newington West Quarry, 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 (wet/dry grassland mosaic) all within the area edged red on Drawing Ref: 47072089.NW.SS.003 titled 'Planning Application Area' – received by the MPA on 24th March 2015.

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

5. Unless 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) Drawing Ref: 47072089.NW.SS.004 titled 'Site Setting' – received by the MPA on 24 March 2015;

b) Drawing Ref: N59/154 titled 'Site Establishment & Phase 1 Working' – received by the MPA on 24 March 2015;

c) Drawing Ref: N59/155 titled 'Phase 2 Working Phase 1 Restoration' – received by the MPA on 24 March 2015;

- d) Drawing Ref: N59/156 titled 'Phase 3 Working Phase 2 Restoration' – received by the MPA on 24 March 2015;
- e) Drawing Ref: N59/157 titled 'Final Earthworks & Phase 3 Restoration' – received by the MPA on 24 March 2015;
- f) Drawing Ref: N59/158 titled 'Concept Restoration Plan' – received by the MPA on 24 March 2015;
- g) Drawing Ref: N59/159 titled 'Section through Wet Grassland & Bird-Hide' – received by the MPA on 24 March 2015;
- h) Drawing Ref: 14-190-LOC-003 titled 'Site Access Location Plan' – received by the MPA on 24 March 2015;
- i) Drawing Ref: 14-190-TR-001 Rev A titled 'Proposed Temporary Access Arrangement' – received by the MPA on 24 March 2015;
- j) Application for planning permission submission comprising planning application form, supporting statement and accompanying drawing – received by the MPA on 24 March 2015

Reason: For the avoidance of doubt.

- 6. No extraction of sand and gravel shall take place outside the limit of the excavation areas shown on the phased working drawing Ref: N59/154 to N59/157 – received by the MPA on 24 March 2015.

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

- 7. 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 the development is carried out in accordance with the approved documents.

Duration of Operations

- 8. All mineral extraction shall cease before 13th June 2021. Should extraction cease before this date the MPA shall be notified within 1 month of extraction ceasing.

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

- 9. All restoration operations shall be completed no later than 12 months after the completion of final extraction operations.

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

Topographical Survey

10. 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.

Buildings, Fixed Plant and Machinery

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 amenity of the local area in accordance with Policy M3.3 of the MLP.

12. 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 MLP.

Hours of Operation

13. 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.

Lighting

14. No floodlighting shall be used within the planning application area hereby approved.

Reason: To minimise impact on the amenity of the local area, in accordance with Policy M3.5 of the MLP.

Noise

15. The free field noise levels associated with the development, when measured in the curtilage of any of the noise sensitive properties listed below, shall not exceed

the following limits measured as an Equivalent Continuous Noise Level for 1 hour LAeq (free field):

Criterion Noise Levels LAeq, 1 hour	
Location	LAeq
M1 – Pine Tree Cottage	51dB
M2 – Pastures Farm	44dB
M3 – Everton Carr Farm	48dB
M4 – Newington Farm	51dB

In the event of a justifiable noise complaint, the applicant shall within a period of 30 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 minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the MLP.

16. All mobile 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 manufactures specifications to minimise noise disturbance to the satisfaction of the MPA.

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 and Mud

17. Prior to any soil stripping taking place a dust monitoring and management scheme shall be submitted to, and approved in writing by, the MPA. 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.

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 M3.7 of the MLP.

18. The site access shall be hard surfaced to a minimum of 20m from the carriageway and shall be maintained in a good state of repair and kept clean and free from mud and other debris at all times until the completion of the site restoration.

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

19. All HGVs leaving the site shall be sheeted.

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

20. Prior to installation, details of wheel cleaning facilities shall be submitted to the MPA and approved in writing. The wheel cleaning facilities shall thereafter be installed in accordance with the approved details and 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 interest of highway safety and in accordance with Policy M3.12 of the MLP.

21. All vehicles leaving the site shall use the wheel cleaning facilities.

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

Traffic and Transportation

22. Before the installation of the new access onto Bawtry Road details of signs requiring HGV drivers to only turn left onto Bawtry Road shall be submitted to the MPA, and approved in writing. The details shall include number, design and location(s). The signs shall thereafter be installed as approved and maintained for the life of the development.

Reason: In the interests of highway safety in accordance with Policy M3.14 of the MLP.

23. The development hereby approved shall be undertaken in accordance with Hanson's 'Haulier Rules and Procedures' dated June 2013 'Safety / Environmental Procedures for Face Lorries' dated September 2010 – received by the MPA on 24 March 2015.

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

24. 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.

25. Prior to mineral extraction operations commencing 2.4m x 215m visibility splays shall have been put in place on Bawtry Road on both sides of the access as shown on Drawing Ref: 14-190-TR-001 Rev A titled 'Proposed Temporary Access Arrangements' – received by the MPA on 24 March 2015. The visibility splays

shall be kept clear of all obstructions over 0.6m above carriageway level for the life of the development.

Reason: To ensure that suitable access arrangements are provided to a suitable standard to accommodate HGVs in the interest of highway safety in line with Policy M3.12 of the MLP.

26. No plant and machinery shall access the site from Bawtry Road until the visibility splays required under Condition 25 have been put in place.

Reason: To ensure that access arrangements are provided to a suitable standard to accommodate vehicles accessing the site, in the interest of highway safety in line with Policy M3.12 of the MLP.

27. Prior to the commencement of Phase 2, as shown on Drawing N59/155, details of public access and parking arrangements shall be submitted to, and approved in writing by, the MPA. The approved details shall be in place, including the removal of any redundant site access arrangement and wheel wash facilities prior to the site being opened to the public.

Reason: To ensure that appropriate infrastructure is in place for the purposes of public access to the nature conservation area.

Archaeology

28. No soil stripping shall take place within the application area until a written scheme of archaeological investigation and recording of the site has been submitted to, and approved in writing by, the MPA. Such a scheme include among other things:
- a) The provision of a watching brief during the phased operations at the quarry;
 - b) The excavation and recording of unexpected discoveries;
 - c) The undertaking and reporting and archiving of all archaeological work to be carried out during the course of the development.

The scheme shall thereafter be carried out as approved.

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.

Ecology

29. Vegetation clearance shall be undertaken in accordance with the precautionary measures in relation to reptiles outlined in Section 4.3.7 of the Environmental Statement – received by the MPA on 24 March 2015. Should any reptiles be found during vegetation clearance, works shall cease until they have been relocated to a suitable receptor area, the details of which shall have been previously been submitted to, and agreed in writing by, the MPA.

Reason: In the interests of amenity and wildlife conservation.

30. Any vegetation clearance works shall only be conducted outside the bird breeding season (15th March – end of August) unless a written ecological report by a suitably qualified ecologist demonstrating that no harm will be caused by such works, is previously submitted to, and approved in writing by, the MPA. Any works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of amenity and wildlife conservation.

31. Prior to sand and gravel extraction taking place a Water Management Scheme shall be submitted to, and approved in writing by, the MPA. The scheme shall include details of water level monitoring for Newington North and make provision for the discharge of water from Newington West into Newington North. Thereafter the scheme shall be implemented for the life of mineral extraction.

Reason: In the interests of amenity and wildlife conservation.

Water Resources

32. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 1038/FRA-02 prepared by Hafren Water dated March 2015, and the following mitigation measures detailed in the FRA:

- a) Topsoil, subsoil and overburden will be utilised progressively such that material excavated from each phase will be placed in the proceeding phase;
- b) Ground elevations across the site after restoration shall be the same as, or lower than, pre-development levels;
- c) A stand-off distance of at least 9 metres will be maintained between the working face of the quarry and the landward toe of the flood embankment;
- d) Temporary storage of excavated materials should be aligned where possible parallel to flood flows.

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

33. Groundwater levels shall continue to be monitored for the life of minerals extraction. Results of the monitoring shall be provided to the MPA within 30 days of a request.

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

34. 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.

35. No extraction shall take place below 4 metres below Ordnance Datum.

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

36. 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 MLP.

Bird Strike

37. Within six months of the date of this permission, a scheme for the monitoring of birds at the site shall be submitted to the MPA for its approval in writing. The scheme shall set out the following:
- a) The methodology to be used for collecting data on bird numbers within the site, and bird movements to and from the site;
 - b) The duration and frequency of the monitoring to be carried out and the dates of its submission to the MPA;
 - c) Likely thresholds of bird numbers above which would be considered to pose a significant bird strike hazard;
 - d) Detailed mitigation measures to be carried out in the event that the bird monitoring results indicate a significant bird strike hazard, and the timescale for implementing these measures.

Bird monitoring at the site, the submission of results to the MPA and the submission of any report required setting out the mitigation measures that have been carried out as a result of the monitoring highlighting potential bird hazards at the site, shall be carried out in accordance with the approved scheme.

Reason: In the interest of aircraft safety in line with the NPPF.

Soil Handling

38. 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.

39. 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.

40. 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 M4.3 of the MLP.

41. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Drawing Numbers N59/154 to N59/157 inclusive - received by the MPA on 24th March 2015;

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

42. 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.

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

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. All topsoil, subsoil and soil making materials shall be stored 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.

49. 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 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

50. 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.

Reason: In the interests of amenity and wildlife conservation.

51. 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.

Restoration and Soils Replacement

52. The site shall be fully restored in accordance with Drawing No. N59/158 titled 'Concept Restoration Plan' – received by the MPA on 24 March 2015.

Reason: To ensure the proper restoration of the site in accordance with Policies M4.2 and M4.4 of the MLP.

53. 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 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 MLP.

54. 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.

55. 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 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 MLP.

56. 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.

57. 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.

58. 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.

59. 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.

60. The respread topsoil shall be rendered suitable for agricultural (pastoral) cultivation by loosening and ripping:

- d) to provide loosening equivalent to a single pass at a spacing of 1.5m or closer;

- e) to the full depth of the topsoil plus 100mm;
- f) 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.

61. 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.

62. 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.

63. Tree and hedgerow planting as indicated on Drawing Number N59/158 received by the MPA on 24th March 2015 and those details subsequently approved pursuant to conditions attached to this permission 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.

64. Restored ground levels shall not exceed those details on the plan reference N59/158 received by the MPA on 24th March 2015.

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

Removal of Operational Plant and Machinery

65. 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 date of the cessation of mineral extraction as notified to the MPA under Condition 8 above.

Reason: To ensure that the site is restored satisfactorily.

Aftercare

66. The submitted aftercare and restoration scheme entitled Landscape, Restoration, 5 Year Aftercare and 21 Year Habitat Management Plan Dated March 2015 received by the MPA on 24th March 2015 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 in accordance with Policy M4.9 of the MLP.

Premature Cessation of Operations

67. 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.

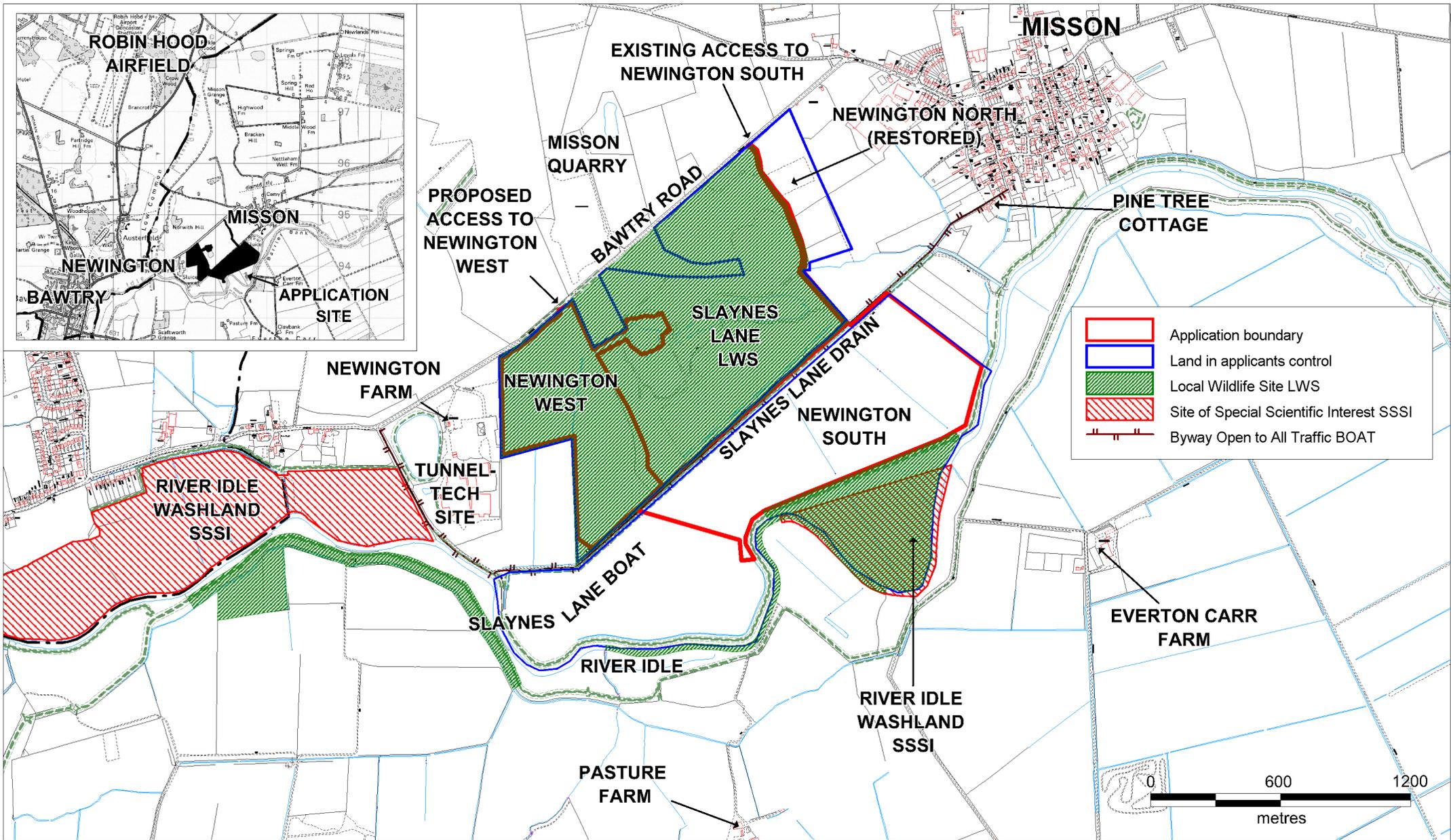
Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP.

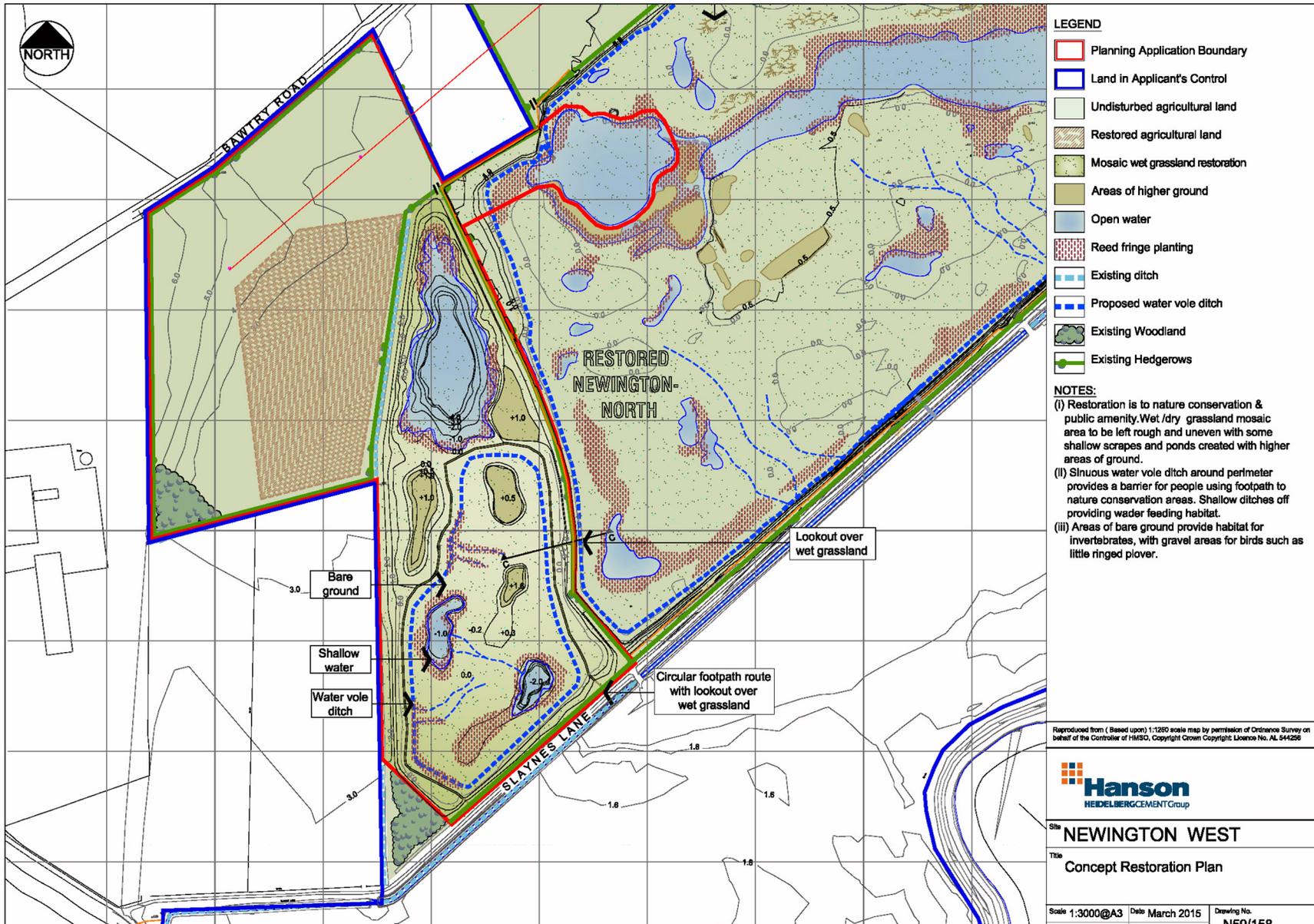
68. The revised scheme for the restoration of the site required under Condition 67 shall be implemented in accordance with the approved details and shall be subject to aftercare requirements detailed in Condition 66 above.

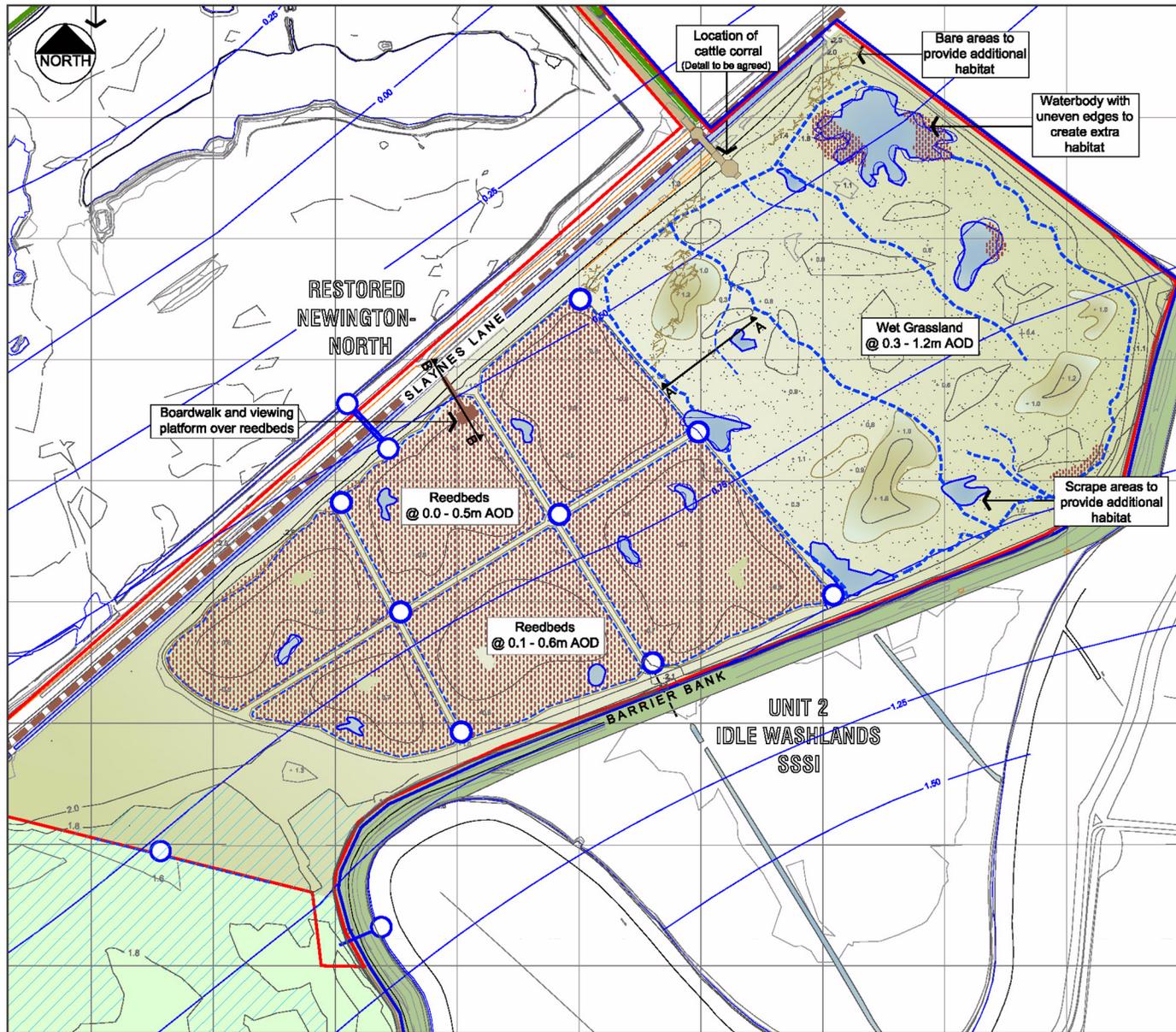
Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP

Notes to Applicant - Newington West New Working Area – Application Ref: 1/15/01020/CDM

1. In order to carry out off site works to the public highway you would need to enter into an agreement under Section 278 of the Highways Act 1980 (as amended). Please contact Nottinghamshire County Council (Martin Green – 01623 520 734) for details.
2. The applicant's attention is drawn to the consultation response from Misson Parish Council, dated 21 April 2015, which suggests the public display and cataloguing of any archaeological finds in Retford Museum.
3. The applicant's attention is drawn to the response from the Environment Agency, dated 14 May 2015, with particular reference to dewatering more than 20m³ per day.







LEGEND

- Planning Application Boundary
- Land in Applicant's Control
- Mosaic wet grassland restoration
- Reedbed/fing planting
- Areas of higher ground
- Areas of bare ground
- Area to be flooded up to 1.8m contour
- Open water
- Ditch
- Restoration water table
- Water control point/pipe
- Hedgerow planting

NOTES:

- (i) Restoration is to nature conservation. Wet/dry grassland mosaic area to be left rough and uneven with some shallow scrapes and ponds created with areas of higher ground.
- (ii) Sinuous water vole ditch around perimeter with shallow ditches off providing wader feeding habitat.
- (iii) Bare ground stripped of soils provides habitat for invertebrates, with gravel areas for birds such as little ringed plover.
- (iv) Areas to be ploughed after earthworks to create a ridge and furrow micro-habitat profile.
- (v) Reedbed and wet grassland habitat to be managed with a series of water control structures and pipes. (See Habitat Management Plan for further detail)

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Site **NEWINGTON SOUTH EXT.**

Title **Concept Restoration Plan**

Scale 1:3000@A3	Date March 2015	Drawing No.
Drawn by JW	Checked by BJA	N59/151



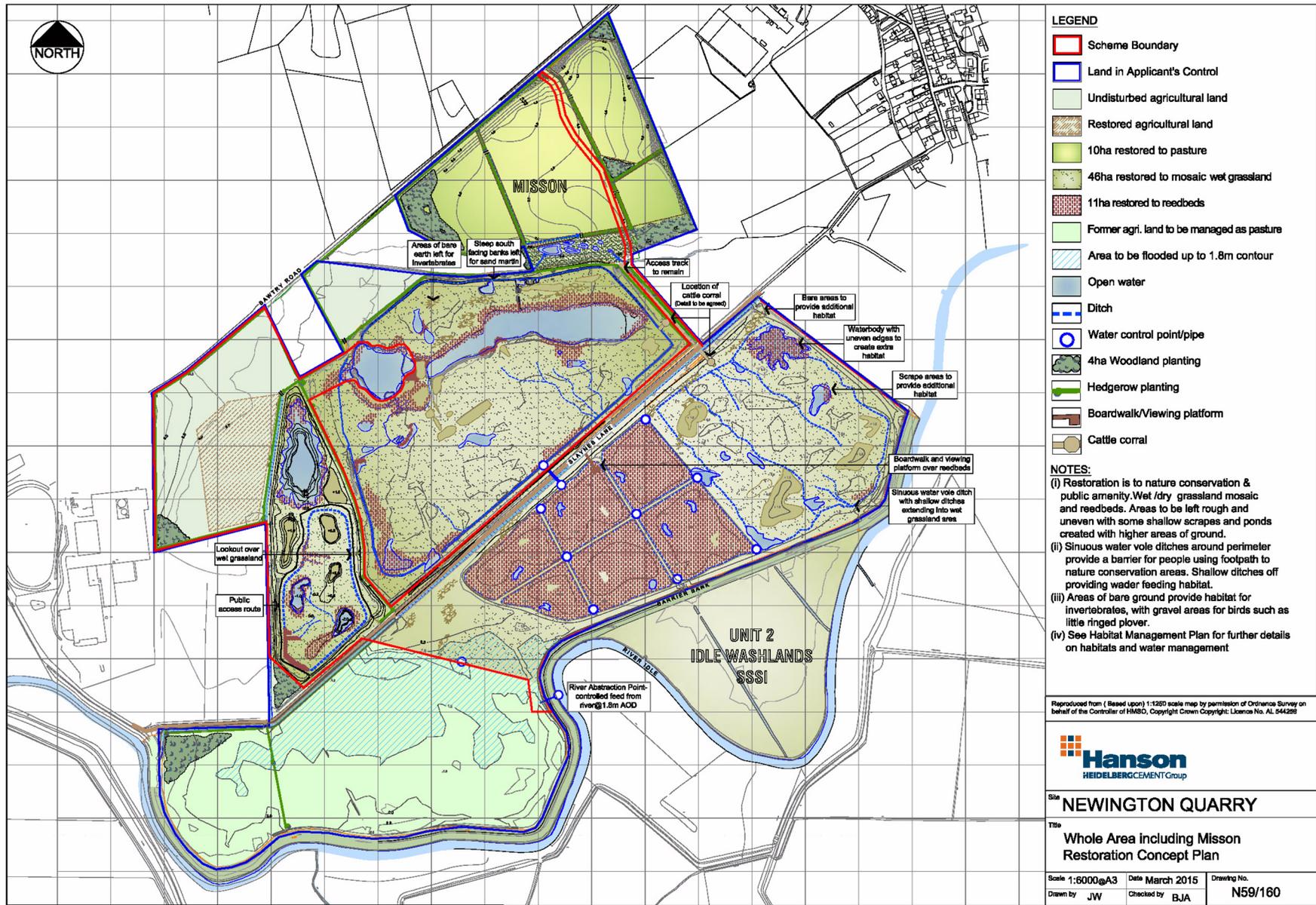
Application for a proposed new working area with restoration to nature conservation and a temporary new access off Bawtry Road & Variation of conditions: 1,2,3,13,21,25,32,38,51,62,63,& 65 of planning permission 1/32/12/00007, to allow additional extraction to the south of the existing working area Newington South Quarry, Misson, Near Bawtry, Nottinghamshire.
 Planning Application No. 15/01019/CDM & 1/15/0120/CDM
 Page 105 of 212

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 Date: OCTOBER 2015

PLAN 4



- LEGEND**
- Scheme Boundary
 - Land in Applicant's Control
 - Undisturbed agricultural land
 - Restored agricultural land
 - 10ha restored to pasture
 - 46ha restored to mosaic wet grassland
 - 11ha restored to reedbeds
 - Former agri. land to be managed as pasture
 - Area to be flooded up to 1.8m contour
 - Open water
 - Ditch
 - Water control point/pipe
 - 4ha Woodland planting
 - Hedgerow planting
 - Boardwalk/Viewing platform
 - Cattle corral

- NOTES:**
- (i) Restoration is to nature conservation & public amenity. Wet dry grassland mosaic and reedbeds. Areas to be left rough and uneven with some shallow scrapes and ponds created with higher areas of ground.
 - (ii) Sinuous water vole ditches around perimeter provide a barrier for people using footpath to nature conservation areas. Shallow ditches off providing water feeding habitat.
 - (iii) Areas of bare ground provide habitat for invertebrates, with gravel areas for birds such as little ringed plover.
 - (iv) See Habitat Management Plan for further details on habitats and water management

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Site	NEWINGTON QUARRY		
Title	Whole Area including Misson Restoration Concept Plan		
Scale	1:600@A3	Date	March 2015
Drawn by	JW	Checked by	BJA
Drawing No.	N59/160		



Application for a proposed new working area with restoration to nature conservation and a temporary new access off Bawtry Road & Variation of conditions: 1,2,3,13,21,25,32,38,51,62,63,& 65 of planning permission 1/32/12/00007, to allow additional extraction to the south of the existing working area Newington South Quarry, Misson, Near Bawtry, Nottinghamshire.
 Planning Application No. 15/01019/CDM & 1/15/0120/CDM
 Page 107 of 212

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 Date: OCTOBER 2015

PLAN 5



20th October 2015

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

MANSFIELD DISTRICT REF. NO.: 2/2015/0188/NT

PROPOSAL: PROPOSED LEVELLING OF LAND TO CREATE FOOTBALL/TRAINING PITCHES INVOLVING THE EXTRACTION OF AND PROCESSING OF SANDSTONE/LIMESTONE (REVISED ACCESS INCLUDING DEVELOPMENT OF NEW ROAD/TRACK AND EXTENDED PROGRAMME OF WORKS FOR A TEMPORARY PERIOD OF NINE MONTHS)

LOCATION: LAND NORTH OF WOBURN LANE, PLEASLEY, MANSFIELD

APPLICANT: MANSFIELD TOWN FC AND THE RADFORD FOUNDATION

Purpose of Report

1. To consider a planning application seeking permission to extract 40,000 to 50,000 tonnes of sandstone and limestone from below a disused playing field in order to level the land and provide football training pitches at Woburn Lane, Pleasley. Revised access arrangements, in the form of an access track, now form part of the proposals. The key issues relate to the adequacy and safety of this access to accommodate the planned haulage operation, along with associated disturbance from noise, dust and other impacts during extraction and levelling works prior to the reinstatement of the land. The works have commenced without the benefit of planning permission. The application is therefore part-retrospective seeking to regularise the works as well as seeking to extract, process and remove mineral from the site and restore the site back to playing pitches. The recommendation is to grant planning permission subject to conditions to control the remaining extraction and restoration works.

The Site and Surroundings

2. The site lies in open countryside on the edges of Pleasley and the Mansfield built up area, some 4km north-west of Mansfield town centre off the A617 Chesterfield Road. The general area is shown on Plan 1. Woburn Road serves a local housing estate and is accessed from the traffic light controlled junction of the A617 (Mansfield Western Bypass) and Chesterfield Road. Woburn Road then continues north-west as Woburn Lane to Farmilo Primary School along with an adjacent SureStart centre which are both situated on the north-eastern side of the road. The road up to the school is adopted highway. The road

immediately outside of the school has been fully made up, complete with a footway along the north-eastern side. Beyond the access drive to the SureStart centre it becomes an unmade and unadopted private track serving around a dozen residential properties situated along the south-western side of the lane. It is circa 300m from the junction of the A617 to the end of the metalled road surface outside of the SureStart centre. The existing vehicular entrance and car park serving the former playing field are a further 160m along the unmade single track. These aspects are shown on Plan 2.

3. The application site is a former playing field covering a rectangular area of approximately two hectares of land on the north-eastern side of Woburn Lane, lying opposite many of the aforementioned properties. The site at present has been completely stripped of soils, which have been stockpiled on the site, and as a result of extensive excavations the site has no resemblance to its previous use as a playing field. The only indication of its former use is the presence of a disused changing room facility and a gravelled parking area fronting Woburn Lane.
4. Adjacent to the south-east is a larger area of disused land which was also a playing field and is now overgrown. Access is now proposed across this field from Woburn Lane. Both former playing fields are identified as such within the Mansfield Local Plan. Before excavation works commenced ground levels had a notable slope from the north-west to south-east, with levels falling from 100m AOD to 95m AOD across both sites.
5. The site is fenced on three sides, including metal railings along the south-eastern boundary and post and wire fencing along the north-western boundary. The front (south-western) boundary has a mix of hedging and metal fencing, with vehicular access barriers to the car park. The adjacent field is largely enclosed by mature hedging, including along Woburn Lane.
6. In the wider context the site is surrounded by open countryside with rolling agricultural fields to the north-west, north and north-east. In the distance, to the north, the wooded valley of the River Meden can be seen where there is a former railway corridor and trail designated as a SSSI (Pleasley Vale Railway), this being no closer than 600m from the site. A public footpath runs just above the northern corner of the application site from west to east across open fields. There is some evidence that in the past people connected to this footpath across the application site and across the adjacent playing field. These aspects are shown on Plan 1.

Background

7. The works undertaken to date include the complete stripping of soils from the field, these have been stockpiled in bunds around the edge of the site. Substantial excavations and on-site processing of the underlying Sherwood Sandstone (with some limestone) has been undertaken. This excavated material has been processed by means of an on-site mobile crusher to create crushed aggregate suitable for general construction projects. These materials remain stockpiled on site and have yet to be exported pending determination of this application.

Proposed Development

8. This application proposes land-levelling works involving the extraction of 40-50,000 tonnes of underlying sandstone and limestone, the export/haulage of this material off-site as a crushed general aggregate, the replacement of soils and re-instatement of the sports pitch. In order to provide access for haulage vehicles a new trackway is proposed to run across and along the edge of the adjacent overgrown playing field, connecting to the metalled end of Woburn Lane outside of the SureStart centre. This is shown on plan 4. Upon completion of the development Mansfield Town Football Club propose to use the sports pitch as a training facility, although this use does not form part of the planning application, as it is deemed to already lawfully exist. The trackway would be retained thereafter to provide access to the car park to serve the training pitches and may also form part of future associated plans for the larger field.
9. The proposed works seek to create a level area at 95m AOD, bringing it into line with the adjacent former playing field to the south-east. The resultant landform would have a sloping bank rising back up to the adjacent agricultural fields along the north-western side and a gradual slope up to the retained car parking area to the south. Plan 3 shows a cross section of the existing and proposed site levels, as well as the proposed contours.
10. The remaining works now sought would include; forming of a new access track; completing the mineral processing; the export/ haulage of aggregate; grading and soil reinstatement works; and grass seeding and planting. The main works are now estimated to take 28 to 30 weeks to complete, rather than the initial three months originally cited, when it was hoped that work could take place over the summer months. Restoration works would extend the project to 36 weeks in total.
11. Plans show that the direction of working the mineral would generally be from north-east to south-west, towards Woburn Lane, with the mobile crusher being progressively moved in three stages. Apart from the mobile crusher, other mobile plant required for the works include two 360° excavators and a bulldozer. A temporary welfare cabin would be positioned on the car parking area.
12. The applicant has proposed hours of working for on-site operations including extraction and processing (stone crushing) - these would take place between 8am to 5pm Monday to Friday, whilst the applicant also wishes to undertake site restoration works on Saturdays between 8am and 1pm.
13. Separate hours apply for the passage of HGVs to and from the site. These hours have been revised following concerns from the Highways Authority and the revised schedule of HGV movements now shows:
 - there would be up to 23 HGV departures per weekday (46 two-way movements) timed between the hours of 9.30am to 2.30pm to avoid the beginning and end of the school day at the adjacent Farmilo Primary School.
 - there would be up to 20 departures (40 two-way movements) on Saturdays timed between 8.00am to 12.00pm.

- On any non-school weekday there would be scope for up to 38 departures (76 two-way movements) between 8.00am and 4pm.

14. Once the excavation has been completed and the required land levels have been formed, restoration would be undertaken by utilising a bulldozer to spread the subsoils and topsoils back across the field, followed by cultivation, stone picking, fertilising and seeding. The expectation is that these works would take place in the final 8 weeks of the 36 week working period. The reinstatement works would be carried out and supervised by the Head Grounds Person of Mansfield Town FC. No drainage works are considered necessary as the ground is considered to drain freely and the soil condition should be well structured.
15. As part of the restoration of the site, the application also proposes the planting of a new native hedgerow along the north-west boundary with the adjacent farmland and the seeding of the peripheral embankment with wildlife friendly seed mix. Gaps in the existing hedge along Woburn Lane would also be reinforced.
16. The new trackway, as shown on plan 4, would be retained to serve the existing car park fronting the site on Woburn Lane. This would be resurfaced with stone chippings and made available for subsequent use for visitors. No information has been provided with respect to the former changing room building, which remains mothballed, but could be reopened.

Consultations

17. **Mansfield District Council – No objection.**

Mansfield District Council notes the revised access to be installed parallel to Woburn Lane with a junction adjacent to the school/SureStart centre. The District Council does not have any objections to this proposal provided that the traffic is carefully managed in accordance with the details submitted by the applicant. The applicant does not appear to confirm whether the access track is temporary or permanent and careful consideration should be given to the visual impact of this upon the character of the surrounding area as well as the highway implications of a permanent junction in this position.

18. **NCC (Highways) Mansfield – No objection.**

The applicant is negotiating the purchase of additional land to the south-east of the site, and has submitted plans showing an independent access track can be formed across the land thereby overcoming one concern of the Highways Authority (HA) regarding the use of Woburn Lane.

In order to help preserve the amenity of local residents and minimise any conflict with the running of the school, the applicant has stated all works (involving the traffic movement of the HGVs) will be carried out between the hours of 9.30am and 2.30pm. The hours have been proposed to safely accommodate school related traffic. This in turn will result in a reduction in the number of HGV

movements throughout the “school day”.

Traffic management measures are also proposed, which will include signage being erected at various points on Woburn Lane to warn local residents and the school of the possibility of HGVs and other traffic movements associated with these proposals.

The highway authority raises no objections subject to the following conditions:

- *No more than 46 HGV movements (23 in, 23 out) shall take place between 09:30 to 14:30 hours Monday to Friday (During School Term Times)*
- *No more than 40 HGV movements (20 in, 20 out) shall take place between 08:00 to 12:00 hours Saturday*
- *No more than 76 HGV movements (38 in, 38 out) shall take place between 08:00 to 16:00 hours Monday to Friday (During Non-School Term Times)*
- *New access road to be surfaced in a bound material (for initial 15m)*
- *Provision of wheel wash area*
- *Provision of traffic management signage/measures*

19. Sport England – No objection

It is understood that the site forms part of, or constitutes a playing field. Sport England has considered the application in the light of the National Planning Policy Framework (in particular Para 74) and its policy to protect playing fields, ‘A Sporting Future for the Playing Fields of England’.

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies.

From the submitted application it is not entirely clear as to the current position and the future use of the site (but) it is understood that the works have commenced and have been halted to allow the determination of the application.

The applicants have confirmed that the site has not been used for a period of greater than 5 years, so the proposal does not displace teams which may be using the existing facilities. It is understood that one of the reasons which resulted in the lack of use was the quality of the pitch having regard particularly to the slope of the site. The current proposals address the slope issues. In addition the applicants have submitted pitch reclamation and reinstatement proposals which confirm that the new pitch area will be at least the same quality as the pitch area that has been lost and could in fact be of a better quality with active future maintenance and after care being proposed.

Sport England considers therefore that the proposals result in the retention of the existing playing field area following the completion of the extraction of the sandstone/limestone. The proposal is considered to meet the requirements of Sport England exception policy E4 in that, whilst the playing field is lost on a temporary basis it will be replaced by a playing field (albeit on the same site) of at least the same quality as the existing provision. Sport England do not object to the permanent development of the associated access track.

20. **NCC (Noise Engineer) – No objection, subject to activities being regulated and mitigated by planning condition.**

Updated comments:

The proposed new access route parallel to the private drive will not notably alter the predicted noise impact of HGVs as originally assessed. Whilst the extended programme of works is now significantly longer at 36 weeks verses 12 weeks and would extend the duration of noise impact on nearby properties, this will however be partially offset by the works being undertaken at a time of year when people are less likely to be outdoors enjoying their outdoor space and are less likely to have windows open.

Original comments:

The submitted noise assessment has considered the noise impact from various phases of the proposed development:

At the preparation phase, two 360° excavators would be on site operating with no screening at a maximum noise level 53dB (LAeq,1hr). The NPPF guidance recognises that during preparation works, such as soil stripping and construction of earth bunds, higher noise levels may exist. To make allowance for this the guidance suggests a temporary limit of up to 70dB(A) to facilitate such works for up to a maximum of 8 calendar weeks per year.

During the extraction phase, there would be; one crusher; two 360° excavators; one bulldozer; and a maximum of seven lorries per hour arriving and leaving the site. It is assumed that all plant with the exception of lorries would be screened from nearest properties by earth bunds. The assessment also considers the noise level with the crusher located at three positions working from the northern boundary to the southern boundary towards properties on Woburn Lane. This is to maximise screening due to the reduced ground level in areas already worked. The worst case predicted noise level = 53dB (LAeq,1hr).

The assessment compares this noise level with the criteria given in the technical guidance of the NPPF. For mineral workings the guidance recommends a noise limit of L90 + 10dB subject to a maximum of 55dB. The measured background noise level at Woburn Lane is 41dB, therefore noise levels are expected to exceed the background noise level by 12dB. The NPPF recognises that in some circumstances it will be difficult to avoid exceeding a limit of L90 + 10dB and where this places unreasonable burdens on the operator the limit should be set as near to this level as possible subject to a maximum level of 55dB. It does not seem unreasonable therefore that the noise limits at this location should be

adjusted to the predicted “worst case” noise levels, to prevent unreasonable burdens being placed on the operator, in accordance with the NPPF guidance.

At the restoration phase one 360° excavator and bulldozer would be working up to the site boundary nearest to the properties resulting in a maximum noise level 65dB (LAeq,1hr). The NPPF guidance recognises that during restoration works the screening may be removed and higher noise levels may exist temporarily. To make allowance for this the guidance suggests a temporary limit of up to 70dB(A) to facilitate such works for up to a maximum of 8 calendar weeks per year.

Therefore subject to appropriate controls, it is predicted that the site operations will comply with the NPPF technical guidance for mineral extraction works.

21. Natural England - Consultation Service –No objection

This application is in close proximity to the Pleasley Vale Railway; and Teversal to Pleasley Railway Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. It is advised therefore that this SSSI does not represent a constraint in determining this application.

The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

22. NCC (Nature Conservation) – No objection

It is noted that amended site entrance details have been submitted, which would appear to necessitate the removal of a small section of hedgerow. However, supplementary planting is proposed further along the existing hedgerow. It is therefore requested that conditions are used to control vegetation clearance during the bird nesting season and to require the submission of landscaping details relating to the supplementary hedgerow planting.

The proposed development is unlikely to have a significant impact on the nearby Local Wildlife Sites and SSSI sites, and Natural England have confirmed that they consider the development is unlikely to result in significant impacts to SSSIs. A Noise Assessment Report and a Dust Impact Report were submitted in support of this application; normal mitigation measures should be secured through a planning condition. Noise appears unlikely to be a significant ecological issue.

The applicant intends to enhance the site by establishing wildflower grassland on the new bank (as recommended by Natural England) and by planting a hedgerow. This is welcomed, and a condition should be used to require the

submission of a landscaping scheme to this effect, containing details of species mixes, establishment methods and maintenance regimes.

An appropriate wildflower seed mix should be chosen based on the pH and nutrient status of reinstated soils/substrate, and must use seed which is of certified native genetic origin, and utilises species which are appropriate to the local area. Similarly, the new hedgerow should be hawthorn dominated, and species selected with reference to the relevant Landscape Character Assessment species lists.

23. **Environment Agency Midlands Region** - *Does not wish to comment*

24. **NCC (Countryside Access)** - *There are no existing public rights of way over this site. The nearest Mansfield Footpath 5 runs north of the site, but will not be affected by the development.*

25. **NCC (Planning Policy)**

It would appear that the mineral extraction involved in the proposed scheme is incidental and therefore would in principle be supported. This is subject to there being satisfactory environmental and amenity impacts.

In planning policy terms the application must be considered in light of the National Planning Policy Framework (NPPF) and, in line with paragraphs 214 - 216 of the NPPF, due weight and consideration should also be given to the adopted Nottinghamshire Minerals Local Plan (MLP) and emerging Nottinghamshire Minerals Local Plan (Preferred Approach) (PA) (i.e. if local policy conflicts with the NPPF, the NPPF must take precedence).

The national policy context is clear in that in determining planning applications for minerals development, great weight should be given to the benefits to be derived from mineral extraction, including to the economy, whilst ensuring that there are no unacceptable adverse impacts (both individually and cumulatively on the natural and historic environment, human health and aviation safety). Securing of restoration and aftercare at high environmental standards at the earliest opportunity is also mentioned.

The key adopted Minerals Local Plan policy is M14.1: (Incidental mineral extraction). This policy does not contain a precise definition of what constitutes this activity in terms of mineral worked or duration of operations. It does not, however apply to minerals development simply because it is small scale or short term. If mineral extraction is a significant reason for justifying or promoting the development, the proposal will need to be assessed against the relevant policies applicable to the mineral being worked.

In terms of the tonnage involved in the proposed development, 40-50,000 tonnes of sandstone/limestone over a three month period is a similar amount (per month) to the output from an existing limestone quarry or Sherwood Sandstone quarry in Nottinghamshire.

A question is raised about the destination of the mineral to ensure that the site can be worked in the time specified and that there are adequate interim reclamation measures in place to allow for any possible delay.

26. **Severn Trent Water Limited**- *No objection, but note there is a public sewer located under the application site. Separate consent may be needed.*
27. **NCC (Flood Risk Management Team), NCC (Reclamation), Western Power Distribution and National Grid (Gas)** have not responded. Any responses received will be orally reported.

Publicity

28. The application has been publicised by means of two site notices, a press notice placed in the Mansfield Chad and neighbour notification letters sent to 35 of the nearest occupiers including Farmilo Primary School and the SureStart centre in accordance with the County Council's adopted Statement of Community Involvement Review. On receipt of amended access proposals the above consultation measures have been repeated.
29. One letter has been received raising no objection but with questions on two matters:
 - a. As Woburn Lane is an un-adopted private lane and will be subject to an increased level of traffic, does the contractor plan to tarmac the lane, making it more suitable for the anticipated heavier levels of traffic?
 - b. What parking arrangements are to be made for the training facility? If no dedicated parking area is designated, that would lead to parking on Woburn Lane, causing disruption to the residents.
30. Councillors Diana Meale and Darren Langton have been notified of the application.
31. The issues raised are considered in the Observations Section of this report.

Observations

Background and rationale for the proposed development

32. The site has had a long-standing use as a municipal playing field, with historical OS maps first showing its presence in 1956. In more recent times it is believed that the field was previously used by local football teams (including use of the changing room facility) and was last formally used around 5 to 6 years ago, before it was later deemed surplus to requirements by Mansfield District Council and sold to the applicants. It is understood that the sloping nature of the site deterred bookings in the latter years, resulting in a cost to the District Council to maintain the pitch which could not be sustained. The playing field is identified in the 1998 Mansfield Local Plan and is protected by Policy LT1 (Major Areas of Public Open Space and Local Parks). The adjacent playing field is similarly protected under Policy LT7 (Playing Fields at Educational Establishments).

There has been no intervening change of use to either field and therefore the authorised use of the site remains as playing fields, albeit that one has been temporally removed by the current excavation works, whilst the other is now overgrown.

33. The key rationale for the proposed development is to level out the land and thereby re-create the field for use as football training pitches by the club and potentially for wider community use. In order to facilitate this it requires the winning and working of underlying minerals as part of the land levelling works.

Principle of the proposed development

34. Relevant planning policy pertinent to the determination of this application includes policies within the Nottinghamshire Minerals Local Plan (MLP), the saved policies of the 1998 Mansfield District Local Plan (MDLP), with particular regards to Policy LT1 and LT7 by which the site is protected for use as playing fields and the National Planning Policy Framework (NPPF) as a material consideration.
35. The key minerals policy is MLP Policy M14.1 for incidental mineral extraction. This states that permission will be granted where mineral extraction is a necessary element of other development proposals on-site provided that; the environmental or other impacts during works would be acceptable (criteria a); that there are interim reclamation measures should there be delays in completing the primary development (criteria b); and that the mineral extraction is of a limited nature and of short duration (criteria c).
36. The works propose the extraction of some 40-50,000 tonnes of sandstone and limestone, processed and exported as crushed aggregate over a period of 28 weeks, extending to 36 weeks to complete all restoration works. The MLP does not provide a definition of what works would exactly qualify as incidental, or what would be of 'limited nature', but it is apparent that the scale of the works in terms of quantities and volume and depth of working - in some places down by 5m - is not insignificant. Indeed the tonnage is comparable to the monthly output of a typical sandstone or limestone quarry in the county, but with works planned to be completed over some nine months. Notwithstanding the scale of the extraction, it is reasonably evident that the main purpose of the works is to create a fit-for-purpose football training facility for use by the applicant - the local football club. Therefore, the mineral extraction aspect may be considered to be incidental in nature in this case and when assessed against the terms of policy M14.1 the works would be generally of short duration and of a limited nature.
37. The club have indicated they wish to correct the slope on the site, this would create a level platform for pitches bringing the land into the same lower levels as the adjacent former playing field. In working to this level the underlying sandstone, along with a small element of limestone is readily workable from of the site, and it clearly has an economic value which can be exported. The NPPF recognises the value to the economy of mineral extraction and in determining planning applications, great weight should be attached to the benefits that mineral extraction would contribute to a steady local supply for construction projects. The winning of minerals from the site captures what is a finite resource

which could otherwise potentially be sterilised as a result of the development, thereby promoting the sustainability credentials of the development.

38. The emerging Minerals local Plan, to which limited weight can be attached, takes a similar approach to incidental minerals extraction at policy DM14, where the scale and duration of works would not result in any adverse environmental impacts and where the development proposals bring environmental and other planning benefits to the development it is incidental to. The proposal would deliver benefits and improvements to the condition of the playing field/pitches and also provides for environmental enhancements in terms of providing new hedge planting and wildflower seeding of peripheral areas.
39. In terms of the local planning policy aspect, the site is shown in the extant Mansfield District Local Plan (MDLP) as on the edge of, but just outside of the defined urban boundary, in a countryside location, with the site itself (as playing fields) protected under policy LT1. The adjacent field, also now part of the site for access purposes, is protected in a similar way by policy LT7 which concerns development on school playing fields.
40. Policy NE1 of the MDLP states that permission will be granted for developments outside of the urban boundary only where it would fall into certain criteria. The exceptions include; (1) development which can only be undertaken in a rural location; (2) outdoor recreation uses whose nature and scale are in keeping with the rural character of the area. The mineral extraction and land levelling works are considered to meet these criteria as mineral extraction is often undertaken in rural areas and it is proposed to restore the site to recreational use. In general terms this would be an appropriate operation outside of the urban boundary.
41. MDLP Policy LT1 states that planning permission will not be granted for developments which would lead to the loss of major public open space areas and local parks, unless they would enhance the facility for recreational use. Policy LT7 applies similar protection to the adjacent field, across which an access track would be constructed, although it should be noted that the field is no longer used by the adjacent school.
42. Whilst both policies remain saved pending a future replacement local plan and remain relevant to this planning application, given the age of the plan (1998), the weight to be given to them is somewhat reduced and the guidance within the NPPF should take precedence.
43. Paragraph 70 of the NPPF sets out that planning should deliver the social, recreational and cultural facilities and services that communities need, by planning positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities, but also guard against the unnecessary loss of valued facilities. Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
44. Paragraph 74 of the NPPF deals specifically with development affecting open space, sports and recreational land including playing fields and makes clear that such land should not be 'built on' unless an exception is considered to apply.

Whilst the application does not propose any built development this paragraph does relate to cases where there would be a loss of such land. It states that the land should not be 'built upon' unless:

- The loss would be replaced by equivalent or better provision in terms of quantity and quality, and/or
- The development is for alternative sports and recreational provision which outweighs any loss.

The wording does not distinguish between permanent, or in the present case, temporary loss of such land, but it nevertheless demonstrates the thrust of Government policy thinking and reflects Sport England's own policy on this matter.

45. Sport England are satisfied that the development proposal would not lead to the loss of, or prejudice the use of, a playing field. The playing field would be reinstated as an improved facility following the works. The intention is to retain the access track across the edge of the larger field, with a view that this could offer improved access associated with the sports/recreational use of both fields, particularly if and when further plans by MTFC are developed for the larger of the two fields. Sport England's position remains unchanged after reviewing these revised proposals.
46. Subject to this restoration, there is nothing therefore in principle planning policy terms to prevent the extraction and levelling works indeed the principle of the short-term mineral extraction is supported. The acceptability of the proposal is however dependent on there being no unacceptable highways, amenity or environmental impacts arising from the operation and the relevant issues are dealt with as follows.

Traffic, Access and Parking

47. Access to the site is heavily constrained both in terms of the physical dimensions of the road/lane, but also due to the close proximity and shared access for residential properties; the primary school; and the SureStart centre. There is also a small children's play park on Woburn Road.
48. The first part of the access (Woburn Road) is fully made up from the traffic light controlled junction with Chesterfield Road and the A617 up to Farmilo Primary School and the SureStart centre. This part also includes a footway to serve these facilities. The carriageway though narrows outside of the school and is regularly impeded by parked cars alongside the footway. Beyond the SureStart centre however it narrows further still and becomes a single un-made track (Woburn Lane) with no room for vehicles to pass each other and with residents' driveways leading directly from it.
49. Whilst extraction and land levelling works have commenced on site, materials have yet to be exported and it is the impacts of this haulage operation which are relevant to the assessment of the application, rather than the end use (sports pitches) for which a lawful existing use exists. In assessing this matter, MLP Policies M3.13 and M3.12 are relevant.

50. Policy M3.13 states that planning permission will only be granted where the highway network can satisfactorily accommodate the vehicle movements and where this would not cause unacceptable environmental (or other) impacts or unacceptable disturbance to local amenity. Policy M3.12 requires measures to be put in place to prevent damage to the highway and to prevent the deposit of mud and other deleterious material. It lists such measures which may be required including the metalling of haul roads near to their point of access with the highway and the provision of wheel wash facilities.
51. The applicant and their contractor intend to run HGVs loaded with the crushed aggregate during the estimated 28 week duration for the main extraction works. On site restoration works would extend the project to 36 weeks in all. Haulage operation would run between 09.30-14.30 on weekdays and between 08.00-12.00 on Saturdays. It is estimated that this would entail 23 HGVs entering and leaving the site (46 two-way movements) on a weekday and 20 (40 two-way movements) on Saturdays. On any non-school weekday the operation would run between 08.00-16.00 hrs with up to 36 arrivals and departures (72 two-way movements).
52. The works programme and the above figures represent a revised proposal as a result of negotiations with the County Highways Authority and also partly as a result of the reduced daylight hours going into Autumn/Winter. Originally it was proposed to undertake a short and intensive operation over three months during the summer which would have resulted in 60-80 two-way movements per weekday. These, however, would have been run over a 6 hour working day rather than the 4.5 -5 hours now proposed. This means that the revised proposal would result in a similar pattern of vehicle arrivals and departures per hour –around 5 arrivals and departures per hour. The revised proposal does however give further protection around the start and end of the school day, by not starting haulage operations until 09.30 and finishing no later than 14.30.
53. As well as the extended operation the other notable amendment now proposed is the development of a new access track to the site, so to avoid having to use the unmade and narrow section of Woburn Lane. Highways officers raised significant concerns over the original proposal to utilise the existing stretch of this lane, which was of insufficient width to permit the passing of two-way traffic and would have impeded access to the driveways of residents along this lane. The risk to pedestrians was also noted.
54. The new segregated track would be constructed along the edge of the adjacent overgrown playing field from the corner of Woburn Lane, directly outside of the SureStart centre, to the car park fronting the application site/field. The track would be defined by two small bunds either side and would be surfaced in crushed aggregate for the main part, whilst the first 15m at the Woburn Lane end would be surfaced in a bound material. A passing place would be positioned approximately half way along its length.
55. By developing this track, HGVs would be removed from the narrowest section of the lane and would avoid impeding access to residents of approximately 12 properties as well as safeguarding any pedestrians. By avoiding the start and end of the school day, HGVs would avoid coinciding with peak traffic and

vulnerable pupils/pedestrians. It should however be recognised that there may be times when pedestrians are present such as from any before/after school clubs, but generally these are not as busy as the main arrivals and departure times. HGVs would also still be passing along Woburn Road, within this residential area, where there are other constraints such as on-street car parking, an adjacent play-park and SureStart centre. The road in this part however is made up to highway standards, with footways, school keep clear markings and a crossing point.

56. The revised access proposals and works schedule have been drawn up in consultation with the Highways Authority, who raise no objection to the proposed development subject to the access track being properly implemented along with appropriate road safety signs and markings. These signs would ensure that existing HGVs would stop and give way to any traffic or pedestrians moving along Woburn Lane before proceeding, as well as alerting people to the possibility of heavy construction traffic in the vicinity.
57. Whilst the haulage operations are run, a certain amount of noise and disturbance to the local environs and to the closest local residents would be likely, particularly as this is a generally quiet rural lane. However as explored below the associated noise impacts are tolerable for the period of the works and would now coincide during the autumn/winter when people are less likely to be using gardens and have windows open, which would expose them to greater noise. The day-time hours of operation are considered acceptable, including on Saturday mornings. It is therefore considered that the application complies with Policy M3.12 by providing acceptable access arrangements. Traffic management measures would be in place to protect pedestrians and local traffic. The operator would also liaise closely with the school/SureStart centre during the works.
58. In accordance with Policy M3.13 the contractor would ensure that mud and debris is kept off the highway, primarily by having a bound surface to the end of the dedicated access track, but also with provision of wheel wash facilities; the sheeting of loaded HGVs and the deployment of a road sweeper as the need arises. These matters can be secured by planning conditions.

Noise

59. The nature of the works, in close proximity to residential property has potential to cause noise emissions and nuisance to neighbouring residents. A certain level of noise and other disruption has already been caused by the substantial commencement of the works on site prior to applying for planning permission, which did result in complaints to this Authority. A noise impact assessment has therefore been submitted to consider the likely noise impacts and how the development could be undertaken to minimise and control such emissions.
60. Relevant noise standards for minerals development are set out at a national level within the NPPF and its accompanying technical guidance. The NPPF states that any unavoidable noise should be controlled, mitigated or removed at source. The technical guidance explains that care should be taken with regards to conditions to control environmental effects on neighbouring residents and that

a programme of works should be agreed to limit such potential impacts over the course of the development. Development proposals should consider the characteristics, procedures, locations and schedules of the works, together with means of mitigating resulting noise emissions, and estimate the likely noise impacts upon nearby sensitive receptors, when compared against baseline conditions. The guidance recommends a normal noise limit of L90 (background noise) + 10dB subject to a maximum of 55dB, however an allowance is also made for certain noisy short-term operations such as for soil stripping and landform creation.

61. The application and its accompanying noise assessment has considered the various stages of the works which are outstanding. For the main extraction works it is estimated that the noise impact from the operation of the on-site crusher, excavators and HGVs would be at worst case 53dB at the nearest residential property along Woburn Lane. This would exceed the background noise levels by 12dB and therefore exceed the limit in the NPPF guidance, although it would not exceed the absolute maximum limit of 55dB. Similarly the restoration works involving the use an excavator and bulldozer is predicted to lead to a maximum noise level of 65dB at the nearest properties along Woburn Lane, which is significantly greater (+24dB) than the measured background noise. However the NPPF guidance states that it should be recognised that certain short-term noisy activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate mineral extraction. It suggests a maximum temporary upper limit of 70dB(A) is acceptable to facilitate such works for a maximum period of 8 weeks in any calendar year. The applicant has confirmed that restoration works would take place over a final 8 week period.
62. The findings of the assessment have been accepted by the County Noise Engineer and it is clear that there would be a local noise impact to nearby residents. Such impacts would be short term and to an extent have already taken place with the soil stripping and excavations. The main extraction phase would utilise an on-site crusher and it would be necessary to form temporary stockpiles or bunds in front of this to screen it from the neighbouring properties. As the site would be gradually worked in a direction towards these properties, the crusher would also be repositioned in this direction and it would again be necessary to form a new screening bund each time. When restoring the site, the operation of mobile plant and machinery would be unscreened on an open site and would be quite noisy. However in order to restore the site and reinstate the playing field it is necessary to permit this short term noise subject to the maximum limits in the NPPF guidance.
63. The noise impact from the haulage operation has been included and whilst the passing of HGVs is not a constant noise, such movements at regular intervals and passing residential properties is likely to be noticeable, but tolerable as a temporary operation.
64. The assessment has considered noise impacts on the nearest residential receptors, and has not considered the nearby SureStart centre or primary school, however these are at a further distance from the nearest residents, consequently noise impact is not anticipated to be any worse for these sites.

65. Therefore when assessed against the requirements of the NPPF and saved MLP policy M3.5, the proposed development and its resultant noise impact is considered to be acceptable, given the relatively limited duration of the remaining works and the overarching desire to complete the extraction and restore the site at the earliest opportunity. Planning conditions and mitigation measures are recommended to control noise emissions and hours of operation, but it should be recognised that a certain levels of noise and disruption is likely and would now take place over a longer period than first proposed.

Dust

66. The works have potential to generate airborne dust from various operations and phases of the proposed development, which would require mitigation and general good practice measures to control.
67. Normal practice would be to ascertain the baseline conditions at the site locality, however as the site has already been worked and stripped, there is clearly an existing potential for dust until the playing field is reinstated. It is therefore considered desirable to achieve a restoration of the site at the earliest opportunity and in a manner which limits fugitive dust as much as practically possible.
68. In terms of the outstanding works required, fugitive dust could originate from the excavation of stone, along with the movement of materials and mobile plant; from the use of an on-site crusher; from the movement of HGVs exporting material from the site; and from the replacement and spreading of sub and top soils.
69. In terms of potential sensitive receptors to any dust, the nearest potentially affected properties and land uses are the houses along Woburn Lane to the immediate west, and the SureStart centre and Farmilo Primary School to the south east. These are considered to be of medium sensitivity to dust, and in the case of the housing in particular, are very close to the extraction site.
70. At the closest point the SureStart centre is 160m distant, with Farmilo Primary School just beyond. The houses front Woburn Lane, opposite the site. Most have front gardens with some featuring tall hedges or trees. The excavation area on the field would not extend right up to the lane frontage, instead the former car parking area would be retained, thereby providing a small buffer of some 30-40m to these properties. There is added potential for dust from passing HGVs hauling materials off the site as they run along the proposed new access track.
71. Natural England are content that dust should not significantly impact the Pleasley Vale SSSI and that appropriate management measures should further assist with this.
72. Measures to limit fugitive dust have been identified within the application, these include:
- Having use of a water bowser on site to allow the damping of materials.

- Locating material stockpiles so to provide a temporary barrier between crushing/extraction operations and properties at Woburn Lane.
 - Consideration to one off cleaning of windows at neighbouring properties on completion of works.
 - The sheeting of HGVs
 - The deployment of road sweepers as required
73. These are good practice measures, which should be required by a planning condition as part of any grant of approval. These measures along with the short term, one-off nature of the works which are outstanding are considered capable of controlling dust emissions to an acceptable level to accord with Policy M3.7. The prevailing winds assist with reducing dispersal of dust towards the adjacent properties. However there remains a risk of dust episodes and local complaints in certain meteorological conditions, at which point operations could be required to temporarily cease. The works would be subject to monitoring by officers of the County Council.

Residential Amenity

74. In combination, the impacts from the increased heavy traffic, noise, activity and potential dust or mud, would need very careful management and mitigation, given the proximity of residential as well as well as educational land uses. The impacts have been assessed in more detail above, however it must be acknowledged that there would be a level of disturbance in the locality, particularly from the vehicular movements and from certain noisy restoration works. The timing of certain works has been proposed so that it would avoid unduly impacting on these surrounding receptors. HGV movements would be restricted to avoid the start and end of the main school day and allowing sufficient respite for residents, including at the weekend. By undertaking much of the main works over the autumn/winter/spring months this may also avoid the more sensitive summertime, when people would be expected to be enjoying gardens or have windows open. This does mean however that the overall duration for completing the project would be extended to take into account daylight hours and weather conditions.
75. The applicant has undertaken to write to the local residents informing them of the works and their intentions to keep disturbances to a minimum during the remaining period of works. Given that the works have already commenced, there is a pressing need to restore the site and create the training facility which the applicant requires. To reach that position, however would necessarily involve temporary amenity impacts, but it is considered that such impacts can be mitigated to acceptable levels. The long term benefits of providing an enhanced sports facility must be considered against these temporary impacts.

Landscape and Visual Impact

76. The land levelling works would change the site from one which is based on the prevailing rolling topography to one of an engineered level surface together with a sloping bank rising back up to the level of the adjacent field. The restoration

works would also introduce a new native hedgerow along the north-western field boundary. On the adjacent field the addition of a new access track between two small landscape bunds would partly intrude onto this larger overgrown playing field.

77. MLP Policy M3.22 states that planning permission will not be granted for minerals development which is likely to adversely impact upon the character and distinctiveness of the landscape unless there are reasons of overriding public interest or where measures can reduce the impact.
78. The Landscape Policy Zone (from the Mansfield Landscape Character Assessment) identifies the area under the Pleasley Hill Upland Plateau Farmland, which is described as a simple pattern of large scale uniform arable fields on a broad plateau which slopes down to the west where it meets the urban fringe of Rathmantwaite and Pleasleyhill. It notes the large open field patterns, and sparse woodland. Hedgerows are of variable conditions and are not prominent given the large scale of the fields. It is assessed as being of moderate character with the overall landscape strategy being one of enhancement. Such measures should include the enhancement of hedgerows and planting of woodland along the urban fringe, the conservation of field patterns and seeking opportunities to establish native lowland windflower grassland along field margins.
79. Whilst the resulting slope along the north-western side of the site would clearly not be a natural feature of the prevailing landscape, this site, on the fringe between the urban development and the open countryside beyond is read within this transitional context rather than part of the open expanse of the countryside. The addition of a new hedgerow along the north-west field boundary would reinforce and define the field patterns and provide structural enhancements which would be in line with the policy actions of the landscape study. The character and distinctiveness would not be adversely impacted in accordance with policy M3.22.
80. In terms of visual impact, the field has already been stripped and partly excavated resulting in a disturbed site, pending the outcome of this planning decision. MLP Policy M3.3 states that adverse visual impacts from minerals development should be kept to an acceptable level, with an acceptable restoration thereafter. Although the site has lain in this state for several months and is clearly an intrusive feature when viewed from Woburn Lane or from surrounding fields, upon completion of the restoration, the field would be returned to its former use and visual character. The bunded access track on the adjacent field, would be of permanent construction and whilst introducing an engineered feature, would largely be screened by the mature hedge alongside Woburn Lane. Low level landscaping can be provided on the bunds such as wildflower seeding or possibly hedge planting. No new buildings or fencing are proposed, although a site cabin would be present for the duration of the works. The completion of the remaining works, development of the access and restoration works would not conflict with Policy M3.3.

Ecological Impact

81. Recent works have effectively removed any ecological value from the site, albeit as a former playing field its ecological value would have been low. Elsewhere the site is bounded by intensively farmed fields and other former playing field land. The revised access plans would necessitate the removal of a limited amount of hedgerow where the new track would adjoin Woburn Lane, however this would be more than offset by new hedgerow planting as covered below.
82. At a distance of over 600m to the north lies the wooded valley of the River Meden and the former railway corridor now the Meden Way and designated in part as a SSSI (Pleasley Vale Railway SSSI). Both Natural England and the County Council's Nature Conservation Officer are content that the proposals are unlikely to have detrimental impacts on this designation. It is further noted that issues of noise and dust would be limited and controlled should planning permission be permitted and that there are no sites in the vicinity sensitive to noise, which in any case would only be a short term impact.
83. Once reinstatement works have been undertaken, the applicant proposes to plant a native hedgerow along the length of the north-western boundary with the adjacent agricultural field. This is likely to be hawthorn dominant and the exact specifications for its planting can be subject to a planning condition. The peripheral areas around the football pitches, notably the newly created embankment along the north-western boundary adjacent to the new hedge would also be seeded with an appropriate wildlife friendly seed mix. Again the choice of seed mix can be selected with the advice of the County Council's ecologist and required by a planning condition. Together these two aspects would provide for wildlife enhancements, of suitable native and local character, at the site as recommended by Natural England and are welcome additions to the overall scheme.
84. Subject to conditions regarding the planting and seeding details, and restricting hedgerow removal during the bird breeding season, the application is acceptable in terms of ecological impacts. The development would not result in any loss of priority habitat in accordance with Policy M3.17, nor would there be an adverse impact on the special interest of the nearby SSSI in accordance with Policy M3.19.

Surface Water / Flood Risk

85. The site does not lie in an area at any risk from fluvial (river) flooding, it being located in Flood Zone 1 and is it not known to be at risk from surface flooding. The underlying geology of sandstone and limestone permits the land to freely drain. Upon restoration of the soils, the site would be expected to return to these characteristics and no impermeable surfaces would be laid. The alteration of the landform from a gentle slope to a level field with a 33 degree embankment along one side would not be expected to significantly alter surface water drainage patterns and the levels at Woburn Lane would be approximately 1m above the central field area, so that properties along the lane would not be expected to be put at any increased risk of surface water flooding.

Impact on playing fields and associated restoration/reinstatement

86. As the application relates to a playing field in the extant Mansfield Local Plan, Sport England are a statutory consultee to the application. As well as being guided by paragraph 74 of the NPPF, it is the policy of Sport England to ensure that development proposals do not result in the loss of, or prejudice the use of, all or part of a playing field, unless one of six exemptions are deemed to apply.
87. In the present case, the applicant is required to demonstrate that the playing field lost would be replaced with that of equivalent or better in terms of quality, quantity and accessibility. Following the submission of additional details about the means of reinstating the land and the pitches, Sport England are satisfied that the proposals could deliver an improved facility with active future management. The applicant has specified the appropriate surface, grass and pitch quality, with the aim that the pitches would be playable for first team, youth team and ladies team use. Car parking would also be re-provided, along with improved access- the latter of which Sport England confirm they are content with.
88. The proposals therefore are considered to comply with Policy LT1 of the Mansfield District Local Plan and paragraph 74 of the NPPF, in that there would be no loss of pitch provision, (other than the present temporary loss) subject to the field being reinstated correctly. The reinstatement could provide for an improved environment and amenity after use as required by MLP Policy M4.8.

Aftercare

89. Should planning permission be granted it is recommended that details for a five-year period of aftercare are required by condition. Along with any site inspections this would demonstrate that the site has been effectively returned to use as playing/sports pitches and that the grass surface has been established correctly and that other landscaping has been successful.

Public Rights of Way

90. The proposed works would not impact on any public rights of way, although it is likely that the lane and the adjoining former playing field are used informally for local recreational walking and exercising of dogs. The initial works at the application site have already removed a permissive path and the construction and use of the access track for the works would further restrict this. No public rights of way exist on the fields - the nearest right of way (Mansfield Footpath 5) runs east-west across the fields to the immediate north of the application site. Once the works are complete, it would be for the landowner to determine any future permissive access.

Archaeology/Heritage

91. Given the way the site has already been stripped of soils as part of the work already undertaken, no archaeological remains would be expected to remain.

The site does not affect the setting of any Listed Buildings and there are no heritage constraints to note.

Summary and conclusions

92. The application relates to incidental mineral extraction at a former playing field in order to deliver the primary objective of forming level football training pitches. The estimated quantities of material required to be removed are not insubstantial, however the works would be of a temporary and relatively limited duration. Satisfactory restoration details have been provided. In principle the works would broadly accord with MLP Policy M14.1 subject to there being satisfactory environmental and other impacts.
93. Whilst it would be theoretically possible to level the land without exporting material (thereby limiting the disruption from haulage) by use of cut and fill methods, the underlying minerals are readily extractable and would otherwise be sterilised. The National Planning Policy Framework attaches great importance to mineral extraction and to make the best use of what is a finite natural resource.
94. Access to the site is constrained with it being a residential area and also with the presence of a primary school and SureStart centre. However measures to mitigate the haulage disruption and provide suitable improved access have been identified, following discussions with the County Highways Authority. Primarily this would involve the formation of an access track across the larger field parallel to Woburn Lane, thereby removing heavy traffic from an unsuitable section of the lane and taking such traffic away from directly running past some of the nearby residential properties. The timing of HGV movements has been set to avoid the start and end of the school day, but would also include Saturday mornings. Signage and other traffic management measures would also be employed, along with measures to prevent dust and mud deposition in accordance with Policy M3.13. Subject to the operator undertaking this careful management of the movement of HGVs, local disturbance and disruption should be minimised to an acceptable level in accordance with MLP Policy M3.12.
95. Noise increases from the operations have been found to be above the target value, but within maximum permitted levels for minerals operations as set out in the technical guidance to the NPPF, subject to providing screening for the mobile crusher and subject to other controls such as on hours of operation. These controls accord with MLP Policy M3.5. Dust emissions are capable of being controlled in accordance with MLP Policy M3.7.
96. In terms of other impacts, there would be no unacceptable visual or landscape character impacts. No significant adverse ecological impacts have been identified and the provision of the native hedgerow and use of wild seed mixes for peripheral areas would result in an ecological enhancement and would strengthen the pattern of field boundaries. The plans therefore accord with MLP Policies M3.17, M3.19 and M3.22. Reinstatement details to turn the site back to sports pitches are satisfactory to demonstrate that the pitches could be reinstated at the same or better standard in accordance with paragraph 74 of the NPPF and Mansfield District Local Plan Policy LT1. The reclamation could

provide for an improved environment and amenity after use in accordance with Policy M4.8 of the Minerals Local Plan.

97. Given that extraction works have already commenced, but have been placed on hold pending determination of this application, there is an urgent need to restore and reinstate this land in the interests of local amenity. The long term benefits for local sports provision and for supporting active and healthy lifestyles must be seen against any temporary local disruption that may arise.

Other Options Considered

98. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. The primary aim of the proposed development is to create a level site for sports pitches. To do so it is proposed to process and export surplus minerals as crushed aggregate, however alternative approaches could be used to level the site, such as undertaking cut and fill (with no removal or importation of material) or importation of inert fill materials. This approach however would not realise the economic value of the minerals which are readily extractable and would be excavated in any case. To not extract the mineral would, in effect, amount to sterilisation.

Statutory and Policy Implications

99. 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.

Human Rights Implications

100. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to proximity of residents to the works. The proposals have the potential to introduce impacts such as noise, dust and heavy traffic upon the Woburn Lane environs, although it is considered that these can be mitigated to acceptable levels. If planning permission was to be granted then these potential impacts need balancing against the benefits the proposals would provide in terms of restoring the site at the earliest practicable opportunity and the winning of mineral resources for which works have already commenced. If planning permission was to be refused then enforcement action would require the land to be reinstated which in itself could cause a level of local disturbance. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Children Safeguarding

101. The haulage operation has been devised in consultation with the Highway Authority so to avoid the start and end of the school day at Farmilo Primary School. The operator intends to work with the school to limit any impact whilst works are undertaken.

Implications for Sustainability and the Environment

102. As addressed in the main body of the report, there would be no significant adverse impact on local wildlife or protected conservation sites. The applicant proposes enhancements in providing additional native hedge planting and wildlife friendly seeding for peripheral areas. The sustainable use of minerals is supported, which would otherwise be sterilised.

Crime and Disorder Implications

103. The car park to the front of the site at Woburn Lane benefits from a lockable vehicular barrier to prevent unauthorised vehicular access to the site. No new fencing is proposed in the application, however fencing of varying types surrounds the site. Passive surveillance is offered by neighbouring residential properties.
104. There are no financial; equalities; or human resource implications. There are no implications for service users.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

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

TIM GREGORY

Corporate Director – Place

Constitutional Comments (SLB 08/10/2015)

Planning & Licensing Committee is the appropriate body to consider the content of this report.

Comments of the Service Director - Finance (SES 08/10/15)

There are no specific financial implications arising from this report.

Background Papers Available for Inspection

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

Electoral Division and Members Affected

Mansfield West- Councillors Diana Meale and Darren Langton

Report Author/Case Officer

Joel Marshall

0115 9932578

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

RECOMMENDED PLANNING CONDITIONS

Commencement and scope of development

1. This permission relates to land levelling works involving the excavation, processing and export of underlying mineral and restoration thereafter to sports pitches. This permission takes effect from the date of issue. Restoration of the site shall be carried out in accordance with the approved 'Method Statement and Specification for the Training Facilities' and Drawings No.s G-8-15-1a and G-8-15-2a and shall ensure that the final contour levels detailed on plans G-8-15-1a and G-8-15-2a are achieved. All mineral extraction and restoration works shall be completed within 12 months of 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) and to ensure that restoration works are completed in a timely manner in accordance with the requirements of Policy M4.8 of the Nottinghamshire Minerals Local Plan.

2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of re-commencement of works approved by this permission at least 7 days, but not more than 14 days, prior to the re- commencement of the works hereby permitted.

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

Copy of permission

3. The applicant shall be responsible for ensuring that, from the re-commencement of the development, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, are available at the site for inspection.

Reason: To ensure the development hereby permitted is carried out in accordance with the approved details.

Approved details

4. 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 following plans and documents:
 - a) Planning application forms received by the MPA on 24th March 2015 as amended by schedule of changes in letter dated 9th September 2015 and received by the MPA on 10th September 2015.

- b) Land ownership certificates received 10th September 2015.
- c) Location Plan (revised), received by the MPA on 10th September 2015.
- d) Drawing No. G-8-15-1a 'Proposed Earthworks' (Existing and Proposed Contours), dated January 2015 and received by the MPA on 23rd March 2015.
- e) Drawing No. G-8-15-2a 'Section and Plant', dated March 2015 and received by the MPA on 23rd March 2015.
- f) Drawing No. G-9-15-2a Rev A 'Site Entrance' received by the MPA on 10th September 2015.
- g) Drawing No. G-9-15-2a Rev A 'Site Entrance Details' received by the MPA on 10th September 2015.
- h) Supporting Statement received by the MPA on 23rd March 2015.
- i) Dust Statement dated March 2015, received by the MPA on 23rd March 2015.
- j) Details of Extec mobile crusher received by the MPA on 23rd March 2015.
- k) Noise Assessment by BPM Acoustics, dated 18th March and received by the MPA on 23rd March 2015.
- l) Additional method statement and specification for the training facilities received by the MPA on 29th April 2015.
- m) Revised traffic management details set out in the letter dated 9th September 2015 and received by the MPA on 10th September 2015.

Reason: For the avoidance of doubt and to define the permission.

Ecology

5. Operations that involve the removal and destruction of vegetation, including any removal of hedgerow, shall not be undertaken during the months of March to August inclusive except with the prior written approval of the MPA which shall only follow the submission of a report to the MPA confirming that the vegetation to be removed has been checked for nesting birds by a suitably qualified ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed following the MPA's approval in writing.

Reason: In the interests of avoiding disturbance to birds, their nests and eggs which are protected by the Wildlife and Countryside Act 1981 (as amended).

Hours of operation

6. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the MPA within 48 hours of their occurrence), or with the prior written approval of the MPA, the following shall not take place except within the hours specified below:

Operation	School days Mondays to Fridays	Non-school days Mondays to Fridays	Saturdays	Sundays, Bank/Public Holidays
Site preparation works / mineral extraction/ mineral processing (crushing)	08.00 to 17.00	08.00 to 17.00	Not at all	Not at all
Lorry removal of material	09.30 to 14.30	08.00 to 16.00	08.00 to 12.00	Not at all
Restoration works	08.00 to 17.00	08.00 to 17.00	08.00 to 13.00	Not at all

Reason: To minimise the impact of the development on the amenity of the local area in accordance with Policy M3.5 and Policy M3.6 of the Nottinghamshire Minerals Local Plan, and to minimise the impact of the development on highway safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

Traffic management and access

7. The number of HGVs associated with the development entering and leaving the site shall not exceed:
- a) 23 in and 23 out (46 two-way movements) on any Monday to Friday during school term time.
 - b) 20 in and 20 out (40 two-way movements) on any Saturday.
 - c) 38 in and 38 out (76 two-way movements) on any Monday to Friday during non-school term.

HGV movements shall accord with the permitted schedule of hours as set out in condition 6 and from the date of this permission the operators shall maintain records of their lorry movements, specifying types of vehicles, products carried, and time in and out of the site, and shall make them available to the MPA at any time upon request. All records shall be kept until all minerals have been removed from the site.

Reason: To minimise HGV traffic movements during the works so to safely accommodate school related traffic, and in the interests of general highway user safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

8. No material shall be exported from the site until an access/haul road has first been completed in accordance with the details on drawings No. G-9-15-2a Rev A 'Site Entrance' and No. G-9-15-2a Rev A 'Site Entrance Details' received by the MPA on 10th September 2015. The access/haul road shall provide:

- a minimum width of 7.3m for the first 15m from the carriageway (shared private driveway) edge;

- and be surfaced in a bound material for a minimum distance of 15m from the carriageway (shared private driveway) edge.

On completion vehicles associated with the development hereby approved shall utilise this access and no other route.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway. To reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of providing safe and satisfactory access in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

9. No material shall be exported from the site until the traffic management works comprising of road signs and markings are installed in accordance with approved Drawing No. G-9-15-2a Rev A 'Site Entrance Details' received by the MPA on 10th September 2015. Signs and markings shall be maintained during the life of the works and contractors shall adhere to their provisions at all times.

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

10. No material shall be exported from the site until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the MPA. The approved wheel washing facilities shall be maintained in working order at all times and shall be used by any heavy goods vehicle before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

Reason: To reduce the possibility of deleterious material being deposited on the public highway in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

Noise controls

11. All mobile 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 minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

12. The free field noise levels associated with the development, when measured in the curtilage of any nearby noise-sensitive property, shall not exceed 55dB measured as an Equivalent Continuous Noise Level for a 1 hour LAeq (free field):

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

13. Notwithstanding the requirements of Condition 12 above, for temporary operations such as bund formation/dismantling and soil replacement the LAeq 1 hour (free field) noise level in the curtilage of any noise sensitive property 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 a calendar year at any individual noise sensitive property. The dates of these occurrences shall be recorded and made available to the MPA in writing with one week of a written request from the MPA.

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

14. In the event of a noise complaint being received by the MPA regarding the development hereby permitted which, in the considered opinion of the MPA may be justified, the applicant shall at the first practicable opportunity following a request from the MPA carry out a noise impact survey which shall be submitted to the MPA for its approval in writing. The free field noise level associated with the development, when measured in the curtilage of the noise sensitive property, shall not exceed the levels in conditions 12 and 13 above. Should this survey demonstrate that the noise limits are being exceeded, the survey report shall specify additional mitigation measures and details of their timing to overcome any unacceptable noise impacts and such measures shall be implemented immediately thereafter in accordance with the approved details and timetable.

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

15. Prior to the commencement of any crushing operations on site, a bund constructed from on-site materials shall be positioned to extents and height so as to completely screen the crusher and associated mobile plant from any first floor window at premises on Woburn Lane opposite the development site. The bunds shall be maintained throughout the life of the extraction works in order to provide effective noise attenuation.

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

Dust controls

16. Measures shall be employed to ensure that dust emissions from the site and associated vehicle movements are controlled and fugitive dust is prevented from leaving the site. These shall include taking all or any of the following steps as appropriate:
- a. Daily environmental site inspections to monitor conditions in and around the site and access track.
 - b. Ensuring vehicle speeds are limited.
 - c. The use of water bowsers and/or spray systems to dampen the haul route, stockpiles, and working areas.
 - d. The sheeting of all unenclosed aggregate carrying vehicles leaving the site
 - e. The cessation of operations during periods of excessively dry or windy conditions.
 - f. Any additional steps or measures as requested by the MPA, should these measures prove inadequate.

Reason: To minimise potential dust disturbance upon residential amenity in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

Mud controls

17. Measures shall be employed to ensure that mud and detritus from the site and from any associated vehicle movements is controlled and prevented from being deposited onto the public highway. These shall include taking all or any of the following steps as appropriate:
- a. Daily environmental site inspections to monitor conditions in and around the site and access track.
 - b. The use of the wheel wash facility approved under condition 10 above and its regular maintenance.
 - c. Deployment of a road sweeper as required.
 - d. Any additional steps or measures as requested by the MPA, should these measures prove inadequate.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (mud, debris etc), in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

Other operational controls

18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound shall be at least equivalent to

the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to accord with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

Restoration and landscape works

19. Within 3 months from the date of this permission hereby permitted a landscape and planting scheme shall be submitted to the MPA for its approval in writing. The scheme shall include the following details:

- (a) Planting proposals showing numbers, species, density of planting, positions and sizes of hedgerow plants so to provide a native hawthorn dominant hedge along the length of the north-western boundary of the field.
- (b) Details of hedgerow reinforcement / supplementary hedgerow planting within the existing hedgerow fronting Woburn Lane.
- (c) Details of landscape treatment of the bunds alongside the access track.
- (d) Details of other peripheral landscaping, including the bank along the north-western side, to be seeded with an appropriate native grass and wildflower mix.
- (e) A timetable for implementation of the planting and seeding works.

The approved landscaping works shall be carried out within the first planting and sowing seasons following the completion of the development and thereafter maintained in accordance with the approved details.

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

20. Restoration of the football pitch shall be undertaken in accordance with details supplied in the Method Statement and Specification for the Training Facilities received by the MPA on 29th April 2015 and completed within 12 months of the date of this permission.

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

21. Soils and soil making material shall only be handled and placed when in a suitably dry and friable condition.

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

22. Upon completion of the restoration works the car parking area to the front of the site shall be made good utilising stone chippings to provide a porous surface and thereafter made available for use by users of the sports pitches.

Reason: To provide satisfactory off-street parking facilities for the end use and in the interests of local amenity.

23. Any hedgerow planting or wildflower area that, within a period of five years after planting or seeding, die, are removed or, in the opinion of the MPA, become seriously damaged or diseased, shall be replaced in the first available planting or seeding season with specimens/seedmix similar to those originally approved, unless the MPA gives written consent to any variation.

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

After care

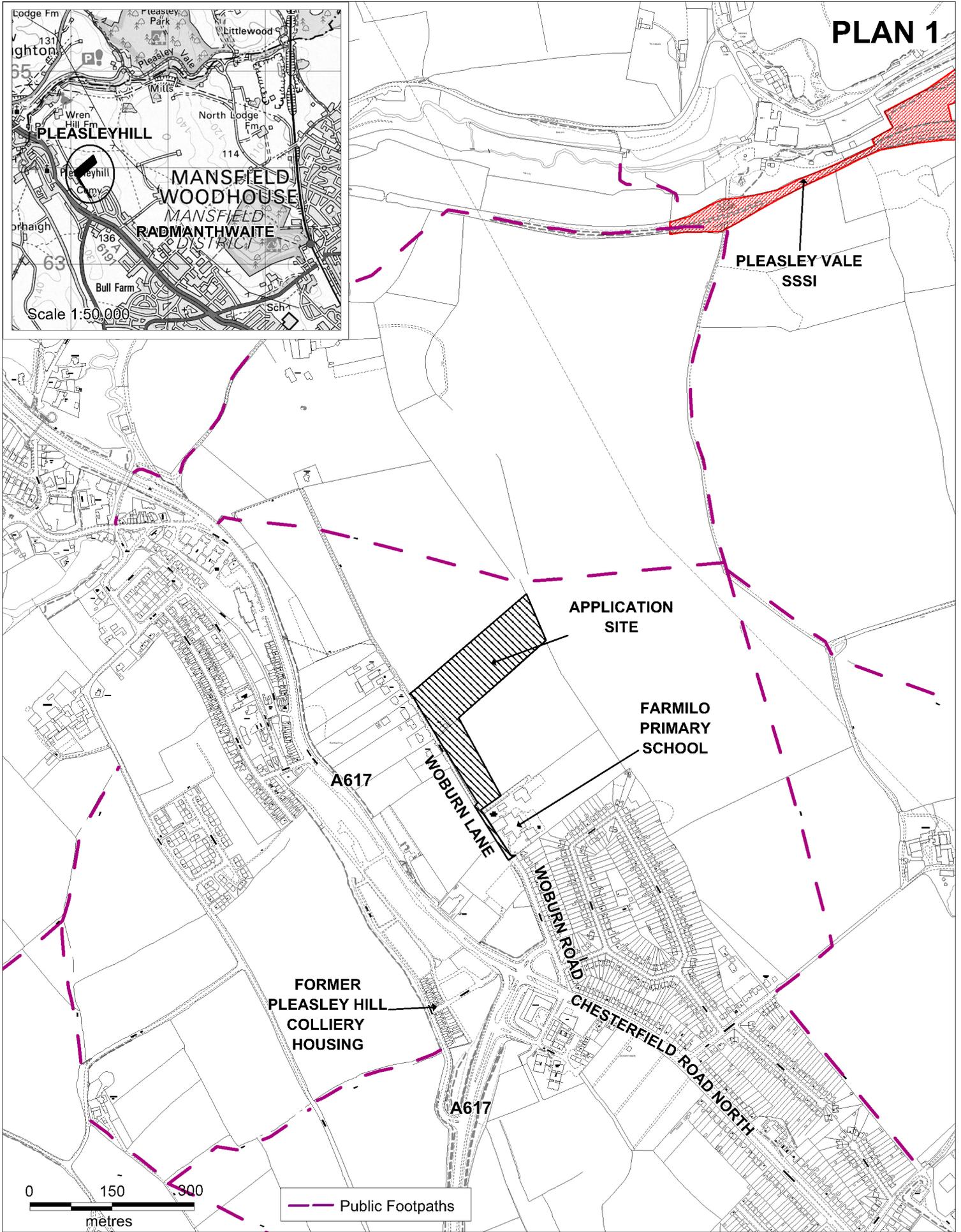
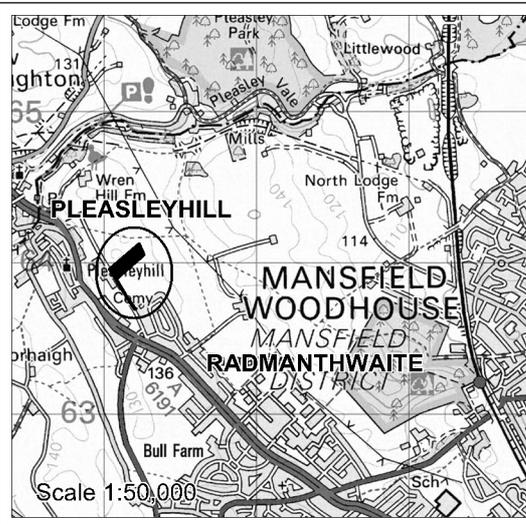
24. Following completion of the restoration the site shall undergo a period of aftercare for five years. A programme of maintenance and any corrective works to be undertaken in years one and two following completion of the restoration shall be submitted to the MPA for its approval and shall be subject to review following any site management meetings/inspections. The agreed programme of works, as informed by any inspections shall be implemented to ensure a satisfactory restoration has been achieved.

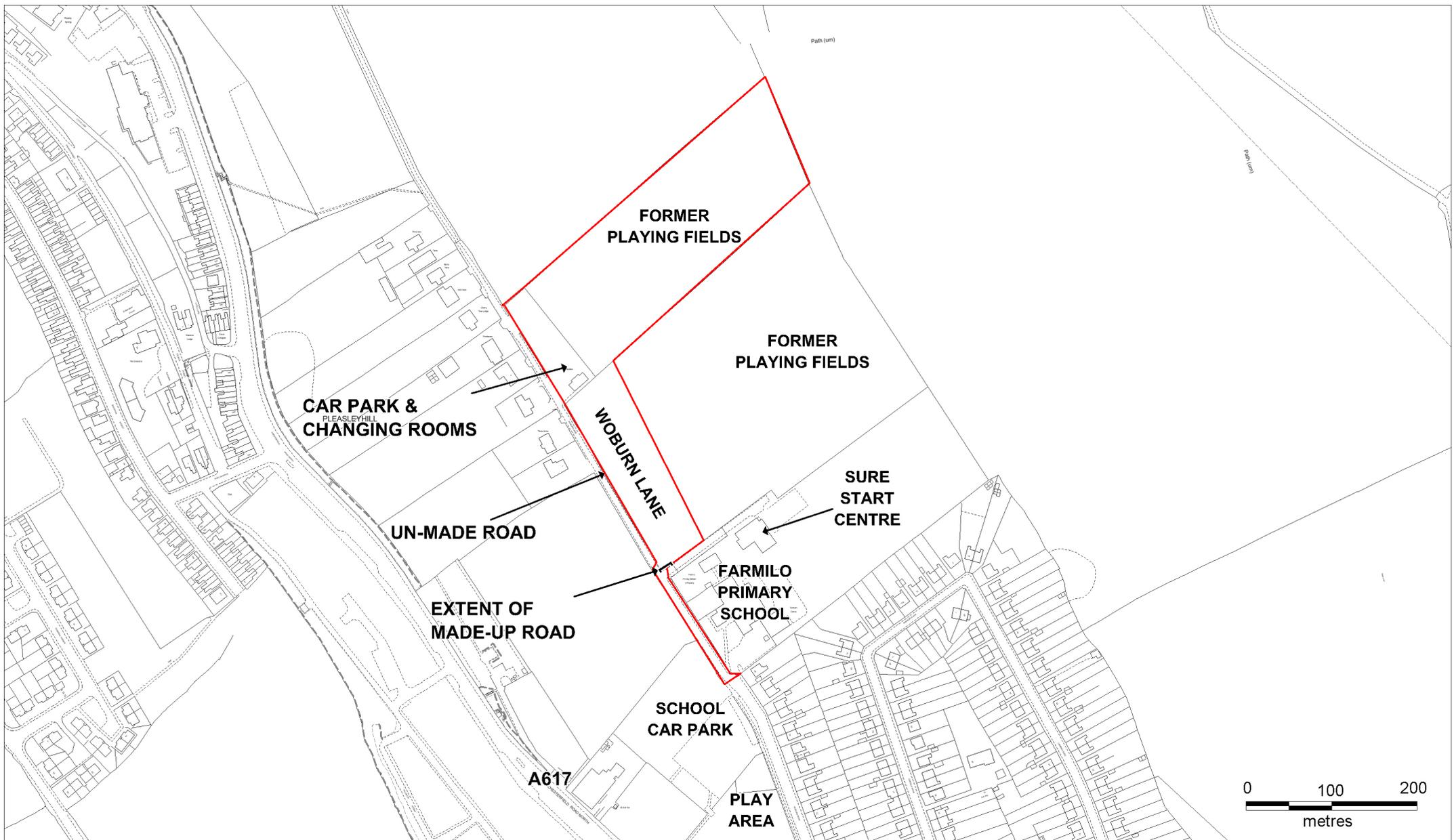
Reason: To provide for aftercare of the restored site and to ensure the site is returned to recreational use, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan and paragraph 74 of the NPPF.

Notes to applicant

1. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
2. To avoid vehicle rattle and vibration from site traffic it is recommended that any pot holes occurring along the access track are filled/made good as soon as practicable.

3. The contractor will be expected to liaise closely with management of the adjacent Farmilo Primary school and SureStart centre, immediately before and, at appropriate points during, the works period to ensure disruption is minimised and safety is maintained. This should include an exchange of contact details between parties.
4. With regards to seeding peripheral areas, an appropriate wildflower seed mix should be chosen based on the pH and nutrient status of reinstated soils/substrate, and must use seed of a certified native genetic origin with species which are appropriate to the local area. Similarly, the new hedgerow should be hawthorn dominated, and species selected with reference to the relevant Landscape Character Assessment species lists (Magnesian Limestone LCA). The County Nature Conservation Team will be happy to advise on final seed and planting mixes.
5. Sport England have made comments with regards to wider issues in relation to apparent longer term plans at the site, a copy of these will be attached/forwarded. Future proposals would be subject to planning in the usual way.
6. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.





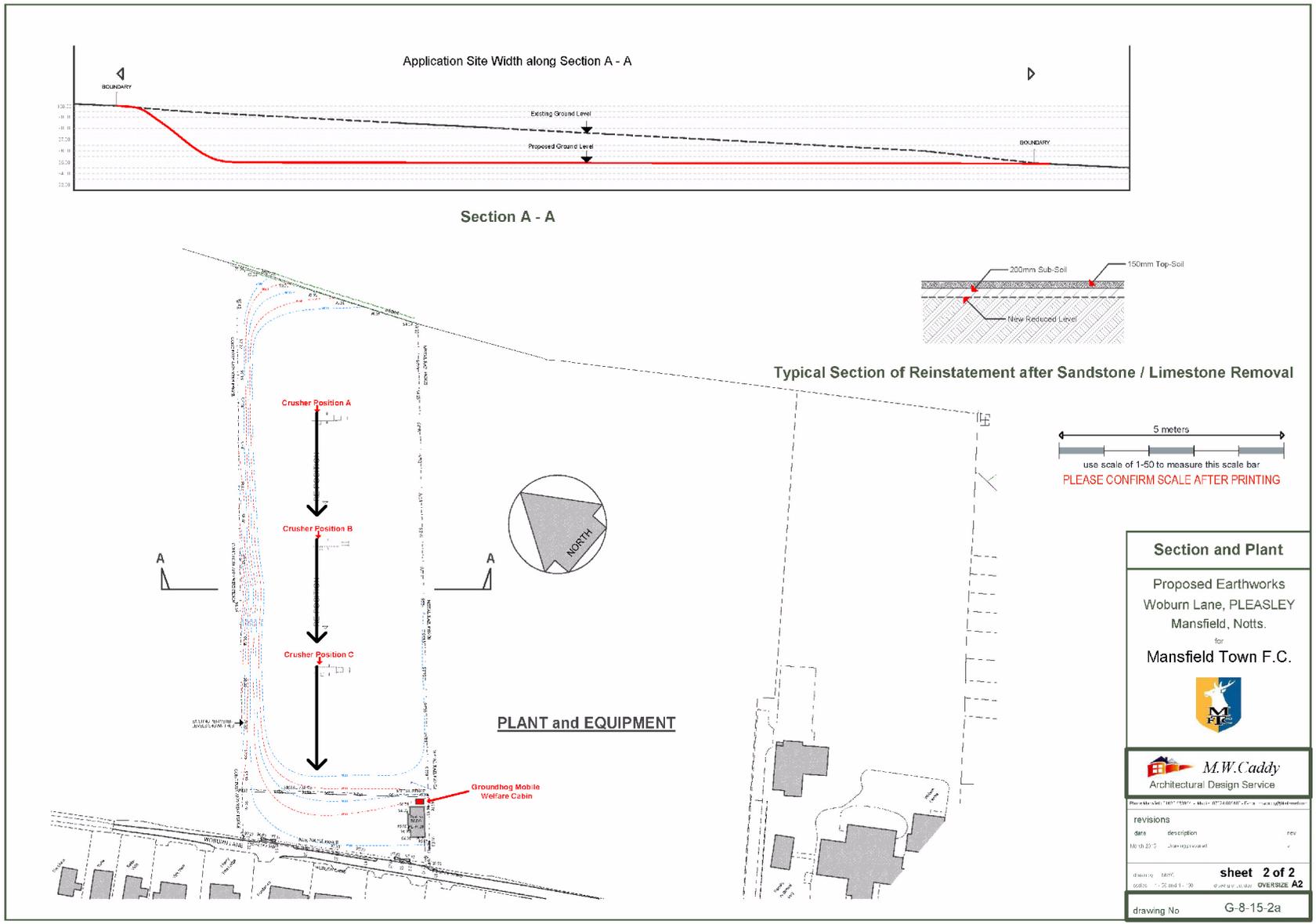
Proposed Levelling of Land to Create Football/Training Pitches involving the Extraction of and Processing of Sandstone/Limestone (for a temporary period of 3 months). Land North of Woburn Lane, Pleasley, Mansfield, Nottinghamshire.

Planning Application No. 2/2015/0188/NT
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 Date: OCTOBER 2015





20 October 2015

Agenda Item: 9

REPORT OF CORPORATE DIRECTOR – PLACE

PROPOSED MODIFICATIONS TO THE COUNTY COUNCIL'S SCHEME OF DELEGATION FOR DECISION MAKING ON PLANNING APPLICATIONS

Purpose of Report

1. To seek Members' approval to a "light touch" review of the Council's existing scheme of delegation for the determination of planning applications. The revised scheme aims to improve planning application determination times, reflect the current structure of the County Council, improve clarity and ensure consistency with current planning legislation and the Council's consultation procedures.

Information and Advice

2. The Development Management Team, within the Planning Group, deals with the determination of planning applications for minerals and waste development (County matters) and the County Council's own development proposals, along with monitoring and enforcement work. Officers currently operate within an adopted scheme of delegation, enabling officers to determine applications unless one of the following applies:
 - (a) Those involving a site area greater than 15 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000sq m;
 - (b) those involving a departure from the Development Plan;
 - (c) those accompanied by an Environmental Impact Assessment;
 - (d) those which have financial implications for the County, such as those which have an accompanying Planning obligation/S106 agreement;
 - (e) those which have received objections from the District or Parish Council or local Member;
 - (f) those which have been referred to committee by a local Member;
 - (g) those which are recommended for refusal unless the refusal is on the grounds of insufficient information;

- (h) those which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Planning Authority, from consultees or neighbouring occupiers;

* for clarification, 'significant' objections requiring referral must:

- (i) raise material planning consideration;
 - (ii) be irresolvable by amendment to the scheme or imposition of planning conditions;
 - (iii) involve more than three objections from separate properties
- (i) those which are submitted by the Policy, Planning and Corporate Services Department;
 - (j) those which raise issues of regional or national importance;
 - (k) those involving the determination of new conditions for minerals sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable.

3. The process of delegating decision-making powers on planning applications is actively encouraged by Central Government. The current scheme of delegation outlined above has been in place for around a decade. It has remained unchanged during this time except for one minor amendment in 2013 when the refusal of planning applications on grounds of insufficient information was agreed as an additional delegated power.
4. Using the existing scheme of delegation the vast majority of decisions on planning applications are delegated to officers. For the period of March 2014 to April 2015 only 24% of County Matter applications and 12% of County Council applications were referred to Planning and Licensing Committee for a decision. It is acknowledged that the current scheme is working well and sets the right balance of involving Members in the most significant and controversial applications. Planning and Licensing Committee has a significant and valuable role to play in reaching decisions and is an important democratic element of the planning process. The public speaking arrangement allows individuals, both applicants and the general public, to vocalise their views. Notwithstanding the importance of Members' involvement in the process bringing applications to Committee does lengthen the time taken for determining applications and impacts on performance targets set by the Government. The Department of Communities and Local Government (DCLG) encourages Councils to have an effective and up to date delegation scheme as a means of speeding up decision making. It is therefore considered timely to review the scheme to bring it up to date and ensure that it is still "fit for purpose".

Key Reasons for the Update

5. One of the key reasons for reviewing the scheme of delegation is to improve determination times of certain types of planning applications which, in turn, will

help meet overall performance targets. In 2013 the Growth and Infrastructure Act gave the Secretary of State power to “designate” local planning authorities if their performance fell below an acceptable standard. Later the same year DCLG published a league table of authorities dealing with county matter applications and their determination of major applications over a two year period ending on 30th June 2013. The measure used to assess the speed of decisions is the average percentage of decisions made within the statutory determination period or within an extended period agreed in writing with the applicant. At that time a minimum threshold was set at 30% but this has since been raised to 40% and then in August this year to 50%. Failure to meet this target could result in the County Council being a designated authority whereby applicants for major applications would have the option of applying directly to the Planning Inspectorate for a decision. This would result in the loss of local decision making and the income from planning application fees. Whilst the County Council has performed well since the above measures were introduced, it is considered important not to be complacent and a review of the scheme of delegation is considered important to ensure that decisions continue to be made in a timely manner.

6. The scheme of delegation has also been reviewed in order to bring it in line with current planning legislation and regulations. For instance, since its adoption, the criteria for applications which constitute departures requiring referral to the Secretary of State have changed. In the past the Secretary of State had to be notified of all “departure applications”; that is planning applications which are not consistent with policies in the development plan. Under this previous regime even very minor development, such as kiosks at sewage treatment works in the Green Belt, required referral.
7. The criteria for referral were amended by the Town and Country Planning (Consultation) (England) Direction 2009 to reduce the situations in which the Secretary of State now has to be notified. In relation to planning applications determined by the County Council, the need to refer to the Secretary of State only now relates to certain Green Belt development, development affecting playing fields to which Sport England has objected, and development in a flood risk area to which the Environment Agency has made an objection. Any application which meets any of these criteria would be referred to committee for a decision. In addition to this, and to reflect recent changes to responsibilities relating to flood risk, it is proposed to amend the scheme of delegation so that development in a flood risk area to which the County Council, as Local Lead Flood Risk Authority, raises an objection would also be referred to Committee for determination.
8. It is proposed that “departure applications” which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member. It is recommended that the scheme of delegation be amended to reflect these changes.
9. Since the scheme of delegation was adopted the Council has undergone a number of restructuring programmes, the most recent of which came into effect on 1st September 2015. Previously applications submitted by teams within Policy, Planning and Corporate Services would have required referral to

committee to avoid potential criticism that the applicant was part of the same department as the department making the decision and could therefore be seen as “judge and jury”. As the Development Management Team is now part of Place Department, it is suggested that this restriction should now relate to applications where a team within the Place Department is stated on the planning application form as the applicant. However, in order to allow any such applications which do not raise objections to be determined under delegated authority, it is recommended that referral to Committee would only be required where the application has been subject to objections, whether these are from a single consultee, neighbour, local Members, Parish or District/Borough Council etc. Only where applications from Place Department receive no objections would there be delegated authority to officers to determine the application.

10. It is considered that this criterion should only apply when the Place Department is named as the applicant on the application forms, rather than the agent. The County Council’s Design Teams, which are in the Place Department, often act as the agent for planning applications submitted by the Children, Families and Cultural Services Department (CFCS) for new schools development. However, the Design Teams’ role is solely to design schemes which meet the brief set them by CFCS and to submit applications on their behalf. It is CFCS as the applicant, not one of the Design Teams as the agent, which is driving the proposed development. It can be confirmed that this is how the criterion as presently worded (“applications which are submitted by the Policy, Planning and Corporate Services Department”) has been interpreted in the past.
11. It is suggested that this criterion is worded such that following any future restructuring of the County Council delegated powers will not apply to the determination of any applications made by the same department in which the Development Management Team is located and where there are any objections raised to the proposal.
12. The proposed scheme of delegation recommends that applications involving a site area greater than 15 hectares be increased to 25 hectares to allow compatibility with thresholds set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, which were last amended in 2015. It is considered that the size of the site alone rarely has implications for the complexity or contentiousness of a proposal. All other criteria set out in this category in the scheme will remain unchanged. A new addition to the scheme of delegation is the proposal to bring applications relating to emerging technologies to Committee for determination. This will enable Members to be kept up to date with advances in technologies such as applications relating to emerging waste technologies.
13. Other minor changes and general editing are suggested to give the scheme of delegation greater clarity and consistency with other County Council procedures.

Proposed Changes to the Scheme of Delegation

14. The following section sets out the key changes to the scheme of delegation, with the suggested amendments shown in bold. The full scheme of delegation,

as proposed, with the reasons for the changes to the individual criterion, is set out in Appendix 1 to this report.

- (a) **Applications** involving a site area greater than **25** hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000 square metres
- (b) **Applications** involving a departure from the Development Plan **and which meet the criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member**
- (c) **Applications which have S106 agreements/Planning obligations** and those which have **other** financial implications for the County Council
- (d) **Applications** which have received **valid planning** objections, **in writing**, from the District/**Borough** or Parish Council or local Member **within the statutory consultation period or within an extended period as agreed by the County Council, or where the local Member has requested that the application be referred to Planning and Licensing Committee for determination;**
- (e) **Applications** which are submitted by **Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team)** where these are the subject of any objections
- (f) **Applications** which raise issues of regional or national importance **or relate to proposals involving emerging technologies**

Other Options Considered

- 15. Members may wish to consider leaving the scheme of delegation unchanged but the revisions have been proposed for the reasons set out in the report and it would allow a scheme used for determining applications that is out of date and which does not reflect the most up to date legislation and guidance.

Reasons for Recommendations

- 16. It is not anticipated that the revised scheme of delegation will dramatically reduce the number of planning applications being referred to Members for determination. Members will continue to be involved in the most significant and controversial applications. However, the proposed changes are considered to be beneficial in terms of making a contribution to meeting the Government's performance targets. In addition, the scheme will benefit from being edited to give it greater clarity and the changes will ensure that the scheme reflects

current planning legislation and regulations and is consistent with the Council consultation procedures.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

18. It is anticipated that the revised scheme of delegation is likely to improve performance and lead to decisions being made within shorter timeframes which is considered to be of benefit to applicants. People engaging with the planning process as a consultee will also benefit from the revised scheme given that it will be more up to date and clearer.

Financial Implications

19. In the event that Nottinghamshire County Council is designated by DCLG under the circumstances set out in paragraph 5 above and applicants choose to submit their applications directly to the Planning Inspectorate for determination the County Council would not receive the associated planning fee. Additionally, since October 2013 applications which are not determined within 26 weeks and where the County Council fails to agree an extension of time, the County Council would be required to **return** the planning fee.

Human Rights Implications

20. The determination of all planning applications, whether by officers or Members, requires full compliance with the relevant Articles of the Human Rights Act. This requirement is unchanged by the introduction of a revised scheme of delegation.

RECOMMENDATIONS

21. It is RECOMMENDED that Members approve the revised scheme of delegation as set out in Appendix 1 attached to this Committee report.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Planning and Licensing Committee is the appropriate body to consider the content of this report.

[SLB 06/10/2015]

Comments of the Service Director - Finance

The financial implications are set out in the report.

[SES 01/10/15]

Background Papers Available for Inspection

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Divisions and Members Affected

All

Report Author/Case Officer

Jane Marsden-Dale

0115 9932576

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

Existing thresholds	Proposed new thresholds	Reason for change/no change	Proposed wording of threshold (changes in bold)
<p>Applications involving a site area greater than 15 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000sqm</p>	<p>Increase 15 hectares to 25 hectares, but no change to the other criteria. Size of site alone rarely has implications for complexity/contentiousness of a proposal.</p>	<p>To be compatible with site area criteria required by EIA Regulations (for Schedule 1 development). Other criteria to remain the same to enable Committee consideration of issues relating to large scale mineral and waste development, such as amenity considerations and vehicular movements etc.</p>	<p>Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000sqm</p>
<p>Applications involving a departure from the Development Plan</p>	<p>Only to apply to those applications where the nature of the departure meets the “call in” criteria requiring referral to the Secretary of State prior to permission being issued.</p>	<p>Brings the threshold in line with Government’s most recent criteria for calling in applications involving a departure. Previously very minor departures would have needed referral. The wording of the proposed criteria enables Local Members to refer departure applications to committee for determination even where these do not require subsequent referral to the Secretary of State. All development in flood risk areas which are the subject of objections from the Local Lead Flood Risk Authority will be similarly referred to Committee for determination</p>	<p>Applications involving a departure from the Development Plan and which meet the call-in criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Risk Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member</p>

Applications accompanied by an Environmental Impact Assessment	No change proposed	Criterion to remain the same to enable Committee consideration of large scale mineral, waste and County Council development and those in sensitive locations.	Applications accompanied by an Environmental Impact Assessment
Applications with financial implications for the County, such as those which have an accompanying Planning obligation/S106 agreement	Reworded for clarification	Criterion to remain so Members can be aware of any financial implications for the County Council and other matters of interest, such as agreed HGV routes.	Applications which have S106 agreements/Planning Obligations and those which have other financial implications for the County Council
Applications which have received objections from the District or Parish Council or local Member	Additional details added for clarity and consistency with Committee speaking protocol Borough Council added for completeness of the names of the Nottinghamshire local councils.	To ensure that objections are valid in planning terms, are put in writing and are timely in terms of enabling the determination of planning applications within statutory timeframes.	Applications which have received valid planning objections, in writing , from the District/ Borough or Parish Council or the Local Member within the statutory consultation period or within an extended period as agreed by the County Council, or where the local Member has requested that the application be referred to Planning and Licensing Committee for determination;
Applications which have been referred to committee by a local Member	No change proposed	Gives Members the assurance that any planning application in their Division can be referred to committee for a decision should they deem it necessary or desirable.	Applications which have been referred to Committee by a local Member

Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information	No change proposed	Except in cases of refusal on the grounds of insufficient information Members' endorsement of the decision to refuse an application is considered to be beneficial if the decision is subsequently challenged by an appeal.	Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information
Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Planning Authority, from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning consideration, ii) be irresolvable by amendment to the scheme or imposition of planning conditions, iii) involve more than three objections from separate properties)	No change proposed, except the wording of County Planning Authority to County Council for consistency	Retaining the threshold at more than 3 objections from separate households is considered to be reasonable. The need for responses to be received within the statutory consultation period, or an extended period as agreed by the County Council, is imperative to enable the Authority to meet its statutory targets for determination.	Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Council , from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning considerations, ii) be irresolvable by amendment to the scheme or imposition of planning conditions, iii) involve more than three objections from separate properties)

Applications submitted by Policy, Planning and Corporate Services	Change in wording to ensure that those applications submitted by the same department, which are the subject of any objection, are referred to Members for a decision	To reflect the restructuring of the County Council departments.	Applications submitted by Place Department (or any subsequent Department, following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any objections
Applications which raise issues of regional or national importance	Add in wording relating to emerging technologies, such as energy related developments	To ensure that Members are kept informed about proposals which have more than local significance or relate to novel issues of development management	Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies
Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable	No change.	Retain criteria in order that Members are made aware of any applications which have financial implications for the County Council.	Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable



20 October 2015

Agenda Item: 10

**REPORT OF CORPORATE DIRECTOR - PLACE
DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Purpose of this Report

1. To report on planning applications received in the Department between 1st September and 30th September and to confirm the decisions made on planning applications since the last report to Members on 22nd September 2015.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks for the quarter between 1st June 2015 and 30th September 2015.

Statutory and Policy Implications

3. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
4. 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 are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

5. It is RECOMMENDED that the report and accompanying appendices be noted.

TIM GREGORY

(Corporate Director- Place)

Constitutional Comments

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report. [HD – 05/10/2015]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [SEM – 05/10/2015]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author/Case Officer

Ruth Kinsey

0115 9932584

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

Planning Applications Received and Determined
From 1st September 2015 to 30 September 2015

Division	Member	Received	Determined
BASSETLAW			
Worksop East	Cllr Glynn Gilfoyle	Variation of condition 3 of planning permission 1/02/12/00126 to allow for changes to the scheme during construction. Worksop Sewage Treatment Works, Rayton Lane, Worksop. Received 04/09/2015	
Misterton	Cllr Liz Yates		The plugging and abandoning of an existing borehole and the final restoration of the well site. Misterton 1 Wellsite, Oatlands Farm, Carr Road, Misterton. Granted 29/09/2015
MANSFIELD			
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood		Variation of Condition 14 (operating hours) and 26 (external storage) of planning permission reference 2/2013/56ST, to allow the extension of operating hours and external storage of recyclates. Mansfield Materials Recycling Facility, Warren Way, Forest Town, Mansfield. Granted 25/09/2015

Division	Member	Received	Determined
NEWARK & SHERWOOD			
Farnsfield & Lowdham	Cllr Roger Jackson		Removal and temporary storage 75,000 cubic metres of colliery spoil from lagoon 4 prior to the removal off site of approximately 40,000 cubic metres of coal material, with any red shale arising from the works to be either used on site or exported. Bilsthorpe disused colliery, Eakring Road, Bilsthorpe. Granted 09/09/2015 (Committee)
Farnsfield & Lowdham	Cllr Roger Jackson	Single storey timber teaching space, Kirklington Primary School, School Lane, Kirklington. Received 10/09/2015	
Farnsfield & Lowdham	Cllr Roger Jackson		Single storey timber teaching space, Kirklington Primary School, School Lane, Kirklington. Returned 11/09/2015
Collingham	Cllr Maureen Dobson		Proposed construction and use of a cabin for use as a welfare cabin at the existing waste transfer station site. Newark Waste Transfer Station, Brunel Drive, Brunel Industrial Estate, Newark. Granted 14/09/2015
Farndon & Muskham	Cllr Mrs Sue Saddington		Change of use to mini-skip hire and waste transfer station and completion of hard surfacing and fencing. Unit 3, Quarry Farm Industrial Estate, Bowbridge Lane, Newark. Granted 22/09/2015

Division	Member	Received	Determined
Balderton	Cllr Keith Walker		The retention of existing temporary classroom known as building 3. Chuter Ede Primary School, Wolfit Avenue, Balderton. Granted 22/09/2015
ASHFIELD			
Sutton in Ashfield East	Cllr Steve Carroll	Installation of a 5MW Solar PV Array, with associated access track and temporary construction compound. Two Oaks Quarry, Derby Road, Mansfield. Received 17/09/2015	
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmott		Use of site off Wigwam Lane for the recycling of inert materials (retrospective) and the construction of a 5 metre high sound attenuation wall. Plots 10, 11, 12, 13, 14 and 16, Wigwam Lane, Hucknall. Granted 21/09/2015 (Committee)
BROXTOWE -			
None			
GEDLING			
Calverton	Cllr Boyd Elliott	Retrospective application for change of building enclosure, including extension to building to form new small parts store, and undercover dismantling area. Richard C Tuxford Exports Ltd, Hollinwood Lane, Calverton. Received 24/07/2015	

Division	Member	Received	Determined
RUSHCLIFFE			
Cotgrave	Cllr Richard Butler		Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site. Canalside Industrial Park, Kinoulton Road, Cropwell Bishop. Refused 24/09/2015 (Committee)

Applications outstanding over 17 weeks at 30 September 2015

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Misterton	Cllr Liz Yates	Variation of conditions 6 and 7 of planning permission 1/32/02/00017 for an extension of time to allow the remaining sand and gravel reserves to be extracted. Finningley Quarry, Croft Road, Finningley, Doncaster	60	Awaiting applicant to withdraw the application
Misterton	Cllr Liz Yates	Application for a proposed new working area with restoration to nature conservation and a temporary new access off Bawtry Road, Newington West, Newington Quarry, Land to the south of Bawtry Road, Misson, Near Bawtry	28	Can be found elsewhere on the agenda

Division	Member	Description	Weeks Out Standing	Comments
Misterton	Cllr Liz Yates	Variation of conditions: 1,2,3,13,21,25,32,38,51,62,63,& 65 of planning permission 1/32/12/00007, to allow additional extraction to the south of the existing working area Newington South, Newington Quarry, Misson, Near Bawtry	28	Can be found elsewhere on the agenda
MANSFIELD				
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbiridis	Variation of condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years. Cast Quarry, Vale Road, Mansfield Woodhouse.	119	Resolved to grant permission upon agreeing and signing of a S106 Legal Agreement as resolved at Committee on 16/12/2014.
Mansfield West	Cllr Darren Langton Cllr Diana Meale	Proposed Levelling of Land to Create Football/Training Pitches involving the Extraction of and Processing of Sandstone/Limestone (Revised Access including development of new road/track and extended programme of works for a temporary period of nine months). Land North of Woburn Lane, Pleasley,	28	Can be found elsewhere on the agenda

Division	Member	Description	Weeks Out Standing	Comments
NEWARK & SHERWOOD				
Newark West	Cllr Tony Roberts	Regularisation of use of additional land in connection with scrapyard, Briggs Metals Limited, Great North Road, Newark	245	Exchange of correspondence with the applicant, awaiting response
Rufford	Cllr John Peck	Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure. Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe	96	Resolved to grant permission at 18/11/2014 Planning & Licensing committee. Called In by Secretary of State 19/12/2014. Public Inquiry to be held in November 2015.

Division	Member	Description	Weeks Out Standing	Comments
Ollerton	Cllr Mike Pringle	Installation of a wood drying plant, storage silo for dried sawdust, green waste picking station and associated fixed trommel screen. Variation of Condition 3b and 3c (site layout) 7 (controls relating to storage), 9 (controls relating to green waste handling), 10 (controls relating to green waste handling), 12 (plant and machinery), removal of condition 18 (parking) and discharge of condition 21 (development within extension land) attached to planning permission 3/10/01533/CMA. Retrospective permission for the retention of timber processing picking station and associated static shredder; water storage tank; plus retention of shredder, conveyor and feed hopper between units 92 and 93. RM Right Wood Recycle, Unit 89B, Boughton Industrial Estate, Boughton.	89	Applicant in contact with the Environment Agency to discuss future options

Division	Member	Description	Weeks Out Standing	Comments
Southwell & Caunton Collingham	Cllr Bruce Laughton Cllr Maureen Dobson	Re-submitted with new access - Application for a new planning permission to replace extant planning permission 3/03/02626 CMA in order to extend the time limit for implementation. Cromwell Quarry, Land to the East of the A1, Cromwell, Newark.	48	Presented to Committee 02/06/2015 and resolved to grant permission upon agreeing and signing of S106 Legal Agreement
Collingham	Cllr Maureen Dobson	To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans. Besthorpe Quarry, Collingham Road, Collingham	44	Further ecological information received and re-consultation taken place. Will be presented to Committee on 17 November 2015

Division	Member	Description	Weeks Out Standing	Comments
Collingham	Cllr Maureen Dobson	Variation of condition 3 of planning permission 3/02/2402CMA to enable temporary retention of the conveyor infrastructure until 31 December 2023 or for 12 months following the cessation of sand and gravel extraction (whichever is the sooner)Besthorpe Quarry, Collingham Road, Collingham	44	Further ecological information received and re-consultation taken place. Will be presented to Committee on 17 November 2015
ASHFIELD				
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	163	No change- Still awaiting traffic impact assessment from the applicant

Division	Member	Description	Weeks Out Standing	Comments
Sutton in Ashfield East	Cllr Steve Carroll	Erection of a sprinkler tank and pump housing with a 4.0m high hit and miss timber fence enclosure, and the re-provision of 4 disabled car parking spaces. Fountaindale School, Nottingham Road, Mansfield	55	Still awaiting accurate plans
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Use of site off Wigwam Lane for the recycling of inert materials (retrospective) and the construction of a 5 metre high sound attenuation wall. Plots 10, 11, 12, 13, 14 and 16, Wigwam Lane, Hucknall.	34	Find elsewhere on the agenda.
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Construction of a new waste transfer building to reduce dust and noise including an overflow picking station plus the consolidation of the site into a single waste transfer station. 15B Wigwam Lane, Hucknall,	29	Report being prepared for 17 November 2015 Committee

Division	Member	Description	Weeks Out Standing	Comments
BROXTOWE				
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	140	No change - Noise issues still be resolved. Under government guidance new green belt issues raised concerning landscape
Bramcote & Stapleford	Cllr Stan Heptinstall Cllr Jacky Williams	Retention of existing temporary classroom, William Lilley Infant School, Halls Road, Stapleford	18	Inadequate information submitted, with additional development requiring planning permission
GEDLING				
Newstead	Cllr Chris Barnfather	Improvement works to the country park involving the remodelling and partial in-filling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000m ³ of inert materials and soils. Newstead and Annesley Country Park, Newstead Village	148	Resolved to grant permission upon completion of S106 agreement at Committee on 25/02/2014. Applicant is re-opening negotiations for the completion and signing of the of the legal agreement

Division	Member	Description	Weeks Out Standing	Comments
Newstead	Cllr Chris Barnfather	Vary conditions 2 and 18 of the discontinuance order to allow the continuation of mineral extraction until 2035 and to amend the limit on transport movements from a daily to weekly figure. Yellowstone Quarry, Quarry Lane, Quarry Banks, Linby.	44	Report being prepared for 17 November 2015 Committee
RUSHCLIFFE				
Soar Valley	Cllr Andrew Brown	Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road, East Leake	Not counting	Revised restoration scheme received and consulted upon, which has raised landscaping and bird strikes issues, which need to be resolved. Held in abeyance by the applicant to run with the Extension application
Soar Valley	Cllr Andrew Brown	Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake	58	Can be found elsewhere on the agenda

20 October 2015

Agenda Item: 11

REPORT OF CORPORATE DIRECTOR, RESOURCES

WORK PROGRAMME

Purpose of the Report

1. To consider the Committee's work programme for 2015.

Information and Advice

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

Other Options Considered

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

Reason/s for Recommendation/s

5. To keep Members of the Committee informed about future business of the Committee.

Statutory and Policy Implications

6. 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.

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward
Corporate Director, Resources

For any enquiries about this report please contact: David Forster, Democratic Services Officer

Constitutional Comments (HD)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

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

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
17 th November 2015	1/15/01034/CDM	Land off Springs Road, Misson	Installation of Groundwater Monitoring Boreholes in four separate locations and siting of mobile staff welfare facilities
17 th November 2015	7/2014/1382NCC	Yellowstone Quarry, Quarry Lane, Quarry Banks, Linby	Vary conditions 2 and 18 of the discontinuance order to allow the continuation of mineral extraction until 2035 and to amend the limit on transport movements from a daily to weekly figure
17 th November 2015	3/15/01407/CMA	Sherwood Forest Country Park and Visitor Centre, Swinecote Road, Edwinstowe	Demolition of 1970s visitor centre, excavation of car parking area, removal of picnic area and playground, and restoration of site to natural habitat. Refurbishment/upgrade of Ranger access and red shale path. Alterations to Ranger highway access point. Closure of two highway access points to former car park (being removed), closure of highway access point to picnic area (being removed), and reinstatement of highway verge to acid grassland. Demolition of 1970's visitor centre, excavation of car parking areas and removal of picnic area and playground in Sherwood Forest Country Park
17 th November 2015	4/V/2015/0546	Jeffries Primary & Nursery School, Vernon Road, Kirkby in Ashfield	New single modular classroom with security fence above wall adjacent (total height 2.4m)
17 th November 2015	4/V/2015/0175	15B Wigwam Lane, Hucknall	Construction of a new waste transfer building to reduce dust and noise including an overflow picking station plus the consolidation of the site into a single waste transfer station
17 th November 2015	3/14/02200/CMA	Besthorpe Quarry, Collingham Road, Collingham, Newark	To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans
17 th November 2015	3/14/02198/CMA	Besthorpe Quarry, Collingham Road, Collingham	Variation of condition 3 of planning permission 3/02/2402CMA to enable temporary retention of the conveyor infrastructure until 31 December 2023 or for 12 months following the cessation of sand and gravel extraction (whichever is the sooner)

19 th January 2016	5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings
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