Nottinghamshire County Council

Report to Planning and Licensing Committee

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 and 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. I*t 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, routeing 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 (L_{90}) + 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.

<u>Agriculture/Conservation of soil resources</u>

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.

W001360 doc
20 October 2015

APPENDIX 1

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} + 10dB(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 $20m^3$/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.