



18th April 2017

Agenda Item:

REPORT OF CORPORATE DIRECTOR – PLACE

PROPOSAL 1: VARY CONDITIONS 8 AND 9 OF PLANNING CONSENT 3/98/0800 TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31ST DECEMBER 2035 (CURRENTLY 31ST AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31ST DECEMBER 2036. THE SUBMISSION ALSO INCORPORATES AN INTERIM RESTORATION SCHEME RELATING TO LAND TO THE SOUTH OF THE PLANT SITE.

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01341/CMM

PROPOSAL 2: VARY CONDITIONS 7 AND 8 OF PLANNING CONSENT 3/04/00394/CMM TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31ST DECEMBER 2035 (CURRENTLY 31ST AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31ST DECEMBER 2036.

NEWARK AND SHERWOOD DISTRICT REF. NO.:3/16/01340/CMM

LOCATION: GIRTON QUARRY, GAINSBOROUGH ROAD, GIRTON, NEAR NEWARK

APPLICANT: TARMAC TRADING LIMITED

Purpose of Report

1. To consider two planning applications which seek planning permission to allow mineral extraction at Girton Quarry to continue until 31st December 2036. The current planning permission requires mineral extraction to cease on the 31st August 2016. The development would offer benefit by ensuring a consented mineral reserve is not sterilised but would result in a continuation of quarrying activities and the associated environmental effects for an extended duration. The recommendation is to grant planning permission, subject to the re-imposition of a Section 106 legal agreement to control lorry routing.

The Site and Surroundings incorporating Site History

2. Girton Quarry is located approximately 14 km north of Newark-on-Trent, 2 km north of the village of Girton and to the south-west of Spalford. The location of the application site is shown on Plan 1.

3. The Quarry site is bounded by the River Trent to the west and the A1133 (Gainsborough Road) to the east. The area is characterised by agricultural fields divided by a simple pattern of hedge boundaries and drainage ditches. The topography of the area is flat and low-lying flood plain. Adjacent to the A1133 (Gainsborough Road) is a 3.5m high flood attenuation bund, this provides a visual screen between the road and the approved quarry site. Spalford Footpath No. 1A follows the top of the floodbank immediately adjacent to the planning application site.
4. Sand and gravel extraction has been undertaken in the Girton area since the early 1950's. Historic workings were originally undertaken to the north of Girton Village between the A1133 and the River Trent, these workings have been restored to a mixture of ponds, wetland areas, and agricultural land using imported power station ash.
5. In August 1999 planning permission was granted for a northern extension of Girton Quarry under reference 3/98/0800, hereafter referred to as 'the 1999 consent'. The 1999 consent site incorporated a total of 156 hectares within three distinctive parcels of land comprising the former plant site area to the south, and two blocks of land for mineral extraction either side of the Old Trent Oxbow Local Wildlife Site (LWS). Restoration of the quarry was to a mixture of woodland, agriculture and lakes.
6. Subsequently planning permission was granted for the construction of a new quarry plant site and purpose-built access road to the A1133 and to make amendments to the quarry phasing in August 2004, hereafter referred to as 'the 2004 consent'. The boundaries of the 1999 and 2004 consents are identified on Plan 2. Both these planning permissions were issued subject to Section 106 legal agreements which require Heavy Goods Vehicles ("HGVs") with a gross laden weight of more than 7.5 tonnes to journey to/from the application site via the A1133 to the north.
7. The quarry has been mothballed since January 2009. The applicant took the decision to mothball the site in response to a downturn of mineral sales as a result of the economic downturn that started in 2007.
8. Prior to mothballing, operations at the application site were well-established. Land uses on site included the following elements:
 - areas within where topsoils had been removed but sand and gravel had not been extracted;
 - areas in the process of final restoration;
 - restored mineral workings;
 - site access and haul road; and
 - ancillary and administrative facilities (ie site offices, parking area and stocking area).
9. Approximately 840,000 tonnes of the permitted sand and gravel reserves were extracted from the consented area prior to site mothballing leaving 3.44 million tonnes of consented sand and gravel reserves remaining un-extracted at Girton, with a further 120,000 tonnes (approximate) of processed sand and gravel stored at the plant site available for sale and distribution. The area of consented mineral reserve remaining to be extracted is contained within Phases 6-14 of

the approved working scheme (see Plan 3), which includes mineral reserves underlying the plant site and stocking area (labelled as phase 14). Prior to mothballing extraction was taking place within Phase 6 and soils had been stripped in Phase 7 in preparation for extraction.

10. In respect of restoration, Phases 1-3 have been predominantly restored. Mineral extraction in Phases 4 and 5 has been completed, but these phases have not yet been restored and have backfilled with water following the termination of dewatering.

Proposed Development

11. Under Conditions 8 and 9 of the 1999 consent and Conditions 7 and 8 of the 2004 consent, mineral extraction at the application site is required to cease by 31 August 2016, with restoration to be completed within one year following the cessation of mineral extraction or, in the case of the 2004 consent, by 31 August 2017, whichever is the sooner.
12. Planning permission is sought for an extension of time to 31 December 2035 with restoration to be completed within one year thereafter. In order to facilitate this extension of time it is proposed to vary the aforementioned planning conditions of both the 1999 consent and the 2004 consent.
13. There are no proposals to alter any other element of the consented development although the applicant has been requested to regularise the storage arrangements for the mineral stockpiles which currently over-spill on to land to the south of the plant site and are approximately 9m high, exceeding the consented height of 7m.
14. Also the applicant has been requested to complete the restoration of phases 1 to 3 of the quarry which lie to the immediate south of the plant site where all minerals have been extracted. Restoration of this area is predominantly complete but there is a need to relocate the mineral stockpiles which are currently overspilling from the plant site and replace soils on the underlying land to finalise the restoration of the area. A new hedgerow would be planted to define the boundary between the plant site and the restored former workings.
15. The applicant states it is intended to recommence operations at the site in 2018 or 2019 to coincide with the expected closure of Finningley Quarry. Refurbishment of the processing plant is required prior to the full reopening of the quarry. The quarry has historically operated at a capacity in excess of 300,000 tonnes per annum, but the projected future average output is anticipated to be approximately 200,000 tonnes per annum.
16. The restoration scheme for the site was originally approved under the 1999 consent and includes both agriculture and nature conservation after-uses. The nature conservation areas incorporate a variety of habitats including open water/lakes, conservation grassland, trees/woodland and agricultural grassland. This planning application has reviewed the approved restoration scheme, enhancing the ecological aspects of the restored habitat. The revised scheme also retains a marshy area of habitat which has naturally regenerated immediately to the north of the plant site following the mothballing of the quarry. Whilst water levels would be temporarily lowered in this area when mineral

extraction recommences, the longer term viability of this marsh habitat would not be lost.

17. Following the planning consultation process a series of modifications and further environmental assessments were requested from the applicant under two separate requests made under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (Reg. 22 request). The first Reg. 22 response addresses the following matters:
 - a. The retention of existing areas of ecological habitat that have self-generated as a result of previous quarry workings within the site.
 - b. Modifications to the restoration of the site to enhance the ecological value of the restored habitat including the use of shallow lake margins, creation of new smaller ponds, reducing tree/shrub planting and increasing open grassland, the creation of new ditches and additional hedgerow planting.
 - c. An assessment of the potential for adverse impacts to footpaths following flood events within the area.
 - d. The potential to provide/contribute towards the construction of flood defences for Girton village.
18. The second Reg. 22 response incorporates the following additional items:
 - a. The gapping up and replanting of the existing hedgerow along the A1133 road frontage of the site in the 2017/18 planting season to provide additional screening of the site and to address comments from NCC's Landscape Officer.
 - b. Further modifications to the restoration scheme have been made and a revised restoration plan submitted to address comments of NCC's Ecology Officer including:
 - The incorporation of wide, shallow and sloping margins on the three main waterbodies with reedbed and shingle islands;
 - Inclusion of 5 ponds to provide amphibian habitat;
 - Amendment to hedgerow planting mix to include guelder rose and crack willow;
 - Amendment to the tree and shrub planting mix to include crack willow, goat willow, grey willow with the removal of less characteristic species and addition of wet woodland species.
 - c. Further clarification regarding the reptile surveys.
 - d. A reduction in the width of the access road following the restoration of the site.
19. A copy of the updated restoration plan is attached as Plan 4.

Consultations

20. The two planning applications have each been subject to separate publicity and consultation. These consultations coincide with the receipt of the planning submission and subsequently the two Reg. 22 submissions (a total of three rounds of consultations for each planning application). Most consultees have provided a joint response concerning both planning applications. The consultation responses are summarised below.
21. **Newark and Sherwood District Council:** *Raise no objection, subject to Nottinghamshire County Council being satisfied that the proposed development complies with the relevant Development Plan Policies.*
22. **Girton & Meering Parish Meeting, South Clifton Parish Council, Spalford Parish Meeting:** *No representation received*
23. **Environment Agency:** *Raise no objections*
24. *The Environment Agency confirm the development would not result in any significant increased flood risks. With regard to ecology the Agency state that the ecological appraisal should be based on up-to-date ecological surveys and that the Environment Agency would like to be involved in the restoration of the site.*
25. **NCC (Highways):** *Raise no objection*
26. *NCC Highways note the development would not increase HGV numbers over historical levels and that there would be no HGV movements through Collingham village. .*
27. **NCC (Nature Conservation):** *Raise No objections*
28. *The application as amended by the Reg.22 responses incorporates satisfactory ecological survey data and information to compensate for the ecological impacts of the development. Furthermore the restoration details are considered acceptable. A series of planning conditions are recommended to ensure that ecological features are satisfactorily protected.*
29. *A number of concerns with the original planning submission have been addressed in the Reg. 22 submission including the methodologies used within the ecological surveys and the the inadequacy of the ecological mitigation measures which did not compensate for the loss of the habitat directly. A revised restoration scheme provides for the retention of important habitats which are present in the development site including a marsh area to the south of the site; a wooded pond to the north of the plant site; a ditch of Local Wildlife status; a re-profiling of the proposed lakes to provide shallower margins, the creation of 5 smaller ponds; and a reduction in tree planting around the ponds with increased open grassland to benefit lapwing, skylark and yellow wagtail; hedgerow planting and phasing details; the steepness of lake edgings; a lack of smaller ponds; and a discrepancy in species mixes.*

30. **Nottinghamshire Wildlife Trust:** *Cannot support the scheme on the basis of the information provided.*
31. *Whilst NWT support the principle of extending the period of time to work this Quarry they consider that the mitigation information submitted is not sufficiently robust and detailed to ensure that existing habitats and species of value are protected and that the restoration benefits would outweigh this substantive extension of working time, disturbance and habitat loss. The Wildlife Trust would like to see an improved wetland habitat provided in the vicinity of Trent Oxbow, the creation of additional habitat by creating shallow wetland habitats and cluster ponds, less agricultural land and more wet grassland/meadows, more wetland features and less tree planting.*
32. **Natural England:** *Raise no objections.*
33. *Natural England are satisfied that the proposed development would not damage or destroy the interest features of the nearby Spalford Warren Site of Special Scientific Interest (SSSI).*
34. **NCC (Countryside Access):** *Raise no objections*
35. *NCC Countryside Access raise no objection subject to access along Spalford Footpath No. 8 being maintained throughout the life of the quarry.*
36. **NCC (Landscape):** *Raise no objections*
37. *The application as amended by the Reg.22 submission incorporates satisfactory supplementary hedge planting along the A1133 and Green Lane to screen quarrying activities as well as providing for the restoration of the haul road to an agricultural track.*
38. **NCC (Noise Engineer):** *Raise no objections*
39. *The noise controls on the existing planning permissions should be imposed on any future planning consents. The noise monitoring schemes should be reviewed at the time of recommencing quarrying works to ensure they remain appropriate.*
40. **National Grid Company:** *Raise no objections*
41. *The company state they have transmission cables and ground based apparatus in the vicinity of the development and request that the company are notified of the planning decision.*
42. **Western Power Distribution:** *Raise no objections.*
43. **NCC Archaeology:** *Raise no objections to the development.*
44. **NCC (Flood Risk Management Team), Severn Trent Water Limited, National Grid (Gas), National Grid Company PLC (Pylons)** *have not responded on the application. Any responses received will be orally reported.*

Publicity

45. The application has been publicised by means of the posting of site notices, the publication of a press notice in the Newark Advertiser and 12 letters have been posted to the nearest occupiers of property in accordance with the County Council's adopted Statement of Community Involvement Review. No objections have been received.
46. Councillor Maureen Dobson has been notified of the application.

Observations

Need

47. This application concerns itself with an extension of time to the existing planning permissions at Girton Quarry which permit the extraction of sand and gravel, seeking consent to extend the duration from 31st August 2016 to 31st December 2035 with restoration to be completed one year thereafter so as to maintain the availability of mineral resources during this period.
48. The NPPF attaches significant importance to the need to maintain sufficient supplies of minerals, identifying that the supply of minerals is essential to sustainable growth and quality of life by supporting the development of new infrastructure, buildings, energy and goods that the country needs. The NPPF therefore requires mineral planning authorities to plan for a steady and adequate supply of aggregates so as to ensure that reserves equivalent to at least seven years annual production of sand and gravel are maintained (referred to as a landbank). The NPPF encourages planning authorities to incorporate within their development plans allocations of specific sites, preferred areas and/or locational criteria to ensure that a landbank is maintained.
49. Adopted Mineral Local Plan (MLP) Policy M6.2 requires the County Council to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction so that Nottinghamshire will meet its reasonable share of regional provision of aggregates throughout the plan period. The 3.44 million tonnes of consented sand and gravel reserves remaining un-extracted at Girton forms part of the County Council's landbank of mineral reserves in the adopted MLP.
50. The County Council is currently in the process of preparing a new Minerals Local Plan (new MLP) to replace the adopted MLP, the Submission Draft has been submitted to the Secretary of State with the examination timetabled to commence on 27th June 2017. The new MLP sets out the County Council's overall approach to future minerals provision in Nottinghamshire up to 2030, its key objective being to identify the amount of minerals that are needed to meet demand and the locations where these minerals can be extracted with least environmental impact so as to ensure a 7 year landbank of reserves is maintained.
51. Policy MP1 of the new MLP Submission Draft identifies that 49.02 million tonnes of sand and gravel reserves will need to be identified to meet anticipated levels of demand for aggregate mineral over the plan period (2012-2030) and maintain a landbank of at least 7 years throughout the life of the plan. Policy MP2 identifies that the extraction of the remaining reserves from currently permitted

quarries including Girton (referred to as site SGi – Girton) is a key part in meeting the landbank requirements of the new MLP Policy MP1.

52. Maintaining consented mineral reserves at Girton Quarry is therefore important to ensuring the objectives of both the adopted and new MLP in terms of maintaining a 7 year landbank are met. Should the proposed extension of time not be permitted, the landbank would be reduced and the sand and gravel reserves would effectively be sterilised.
53. This goes against the policies of both the adopted and new MLPs. The sustainable development objectives set out in the adopted MLP Policies M2.1 and M2.2 are considered to apply in this case. These policies seek to ensure that minerals are worked sustainably and in particular ensure that mineral resources are not unnecessarily sterilised. The merits of these applications considered against the above policies is that the site is already partly developed in terms of on-site and access infrastructure. Requiring the early cessation of operations and the restoration of the site – including the removal of infrastructure – would be considered to be a sterilisation of resources and therefore contrary to the above policies. On this basis, the extension of the timescale to allow the removal of the remaining minerals from the site is considered to comply with the requirements of MLP Policies M2.1 and M2.2.
54. The development would also comply with emerging policy within the new MLP, notably Policy SP1 concerning Sustainable Development and paragraph 1.1 which states that ‘Sustainability also means safeguarding mineral resources from unnecessary sterilisation’.
55. It is therefore concluded that there is a continuing strategic need to maintain sand and gravel reserves at Girton Quarry in the context of development plan policy. The continued working of the remaining sand and gravel within Girton Quarry therefore has development plan support subject to there being acceptable environment effects.

Assessment of Environmental Effects

56. The scheme of mineral workings set out within the current planning applications seeks to renew development consents originally given planning permission under the 1999 and 2004 consents. The environmental effects of the developments therefore have previously been considered and assessed by the County Council and considered acceptable at the time these decisions were made.
57. Notwithstanding the generality of the above conclusion, these original decisions were taken a number of years ago. With the passage of time there is potential for local environmental conditions to alter and environmental standards to change. It is therefore appropriate for the environmental effects of the consented developments to be re-assessed against current development plan policies and standards and modified where appropriate.
58. To assist the Council in making this assessment the planning applications are supported by an Environmental Statement (ES) prepared under the Environmental Impact Assessment Regulations. The ES has been supplemented by additional information supplied under the two Reg. 22 responses. The ES thoroughly assesses the environmental implications of

development, its findings have been examined and appropriate technical advice has been taken through the planning consultation process. The conclusions of this assessment are considered below.

Landscape and Visual Impacts

59. The continuation of the quarry workings over an extended period and consequent delay in the delivery of the restored landform would result in negative visual and landscape impacts resulting from the longer duration that land would remain despoiled from quarry workings.
60. With regard to landscape effects the Trent valley is interspersed by active and restored mineral workings. Whilst acknowledging that this quarry is not a natural feature in this landscape, the landscape assessment for the area acknowledges that there are a number of quarries in the wider Trent valley area. The continued retention of the quarry for an extended period would not detract significantly from the surrounding landscape character. The amended restoration proposals within this planning submission make some minor alterations to the size and shape of the water bodies within the restored landscape although not changing the overall wetland character of the restored site.
61. With regard to visual effects, these are limited due to the fact that most of the quarrying activities are carried out at or below existing ground levels with many views being filtered by intervening hedgerows, tree belts and vegetation.
62. The most visually prominent part of the development is the plant site in particular the processing plant and the associated stockpiles of product. With specific respect to the stockpiles of sand and gravel, these are currently stored in excess of the permitted 7m maximum storage height imposed under the 2004 consent. The operator has confirmed that these stockpiles would be reduced in height and thereafter maintained at a maximum height of 7m. This reduction in storage heights would beneficially reduce the visual prominence of the site until such time that the quarry reopens.
63. It is currently programmed for Girton quarry to reopen in 2018 or 2019 following the closure of Finingley Quarry. However, the operator could review this business plan and potentially defer this decision. Such a decision would result in the quarry plant and mineral stockpiles remaining at the quarry for an extended period of time with an associated visual impact. Whilst it is acknowledged that the processing plant would require significant work to dismantle and reassemble the mineral stockpiles could readily be removed. This planning application provides an opportunity to regulate the retention of the stockpiles and in the event that mineral extraction does not recommence following this anticipated timetable it is recommended that the operator be required by planning condition to remove the remaining stockpile of minerals from the site, after 2019, thus minimising the visual impact of the site.
64. The applicant has reviewed the condition of the existing hedgerows and as part of the Reg 22 submissions has agreed to replant/gap up the hedgerows along the A1133 road frontage and Green Lane. A planning condition is suggested to require these works to be undertaken in the first planting season following the issue of the planning permission.

65. In conclusion, whilst there would be some negative landscape and visual impacts as a result of the retention of this quarry over an extended timescale the magnitude of these impacts is comparatively minor. The conclusions section incorporates an overall balanced assessment of these landscape and visual effects in the context of the wider planning assessment of the application. The applications are therefore considered to accord with Policies M3.3 (Visual Intrusion) and M3.22 (Landscape Character) of the MLP.

Traffic, Access and Parking.

66. MLP Policies M3.12 (Highway Safety and Protection) and M3.13 (Vehicular Movements) seek to protect the highway from damage caused by minerals development, ensure that the highway network can satisfactorily accommodate the vehicle movements associated with the quarry development and ensure that highway safety is maintained.
67. Girton Quarry is an established facility which benefits from a purpose-built access on to the A1133 (Gainsborough Road). The access has been designed to a modern standard and ensures that vehicles can safely arrive and leave the site without endangering or damaging the highway, therefore satisfying the requirements of the above policies. The existing planning permissions are regulated by a lorry routing agreement which restricts HGV's associated with the quarry from travelling through Collingham village due to the narrowness of the road and the proximity of residential properties. The applicant is agreeable to these controls being carried forward into any new planning permissions through an update to the Section 106 agreement.
68. MLP Policy M3.15 encourages the bulk movement of minerals by rail or road where this is shown to reduce the environmental impacts resulting from road haulage. Historically, Girton Quarry incorporated a barge loading facility but this was decommissioned a number of years ago due to it becoming economically unviable to supply sand and gravel into the depot at Whitwood, West Yorkshire. These planning applications do not incorporate any proposals to re-establish this facility and therefore all sand and gravel would be hauled by HGV using the public highway.
69. In terms of vehicle movements, it is anticipated the proposed extraction rate of the quarry when it re-opens would be lower than historic levels at around 200,000 tonnes per annum. This equates to approximately 80 daily vehicle movements (ie 40 in, 40 out). The highway authority is satisfied that the local highway network can safely accommodate this number of vehicle movements, subject to routing controls through Collingham village.

Noise

70. Girton Quarry occupies a remote rural area with few residential properties in close proximity. Previous quarry workings have not resulted in noise complaints and this application does not make any changes to the quarry in terms of potential for noise emissions. Noise impacts from the development are therefore not anticipated, subject to all existing noise conditions being carried forward into any new planning permission. These controls regulate hours of working within the quarry to between 0700 hours to 1900 hours Monday to Friday, 0700 to 1300 hours on Saturdays with no working on Sundays or

Public/Bank Holidays, with slightly extended periods for soil stripping and maintenance. Other controls relate to the use of noise abatement to plant and machinery, and the use of 'white noise' reversing alarms on mobile plant. The re-imposition of these controls is in accordance with the requirements of MLP Policy M3.5 (Noise).

71. Planning Condition 21 of the 1999 consent imposes an obligation to monitor noise emissions from the operation of the site. In accordance with the advice from NCC's noise consultant it is recommended that this noise monitoring scheme be reviewed and if necessary updated at the time quarrying operations recommence to ensure that it remains appropriate for the site. This is reflected in the recommended planning conditions.

Rights of Way

72. NCC's Countryside Access Officer has stated that access must be maintained along Spalford Footpath No. 8 for the duration of the quarry. The route of this footpath would not be affected by quarry excavations but the footpath would be crossed by a conveyor and site access road. Whilst this would not preclude the use of the footpath, the crossing point would need to be clearly marked out to maintain access and safety. To achieve this, a planning condition is suggested to require a more detailed submission of the proposed crossing point prior to works progressing into phase 9.
73. Sustrans are currently investigating the potential to extend their existing Newark to Collingham cycle path northwards to the Fledborough Viaduct to link into Route 647 which connects Lincoln and Worksop. The initial feasibility study for this extension of the cycle network has identified that it would be likely to follow the line of Spalford Footpath No.8. To ensure that the development of the quarry does not prejudice this option the suggested planning condition also provides a requirement to consider the needs of cycle access, should the cycle path be developed.
74. NCC's Countryside Access Officer originally questioned whether there was any potential risk that the route/surface of Spalford Footpath No. 8 could be adversely affected during River Trent flood events, citing that historically Girton Restricted Byway No.1 has been washed away as a result of the topography of the restored landform in the vicinity of the footpath which channels a flood flow route across the footpath.
75. As part of the 1st Reg. 22 response Tarmac have provided assurances that washout issues would not occur on Spalford Footpath No. 8 due to the topography of the site which means that the footpath would be approximately 2 metres higher than each of the restored lake areas to the east and west thus minimising the risk of flood flows between the two lakes. Furthermore there is standoff to each lake area in excess of 100 metres. There would therefore be no significant risk to the footpath in terms of washout during potential flooding events.

Ecology

76. An Ecological Impact Assessment incorporating an Extended Phase 1 Habitat Survey together with targeted ecological survey work has been undertaken as

part of the Environmental Impact Assessment in support of the planning application.

77. This identifies that the ecological conditions of the site have changed from that assessed during the 1999 and 2004 planning consents. Most notably habitat has developed in the naturally regenerated partially worked out areas of the quarry and consequently there is greater potential for negative ecological impacts when quarrying recommences in these areas.
78. The desktop elements associated with the Phase 1 habitat survey have identified the presence of one statutory designated site within the study area, this being the Spalford Warren SSSI, which is situated approximately 100 m to the east of the application site. This site is notable for the presence of certain floral species. There are also four non-statutory designated Local Wildlife Sites, within 2 km of the application site.
79. In terms of records of faunal species, records of grass snake and water vole exist within the application site, as well as various records of water beetle for the Old Trent Oxbow, Spalford LWS, which bisects the application site, but is not included within the boundaries of the development site except for a haul road crossing point. A number of other records of protected and notable faunal species exist within 2 km of the application site.
80. Much of the planning application site remains in agricultural use. These parts of the site are intensively managed with limited inherent nature conservation value. However, there are parts of the application site including the partially worked pit which have backfilled with water and soil stripped areas which have undergone some natural regeneration and have developed a varied and more ecologically diverse habitat.
81. The ecological impact of the extension of time in the absence of mitigation is highlighted within the ecological impact assessment as being moderately negative and potentially significant for a number of habitats such as wet ditches, hedgerow and marshy grassland that would be temporarily lost as the quarrying operations progress. In respect of protected/notable faunal species the magnitude of impact is anticipated to have moderate to major negative impacts to breeding birds, water voles and aquatic invertebrates in the absence of mitigation.
82. The scheme of working provides opportunities to compensate and mitigate impacts and also develop new habitats through the restoration of the site. The ecological scheme of working and restoration has been modified through the Reg. 22 submissions to take account of advice received from the planning consultations. NCC's Ecological Officer is now generally satisfied that the updated scheme of ecological working is acceptable subject to the following matters being regulated through the ecological scheme of working by planning condition:
 - An over-arching water vole mitigation strategy to coordinate the loss of, and replacement of water vole habitats for the entirety of the quarry. This strategy should incorporate arrangements for the creation of the sections of ditch along the northern edge of phase 6 (and the western spur of phase 7) at the earliest opportunity.

- An ecological walkover survey in each phase of development prior to works commencing so that areas of important habitat can be identified with the results of such surveys submitted for approval, along with details of any mitigation measures that are required including measures to manage retained habitat including hedgerows and trees.
- The production of a water vole translocation strategy, prior to works commencing in each phase of development, to detail how water voles will be translocated from sections of ditch affected by the proposals, along with details of the advanced creation of replacement habitat.
- The production of precautionary methods of working in relation to reptiles and amphibians prior to works commencing in each phase of the development.
- The production and implementation of a Habitat Creation and Management Plan for each phase of restoration covering establishment methods and maintenance regimes for each habitat type to be restored.
- Further details regarding the profile of new ditches designed to benefit water voles.
- The preparation of a scheme to control scrub and willow regeneration in the retained marshy area and measures to control invasive vegetation (including New Zealand Pygmy Weed).
- Compliance with best practice relating to badgers, as detailed in paragraph 6.3.3 (a) of the Ecological Impact Assessment.
- Controls on vegetation clearance during the bird nesting season (March to August).
- The provision of 20no. bat boxes on mature trees along the Old Trent Oxbow.
- The provision of a 50m stand-off around the barn owl box (marked as TN13 on Figure 4 of the ECIA) between March and September inclusive.
- The establishment of a restoration working group to review the proposed restoration scheme at each phase of development.
- Further details regarding the design of ponds to include their size and profile.
- The position of micro-topographical features such as scrapes and furrows to be incorporated into lowland meadow areas around the eastern and western waterbodies.
- Measures to deliver a more complex and varied lake margin, to provide more spits and bays.

83. Nottinghamshire Wildlife Trust argue that the restoration scheme for the site incorporates too much agricultural land and the scheme should be further re-drafted to provide further ecological habitat creation. Whilst it is acknowledged

that ecological based restoration schemes are supported in both the adopted and emerging MLP, this does not preclude agricultural restoration schemes. Notably the NPPF Technical Appendix supports the agricultural restoration of former mineral sites (paragraphs 33 and 40) as well MLP Policy M4.12 (Agricultural After-Use). The approved restoration scheme incorporates areas of agricultural restoration. Modifications have been made to this scheme to further enhance the ecological value of the restored site. This agricultural restoration ensures that the site would benefit from an economically viable long term management arrangement that ensures the land would not fall into dereliction. MLP Policy M4.12 encourages that when land is restored to an agricultural end use the restoration scheme should also incorporate ecological enhancements. The scheme incorporates ecological areas and is therefore compliant with this policy.

84. Subject to the above measures being regulated through the planning conditions it is concluded that the development of the quarry for the extended duration proposed would minimise impacts on biodiversity and provide a net benefit to ecological interests following site restoration works. The development therefore satisfies Government policy set out within paragraph 109 of the NPPF insofar that it minimises impacts on biodiversity whilst providing net gains in biodiversity where possible.

Cultural Heritage

85. Paragraph 129 of the NPPF requires the Council to assess the particular significance of any heritage asset that may be affected by a development proposal. There are no Listed Buildings within the immediate vicinity of the application site, the closest being approximately 1.8 km to the southwest of the plant site. The settings of the Listed Buildings are considered to be adequately screened through advanced planting and intervening roads and land uses. Furthermore there are no Scheduled Ancient Monuments within a 2 km radius of the application site. The development therefore would not have any impact on heritage assets.

Archaeology

86. The existing Section 106 Agreement includes obligations for archaeological investigations, recording and protection across areas of potential archaeological interest within the mineral extraction area. These field archaeological investigations have been completed in areas worked or stripped of soils including the quarry plant site area.
87. In respect of works to be carried out in Phases 8-14 which are yet to be stripped of soils, the extension of time proposals do not seek to vary any element of the permitted provisions for archaeological evaluation. Future evaluation works required by the approved scheme comprise a combination of supervised subsoil stripping in accordance with approved details in the archaeological specification with potential for limited excavation, recording of long sections and monitoring of gravels for prehistoric oak logs.
88. Subject to the re-imposition of obligations requiring archaeological investigations, recording and protection in the future phases of the quarry working in a revised Section 106 agreement as part of planning application

3/16/01341/CMM, the development complies with the requirements of MLP Policy M3.24 which permits the loss of archaeological remains of less than national importance where appropriate provision is made for the excavation and recording of remains.

Flooding

89. The development would not change the current arrangements for managing floodwaters. Flooding impacts are anticipated to reduce following the completion of the quarry development as a result of the increase in the amount of flood storage capacity within the site as a result of the lowered ground levels across the site following the removal of the mineral. The Environment Agency have reviewed the submission and raised no objections on the grounds of flood risk.
90. As part of the Reg. 22 request the applicant was asked to investigate whether there was potential to utilise surplus materials extracted from the Girton Quarry development to provide flood defences for Girton village. The applicant responded by stating that they wish to keep these matters outside the scope of the planning application, but they would discuss the matters separately with the community.
91. Whilst it is acknowledged that the protection of properties in Girton village from flood damage is in the public interest, the Government's Planning Practice Guidance advice (Paras 203 & 206) state that obligations should only be imposed on developers through planning conditions when they are necessary to make a planning application acceptable. Since the development of the quarry would not increase flooding in the Girton village area it is not appropriate to impose a planning condition in this instance to require the developer to provide flood defences for the village.

Legal Agreements

92. Both the 1999 and 2004 planning permissions have been issued subject to Section 106 legal agreements.
93. In the case of the 1999 consent the legal agreement requires the quarry operator to carry out an archaeological scheme of treatment with a requirement for a financial contribution towards implementing the scheme. The legal agreement also incorporates controls over lorry routeing, requiring all HGV traffic to access and exit the site to and from the north along the A1133 and thus avoid trafficking through Collingham village.
94. The 2004 consent is regulated by a supplemental Section 106 legal agreement which ensures that the archaeology arrangements and controls over lorry routeing secured through the 1999 legal agreement shall apply to the 2004 consent.
95. Since the two Section 73 planning applications currently being considered would extend the development rights of the 1999 and 2004 planning consents for an extended duration until 31st December 2035 it is necessary to redraft the obligations imposed in the two Section 106 agreements to ensure they regulate archaeological investigations and lorry routeing over this extended period.

Planning Conditions

96. Appendix 1 and 2 of this report incorporate an updated schedule of planning conditions. These planning conditions regulate for the extended duration of quarry working at the site as well as updating the environmental controls and restoration arrangements for the site. Also, in re-issuing these planning conditions the opportunity has been taken to update the controls relating to soil handling, making them more appropriate to facilitating the ecological after-use of the site. The modified schedule of planning conditions has been agreed with the operator.

Other Options Considered

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

Statutory and Policy Implications

98. 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.
99. Implications for Service Users: An extension to the end date for mineral extraction at Girton Quarry would assist in ensuring a continuity of local sand and gravel supplies to the construction industry.
100. Crime and Disorder Implications: The development would allow an existing consented quarry to continue production, making use of existing security features within the site including the use of the established plant site.
101. Human Rights Implications: The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol and Article 6 may be affected. The proposals have the potential to introduce limited impacts of noise, dust, visual impact and disturbance from road haulage within the local area where the magnitude of impacts are generally assessed as minor. These potential impacts need to be balanced against the wider benefits the proposals would provide in terms of providing a continuity of mineral resources and avoiding the sterilisation of these resources. Members will need to consider whether these benefits would outweigh the potential impacts.
102. Safeguarding of Children Implications: The quarry would comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded. Appropriate safeguarding would also apply in relation to footpath users.
103. Financial Implications: The preparation of the Section 106 agreements will require legal support from the County Council. The Council's costs associated

with the preparation of these legal agreements would be recovered from the developer.

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

Conclusion

106. There is a continuing strategic need to maintain sand and gravel reserves at Girton Quarry. The 3.44 million tonnes of consented sand and gravel reserves forms part of Nottinghamshire's landbank of mineral reserves in the adopted MLP (Policy M6.2) and MP1 of the new MLP. The completion of the extraction of this mineral is considered sustainable in the context of MLP Policies M2.1/M2.2 and new MLP Policy SP1 and a further grant of planning permission to extract this mineral would avoid its sterilisation.
107. The scheme of mineral workings set out within the current planning applications seeks to renew development consents originally given planning permission under the 1999 and 2004 consents. The environmental effects of the developments therefore have previously been considered and assessed by the County Council and considered acceptable at the time these decisions were made.
108. Notwithstanding the generality of the above conclusion these original decisions were taken a number of years ago and there is potential for local environmental conditions to alter and environmental standards to change. The environmental effects of the development have therefore been re-assessed against current conditions and modern planning standards.
109. In terms of the environmental effects of the development
- There would be some visual and landscape impacts from the development, but these are no greater than previously assessed.
 - Vehicle movements would be regulated by lorry routing controls secured through Section 106 legal agreements and can safely be accommodated on the public highway.
 - Adverse impacts from noise are not anticipated, nevertheless the operator is requested to review and if necessary update the scheme of monitoring to ensure it remains appropriate.
 - The development would not have any adverse impact on public rights of way.
 - In respect of ecology the development of the quarry for the extended duration would minimise impacts on biodiversity and provide a net benefit to ecological interests following site restoration works. The development

therefore satisfies Government policy set out within paragraph 109 of the NPPF insofar that it minimises impacts on biodiversity whilst providing net gains in biodiversity where possible.

- There would be no significant impact to built heritage assets and satisfactory arrangements are provided through the Section 106 agreements to ensure any potential archaeological remains are appropriately investigated and recorded.
- There would be no adverse flooding impacts resulting from the development.

110. It is therefore concluded that, in the absence of any significant harmful environmental impacts from the development, there is a need for the development and therefore it is recommended planning permission be granted for the development, subject to legal agreements to regulate HGV movements and archaeological investigation.

Statement of Positive and Proactive Engagement

111. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping the planning application and encouraging pre-application community engagement which the applicant acceded to by working proactively with the local community through its local liaison meeting and notifying the Parish Council of the companies intentions. 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 ecological effects and have been addressed through negotiation and by planning condition. The applicant has been given advance sight of the draft planning conditions and the Minerals Planning Authority has also engaged positively in the preparation of the heads of terms of the Section 106 legal agreements. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

PROPOSAL 1: VARY CONDITIONS 8 AND 9 OF PLANNING CONSENT 3/98/0800 TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31ST DECEMBER 2035 (CURRENTLY 31ST AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31ST DECEMBER 2036. THE SUBMISSION ALSO INCORPORATES AN INTERIM RESTORATION SCHEME RELATING TO LAND TO THE SOUTH OF THE PLANT SITE.

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01341/CMM

112. It is RECOMMENDED that the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to require the quarry operator to carry out an archaeological scheme of treatment with a requirement for a financial contribution towards implementing the scheme and also impose controls over lorry routeing, requiring all HGV traffic to access and exit the site to and from the north along the A1133 and thus avoid trafficking through Collingham village.
113. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement within three months of this planning decision or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director 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 within three months, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director 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.

PROPOSAL 2: VARY CONDITIONS 7 AND 8 OF PLANNING CONSENT 3/04/00394/CMM TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31ST DECEMBER 2035 (CURRENTLY 31ST AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31ST DECEMBER 2036.

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/01340/CMM

114. It is RECOMMENDED that the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to impose controls over lorry routeing, requiring all HGV traffic to access and exit the site in a northerly direction along the A1133 and thus avoid trafficking through Collingham village.
115. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement within three months of this planning decision or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 of this report. In the event that the legal agreement is not signed within three months, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director 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.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments (SLB 27/03/2017)

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

Comments of the Service Director - Finance [RWK 27/03/2017]

The financial implications are set out in paragraph 98 of the report. There will be no additional costs to the County Council arising from the proposals in the report.

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Collingham Division Councillor Maureen Dobson.

Report Author/Case Officer

Mike Hankin

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