



31 October 2017

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/16/01616/CDM

PROPOSAL: TO VARY CONDITIONS 1 AND 85 OF PLANNING PERMISSION 1/64/96/2 TO ALLOW THE CONTINUATION OF THE EXTRACTION AND PROCESSING OF LIMESTONE UNTIL 2035 WITH RESTORATION COMPLETE BY 2037 (CURRENTLY PERMITTED UNTIL 28TH OCTOBER 2017 WITH RESTORATION BY 28TH OCTOBER 2019) AND REMOVAL OF CONDITION 77 SO TO RETAIN THE ACCESS ROAD.

LOCATION: NETHER LANGWITH QUARRY, WOOD LANE, NETHER LANGWITH

APPLICANT: TARMAC

Purpose of Report

1. To consider a planning application to vary conditions of the extant planning permission so to enable the resumption and continuation of limestone extraction at Nether Langwith Quarry which is currently mothballed. The applicant seeks a further 18 years in which to complete limestone extraction and two further years in which to complete final restoration works. The application also seeks to remove the requirements of condition 77 which requires the removal/reinstatement of the access road running through the adjacent woodland. The key issues relate to ecology and protected species; the design of the site restoration and matters relating to the access road. The recommendation is to approve planning permission for the extension of time/variation, but maintain the requirements under current condition 77 within a suite of updated planning conditions, and subject to the prior signing of an accompanying legal agreement.

The Site and Surroundings

2. The Parish of Nether Langwith is situated on the western edge of the County, close to its boundary with Derbyshire and is approximately mid-way between Mansfield and Worksop. The A632 runs west-east through the historic village centre from Bolsover to Cuckney where it intersects with the main north-south A60 and the A616 to Ollerton. The River Poulter passes through the village and forms a series of historic mill ponds.
3. The surrounding countryside is undulating and typically farmed for arable crops with fields enclosed by mature hedgerows. Former colliery land in the area has

been reclaimed for amenity uses. From the river valley the land rises to the south to form a wooded escarpment. Here the landscape changes to be more enclosed by large blocks of woodland, some semi-ancient. The partly-worked Nether Langwith Quarry is situated on the gently sloping southern side of this escarpment, with Boon Hills Woods running along the top, and Cuckney Hay Woods bordering to the east. Arable fields extend to the west. To the south is a disused mineral railway embankment, which also marks the boundary between the districts of Bassetlaw and Mansfield. The general area is shown on plan 1.

4. Access is taken via an access road which runs for 750m through Cuckney Hay Woods to a junction with Wood Lane, which is a local road running between Church Warsop in the south-east and ending at a T-junction with the A632 500m to the north.
5. Cuckney Hay Woods is a semi-ancient woodland which has been partly replanted with coniferous plantation species which are now gradually being felled. It is also a Local Wildlife Site (LWS). The woods continue west as Boon Hill Woods (LWS) along the top of the limestone ridge. The substantial areas of woodland continue to the south side of a former mineral railway line which borders the quarry. In particular Lord Stubbin's Wood which is an ancient woodland and Site of Special Scientific Interest (SSSI) as well as Warsop Wood and Minster Wood which are further LWS (see plan 2). A network of attractive public footpaths and permissive routes permeates these collective woodlands, some of which border the quarry site. Footpath No. 8 runs through the quarry site between the quarry void and an area of soil stockpiles. These are shown on plan 3 and are considered in detail in the report.
6. The application site area extends to 26 hectares comprising the currently mothballed quarry void along with three adjacent arable fields which form the future phases of extraction as shown on plan 6. One of these fields is partly used to stockpile soils and overburden from the extraction area. The site also includes a strip of land to the north of Footpath No. 8 which is also used for stockpiling of soils and restoration materials. On the eastern side of the quarry void at the site entrance is the vestiges of a quarry yard with areas for vehicular turning and parking and the footings of previous office buildings and structures, now removed.
7. The quarry is distant from the settlement at Langwith/Nether Langwith and screened by the escarpment at Boon Hills Wood. There are two properties in closer proximity- Top Farm lies 400m to the west of the application site situated alongside the Boon Hills wood scarp. The property lies at an elevated position relative to the application site with some intervening arable fields and hedgerows offering a visual buffer. Boon Hills Farm is the closest affected property and is just north of the quarry and north of Boon Hills wood. There are glimpsed views from the site through a small break in the woods which provides farm access across Footpath No.8 into the three fields which remain in arable use pending future phases of mineral extraction. It is understood that the farm also offers a Bed and Breakfast business.
8. The site is not within a flood risk area, but the quarry does overlay a principle aquifer.

Background

9. Planning permission was granted by the County Council in 2000 for the “extraction of limestone together with the erection of processing plant and associated features together with new road junction and access road” (Ref 1/64/96/2). This followed a Planning Inspector’s requirement that the then Minerals Local Plan allocate one limestone quarry in the County and this site was preferred over two other competing quarry proposals to meet this requirement. This is the County’s only general aggregate limestone quarry but is currently mothballed with mineral extraction only partly undertaken to date.
10. The permission is subject to 86 conditions covering all necessary controls to operations and restoration. A separate legal agreement governs the construction of the access road and other highway improvements; HGV routing; the long term management of the adjoining woodland after quarrying; along with the development of permissive footpaths within the woods and wider area. The access road was built in accordance with the requirements of the planning permission and quarrying commenced in 2001. It is understood that extraction rates did at one point reach circa 200,000 tonnes per annum, but was then undertaken more intermittently on a campaign basis. The limestone was extracted and processed as a general aggregate suitable for construction projects. It remains the County’s only limestone aggregate quarry. It was however mothballed in 2007 and all plant and equipment was removed. The quarry has remained in this way with farming continuing on the three fields earmarked for future phases of extraction.
11. Under the terms of planning condition 85 all mineral extraction is required to be complete within 18 years from the date of commencement which results in a final date of 28th October 2017. Condition 86 then requires the restoration of the site to be completed within a further two years i.e. by October 2019. Planning condition 77 requires details for the ‘reinstatement’ of the access road to be agreed following restoration of the quarry.

Proposed Development

12. As a result of increased demand in the local economy the applicant wishes to reopen the currently mothballed quarry and restart limestone extraction. In light of the deadlines under conditions 85 and 86 the application seeks a further 18/20 years in which to extract the remaining 3.3 million tonnes of saleable limestone from within the currently permitted site boundaries, followed by restoration to agriculture and conservation grassland.
13. No major changes to the method of workings are proposed and there would be no lateral expansion of the site or deepening of workings. The application does seek some modest changes to the positioning of stockpiles for the temporary storage of soils and overburden. A proposal to lower in height a planned screening bund has been dropped during the processing of the application. Importantly the restoration plan has been revised following advice received from the conservation consultees that the current scheme did not maximise the unique potential the site holds to maximise biodiversity conservation objectives. The revised scheme is further detailed below.

14. A further aspect of the application seeks the removal, or non-compliance with, condition 77 which would enable the applicant and the landowner to retain the haul road instead of reinstating this as woodland or a woodland track. The application states that the road is required by the landowner for the ongoing and future management of the woodland. This issue is further considered in the report.
15. The application is supported with an Environmental Statement and a suite of supporting assessments. Additional information was submitted under Regulation 22 to cover matters arising including impacts to protected species and other ecology; access and highways; heritage; noise and the concerns relating to the site restoration and further consultation undertaken.

Operational stage summary

16. The application envisages mineral extraction again taking place at rates of circa 200,000 tonnes per annum requiring a further 18 years in which to complete extraction of the remaining 3.3 million tonnes. Extraction would be undertaken with use of controlled blasting as well as with mobile plant. Limestone would be processed through mobile crushing/screening plant before being exported by HGV. It is estimated that this would result in 25 HGVs in and 25 HGVs out per day which is less than the limits set out in condition 43. (no more than 75 entering the site each day – Monday to Friday; 40 per Saturday and average of 50 per day over any three month period). Under the existing legal agreement the routing of these HGVs is controlled by directing them towards Cuckney crossroads, thereby avoiding Nether Langwith or Church Warsop (see plan 4). No change to this routing is sought.
17. Hours of operation would also remain unchanged as currently conditioned which for site operations is 07.00-19.00hrs Mondays-Fridays and 07.00-13.30hrs Saturdays. For haulage operations the permitted hours are 07.00-17.00hrs Monday-Friday and 07.00-13.30hrs on Saturdays. No operations or haulage is permitted on Sundays or public or bank holidays. The hours for blasting are separately conditioned and are only permitted to take place 5 minutes either side of the hour between 09.00-17.00hrs Mondays to Fridays.
18. Quarrying would be undertaken on a progressive phased basis working in a clockwise direction from the current void area, into the fields to the west, north and then finally under the plant/office site in the east. Restoration materials from the current phase 1 and 2 have been retained and placed into separate stockpiles depending on their soil type or material. Extraction would commence again in phase 3 by working the quarry face further into the field to the west. At the same time completed areas of phase 1 and 2 would be begun to be backfilled with restoration materials. Phase 4 would enter into the south-western field with continued backfilling of the southern side of the void. The direction of extraction would then continue into the middle field and then the northern field, again with progressive backfilling. Phase 6 would extract the area under the current stockpile areas and finally phase 7 would work under the current plant site area. This is indicatively shown on plan 6.

19. Operations would be undertaken so to remain above the water table, hence no dewatering would be required. The site office and associated infrastructure would be reinstated and the access repaired.

Restoration plan summary

20. The proposed form of restoration remains as a low-level scheme with the creation of several fields (for agriculture and for nature conservation) within a shallower void area whilst retaining much of the surrounding quarry cliff face. The restoration would utilise only restoration materials which have been stockpiled on site or otherwise recovered from future phases of extraction and as such there is no proposal to import any such restoration materials. Following negotiation with the applicant the proposed restoration plan now seeks to provide a greater proportion of conservation grassland (Calcareous grassland or Magnesian Limestone Grassland). Agreement has also been reached so that the agricultural fields would be pasture, rather than for arable farming. The revised plan is shown on plan 5.
21. The plan seeks to create a total of 5 fields. Field No.1, along the northern side of the site, would be reinstated as agricultural pasture following the removal of the soil stockpiles currently situated there. No mineral extraction is planned in this area. Fields 2 and 3 running along the northern and western side of the quarry void would be allocated for conservation grassland. The calcareous conditions envisaged require avoidance of top soils and other nutrient rich materials. Overburden materials are available which would be most appropriate for these areas. Fields 4 and 5 forming the central and eastern portions of the quarry are allocated for agricultural pasture and are split between Unit A soils and Unit B soils which are present on site, thereby ensuring the soil resources are conserved and put back to economic farming use. A series of three new hedgerows would be planted to split up the fields and to replace those lost from the extraction phase, whilst an existing hedgerow between fields 1 and 2 (and running alongside public footpath No.8) would be retained. An access ramp would be retained to provide farm and land management access.
22. Additionally a modest change to the proposed restoration contours across the restored fields is sought as detailed on a revised restoration plan. This would provide a gentle slope from a low point at the north-east corner rising up to the south-west corner, in order to work with the prevailing ground water table.
23. These changes to the approved plans are sought by a variation of condition No. 1.

Consultations

24. **Bassetlaw District Council** – *No objection.*
25. **Mansfield District Council** - *No response has been received. Any response will be orally reported to Committee.*
26. **Nether Langwith Parish Council** - *No objection subject to planning conditions*

Comment on the lack of commitment to the legal agreement in terms of footpaths and signage (both existing and new) which formed part of the planning consent to the original application some years ago. Despite the agreement, and representations from the Parish, none of it has been implemented, either by Tarmac (Lafarge) or Welbeck Estates.

The Parish Council would raise no objections if the original conditions were repeated in a consent for the current application as long as they were enforced this time.

27. Warsop Parish Council (neighbouring Parish) – Comment.

There has been no activity at this quarry for the past 10 years. Given the level of inactivity is this planning application just a method of deferring the restoration of the site for 18 years?

There should be a caveat to the granting of this extension insofar that there should be documented evidence to prove that limestone is being extracted in the most expedient way and that restoration should commence immediately that there is any delay in mineral extraction with all restoration complete by 2037 or within 2 years of inactivity whichever is the sooner.

Whilst this land is not publically owned it is queried if it might be possible for a small part of the land adjoining the access road be set aside to provide safe parking for public access to the network of excellent footpaths in this area once the site is restored. Members of the public have had to endure mineral extraction for a large number of years (noise, traffic etc.) and it is queried whether it might be possible to make the extension of working conditional upon adding this new facility in the same way as carparks have been added adjacent to so many old pit tips all of which appear to be very well used.

28. Cuckney & Norton Parish Council - No response has been received. Any response will be orally reported to Committee.

29. NCC (Highways) – No objection subject to planning conditions.

Condition 85- time limits

As a result of the lack of use, the site access arrangements have not been maintained and have become overgrown and in a state of general disrepair. Before the access is brought back into use, the Highway Authority would wish to see the visibility splays at the junction re-established, the junction bell-mouth cleaned and weeded and any missing signs, bollards, and worn-out road markings replaced. A suitable condition is requested.

Condition 77 - removal of the site access following site restoration.

It is now understood that the landowner has expressed an interest in retaining the access for both agricultural and forestry management purposes. The Highway Authority has no objection in principle to the retention of the access long term subject to the access being downgraded suitable for its use post quarrying. A plan has been submitted that demonstrates how this could be

done. However, the Highway Authority would prefer to agree these details after quarrying has ceased to ensure the form of junction is consistent with the intended use and road conditions at that time, which as submitted, could be post 2037. A condition requiring details of the changes to the access following the end of quarrying and the restoration of the site is therefore recommended.

Highway capacity/HGV routeing

The Highway Authority have undertaken an independent review of the potential impacts the proposals may create. The traffic generation would equate to just over an average of 6 HGVs during a weekday one hour period. The volume of traffic generation is acceptable.

An independent review of the operation of the A632 / A60 [Cuckney] crossroads junction has been undertaken. Based on a forecast of greater background traffic growth [25% applied by NCC Highways] the operation is projected to reach operational capacity in 2035. Given that the quarry operations are proposed to cease at this point, no mitigation measures would be required.

A review of the latest 5 year road traffic accident records in the local area have not highlighted any existing trends or patterns that are likely to be exacerbated by the proposals.

Existing restrictions to the numbers of HGV movements and haulage hours of operation to and from the site are to remain. It is also assumed that lorry routeing arrangements previously secured by the Section 106 Agreement will remain in force.

30. Highways England - No objection.

The proposal will have no material impact on the Strategic Road Network (SRN) as the site is a considerable distance (9km) from the nearest part of the SRN (the M1). The applicant proposes no changes to either the hours of operation or trips generated by the quarry.

31. Environment Agency – No objection.

32. Natural England — No objection.

Natural England considers that the proposed development will not damage or destroy the interest features noted for Lord Stubbins Wood SSSI or Hills & Holes & Sookholme Brook SSSI. Standing advice on protected species should be followed.

NE notes that the proposed development would extend to approximately 26 ha, including some 14 ha of 'best and most versatile' (BMV) agricultural land; namely Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system. Natural England does not wish to comment in detail on the soils and reclamation issues but expects the Planning Authority to take the economic and other benefits of the BMV land into account (in line with para 112 of the NPPF).

NE is satisfied that that the site working and reclamation proposals meet the requirements for sustainable minerals development, set out in current Minerals Planning Practice Guidance, particularly section 6 on restoration and aftercare of minerals sites.

NE welcomes in general terms the increase of calcareous grassland on the restored site particularly as it follows the strategic aims of the Nottinghamshire Minerals Local Plan [now withdrawn] to provide more biodiversity led restorations. Whilst Natural England does have a duty to protect the long term potential of soils and BMV land it is recognised that in some cases the loss of BMV land may be acceptable where the reclamation scheme will deliver significant environmental or community benefits which may otherwise not be readily achievable in the absence of the scheme (e.g. a unique opportunity for the creation of a Biodiversity Action Plan habitat). The restoration scheme in these situations would need to be technically achievable, compatible with adjoining land uses and properly funded for their aftercare and longer term management. There should also be realistic proposals for soil protection and the DEFRA Good Practice Guide should be followed.

33. NCC (Nature Conservation) – No objection subject to conditions.

Lord Stubbins Wood SSSI:

Whilst there will be no direct impacts on this SSSI, it lies within approximately 60m of areas that will be quarried. In addition, the Hills and Holes and Sookholme Brook SSSI lies within 1.5km. There is the potential for indirect impacts as a result of changes to hydrology, noise, air quality and dust, and due to blasting. Comment is sought from Natural England.

Indirect impacts on other designated sites:

There is the potential for indirect impacts to occur on three Local Wildlife Sites which bound the application site.

The hydrogeological and hydrological assessment indicates that there is not expected to be any impact to groundwater, and that the floor of the quarry will be maintained at a level of approximately one metre above maximum groundwater levels.

The highest predicted noise level in adjacent LWS woodland areas would be 51dBA, and this is a worst case scenario and for a short duration. NCC (Nature Conservation) is satisfied that noise is unlikely to give rise to any significant ecological impacts.

In relation to air quality/dust, it seems unlikely that emissions (i.e. from machinery and haulage vehicles) will give rise to any significant impact on adjacent vegetation. Dust should be controlled through a condition.

Blasting has the potential to cause disturbance to wildlife. It appears that proposals do not involve any alteration to methods of working or intensification of operations, and this will presumably be secured through a condition.

There would be no impact on the prospective Sherwood SPA, or the species for which it is of note appears likely.

Habitats:

As a result of inactivity, habitat of ecological value has regenerated naturally, with a mix of calcareous grassland present on sub-soil/overburden mounds and semi-improved neutral grassland along a strip on the southern boundary of the site, of particular note. These appear to be relatively diverse, supporting several notable species, and the calcareous grassland is assessed to be of moderate value. Inevitably, the calcareous grassland will be lost, but it is stated that this will be replaced and that this replacement habitat will be created before the existing habitat is lost. The translocation of orchids is also proposed.

No specific mitigation is proposed for the loss of the semi-improved neutral grassland strip, which appears to be incorporated within landscape planting (see also below). Replacement hedgerow planting would be provided.

Notable/protected species:

NCC (Nature Conservation) is satisfied with the information and proposed mitigation measures presented in the Ecological Addendum report to protect breeding Barn Owls and Little Ringed Plover (LRP) (both Schedule 1 Species) and requests that compliance with these details is conditioned.

Initial blasting activities will be undertaken outside the nesting season and the provision of barn owl boxes is specified as replacement for the cliff faces.

Other species:

The proposals will result in the loss of a relatively small area of arable farmland supporting a range of farmland species. However, this habitat remains abundant in the wider area, and proposals include the restoration of this habitat. A standard condition should be used to control vegetation clearance during the bird nesting season.

The site was assessed as being of borough/ district value for the range of invertebrate species including five Nationally Scarce species. A number of general mitigation measures are proposed.

Surveys found no evidence of great crested newts although common toads (and frogs) were recorded in the quarry, and anecdotal evidence also suggests a toad migration route across the site haul road. Mitigation measures are proposed and should be secured through a condition.

Surveys found no evidence of reptiles at the site and no evidence was found to suggest that bats were using the cliff faces as hibernation or roosting sites.

Restoration:

The revised restoration scheme delivers c.10ha of calcareous grassland, and c.13.4ha of 'pasture'; whilst this still isn't up to the requested 50:50 level, it is a

considerable improvement (getting on for almost double the area of calcareous grassland that was originally offered), results in a less rectilinear field pattern, and will contribute to ecological connectivity between LWS sites to the south and north. A condition is requested requiring more detailed proposals to be submitted at an appropriate time. Conditions are also recommended to require an updated scheme of hedgerow, tree and shrub planting to require a selection of native hedgerow and tree species, as well as submission of an updated Magnesian Limestone Grassland Creation Scheme. Continuation of long term aftercare is requested.

Future of the access road:

Regarding the future of the access road, a forest track would be more in-keeping with the semi-natural habitat that is present and maintaining a tarmacked road for periodic and irregular forestry operations seems somewhat disproportionate. Whilst there would be some disturbance caused by breaking the road up, this could be mitigated by timing the works over winter. An alternative would be to remove the kerbs and allow the encroachment of vegetation. Satisfied that this matter can be dealt with further down the line.

34. **Nottinghamshire Wildlife Trust – Objection (including based on now superseded restoration plan)**

The proposed mitigation methods to try to prevent disturbance to nesting barn owls relies heavily on close ecological supervision. NWT would expect to see a strongly worded condition applied to give advance notification of surveys. NWT accept that the approach could ensure that breeding birds are not disturbed in accordance with the law, however the result would still be to prevent barn owls nesting in a site which they appear to have used for several years.

An increased protective stand-off of 30m for any Little Ringed Plover which may nest on the quarry floor is requested. Concern is raised that the applicant does not propose to create any suitable replacement habitat for this bird species and it cannot be assumed they will find suitable habitat elsewhere, as this is why this is a scarce species. Alternative nearby habitat, for the duration of the quarrying is requested.

Noise levels greater than 45dBA are predicted in the adjacent woodland which could affect the breeding success of some bird species and may also affect roosting bats in adjacent trees, including those along the access road. The effects over this substantial period of extension could result in the decline of these species locally. NWT request that all noise reduction measures are implemented, monitored and enforced and further mitigation secured if noise levels are higher. All lighting should be low-spill variety to reduce disturbance to bats along the woodland edge.

Requests that habitat for key invertebrates is identified and retained throughout the life of the quarry.

The restoration scheme contains a greater area of species-rich calcareous grassland than originally proposed, however this should be further expanded. Restoration to conventional farmland is not a priority, particularly given the

length of time that the land would be unavailable for farming during the extended life of the quarry (ie, it cannot be a meaningful part of any individual farm business), and the substantive Government payments made to farmers to take land out of production and convert it to biodiverse habitats. The calcareous substrate here is the ideal opportunity to create an area of very substantive and valuable UK priority habitat, which is currently sparse and fragmented in the County. Further details are requested.

35. NCC (Countryside Access) - No objection.

The application impacts on Nether Langwith Parish Footpaths Nos 7, 8 and 11 which run through the site or [cross the] access track. Footpath Number 8 runs along the western edge of the development site and also runs through the site at the northern end. The route forms an integral part of the Rights of Way network in the area and should remain open and available for use as far as is practicable. Proposals for any temporary closures or diversions will need approval/legal orders.

Signage should be erected to forewarn drivers on the access road of the footpath crossing points. In addition, signs should be erected on all of the approaches to the access road from the Public Footpaths, advising footpath users of 'Heavy Plant Crossing' or similar.

Providing a network of permissive footpaths is largely a useful addition to the public rights of way network, with the woodland footpaths likely to be a welcome addition to local residents and the applicant should be encouraged to retain them. Signage should be the responsibility of the landowner/applicant. Any permissive agreement should be formalised with the Countryside Access team.

36. NCC (Planning Policy) – Comment

Notes that following the recent withdrawal of the emerging Minerals Local Plan, the policies within the 2005 adopted Minerals Local Plan remain in force.

Policy M8.1 (aggregate limestone provision) states that the County Council will endeavour to maintain an appropriate landbank of permitted reserves over the plan period. The NPPF states that a minimum landbank of 10 years should be maintained. As of Dec 2016 the landbank stood at 668 years. This figure should be used with caution as all the permitted reserves are contained in Nether Langwith Quarry, the only limestone quarry in the county. Sales have been zero for a number of years as the quarry has been mothballed since 2007.

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

Given that the application is for an extension of time to allow the working of the existing permitted reserves at Nether Langwith quarry, this would have broad policy support subject to satisfactory environmental and amenity impacts.

37. NCC (Landscape) – Comment/recommends conditions.

The quarry site lies within policy zone ML14 in the Magnesian Limestone Ridge character area as designated in the Bassetlaw District Landscape Character Assessment (2009). The overall Landscape Action for this policy zone is to “conserve and reinforce”.

Preferably the access road would be removed on completion of the quarry extraction and an opportunity exists to create an area of heathland habitat along the route. This would be in line with the recommended Landscape Action to “seek opportunities to create areas of heathland where appropriate”. However it is accepted that forestry operations will be carried out occasionally, and so the access road could be retained, but be reduced in scale and surfaced with a material more in keeping with a woodland location or alternatively allow vegetation to encroach along its sides. There is a wide vehicular entrance with a central reservation off Wood Lane – the proposed reduction in scale of the access/junction is welcomed.

Restoration of agricultural areas to pasture is welcomed, which would be in line with the recommended Landscape Action to “conserve permanent pasture and reinforce by seeking opportunities to restore arable land to pasture”.

It is recommended that both the hedgerow along the western boundary of the site and the hedgerow to the north of Footpath No. 8 along the northern side of the quarry face should be retained.

Conditions are recommended to require full details of all planting and its establishment and maintenance for 5 years. Proposals for its long term management should also be submitted.

The scheme of hedgerow tree and shrub planting should be updated including the substitution of Ash for an alternative appropriate species. The scheme for the creation of Magnesian Limestone Grassland should also be updated.

38. NCC (Noise Engineer) - No objection subject to conditions.

It is predicted that noise levels will comply with the recommended limits in the PPG for minerals extraction which recommends (where possible) that activity noise levels do not exceed the background noise level by more than 10dB between the hours of 07:00-19:00hrs, which is also in accordance with the original conditioned noise limits at the nearest receptors.

Operations for essential site preparation and restoration works will necessitate higher noise levels for periods of time. The Minerals PPG acknowledges this and permits an upper limit of 70 dB(A) for periods of up to 8 weeks in a year. The highest predicted levels are 60dB(A) at Boon Hills Farm which significantly exceeds the background noise level (36dB) and as such it is recommended that the operator avoids the most sensitive times of day – i.e. early mornings,

particularly given there is a Bed & Breakfast business operating at Boon Hills farm.

The blasting assessment found that the vibration limit of 6mms-1 is not exceeded in any phase at 1 Park House Cottage, Brook House Farm and 100 Wood Lane. At William Wood Farm, a reduced charge weight is required to stay within the vibration limit during Phase 7 only. At Top Farm, a reduced charge weight is required to stay within the vibration limit during Phases 3, 4, 5 and 6 and at Boon Hills Farm a reduced charge weight is required to stay within the vibration limit during all Phases 1-7.

With such low ground vibration limits; the accompanying air overpressure would also be very low and hence at a safe level, although may be perceptible at the closest properties.

NCC (Noise Engineer) recommends that the noise and blast vibration limits at nearby properties are set by planning conditions and that the separate schemes for monitoring noise and for blasting are re-established. Conditions are also recommended to require vehicles to use broadband reversing alarms and for the carryover of controls on blasting.

39. **Bassetlaw Environmental Health Department** - *No observations.*

40. **NCC (Archaeology)** - *No objection.*

Advises that the archaeological scheme of treatment/watching brief from 1998 needs updating. A condition is recommended to require the submission of a programme of archaeological work, to include geophysical surveys, site investigation, recording of finds and mitigation for each new phase of mineral extraction.

41. **NCC (Built Heritage)** – *No objection.*

There is a comprehensive assessment of the likely impacts on designated and undesignated built heritage in line with the requirements of paragraph 128 of the NPPF. The assessment methodology and the conclusions are a proper and accurate investigation of the main built heritage impacts. NCC (Built Heritage) concurs with the overall conclusions that no harm will be caused to any of the identified assets.

The information provided is sufficient to demonstrate that the development is acceptable with regards to the requirements of paragraph 131 of the NPPF and BDC local policies relating to the protection of designated and non-designated heritage assets.

42. **Public Health England** – *Comment*

PHE notes that quarrying may eventually be within 100m of Boon Hill Farm Bed and Breakfast and recommends that the MPA is satisfied that the proposed dust controls are sufficient to suitably mitigate the potential for nuisance at any nearby receptors.

43. **NCC (Reclamation)**- *No objection.*

Provided the proposed environmental controls and procedures are implemented, then there is no objection to the proposed time extension to allow the continuation of the extraction and processing of limestone.

44. **NCC (Flood Risk Management Team)** - *No objection.*

Having examined the Flood Risk Assessment the LLFA confirm no objections.

45. **Severn Trent Water Limited** – *No objection.*

Provides advice if a connection to the public sewer network is required.

No responses have been received from **The Ramblers; The Forestry Commission; Western Power Distribution; and National Grid (Gas)**. Any responses received will be orally reported to Committee.

Publicity

46. The application has been publicised by means of site notices (placed at the entrance at Wood Lane and at various junctures on the surrounding public footpath network), a press notice and 5 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. This was undertaken in November 2016. No public representations have been received.
47. Additional information was subsequently submitted under Regulation 22 of the EIA Regulations on which a further round of public consultation was undertaken in July 2017. This further information related to questions of ecology, highways, noise, heritage and a revised restoration scheme to provide a greater proportion of conservation grassland. A further revised restoration scheme was consulted on in September present.
48. No public representations have been received, other than correspondence with an individual local Parish Councillor who is minded to agree with the stance of Welbeck Estates and Tarmac in not wanting to provide a public car park at Wood Lane, however would like to see a greater use and enjoyment of the area by the public through signposting of footpaths, more circular walks and dog waste bins.
49. Councillors John Ogle and John Allin were notified of the application at the first instance. At the second round of consultation and following County Council elections and boundary changes, Councillors Kevin Greaves and Andy Wetton were duly notified.
50. The issues raised are considered in the Observations Section of this report.
51. In accordance with the Environmental Impact Assessment Regulations a copy of the application and Environmental Statement, along with the further information submitted has been deposited with the National Planning Casework Service acting on behalf of the Secretary of State.

Observations

Principle of further time for mineral extraction

52. This application is submitted under Section 73 (variation of conditions) which requires the decision maker to focus on the matters of the conditions the applicant is seeking to vary. In this respect the key matters relate to whether further time should be afforded to complete extraction and restoration, along with the question of what happens to the access road thereafter.
53. However it is pertinent in this case that whilst there is an extant planning permission for mineral extraction and restoration of the site, this is expiring and a significant passage of time has elapsed since permission was originally granted, such that circumstances in planning policy and other 'facts on the ground' will have changed. In this situation the Council can consider the application in the wider sense with particular attention to whether the impacts of further quarrying time are or can be made acceptable, in the interests of sustainable development and also whether the approved restoration strategy remains appropriate or not.
54. Magnesian limestone occurs in the county as a narrow outcrop running from Nottingham up to Mansfield and Worksop. A proportion to the north of Nottingham is suitable for building stone, however the majority is low-grade and best suited as a crushed general aggregate for use in construction, civil engineering, road construction and some industrial uses. The resource is relatively limited in Nottinghamshire and therefore the County has historically been a net-importer of stone from neighbouring Derbyshire and Leicestershire in order to meet its needs.
55. Following the recent withdrawal of the emerging Minerals Local Plan the application falls to be determined against the policies contained within the adopted 2005 Nottinghamshire Minerals Local Plan along with any relevant policies within the Bassetlaw Core Strategy (2011). The National Planning Policy Framework (NPPF) and its practice guidance are key material considerations.
56. The adopted MLP and its approach to limestone aggregate provision was based on the previous regional approach to minerals planning and it was deemed at the time that the output from Nether Langwith was adequate to meet the County's reasonable share of production and as such no other limestone quarries were allocated in the plan. This is captured in Policy M8.1 which states that the County Council will endeavour to maintain an appropriate landbank of permitted limestone reserves and an adequate production capacity in the County to meet its reasonable share of regional aggregate provision. Today it is still the case that the only permitted (aggregate) reserves are at the dormant Nether Langwith quarry for which planning permission is expiring.
57. To help plan for a steady and adequate supply of aggregates and to inform the preparation of a replacement MLP the County Council as Mineral Planning Authority produces an annual Local Aggregate Assessment (LAA). This takes into account data for the latest available average sale figures over 10 years as

well as taking into account other factors such as supply options and availability of secondary/recycled aggregates. The 2017 LAA (published October 2017) states that limestone sales in Nottinghamshire have been low over the last 10 years and low by regional standards. Sales fell sharply from 2006 and from 2009 output was zero. This reflects the fact that Nether Langwith had been only worked seasonally and was subsequently mothballed resulting in no recorded limestone aggregate production in the County.

58. Nottinghamshire is still required to maintain a reserve, known as the landbank of permitted reserves and for crushed rock the NPPF advises that a landbank of at least 10 years should be maintained so to ensure a steady and adequate supply.
59. In terms of the present landbank, the 2017 LAA calculates this to stand at 668 years as of December 2016 which is substantially above the minimum 10 years required by the NPPF. However the figure should be used with caution and this is solely based on the 3.3 million tonnes of saleable reserves available at Nether Langwith. It is pertinent therefore to note that the current landbank is entirely reliant on the continued working of Nether Langwith and that no other alternative limestone proposals are before the Council. Should planning permission not be extended for a further 18 years as proposed there would potentially be no or negligible landbank and there would be a possibility of speculative 'Green Field' proposals for new sites to be put forward to serve local markets and/or pressure to identify a new site(s) in the new Minerals Local Plan which is now in the early stages of preparation.
60. Further policy guidance is set out in the NPPF at Chapter 13 which sets out the Government's national view of the importance of minerals to sustainable economic growth. It reaffirms that minerals are a finite resource, can only be worked where they exist and as such it is important to make best use of them and secure their long term conservation. MPAs should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregates Assessment and making provision for the maintenance of landbanks for at least 10 years in the case of crushed rock.
61. Paragraph 144 states that planning authorities should give *great weight to the benefits of mineral extraction*, including to the economy. It also states that in granting any planning permission for mineral extraction they should ensure that there are no *unacceptable* adverse impacts to the natural/historic environment or to human health taking into account any cumulative impacts and ensure that any unavoidable noise, dust and blasting vibrations are controlled and mitigated or removed at source. Planning authorities should also seek to provide restoration and aftercare at the earliest opportunity and to be carried out to high environmental standards.
62. The requirement for site restoration at the earliest opportunity must be balanced against the arguments for continued and complete extraction of available limestone reserves and any associated temporary impacts which might arise from quarrying such as noise, vibration, traffic and visual impact. The reserves are readily workable with little setup development – the purpose of mothballing being so to enable the site to be reopened in the future. To not permit the

continuation of extraction for a further period and to invoke the restoration of the site would amount to sterilisation of the limestone resource, contrary to the objectives of sustainable minerals development within Policy M2.1 of the Minerals Local Plan to prevent the unnecessary sterilisation of mineral resources. This would result in the virtual non-provision of limestone aggregate in the County and Nottinghamshire would then be totally reliant on imported limestone aggregate to serve local construction projects and industrial users.

63. Separately, and in considering policies with the Bassetlaw Core Strategy in relation to the principle of the development, it is considered that the location of the quarry in the open countryside would not injure Policy DM1 with respect to development in the open countryside- such a location being entirely necessary and appropriate given the mineral reserves present.
64. Therefore whilst there is especially strong in-principle policy support to reopen the quarry this must be considered against all relevant environmental and amenity impacts in the usual way in the interests of sustainable development. This is in accordance with the aims of Policy M2.1 and also the 'presumption in favour of sustainable development' along with the 'three dimensions' (Environmental, Social and Economic) to sustainable development contained within the NPPF. Consideration is therefore given to the following relevant matters and accompanying policies before drawing conclusions.

Traffic/ Access

65. Policy M3.13 of the adopted Minerals Local Plan states that permission for minerals development will only be granted where the highway network can satisfactorily accommodate the vehicle movements likely to be generated and would not cause unacceptable impact upon the environment and disturbance to local amenity. Policy M3.12 enables the MPA to require measures to prevent mud or deleterious material depositing on the highway. Policy M3.14 enables HGV routeing to be appropriately controlled.
66. Policy M3.15 seeks to promote the bulk transport of minerals and states that major proposals reliant on road transport will need to demonstrate that more sustainable forms of transport are not viable.
67. Paragraph 32 of the NPPF states that development proposals should only be refused on transport grounds where the residual cumulative impacts are 'severe'.
68. The export of mineral from the quarry (when operational) is undertaken by HGVs which are controlled by planning condition and the terms of an accompanying legal agreement governing their routeing. The application to extend the life of the quarry would result in the reactivation of HGV movements but there is no proposal to alter the restrictions or routeing.
69. Numbers of HGVs serving the quarry are currently controlled by condition 43 which caps the numbers entering the site to:
 - 75 (150 2-way movements) on Mondays to Fridays;

- 40 each day on Saturdays;
 - an average of 50 per working day over any three month period.
70. The hours that these can run are also controlled separately under condition 39:
- 07.00-17.00hrs Mondays-Fridays;
 - 07.00-13.30 on Saturdays);
 - Not at all on Sundays and public holidays.
71. Conditions are also in place to require the sheeting of HGVs; measures to prevent mud entering the highway and provision of signs to warn drivers using the access road where they intersect with public footpaths.
72. The site benefits from a dedicated access road which passes through the adjacent woodlands from its junction with Wood Lane. This road and junction was built to a high specification in accordance with the accompanying legal agreement and is suitable for reopening, subject to some minor refurbishment works and checks as advised by the Highways Authority, in terms of visibility, signage/markings and the replacement of a missing bollard.
73. The approved routeing of HGVs ensures that they are directed to the left on leaving the access road from the site, along Wood Lane (which was substantially rebuilt as part of the original access improvements), and then to the A60/A616 at Cuckney. The routeing agreement forbids HGVs passing through Nether Langwith to the west or through Church Warsop to the south. It also forbids HGVs using the A616 Creswell Road running north-west from Cuckney towards Creswell village, but does allow HGVs to use the A616 eastbound towards Ollerton. This is shown on Plan 4. Very few local properties are impacted by this routeing and it remains appropriate to carry forward as part of an updated Section 106 legal agreement as per the recommendation.
74. If the quarry was to be reopened and worked at an output of circa 200,000 tpa as is suggested in the application, this would result in typical HGV numbers of 25 in and 25 out per working day according to the submitted Transport Assessment, which would equate to 3 unloaded vehicles in per hour and 3 loaded vehicles out per hour. The assessment assumes the use of typical HGV loads of 28.5 tonnes possibly reflecting the use of larger articulated type HGVs in the industry today. As can be seen these anticipated numbers are well within the limits set in condition 43. Additionally there would be a small number of staff cars.
75. The Highways Authority have reviewed the status of the local road network and in particular have independently assessed the situation at Cuckney junction to ensure it has suitable capacity to take the anticipated HGV traffic. The Authority has undertaken its own modelling exercise taking into account a higher predicted rate of general traffic growth over the next few years. This has shown that its capacity will be reached by 2035- the year by which quarrying is now proposed to be complete by. The junction continues to operate within capacity in the peak hours and the Highways Authority does not expect the addition of

quarry HGVs, even up to the consented 75 daily movements, to make a material difference to the performance of the junction. As such the Highways Authority are satisfied that the use of this junction will continue to be suitable to serve the quarry traffic. There are no other capacity or safety concerns between the site access and Cuckney.

76. Non-road transport options such as reusing the former colliery railway line to the south were previously considered to be impracticable. The track has been lifted and there would be a need to also construct rail heads including at a receiving destination elsewhere. Given the mineral is sent to where customers' need it, which are typically construction schemes in the local area, road haulage remains the only appropriate and viable solution.
77. Overall it has been demonstrated and assessed that the reopening of the quarry would not generate excessive or unsafe levels of HGV traffic and that the agreed vehicle routeing (under a legal agreement) and restrictions by planning conditions remain appropriate in order to protect local amenity. A new condition is recommended to require refurbishment to the access road and its junction before it is reopened, which would include renewing road markings, pruning back vegetation and the reinstatement of all traffic signage. The application thereby accords with the above identified policies and is supported on transport/highway grounds. The long term future of the access road is considered separately below.

Landscape and Visual Impact

78. MLP Policy M3.22 states that planning permission will not be granted where the proposal would likely to result in an unacceptable adverse landscape impact (taking into account any mitigation measures) unless there are overriding public interest reasons.
79. Policy DM9 of the Bassetlaw Core Strategy states that new development proposals in the countryside should be sensitively designed and would be expected to respond to the local landscape character policy zone recommendations by conserving, restoring, reinforcing or creating landscape forms and features accordingly.
80. The mothballed quarry is situated within a discrete rural location and the visual enclosure provided by surrounding woodland means that views of the site are limited to two or three surrounding farms/rural dwellings along with users of the public footpath network. The quarry void though does have a discordant presence in the local landscape in its current state and it is preferable that it now either be restored or extraction recommenced as the applicant proposes.
81. In seeking to reopen and extend the life of the quarry, the applicant does not seek to make any substantial changes to the quarry development - there would be no lateral extension, nor any change to the depth of working and furthermore the principle of quarrying has also been established for the site. The proposals do however seek some minor changes around the site and includes a revised restoration scheme following on from discussions with officers and consultees.

82. The applicant has provided a Landscape and Visual Impact Assessment (LVIA) with the application to meet the policy requirements. This shows that the mothballed quarry site is located across two landscape policy zones as defined in the Bassetlaw District Landscape Character Assessment: the Magnesian Limestone Ridge landscape character area (Policy zone ML14) in which the quarry is sited and Sherwood Landscape Policy Area (Policy zone SH29) through which the access road passes. Generally these confirm that the landscape condition is good to very good, with a consistent pattern of farmland and hedgerows and of woodland blocks providing visual enclosure. The landscape policy is one of conservation and reinforcement. In particular hedgerows and woodland blocks should be conserved and supplemented with new planting; opportunities should be sought to recreate historic field boundaries and to restore land to agricultural pasture; and the ecological diversity of Local Wildlife Sites should also be conserved and reinforced.
83. Because the principle of limestone extraction has previously been established at the site, advice from the landscape and ecological consultees has focussed on improving the restoration plans for the quarry. However it should also be noted that if permission was to be granted for a further 18 years of working there would consequently be a longer visual and landscape impact from the quarry workings, albeit that the impacts are localised and contained. Extraction would also be done on a phased basis with phased restoration following. This method of working serves to limit landscape and visual impacts during the operational phase.
84. Generally the form of restoration remains that of a low-level scheme, with the quarry faces partially exposed around the perimeter and using only the soils and overburden previously stripped from the site (stored in stockpiles) which would be progressively put back across the quarry floor. Within this the exact field and after-use arrangement has been adjusted to provide a greater proportion of conservation grassland and the applicant and landowner has also agreed that the area set aside for agricultural after use will be in the form of pasture. The latter delivers on one of the landscape actions within the Landscape Character Assessment and has been welcomed by the Council's landscape architect.
85. In terms of visual impact, the LVIA has assessed such impacts taking into account multiple vantage points including at nearby properties and from surrounding public footpaths.
86. MLP Policy M3.3 requires that adverse visual impacts from minerals development are kept to an acceptable level, including by controlling the location and appearance of buildings, plant and storage areas. Policy M3.4 requires that screening and landscaping measures shall be provided to limit visual intrusion and to enhance landscape and wildlife potential. Controls on methods of working and phasing can also be required so to limit visual impacts.
87. Visual impacts have and will continue to be limited largely to users of the public footpaths passing alongside the quarry. Generally these users are considered sensitive to visual change and inevitably there would be an adverse impact through the reintroduction of visual intrusions, particularly when earth moving operations are underway, along with associated plant noise. However the LVIA

finds that because of the existing screening and separation they would not be significantly impacted- at worst a *moderate adverse* impact is stated. A series of measures are designed to screen the operational quarry void, including the previous establishment of tree planting, the retention of hedgerows and the location and creation of screening bunds. Previously mobile processing plant was employed by the quarry company and this was located within the quarry void, leaving the entrance area as a yard for parking and for a site office. An area of advance tree planting was implemented to screen this area and the quarry in general.

88. The main footpaths affected are No.8 and No. 11 although No. 7 also crosses the access road to the east. A series of bunds and perimeter hedgerows separate FP 8 from the quarry and as works progress to the remaining fields to the west, further screening bunds would be provided. Upon restoration the removal of the bunds would again open up views across the newly restored site which would be more varied and interesting with a mix of grassland, hedgerow enclosed fields and partly exposed quarry faces. Views from FP 11 have recently been opened up more with the clear felling over around 7 hectares of conifer plantation woodland (part of Cuckney Hay Wood) either side of the access road, however an area of perimeter planting serves to screen the quarry. The LVIA assesses this to result in a moderate adverse impact.
89. NCC (Landscape) is content that perimeter hedgerows would be retained and the amenity value of surrounding public footpaths would be maintained.
90. Views from two properties also warrant assessment. Views from Top Farm to the west are largely screened by trees and hedgerows, although there is a partial view of the quarry, but at a distance of 0.9km. As quarrying progresses a series of 5m high landscape bunds will be formed along the western boundary to continue to screen operations from this property and more directly to users of the public footpath. Boon Hills Farm is adjacent to the north, but is partially screened by woodland and the grassed-over soil and overburden stockpiles. These prevent views of the operational quarry void, although at the latter stages these materials would be required for the site's restoration, resulting in a temporary and limited impact.
91. It is concluded that the design of the site provides satisfactory screening of operations to limit visual impacts to acceptable levels in accordance with MLP policies M3.3 and M3.4. The existing landscape is capable of accommodating the quarry in what is an enclosed setting and the restoration would create an enhanced landscape responding positively to the objectives of the local landscape character assessment in accordance with BCS Policy DM9 and complying with MLP Policy M3.22. Conditions can be re-imposed to require approval of the siting and appearance of any new plant, buildings or storage areas, along with the retention of screening planting.

Long-term future of the access road

92. As a secondary aspect of the application it is proposed to retain the access road upon completion of restoration works so to maintain access for the landowner and the Forestry Commission to manage the surrounding woodland. Condition

77 currently requires its reinstatement/removal, in an exact form to be later agreed. The applicant seeks the removal of this condition.

93. The construction of the access road, along with an improved Wood Lane was a significant undertaking by the original quarry company and as a result of mothballing it has been little used other than for occasional forestry access. Cuckney Hay Woods through which it passes is classified as semi ancient/ ancient replanted woodland with much of it probably replanted in the 1920s. It is also identified as a Local Wildlife Site and is used by local walkers. The woods are arranged into blocks and are managed as a forestry between Welbeck Estates and the Forestry Commission. There is a mix of fine native broad-leaf trees as well as areas with more coniferous trees.
94. The original construction of the quarry and in particular the access road through the woods was contentious, but the records show that amendments were made to avoid large scale tree felling and by using the routes of existing rides/clearings where possible. It is not clear exactly what was envisaged upon completion of quarrying, except that there would be some form of reinstatement or removal to be agreed nearer the time.
95. Officers accept that there will be a need to maintain vehicular access for forestry and farming activities long-term, however this does not necessarily need to be as a 5m wide tarmacked roadway running a full length through the woodland. It could, for example, be possible to reduce the junction in size and retain the roadway for a certain distance, before it becomes a crushed stone track, which would better assimilate into the rural character of the area.
96. The County Highways Authority agrees that in principle the road could be retained, but considers that the wide/generous design of the road's junction at Wood Lane to be over-sized simply to serve as access for land management/forestry activities. In such a scenario the minimum the Highways Authority requests is that the junction is down-sized into a single, gated entrance, with a smaller swept kerb and the traffic island removed.
97. NCC (Landscape) also agrees that as a minimum works to downscale the junction are necessary upon completion/restoration. The consultation response also comments that the roadway ideally should be reduced in scale and surfaced with a more appropriate material more in-keeping with the woodland location, but if the road was to be retained then vegetation may encroach along the sides of the road.
98. NCC (Nature Conservation) would prefer the road to be turned back to a forest track or alternatively the kerb line removed, but is content that this matter can be deferred.
99. Warsop Parish Council has suggested that a small woodland car park could be created by the access to benefit people wishing to use the various woodland footpaths and trackways.
100. In response to this issue the applicant has submitted further information under Regulation 22 which provides little, if no further justification for retaining the access road in its current form, that what was originally tabled:

“Further discussions have taken place with the landowner [Welbeck Estates] and their desire to retain the access in the long term for both agricultural and forestry management purposes. Forestry activities in particular can be fairly intensive at certain times of the year.”

101. The applicant's transport consultants have however drawn up a detailed scheme to down-size the junction as per the recommendation of both the highways and landscape officers. Whilst the County Highways Authority notes this plan, they further advise that it would be preferable to agree any such details nearer to the time of the quarry's closure, which could be 2037 and therefore recommends that a condition requiring such be attached.
102. In response to the suggestion from the Parish Council, the applicant responds in saying that the landowner would not wish to provide such a parking facility due to previous anti-social behaviour problems at similar unmanaged sites. It is highlighted that there is an existing layby to the north which already provides adequate parking.
103. Considering all matters, Officers are of the opinion that the requirements of condition 77 should broadly remain in place if permission for the extended time for mineral extraction is permitted. This is in the interests of obtaining an appropriate restoration of the site and removing a discordant feature in the landscape, but also to allow for a review of circumstances nearer to the completion of quarrying. In applying MLP Policy M3.22 (landscape character) to the present circumstances on this matter, it is considered that there are no reasons of overriding public interest to retain the road wholesale and whilst the junction downgrading does mitigate its visual impact from the highway, such works do not go far enough to reduce the road's impact on the woodland character or sufficiently lessen its visual impact to users of the many public footpaths which cross through the woodlands and intersect with the road. The road is also in conflict with the wood's Local Wildlife Site designation.
104. Therefore an updated condition is recommended (condition 72 in appendix 1) which will require a review of the standard of access required for the future uses and to include, if required, the junction downgrade works, along with a detailed scheme agreeing any further works to the access road itself upon entering the restoration phase. The details would therefore again be considered at this time.

Ecological Issues

105. MLP Policy M3.17 states that planning permission will not be granted for minerals development which would adversely affect the integrity or continuity of habitats or features identified as priorities in the UK and/ or Nottinghamshire Local Biodiversity Action Plan, unless an overriding need for development is demonstrated to outweigh the nature conservation interests. In such circumstances provision of compensatory measures are sought.
106. MLP Policy M3.19 protects SSSIs from direct or indirect impacts from minerals development and requires mitigation or compensation as necessary. Similarly Policy M3.20 affords protection to local wildlife sites.

107. The NPPF states that biodiversity impacts should be minimised and where possible enhanced, particularly through establishing coherent ecological networks. Paragraph 118 states that when determining planning applications the aim should be to conserve and enhance biodiversity by applying the sequential approach to ecology i.e. significant harm should first be avoided (including if necessary through refusing planning permission), followed by providing adequate mitigation, or as a last resort compensated for.
108. The site is situated amongst several woodlands of local wildlife interest (as Local Wildlife Sites) and additionally has a woodland Site of Special Scientific Interest (Lord Stubbins Wood SSSI) directly to the south of the quarry across the former mineral railway line track bed. The interest in these woods lies in their ancient and semi-ancient nature, although much of Cuckney Hay Wood has been replanted and is managed as a commercial forestry. In addition, the quarry itself has lain dormant for several years, which has resulted in some natural re-vegetation of the void and on soil stockpile areas creating value to wildlife.
109. A comprehensive Ecological Impact Assessment has been submitted as part of the Environmental Statement, through which have been conducted a range of surveys for notable or protected habitat or species, which could be affected.
110. With respect to Lord Stubbins Wood SSSI, there is the potential for indirect impacts from adjacent quarrying activities. However a hydrological/hydrogeological assessment has shown that quarrying would not adversely affect ground waters supporting the SSSI woodland and controls on noise/blasting and dust would remain in place including their associated monitoring regimes. The disused railway embankment also provides a barrier to potential adverse effects. Natural England as the statutory consultee in this case raise no objection and confirm that there would be no significant adverse impacts to the SSSI and so that the works would not damage or destroy its special features of interest.
111. Similarly with respect to potential indirect impacts to the surrounding woodland of local wildlife interest NCC (Nature Conservation) has considered the applicant's submissions with respect to noise/blasting and dust deposition impacts and is content that it is unlikely to give rise to any significant ecological impacts to the surrounding woodland habitats and that conditions can be re-imposed to minimise such indirect impacts.
112. Some concern has been raised by Nottinghamshire Wildlife Trust that noise from the quarry and from passing HGVs could affect the breeding success of woodland bird species and possibly also bats. The Trust request strict adherence to the identified mitigation measures to reduce noise, along with noise monitoring along the woodland edge, requiring additional noise reduction measures if required. Low level lighting is also requested in the interest of bats. In response it is noted that there is a noise monitoring regime in place which can be carried forward and new conditions are recommended to control noise and external lighting.
113. With respect to habitat present within the quarry site, due to natural regeneration taking place whilst the quarry has been mothballed, some nature conservation

interest has developed, which will be lost if quarrying resumes. In particular the temporary stockpiles of soils and overburden present along the northern side beside public footpath No. 8 have developed a covering of calcareous grassland (and semi-improved neutral grassland) which supports several notable species such as orchids. However it was always the intention that these soils and overburden would be lifted and used as restoration materials as part of a progressive/rolling scheme of restoration. Furthermore the proposal seeks to mitigate its loss by creating new areas of conservation grassland and a means of translocating orchids is proposed.

114. Survey work has identified that the exposed quarry faces and ledges have been used by several Barn Owls for breeding and possibly for general roosting whilst the quarry has been mothballed. Barn Owls are a Schedule 1 protected species under the Wildlife and Countryside Act 1981. In addition Little Ringed Plover are known to have used the bare quarry floor to nest on and these are afforded similar protection.
115. Measures have been proposed to mitigate impacts to Barn Owls and this has been given further consideration with the submission of additional information. The mitigation plan seeks to dissuade the owls from using the cliff faces/ledges prior to blasting works, by hanging bird scaring lines off the top and also by the provision of new owl boxes nearby. The plan would be overseen by the appointed ecologist to ensure that the owls move of their own accord and are not present or likely to be adversely affected when undertaking blasting.
116. NCC (Nature Conservation) is satisfied with the proposed arrangements to mitigate impacts to the owls and requests appropriate planning conditions including for the provision of two barn owl boxes. NWT are also largely satisfied with the approach, although it is noted that the owls would be prevented from using a site they have become accustomed to for several years. Appropriate supervision will be required, along with oversight from the MPA.
117. Little Ringed Plover are a species which take advantage of bare ground conditions for nesting on. If a nest is encountered on site during operations the proposal is to provide a 25m protective standoff zone until they have fledged. There is no objection to increasing this to 30m as requested by NWT. Phasing would mean that an area of bare quarry floor would always be present during the operational life. The restored landscape would not be suitable nesting habitat and the applicant also does not propose to provide any compensatory habitat for this species, stating that other sites will be available locally. Only a single pair was recorded using the site and it is also not a species of conservation concern. Therefore the loss of suitable habitat for this species (created as a coincidence of quarrying) has to be balanced in this case against the wider restoration and sustainability aims and outcomes which seek to create a net-gain for biodiversity overall.
118. A range of other typical farmland birds were recorded in the area using the farmland habitat, including fields and hedgerows forming part of the future phases of extraction. Bats were also recorded along hedgerow and tree lines. The hedgerows (which are species-poor) would be removed on a phased basis and there is an abundance of farmland and hedgerow and woodland habitat in

the area. A condition can be imposed to ensure that they are not removed during the bird breeding season, unless they have been checked first for nesting birds.

119. Replacement hedgerows would be provided as part of the phased restoration. An updated scheme for hedgerow, tree and shrub planting is required by the ecologist and landscape officer to ensure appropriate native species are selected. A revised scheme detailing how the conservation grassland would be created and successfully established is also required by condition.
120. Standard conditions are also recommended to deal with any common amphibians which may be encountered during the course of works. The hours of operation would avoid impacts to a toad migration route across the woodlands.
121. The restoration of the site would be a phased one, meaning that smaller areas would be lost at any one time, whilst other areas would be restored including to conservation grassland and pasture. New hedgerows and other planting would be provided. Areas of cliff face would also be retained. The limestone conditions present a rare opportunity to provide an enhanced restoration for biodiversity purposes and to realise notable net-gains for priority habitat and species. An acceptable scheme has now been proposed.
122. In assessing ecological impacts against this policy context, it is apparent that the quarry is situated within a woodland context which is of wildlife interest, but which a large part is managed for forestry. The site's habitat and species it currently supports gives it a moderate ecological value. The quarry has previously existed and has been worked in such a manner to minimise its impacts on its surroundings, which is reinforced through planning conditions. Direct impacts including loss of grassland habitat, removal of (species poor) hedgerows and to notable breeding birds using the dormant quarry are capable of being mitigated through further measures, including through providing an enhanced restoration to provide a net gain in priority calcareous grassland habitat. However the bare ground favoured by a pair of Little Ringed Plover would be lost and would not be compensated for, although any nests encountered would be protected.
123. The main mitigating feature would be the phased basis of quarrying and rolling restoration ensuring that a mix of habitats are always present or being recreated in accordance with MLP Policy M4.1. The restoration to a greater proportion of calcareous grassland would create a notable enhancement for biodiversity over the current approved scheme and would be a valuable habitat for birds such as the 'red listed' Skylark and a range of invertebrates.
124. Planning conditions, the legal agreement, along with the monitoring regime will control and oversee operations and the restoration objectives. The proposal is therefore considered to accord with the aims and objectives of the relevant policies, including the more up to date thrust within the NPPF.

Public Rights of Way/ other footpaths

125. There is an attractive network of local public footpaths/rights of way skirting the quarry which offer access through Cuckney Hay and Boon Hill Woods. This network is shown on accompanying plan 3. One of the paths, Nether Langwith Footpath No.8, runs through the application site itself between the quarry void and an area used for stockpiling restoration soils along the northern side. There is a vehicular crossing point used by the farmer to access the fields where future extraction will take place. This footpath also follows along the western side boundary- currently with the fields which will eventually be quarried. Meanwhile Footpaths 7 and 11 cross the haul road within the woodlands to the east.
126. Policy M3.26 deals with the issue of 'disruption' to public rights of way and states that alternative, suitable routes should be provided depending on the length of time of the disruption. Clearly this policy applies largely to cases involving closures of footpaths as a result of minerals development. There are however no proposals to alter, divert or close any of the public footpaths in this case, indeed NCC (Countryside Access) requires they be not obstructed in any way as part of the proposed quarrying. Therefore there would not be any direct disruption to the public rights of way, however it is acknowledged that the reactivation of the quarry would reintroduce HGV traffic and emissions such as noise to the environs as well as a changing visual impact as extraction progresses from one phase to the next. Local walkers would have to again become accustomed to this working environment, in particular to the occasional HGV crossing their path at the access road. For safety all previous signage warning drivers and walkers alike would be reinstated. Visual impacts are further considered in the landscape and visual impact section, however users will be largely visually screened by bunds and hedgerows around the site.
127. Upon completion of mineral extraction and site restoration works, a more varied and interesting landscape would exist providing value to wildlife. It is not proposed to offer public access into the restored areas of the quarry, however the surrounding paths would be retained and views would be possible.
128. The current legal agreement includes a scheme to provide a network of permissive footpaths in the area for the lifetime of the quarry and in particular through Cuckney Hay Woods. The then quarry operator and landowner were required to erect signs and make passible the routes shown on plan 3.
129. In the passage of time it has become unclear whether the works required were undertaken and today there is no signage evident, other than for the separate Public Rights of Way. Officers have investigated the situation and established that permissive path No. 1 and 2 (forming a linear route between Nether Langwith and Cuckney Dam) appear little to unused. The second linear path No.3 is used as it also forms part of a right of way. The remaining paths within Cuckney Hay Wood are used by local people (as the woods are in general) and are essentially formed from the woodland clearings/rides between the various blocks of forestry. The Parish Council has stated that the paths may not have been implemented and would request this requirement be carried forward if a further permission is granted. NCC (Countryside Access) generally wish to see the scheme carried forward and implemented.

130. Officers therefore recommend that as the lifetime of the quarry is proposed to be lengthened, the permissive footpaths scheme should be carried forward within an updated s106 agreement should Members be minded to support the variation. This would legitimise the current informal access and promote the public enjoyment of the semi-ancient woodland, whilst providing attractive alternative walking routes in the area away from the operational activities.
131. Therefore whilst temporary amenity impacts from quarrying would again be introduced for a further 18-20 years should permission be extended, impacts to rights of way users can be adequately mitigated and managed in a safe way potentially with lasting benefits realised on completion. The application does not conflict with Policy M3.26.

Noise

132. MLP Policy M3.5 states that permission for minerals development will only be granted where noise emissions beyond the site boundary do not exceed acceptable levels and that conditions can be made to, inter alia control types of plant and equipment, hours of operation, and set maximum noise levels for nearby sensitive properties.
133. The NPPF sets out that whilst great weight should be afforded to the benefits of mineral extraction, any grant of planning permission should ensure that there would be no unacceptable adverse impacts on human health and other factors. Associated noise should therefore be controlled, mitigated or removed at source. It recognises however that some short term noisy activity, which would otherwise be unacceptable is sometimes unavoidable in order to facilitate minerals extraction (and restoration). The Planning Practice Guidance sets out the applicable noise limits.
134. When operational the quarry is governed by a monitoring scheme to check noise levels at three of the nearest properties against agreed maximum noise limits. These are Boon Hills Farm, which is the closest affected property at 100m to the north of the soil stockpiles; Top Farm which is 400m to the west at a higher elevation; and Brook House Farm which is further north on the edge of Nether Langwith village.
135. A noise impact assessment has been provided and updated during the course of the application which considers these as well as a further three outlying properties. The assessment has been undertaken on a theoretical basis as a result of the mothballed status of the quarry, however it is done in accordance with the relevant standards and planning guidance. The assessment takes account of likely mobile plant and machinery, HGV movements and the location of crushers/screening plant- the latter of which would be sited within the quarry void thereby providing noise attenuation. It also takes into account the layout and phasing of the site and also the attenuation provided by a planned 5m high soil bund along the western boundary (a proposal to reduce this has been dropped). The currently permitted daytime hours of operation would not change.
136. The assessment concludes that for day-to-day operations the quarry would continue to operate within the noise levels set by the PPG when measured at all

nearby residential properties i.e. that activity noise levels ($L_{Aeq,1hr}$ – free-field) will not exceed the background noise levels ($L_{A90,1hr}$) by more than 10dB. This would also be in line with the original grant of planning permission and NCC's Noise Engineer is content with its findings.

137. An allowance is made within the PPG for short-term (no more than 8 weeks per year) noisy operations in order to facilitate essential enabling and restoration works. The assessment concludes that all such temporary operations would be within the higher permissible 70dB(A) L_{Aeq} limit set by the PPG. NCC's Noise Engineer however advises that when such works are undertaken closest to Boon Hills Farm that more care is taken to avoid unduly impacting on this farm which is also noted to operate a Bed and Breakfast business. This would be most pertinent for example when it comes to removing the current soil stockpiles which provide a buffer/barrier between the northern extent of the quarry and this property.
138. Officers are therefore satisfied that quarrying can be resumed and undertaken without leading to unacceptable noise impacts at nearby residences and would be compliant with applicable standards and limits. The proposal is therefore compliant with Policy M3.5 and the NPPF/PPG.
139. The previous noise monitoring and reporting regime can be re-established, however in the interests of legibility and enforceability it is considered that additional planning conditions are included to explicitly state for the first time the individual noise limits applicable at the nearby properties and to again explicitly set out the restrictions and limits for temporary operations. A requirement that vehicles utilise broadband type reversing alarms should also form an additional new condition.

Blasting

140. MLP Policy M3.6 requires blasting levels to be controlled within acceptable limits and times, using best practice design and monitoring.
141. Controlled blasting is required as part of quarrying operations at this site. This typically involves drilling a pattern of boreholes into the exposed limestone and setting of explosive charges ensuring there is proper stemming and capping to focus and contain the explosive energy. This energy can dissipate in the form of ground vibrations and air overpressure (which may or may not be audible). Excessive ground vibration can cause damage to property ranging from cosmetic damage (cracks in plaster etc) through to structural damage. However if blasting is well designed for each individual charge the escape of such energy beyond the site should be minimised to very low levels. It is also in the operator's interest to minimise ground and air vibration, so to maximise the efficiency of the explosive charge. The locations of individual blasts will change during the course of extraction across the site and therefore the distance to nearby properties will also vary and so each individual charge has to be designed accordingly.
142. There are no longer any specific limits or standards within planning policy, however the industry can use relevant British Standards and other research into

the effects of blast vibration. One measurement in particular can be adopted as best practice, this is the peak particle velocity (PPV) of no more than 6mm/sec-1 (millimetres per second) measured at any nearby residential property with at least 95% of all blasts not exceeding this threshold. To give an indication of this level a higher measurement of 12.8mm/sec may lead to the onset of cosmetic damage and figures exceeding 50mm/sec will result in structural damage.

143. The applicant has retained the services of an experienced consultant in such matters and an updated blasting assessment has been provided with the current application. The assessment has considered the 6 nearest residential receptors and states that in all respects the design of individual charges can be tailored so to meet the required PPV standard to ensure that ground vibrations and air overpressure are kept to a very minimum to minimise any annoyance or possible damage at these receptors. This is also the same standard at the time of the original grant of planning permission. The PPV limit would not be breached at Park House Cottage, Brook House Farm and 100 Wood Lane. As operations move close to Boon Hills Farm, Top Farm or William Wood Farm the assessment states that a reduced explosive charge would be required in order to stay within the PPV vibration limit.
144. NCC's Noise Engineer has reviewed the assessment and raises no objection, subject to the re-establishment of the associated monitoring regime and the carrying forward of conditions which restricts the number of blasts to no more than two per day (Monday to Friday only) and their timings at 5 minutes either side of the hour between 09.00hrs and 17.00hrs only. A new condition is also recommended to explicitly set the maximum PPV limit to which individual blasts will have to be designed to comply with. With these recommendations and controls the effects of blasting will be very minimal, and should not lead to property damage, although it could in some circumstances be perceptible. The application has demonstrated its accordance with MLP Policy M3.6.

Air Quality/Dust

145. MLP Policy M3.7 requires that dust generation is controlled to acceptable levels and specifies that conditions will be imposed to require measures to suppress dust. The NPPF sets out that in granting permission, it should be ensured that there would be no unacceptable impacts to human health or the natural environment and ensure that unavoidable dust and particle emissions are controlled, mitigated or removed at source.
146. The various aspects of mineral extraction, its processing and its transportation have potential to generate dust and airborne emissions which, in certain conditions, could impact on nearby land or property. Whilst the quarry is situated within a countryside location, there are a small number of neighbouring residential and farm properties in proximity which need to be considered as sensitive receptors. The presence of the nearby SSSI woodland is also a factor.
147. Dust from quarrying activity is generally considered to be a nuisance emission, (such as when particles settle on windows, cars or gardens) but the extent of fugitive emissions depends on the type of work being undertaken, the weather conditions at the time, along with any mitigating measures taken. It tends to be

larger dust particles which are most likely to be associated with quarrying activities that can cause such spoiling (PM10s), however these are less likely to transmit over long distances. Finer particles (PM2.5) are more associated with vehicle/plant emissions and in high concentrations have impacts to human health. To date though the MPA has not received complaints relating to dust at this site, although extraction has yet to reach the northern side, nearest to Boon Hills Farm- the nearest residential receptor.

148. An Air Quality Assessment has been submitted which has predicted impacts at nearby residential properties and has also considered wider air quality impacts from operational emissions. Measures are proposed to manage dust including: maintaining a clean access road and ensuring HGVs are sheeted and subject to a limit of 10 mph; use of water as a dust suppressant; locating stockpiles out of prevailing winds where possible; maintaining plant and exhausts and handling materials within minimum drop heights. The mobile processing plant would be located within the quarry void, thereby helping to contain dust. In addition dust suppression would be part of blasting operations. The assessment advises that dust occurrences would be limited, of short duration and minimised by undertaking the above steps. The daily management of the site would include dust monitoring and if conditions are difficult then operations could be required to temporarily cease.
149. The air quality assessment has also considered other emissions to air, particularly particulate emissions such as produced by vehicles and mobile plant. Local air quality is good, as can generally be expected within a rural area and the additional emissions would be of negligible impact and would not compromise air quality objectives over the proposed life of operations.
150. In terms of consultation responses the Bassetlaw EHO raises no comment on the issue of dust/air emissions. Public Health England (PHE) note in their response that in later phases quarrying would be closest to Boon Hills Farm (100m) and ask that the MPA is satisfied that there are or would be sufficient controls to ensure dust is managed.
151. In response to PHE observations it is notable that the extraction area would not extend north of public footpath No.8 into the current soil stockpile area. Thus these stockpiles, along with intervening woodland, would provide a buffer of around 170m from the farmhouse to the quarry void. The depth of working within the void may also provide some effect of containing dust. Towards the end of mineral extraction and at the restoration phase, these stockpiles would be recovered and used as restoration materials. It may be necessary to handle and move these stockpiles in favourable conditions to preserve soils structures, which consequently may lead to an increased, though temporary risk of fugitive dust impacting particularly on Boon Hills Farm. This issue is acknowledged and additional care would be necessary at this stage. It should however be noted that even if further time for mineral extraction is not permitted these soils would need to be recovered for final restoration of the quarry site.
152. In terms of the current controls on dust, the extant planning permission is subject to an existing Dust Monitoring Scheme which provides for monitoring stations in and around the quarry and for steps to be taken if thresholds of

deposited dust are exceeded. This is now somewhat dated and does not identify any thresholds at which point further action might need to be taken, nor does it specify actions to prevent or control dust arising in the first instance.

153. Updated conditions relating to dust are therefore recommended which have a greater emphasis on dust *management* and *control* as opposed to the present dust monitoring. These conditions cite the steps recommended in the new Air Quality Assessment which should be followed by the operator as a matter of standard practice. The applicant is agreeable to also continue with dust monitoring in the vicinity and (subject to an updated scheme being agreed by condition), this would ensure that there is a mechanism by which the dust management measures can be adjudged and also provide a forewarning when dust levels are at such a level that may result in a complaint being received.
154. With respect to potential ecological impacts, Natural England are content that Lord Stubbins Wood SSSI would not be damaged or destroyed as a result of the proposal. NCC (Nature Conservation) also does not foresee any significant effect on surrounding woodlands from dust or air emissions resulting from quarrying and associated haulage.
155. Assessment of the application has shown that dust can be controlled using standard industry practice and continued monitoring, which the applicant is agreeable to. Subject to a condition requiring the implementation of the dust reduction measures set out in the Air Quality Assessment, along with the continuation of the monitoring regime, the proposed continuation of limestone extraction would accord with Policy M3.7 and the aims of sustainable mineral extraction within the NPPF.

Residential amenity

156. In considering the potential effects to residential and general amenity as a result of the recommencement of quarrying, it has been assessed that nearby properties benefit from visual screening, that operational noise can be controlled within acceptable thresholds and that dust and other air emissions would be minimised and unlikely to generate significant nuisance. Impacts from blasting have also been assessed in detail. These matters are regulated through existing planning conditions and schemes, which with some refinements and additions can be re-imposed on any new extended permission.
157. Notwithstanding this, it is recognised that residual adverse impacts would occur as a result of the reintroduction of noise, activity and visual intrusion to what is currently a relative tranquil setting. Local people, such as those waking the footpaths, however may recall the previous extraction operations and understand that the quarry is mothballed and likely to recommence. As the methods or extent of working are not proposed to change, it can be expected that the impacts would be no worse than previously experienced. Records show there is no history of complaints relating to the quarry except for an incidence of non-compliance with the HGV routing.
158. It is therefore considered that the local amenity would be appropriately safeguarded for the extended duration now sought, in line with the aims of

sustainable mineral extraction within the NPPF, MLP Policy M2.1 and Policy DM4 of the Bassetlaw Core Strategy.

Ground and Surface Water Impacts

159. MLP Policy M3.8 requires that the water environment is suitably protected in permitting minerals development. This includes mitigating risks from pollution to surface or ground waters and ensuring that critical ground water levels are not affected. Policy M3.9 seeks to prevent unacceptable flooding impacts.
160. The current planning permission requires the depth of quarrying to remain 1m above the recorded water table across the site and this is informed by the result of a water table monitoring programme which reports back to the MPA. This has enabled an understanding of the variations in the water table over time and how they vary across the site. Using this information the application has proposed a revised contour plan showing how mineral extraction would be undertaken across the remaining phases. In effect this would result in the quarry floor sloping from a high point at the south-west corner at 69m AOD falling across the site to 65m AOD at the north-eastern corner ensuring that the 1m buffer to the highest point of the water table is respected in accordance with the current planning permission. This results in a depth of working compared with surrounding ground levels of about 11m to 15m, with the depth increasing as extraction moves towards the west of the site (in phases 4 and 5) whereas the current void in phases 1, 2 and 3 at the east of the site are around 10m deep. This also means that no dewatering would be necessary, other than just managing surface water collecting within the quarry void.
161. A hydrological and hydrogeological assessment submitted with the application has found that the quarry has no hydrological relationship with a nearby spring (situated to the north of Boon Hills Farm), nor to the River Poulter into which this flows. No water discharges to any surface waters are proposed from the quarry.
162. The quarry lies within the Lower Magnesian Limestone classed as a Principle Aquifer, which has high permeability and high water storage. The assessments however have found that this would not be adversely affected provided that standard mitigation measures are implemented. This includes ensuring that all oils, fuels and chemicals are securely stored in containers sited on impervious bases and procedures to deal with any spills. The 1m buffer from the extraction zone also provides protection.
163. The assessments also consider that the nearby SSSI woodland (Lord Stubbins Wood) would not be adversely affected in terms of hydrological effects. This is because of the depth of the ground water in relation to the woodland, meaning it is thought the woodland is not dependent on this water resource. The former mineral railway line also provides a barrier to surface waters. Natural England, the Environment Agency and the County Reclamation Officer do not raise any objection.
164. The principle of mineral extraction to similar depths has already been established, with measures to protect the aquifer and the water environment generally. The current application has shown a thorough understanding of the

local water environment and any sensitivities such as the underlying aquifer. It demonstrates that mineral extraction can be continued in a safe and controlled manner to protect water resources whilst extraction is undertaken and thereafter with the final restoration plans which do not necessitate any importation of materials.

165. The quarry is situated at the top of a limestone escarpment and is not at risk of fluvial (river) flooding. In terms of surface waters, the natural geology means that surface water from rainfall will generally permeate into the ground waters, except in prolonged wet conditions when runoff would be locally channelled to temporary holding ponds and then allowed to permeate naturally into the ground or evaporate. The proposal would not increase flood risks elsewhere. Flood risks overall are therefore insignificant and entirely manageable. MLP Policy M3.9 on this matter is satisfied in that there would be no unacceptable impacts to flood flows, flood storage capacity or drainage systems.

Archaeology/Heritage

166. A core planning principle within the NPPF is to *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*
167. Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage assets affected including reference to any Historic Environment Record. Planning authorities should assess the particular significance of any heritage asset that may be affected and seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 129). 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 alteration or destruction of the heritage asset or development within its setting (paragraph 132). Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible (paragraph 141).
168. MLP Policy M3.24 states that 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.
169. MLP Policy M3.25 states that permission will not be granted where it would result in an unacceptable level of harm to listed buildings and conservation areas.
170. The principle of mineral extraction across the site has previously been established. The site was originally assessed as having a low archaeological potential and the County Archaeologist considers that it is highly unlikely to produce significant new archaeology. A scheme of mitigation/watching brief is in place to govern soil stripping and initial excavation works within future phases

of extraction. However the County Archaeologist advises that this needs updating with a mitigation strategy produced prior to soil stripping for the next phase of extraction into the adjoining fields. This can be required by a planning condition.

171. The benefits of the mineral extraction are considered to outweigh the limited archaeological potential of the site in accordance with Policy M3.24. The mitigation measures would ensure that any finds are appropriately dealt with including by means of recording and interpretation which would be in line with paragraph 141 of the NPPF.
172. In terms of the local built heritage, the applicant has made an assessment of impacts to designated and non-designated heritage assets in the locality as required by the NPPF. NCC (Built Heritage) agrees with its findings and that no harm would be caused to any of the identified assets. Generally this is due to the distances between the site and many of the identified historic buildings along with the intervening topography and woodland enclosure.
173. The nearby Boon Hills Farm can be considered as a non-designated heritage asset but it is agreed that there would be no significant impacts to its historic interest. In particular it benefits from a belt of woodland providing partial screening between the farmhouse and the area of soil bunds. These bunds also provide a buffer to the operational quarry area and in any case the quarry would be a temporary operation.
174. At its nearest point the quarry site lies some 500m south of the Nether Langwith Conservation Area, but is totally screened by topography and the escarpment of Boon Hill Woods. HGVs are directed in accordance with the routeing agreement to not pass through the village and its Conservation Area. Whilst HGVs are directed to Cuckney, which has its own Conservation Area, the low volumes of anticipated vehicle movements would be readily absorbed into prevailing traffic along these A-classified roads and therefore it is considered that the character of the Conservation Area would be preserved.
175. The proposal therefore accords with Policy M3.25 and the aims of chapter 12 of the NPPF in preserving local heritage.

Socio-economic issues

176. The socio-economic impacts of re-opening the quarry have been considered in a chapter of the submitted Environmental Statement. It attempts to set out the direct and indirect impacts from the reactivation of the quarry on jobs and the local economy. It states that the quarry is expected to result in the retention of 3 employees and that these jobs would otherwise be lost if the quarry was to permanently close. Given that the quarry has been mothballed for several years, in practice this statement must be questioned somewhat. In the same respect it is not clear in the application whether the employees would be new positions or redeployments from the company's other nearby sites in Derbyshire. The application also states that a further 16 persons would depend on work from the quarry, such as hauliers and contractors.

177. Whilst the exact employment impacts are unclear, it is evident that any reopening of the quarry would result in direct as well as indirect advantages to the local economy in terms of salaries, contractor spend, sales and haulage of limestone to customers and for local construction projects. The NPPF recognises the role the minerals industry plays in ensuring a steady supply of building materials to serve the economy. Crushed limestone is a low value primary material but one which is essential in many general construction uses, and where recycled aggregate is not suitable or available. In accordance with paragraph 144 of the NPPF great weight should be given to the economic benefits of mineral extraction.
178. Ultimately the economic benefits very much depend on the hoped for uplift to construction activity which would generate a commercial demand for limestone product locally. It is worth noting that when the quarry was previously worked, extraction at times was undertaken on a more limited and flexible campaign basis, taking advantage of available mobile plant/equipment and employees from the company's other sites. Whilst the application submits that planned output would be up to 200,000 tonnes per annum, a return to limited operations cannot be ruled out based on this past form and if demand does not follow. Thus the economic benefits could be more limited in such a scenario. Notwithstanding this it would be hoped that notable economic benefits would follow as is demonstrated by the confidence of the applicant in submitting the present application.

Restoration

179. As an existing and partly-worked out quarry MLP Policy M4.8 is considered applicable. It states that for existing mineral sites, alternative restoration proposals will be granted where it would result in a satisfactory reclamation and after-use. In particular this policy is applicable where the existing restoration provisions are unsatisfactory or where the revised proposals would result in an improved environmental and/or amenity after-use.
180. Chapter 13 of the NPPF concerning minerals development sets out that planning authorities should plan for the high-quality reclamation of sites at the earliest opportunity including after-uses inter-alia for agriculture (whilst safeguarding the long term potential of best and most versatile agricultural land), biodiversity, woodland and recreation. Such after-uses are not set out in a hierarchy or order of preference and it is a judgement for the planning authority as to what is the appropriate restoration and after-use, having regard to the site specific characteristics. Chapter 11 of the NPPF seeks to reverse the decline in biodiversity and seek net-gains where possible. This is considered an important material consideration.
181. The currently approved restoration and after-use strategy is for an agricultural-led design, utilising the various soils which are stockpiled around the site to create a series of low-level fields within the former quarry void area. Three fields are currently allocated for agriculture and a fourth field set aside for conservation grassland all enclosed with new hedges with a small central copse. The strip of land north of public Footpath 8, which is above the quarry void and where soils are currently stored, is also allocated for agriculture.

182. Consultation responses from NCC (Nature Conservation) and the Wildlife Trust highlights that the current scheme should be revised to realise a greater proportion of conservation grassland, to maximise bio-diversity net-gains where possible. Officers recognise that the site presents a rare opportunity to create calcareous grassland habitat resultant from the natural geology and exposure after quarrying ceases. On the other hand there are soils present which are themselves a finite resource and which should be put back to economic farming use. A balanced approach to the restored land uses is therefore appropriate to this site. The MPA has therefore negotiated with the applicant to design a more even split between conservation/biodiversity afteruse and agricultural afteruse, as well as seeking changes to planting locations and other small biodiversity enhancements.
183. The revised restoration plan in response to consultation responses now seeks to make the following changes:
- A near doubling of the area of proposed conservation grassland (calcareous grassland) equating to circa 10 hectares or 43% of the restored areas.
 - A change to pasture for the remaining areas of agriculture equating to circa 13 hectares (57%).
 - Retention of perimeter hedges alongside the retained footpaths and provision of new hedgerows.
 - Revised final contours to slope the restored land from the north-east corner up to the south-west corner, in order to work with the prevailing ground water table.
 - Other enhancements to tree and scrub planting and enhanced seeding.
184. Restoration would still be undertaken in a progressive manner so that as quarrying moves generally in a clockwise direction around the site, the extracted areas are restored utilising stockpiled overburden and soils appropriate for the end use (agricultural pasture or calcareous grassland). The plant site and parking area would be removed but access for farming would be retained. This successfully sets the broad overall restoration vision and principles for the site, allowing details to be agreed on a phase by phase basis under planning condition.
185. In light of the NPPF policy thrust and the advice from the consultees including from Natural England that the site offers a rare opportunity to create calcareous grassland for nature conservation purposes, the revised restoration plan is considered to provide environmental benefits and improvements over the currently approved plan and so to outweigh a small loss of Best and Most Versatile (BMV) agricultural land. It remains however a well-balanced strategy providing for restoration of BMV soils for farming (now proposed as grazing pasture) as well as an area of conservation grassland which can be managed by the farmer and landowner.
186. Accordingly the revised restoration strategy and plans are supported and comply with Policy M4.8 and the restoration and biodiversity aims of the NPPF.

This is considered to outweigh any conflict with Policy M3.16 concerning the protection of BMV soils as assessed below.

Agriculture/Conservation of soil resources

187. The revised restoration proposals have implications for the protection of BMV soils. These are Grades 1, 2 and 3a classified soils.
188. MLP Policy M3.16 states that permission for minerals development will only be granted in BMV land where it is demonstrated that a) the proposal would not affect the long term agricultural potential of the land; or b) there is no available alternative and the need for the development outweighs the agricultural interest; or c) available land of lower value has sustainability considerations which outweigh the agricultural land quality.
189. The NPPF requires that high quality restoration and aftercare takes place including for agriculture and biodiversity and that the BMV agricultural land is safeguarded and that soil resources are conserved.
190. The Planning Practice Guidance states that where working is proposed within BMV agricultural land, working methods should ensure that the land can retain its long term agricultural capability post restoration, though it states that the proposed after-use need not always be for agriculture. (Paragraph: 040 Reference ID: 27-040-20140306)
191. In considering this policy and issue, firstly it must be remembered that there is an extant planning permission granted for the mineral extraction of the site including the remaining agricultural fields, based on a proper understanding of the quality of the soils present, which do include BMV soils. The associated restoration strategy satisfied the policy by carefully retaining and stockpiling the soils and making provision for their reinstatement at a lower level to create new field patterns within the quarry void, with the best quality soils reserved for one particular field.
192. The newly submitted restoration proposals seek to substitute a proportion of the planned agricultural land with a greater provision of conservation grassland. This would thereby have some limited affect to the long term agricultural potential of the site and therefore may not fully comply with the terms of Policy M3.16. However the aims of this policy need to be considered against more up to date planning and minerals policy within the NPPF which lean more towards favouring bio-diversity in restoration proposals. The specific factors with this site are that there is an abundance of farmland in the area, the quarry is of limited scale, and calcareous grassland is a rarity within the area and the quarry provides a good opportunity to provide such. Natural England as the statutory consultee on this matter are supportive of this approach and are satisfied that suitable soil handling and reclamation methods would be used. Therefore when assessed in the round, the substitution of agricultural restored fields to conservation uses is considered sustainable and appropriate for this site.

After Use and Long Term Management

193. The existing planning permission makes provision for the aftercare and long term management of the restored quarry as well as a separate management plan for Cuckney Hay Wood. With some slight changes to reflect the revised restoration plan the aftercare conditions as well as the terms of the accompanying legal agreement can be carried forward if the time extension is agreed.
194. The establishment of the calcareous grassland requires additional aftercare and management to ensure the correct conditions thrive. An initial aftercare period of 5 years is provided for in order to establish the right cultivations, soil conditions and to undertake any remedial measures as may be identified through annual checks. The scheme for the creation of Magnesian Limestone Grassland forming part of the legal agreement will need to be updated to reflect the revised restoration plan.
195. The woodland management scheme also requires updating. The rationale for the woodland management is to gradually increase the tree mix towards native broadleaf species and away from a dominance of conifers. This work continues by both Welbeck Estates and Forestry Enterprise, notably with the recent clear felling of some coniferous blocks.
196. The accompanying legal agreement makes provision for the long-term management for both the calcareous grassland and for management of Cuckney Hay woodland - in both cases for 30 years, following the initial 5 years. Appropriate long-term management is therefore provided in accordance with Policies M4.9, M4.10 and M4.11.

Other matters- mothballing

197. Warsop Parish Council have raised the issue of the quarry operator using the planning process to ensure that a live planning permission remains in place but without a genuine intention to extract the mineral and thus prolong the site's restoration. The MPA can include a standardised commencement condition to require the operator to commence/re-commence mineral extraction in a timely manner. Given the current permission is lapsing and allowing for the necessary enabling works to reactivate the site (such as refurbishment of the access road), a 2 year window in which to restart extraction is recommended. If this does not take place then the existing requirement to restore the site by October 2019 would be enforceable. If a new permission is commenced and quarrying reactivated the MPA would then monitor progress at the site but has limited scope to prevent the operator from mothballing the site again if it decides to do so. There is scope within the existing planning conditions to require an alternative restoration scheme if it is expedient to do so, otherwise the requirement to ensure a final restoration by 2037 would then be enforceable.

Review of Conditions

198. There is a comprehensive set of existing planning conditions which have been reviewed. Some rationalisation is possible where there are areas of duplication, or where pre-commencement requirements have previously been discharged. In addition a number of new controls have been identified to deal with the present situation, including new conditions to mitigate impacts to protected species. Some schemes, whilst previously approved (such as for landscape planting) require updating. Following this exercise a suite of revised planning conditions is set out at appendix 1 and which are recommended if Members are minded to approve the variation.

Review of Legal Agreement

199. As set out in individual sections above, various matters are currently controlled/covered through the existing legal agreement. There is a need to review the terms of the agreement if the variation is approved. The Heads of Terms have been discussed with the applicant/agent. In summary the agreed position on each matter is set out below and which together form the recommendation to Members at paras 219/220.

Matter	Status/action	Reason
HGV routeing	Retain, without change	Local amenity
Permissive footpaths scheme	Records are incomplete and unclear if delivered. Scheme to be carried forward and enacted.	Enhancement to public access/recreation
Management of Cuckney Hay Wood	New scheme to be submitted	Enhancement to woodland setting
Management of Magnesian Limestone Grassland	Scheme to be updated	To reflect revised restoration plan

200. Any grant of planning permission for the proposed development would be subject to the prior completion of the updated legal agreement to secure the above. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of this agreement.

Other Options Considered

201. The Town and Country Planning (Environmental Impact Assessment) Regulations requires some consideration of alternatives to the proposed development. The application considers whether recycled or secondary aggregates could substitute the need to extract primary limestone aggregate. Whilst in the UK the growth in the share of secondary and recycled aggregates has been a real success, there is likely to remain a need for primary aggregate to satisfy certain customer needs. There are also additional industrial applications for limestone which cannot be substituted. The NPPF requires a landbank to be maintained and so permission for continued quarrying is not considered to be incompatible with the market trend towards using recycled and secondary products where available and suitable.
202. The applicant also considers that given the extant permission and the infrastructure which has already been provided (notably the access road and local highway improvements) to require the quarry to close and be restored now would result in the sterilisation of over 3 million tonnes of limestone reserves and thereby deepening a reliance on stone imported from neighbouring counties (where not substituted with secondary/recycled product). This could also result in minerals operators proposing new greenfield quarries elsewhere, although the applicant company has itself not considered any other locations for limestone extraction within the county as it considers the reserve at Nether Langwith to be sustainable and can be worked in an environmentally acceptable manner which in any case would be preferable to opening a new quarry in a greenfield location elsewhere.
203. Based on the submitted information and the additional and revised information including a revision to the final restoration scheme, the County Council is now duty bound to consider the application and the accompanying Environmental Statement.

Statutory and Policy Implications

204. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

205. Fencing and planting is in place to protect users of the public footpaths and to obstruct unauthorised access. The quarry company would usually put in place additional security arrangements should the quarry reopen.

Financial Implications

206. Any grant of planning permission for the proposed development would need to be accompanied by a legal agreement to secure the matters set out in paragraph 199. The applicant would be expected to cover all reasonable costs incurred by the County Council during the drafting and execution of this agreement.

Human Rights Implications

207. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the close proximity of Boon Hills Farmhouse. The proposals have the potential to introduce impacts such as dust, noise and vibration upon this property, particularly at latter stages of quarrying when the soil and overburden stockpiles will need to be recovered for restoration purposes. However, these potential impacts would be temporary and infrequent and measures would be put in place to minimise impacts. Planning conditions would also control day-to-day emissions (such as noise) to acceptable levels. These issues need to be balanced against the wider benefits the proposals would provide in terms of providing a limestone supply to the local economy, local employment and contractor spend and the opportunity to realise an enhanced restoration on completion. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

208. These have been considered in the Observations section above, including all the environmental information contained within the Environmental Statement submitted with the application.
209. There are no public sector equality duty; human resources; data protection/information governance; or children/adults at risk safeguarding implications. There are no implications for users of County Council services.

Conclusion

210. The application seeks to reopen and extend the life of Nether Langwith quarry, which is the County's only general limestone quarry. The site has been mothballed for several years with substantial reserves yet to be extracted. The principle of mineral extraction has already been established at the site, except time is lapsing in which to complete the extraction. A further 18 years is sought for this and an additional two for final restoration works.
211. There is a policy requirement to maintain a landbank and supply of crushed rock to serve the local construction market. If the quarry was to be permanently closed and restored, not only would this sterilise the available mineral, but would result in a possible need to identify new greenfield quarry locations to provide the local landbank. Otherwise limestone would continue to be sourced and transported from beyond the County boundary. There is a very strong policy support (particularly at paragraph 144 of the NPPF) for the continued extraction, particularly noting the economic and associated advantages in providing jobs, investment and supplies for local construction schemes.
212. The environmental and amenity impacts from reactivating the quarry have been assessed in detail through the submission of an Environmental Statement and through appropriate consultation and advice. Potential impacts have been assessed against the relevant policies contained within chapter 3 of the Minerals Local Plan in particular policies M3.3 (Visual appearance); M3.4 (Screening); M3.5 (Noise); M3.6 (Blasting); M3.7 (Dust); M3.8 (Water Environment); M3.12 (Highway Safety); M3.13 Vehicular Movements); M3.14 (Vehicular Routeing); M3.17 (Biodiversity); M3.19 (SSSIs); M3.20 (Regional/Local Designated Sites); M3.22 (Landscape Character); and M3.26 (Public Access).
213. The key measures to limit impacts include the provision and retention of perimeter screening bunds and planting; best practice measures to control dust; set limits to noise, vibration, the depth of extraction, and defined operational hours; the careful handling and retention of stripped soils; measures to safeguard protected species and provide areas for biodiversity; and the controlled routeing of HGVs to and from the site. Such measures are considered to be acceptable, and operations are capable of being managed in an acceptable manner, through imposition of planning conditions and the requirements within a legal agreement. Operations would also be subject to a regular monitoring regime undertaken by both the quarry operator and by the MPA.
214. It is acknowledged that a further period of time would delay the final restoration of the site, however restoration would be undertaken on a progressive basis following areas of extraction. An enhanced restoration plan to benefit nature conservation has also been secured through negotiation. This seeks to provide a greater proportion of conservation grassland along with its long term management to realise a net-gain for priority habitat and biodiversity. New hedgerows would be planted to replace those lost. Perimeter hedgerows would be retained. Two fields for agricultural pasture would also be created thereby safeguarding the Best and Most Versatile soils

stripped from the site. The restoration proposals have been assessed as according with relevant policies in chapter 4 of the Minerals Local Plan and in particular policies; M4.4 (Landscape Treatment); M4.8 (Reclamation of Existing Sites); M4.9 (Aftercare), M4.10 and M4.11 (Afteruse).

215. An extended permission would also secure the continued management of the adjoining Cuckney Hay Woods as well as a network of local permissive footpaths to complement the existing rights of way.
216. At this time officers are minded to not agree to the applicant's proposal that the dedicated access road should be allowed to permanently remain and the recommendation is that its future form should be resolved at a later date once extraction has ceased. A revised condition is therefore recommended and if granted the access road will not be cited within a description of the planning permission.
217. The proposed extension of time is therefore assessed to be acceptable in accordance with the sustainable development objectives of MLP Policy M2.1 and the National Planning Policy Framework (particularly paragraph 144) and in accordance with the Development Plan taken as a whole.

Statement of Positive and Proactive Engagement

218. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by first scoping the information needed to form the Environmental Statement and encouraging pre-application community engagement. 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 relating to operational noise, access, ecology and concerns about the proposed restoration and which have been addressed through negotiation and acceptable amendments to the proposals requested through a Regulation 22 submission. 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 to the draft s106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

219. 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 1990 to secure the continuation of HGV routeing; a network of permissive footpaths; the long-term management of Cuckney Hey Wood and for areas of restored Magnesian Limestone Grassland.

220. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 31 January 2018 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the variations of conditions 1 and 85 subject to the re-imposition of condition 77 (as amended) and the schedule of updated conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 31 January 2018, 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 identified measures within a reasonable period of time.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments (RHC 10/10/2017)

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

Comments of the Service Director - Finance (SES 10/10/17)

The financial implications are set out 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 Divisions and Members Affected

Worksop South- Councillor Kevin Greaves

Warsop- Councillor Andy Wetton

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