

**RECOMMENDED PLANNING CONDITIONS**

**Commencement**

1. This permission is for:
  - a)
    - a. The completion by 31<sup>st</sup> December 2016 of all sand and gravel extraction in the Phase 3 area shown on Drawing No. P4/689/3g Phase 3 received by the Minerals Planning Authority (MPA) on 29<sup>th</sup> July 2016;
    - b. The completion by 31<sup>st</sup> December 2017 of restoration works within the application area edged red, on Plan titled 'Restoration (Lower Level)' Drawing No. P4/689/4C and Plan titled 'Method of Working' Drawing No. P4/689/3g Final Restoration received by the MPA on 29<sup>th</sup> July 2016;
    - c. To amend the method of working in accordance with the phasing details shown on the Phasing Plan titled 'Method of Working' Drawing No. P4/689/3g Phasing Site Area received by the MPA on 29<sup>th</sup> July 2016;
  - b) The development hereby permitted shall only be carried out in accordance with the following documents, plans and drawings, unless where amendments are made pursuant to the other conditions:
    - a) Planning application form, Environmental Statement, Non Technical Summery and Planning Statement, received by the MPA on 21<sup>st</sup> January 2011;
    - b) Noise Assessment titled 'Assessment of Environmental Impact of Noise' by Vibrock Limited, Report No. R09.5888/1/AG, dated 31.07.09, as received the MPA on 21<sup>st</sup> January 2011, as part of the Environmental Statement;
    - c) Site Location Plan titled 'Site Plan' Drawing No. P4/689/2 received by the MPA on 21<sup>st</sup> January 2011;
    - d) Scheme of Dust Control and Monitoring, dated February 2011, received by the MPA on 18<sup>th</sup> February 2011;
    - e) Volume 4 – Additional Information, and Landscape and Visual Impact Assessment , Supplementary Information, dated July 2011, received by the MPA on 16<sup>th</sup> August 2011;
    - f) Archaeology Assessment titled 'Archaeology and Historic Features' prepared by The Guildhouse Consultancy, dated February 2010, received by the MPA on 1<sup>st</sup> September 2011;

- g) Volume 5 – Additional Information containing revised Landscaping, Restoration and Aftercare, revised Restoration Scheme, except for references to Ash and Phragmites australis which shall be omitted from the planting scheme, Revised Method of Working Scheme, Revised Method of Working Plans, and Soil Handling Programme, received by the MPA on 17<sup>th</sup> December 2012, as amended by revisions to the scheme contained in document 'Landscaping, Restoration and Aftercare' received by the MPA on 14<sup>th</sup> February 2013 and an amendment to the date of the December 2012 report as referenced in paragraph 1.1 contained in an email letter from the applicant dated 8<sup>th</sup> March 2013;
- h) Plan titled 'Water Management' Drawing ELEK\_PLA\_689\_CAW\_181114, received by the MPA on 18<sup>th</sup> November 2014;
- i) Planning application and Planning Statement, received by the MPA on 29<sup>th</sup> July 2016;
- j) Location Plan Drawing No. P4/689/1, received by the MPA on 29<sup>th</sup> July 2016;
- k) Site Plan Drawing No. P4/689/2, received by the MPA on 29<sup>th</sup> July 2016;
- l) Plan titled 'Restoration (Lower Level)' Drawing No. P4/689/4C, received by the MPA on 29<sup>th</sup> July 2016;
- m) Drawing titled 'Remaining Mineral (to be dug in 2016) Drawing No. 1604 – S114 –ELK-D – 001, received by the MPA on 29<sup>th</sup> July 2016;
- n) Plan titled 'Method of Working' Drawing No. P4/689/3g Phasing Site Area, received by the MPA on 29<sup>th</sup> July 2016;
- o) Plan titled 'Method of Working' Drawing No. P4/689/3g Phase 1, received by the MPA on 29<sup>th</sup> July 2016;
- p) Plan titled 'Method of Working' Drawing No. P4/689/3g Phase 1 Operational, received by the MPA on 29<sup>th</sup> July 2016;
- q) Plan titled 'Method of Working' Drawing No. P4/689/3g Phase 2, received by the MPA on 29<sup>th</sup> July 2016;
- r) Plan titled 'Method of Working' Drawing No. P4/689/3g Phase 2, received by the MPA on 29<sup>th</sup> July 2016;
- s) Plan titled 'Method of Working' Drawing No. P4/689/3g Phase 3 Operational, received by the MPA on 29<sup>th</sup> July 2016;
- t) Plan titled 'Method of Working' Drawing No. P4/689/3g Phase 3, received by the MPA on 29<sup>th</sup> of July 2016;
- u) Plan titled 'Method of Working' Drawing No. P4/689/3g Final Restoration, received by the MPA on 29<sup>th</sup> July 2016.

*Reason: For the avoidance of doubt as to the development that is permitted.*

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

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

### **Duration of the planning permission**

3. All mineral extraction shall cease by 31<sup>st</sup> December 2016 and the MPA shall be notified in writing of the date on which mineral extraction ceases.

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

4. All restoration operations in accordance with Conditions 46-48 shall be completed by 31<sup>st</sup> December 2017.

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

### **Quarry access and protection of the highway network**

5. Vehicular access to the site shall only be gained from Rempstone Road along the existing site access as shown on drawing number P4/689/2 received by the MPA on 21<sup>st</sup> January 2011. Vehicular access to the site shall not be gained from any other route. The site access road shall be removed from the site within 12 months of the completion of extraction as notified under Condition 3 above.

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

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

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

7. All HGVs leaving the site shall pass through the existing wheel wash facilities prior to joining the public highway in order to prevent the deposit of mud, clay and other deleterious materials upon the public highway. The wheel wash facilities shall be maintained in good working order throughout the life of the

development. The wheel wash shall be removed from the site within 12 months of the completion of extraction as notified under Condition 3 above.

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

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

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

9. The processing plant and quarry access road detailed on drawing number P4/689/2 received by the MPA on 21<sup>st</sup> January 2011 shall only be used for the processing and movement of sand and gravel arising from the development hereby permitted and any subsequent planning permissions relating to East Leake Quarry.

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

### **Hours of working**

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

Mondays to Fridays	0700 hrs – 1900 hrs
Saturdays	0700 hrs – 1300 hrs

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

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

### **Noise**

11. Except for temporary operations, the free-field equivalent continuous noise level  $L_{Aeq, 1hr}$  at the noise sensitive premises nearest the extraction site, due to operations at the site, shall not exceed the relevant criterion limit specified at each of the residential properties listed below. Measurements taken to verify

compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

<b>Location</b>	<b>Site noise limit dB L<sub>Aeq</sub>, 1hr free-field</b>
Home Farm Cottage	54
Home Farm	50
The Lings Farm	50
Lings Farmhouse	55
Holy Cross Cottage	55
Rempstone Hall	55

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

12. For temporary operations such as site preparation, soil stripping, bund formation and removal, and final restoration, the free-field noise level due to operations at the site at the nearest point to each of the noise sensitive locations listed in Condition 11 above shall not exceed 70 dB L<sub>Aeq</sub>, 1hr free-field expressed in the same manner as for Condition 11 above. Temporary operations shall not exceed a total of eight weeks in any 12 month period for operations close to any individual noise sensitive properties.

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

13. Noise levels shall be monitored throughout the life of the development hereby permitted, at three monthly intervals, at each of the noise sensitive locations listed in Condition 11 above. The monitoring shall take place when site equipment is operating normally and the duration of sample measurements shall be 15 minutes unless the site noise level is at or above the relevant site noise limit agreed for the location, in which event a full 1 hour sample shall be taken. The surveys shall exclude so far as possible extraneous noises such as passing traffic. The measurements shall be carried out in accordance with the provisions of BS 4142:1997 (or as maybe subsequently amended) and the L<sub>A90, T</sub>, and L<sub>Aeq, T</sub> noise levels shall be reported, together with the weather conditions and the sources of audible noise. On request, the operator shall, within two weeks of a written request, provide the MPA with details of the noise measurements. The monitoring locations and frequency of sampling may be varied by agreement with the MPA.

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

14. All excavated materials shall be transported to the adjacent plant site by dumper truck only, and shall only be associated with the sand and gravel extraction being carried out on a campaign basis, comprising a single campaign to be completed by 31<sup>st</sup> December 2016.

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

### **Dust**

15. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- a) The use of water bowsers to dampen haul roads, stock piles and other operational areas of the site;
  - b) The sweeping of access and haul roads, where necessary;
  - c) The minimisation of drop heights during the loading and unloading of sand and gravel;
  - d) Limiting on-site vehicle speeds;
  - e) Upon request of the MPA, the temporary suspensions of mineral extraction, conveying and processing or soil movements during periods of unfavourably dry or windy weather conditions.
  - f) The monitoring of total dust shall take place during soil handling and mineral extraction within Phases 1 and 2 to demonstrate the effectiveness of dust mitigation measures with respect to mineral extraction upon Home Farm Cottage. The dust assessment shall take place in accordance with the details provided in the 'Scheme of Dust Control and Monitoring' dated February 2011 and shall be reported to the MPA twice yearly;
  - g) Where a detailed assessment is required under the Local Air Quality Management requirements for the potential effects of particulate matter, all the necessary modelling and/or monitoring as agreed with the MPA in writing, shall be undertaken, and submitted to the MPA.

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

### **Prevention of pollution of surface and ground water**

16. A surface water drainage mitigation scheme for the site shall be implemented and maintained in accordance with the approved details titled 'East Leake: surface water run-off limitations scheme, 2013', as received by the MPA on 20<sup>th</sup> November 2013 and approved by letter on 18<sup>th</sup> March 2014.

*Reason: To prevent the increased risk of flooding in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan, and to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.*

17. Processed water used in the sand and gravel washing system shall be discharged into the approved settlement ponds prior to being discharged into

any controlled waters. From the commencement of the development until restoration of the site the operator shall maintain the settlement ponds on a regular basis to ensure the lagoons remain operational.

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

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

*Reason: To prevent pollution of the water environment.*

#### **Mineral processing and stockpiling**

19. Excavated minerals from the development hereby permitted shall only be processed and stockpiled at the operator's adjacent plant site as detailed on Drawing Number P4/689/3g Phasing Site Area received by the MPA on 29<sup>th</sup> July 2016. No excavated mineral shall be processed and stockpiled within the permission area outlined red on Drawing No. P4/689/1 received by the MPA on 29<sup>th</sup> July 2016.

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

#### **Buildings, fixed plant and machinery**

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent amended legislation, no buildings, fixed plant or machinery, other than approved by this permission, shall be erected or placed on the site without the prior written approval of the MPA.

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

#### **Landscaping**

21. Prior to the commencement of the development hereby permitted, details of measures to improve the screening of the site shall be submitted to the MPA for

its approval in writing. These details shall include the planting up of gaps in the perimeter hedgerows around the site and the appropriate management of existing perimeter hedgerows to allow them to grow taller and thicker. These screening measures shall be implemented in accordance with the approved details and maintained throughout the life of the development.

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

### **Ecology**

22. The tree, hedgerow and shrub protection measures shall be implemented and maintained in accordance with the details shown on the plan titled 'Vegetation Protection' Drawing No. P4/689/8 Phasing Site Area received by the MPA on 20<sup>th</sup> November 2013 and approved by letter on 18<sup>th</sup> March 2014. These measures shall be retained on site until all plant and machinery have been removed from the site. No excavation shall be made within the protected area(s) without the prior written approval of the MPA.

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

23. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA.

*Reason: To ensure that breeding birds are not adversely affected by the development.*

### **Archaeology**

24. All archaeological investigation and recording of archaeological remains contained within the application site shall be carried out in accordance with the approved scheme of archaeological mitigation titled 'Archaeology - Written Scheme of Investigation' by The Guildhouse Consultancy, dated 2<sup>nd</sup> August 2013, as received by the MPA on 20<sup>th</sup> November 2013 and approved by letter on 18<sup>th</sup> March 2014. The approved archaeological mitigation scheme shall remain in place throughout the life of the development on Burton's Land.

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

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

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

## **Phasing**

26. Extraction operations shall progress sequentially in accordance with Drawing No. P4/689/3g Phasing Site Area, and Drawing Nos. P4/689/3g, Phase 1 – P4/689/3g, Phase 2 – P4/689/3g, and Phase 3 – P4/689/3g, as received by the MPA on 29<sup>th</sup> July 2016.

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

27. A topographical survey of the site shall be submitted to the MPA by 31<sup>st</sup> December each year. The survey shall identify areas of the site which are unworked, those undergoing mineral extraction, those to be restored and those already restored.

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

## **Soil stripping, handling and storage**

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

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

29. No turf, topsoil, subsoil or overburden shall be removed from the site. No waste materials including soils and mineral working wastes shall be brought onto the site.

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

30. All soils shall be appropriately handled in accordance with the approved soil handling scheme titled 'Soil Handling Scheme – Burton's – East Leake, 2013' as received by the MPA on 20<sup>th</sup> November 2013 and approved by letter on 18<sup>th</sup> March 2014. The development of Phases 1-3 shall thereafter be carried out in accordance with the approved scheme.

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

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

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

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

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

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

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

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

- (a) During the months of April to October inclusive, unless otherwise approved in writing by the MPA;
- (b) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (c) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

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

35. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction in accordance with a wild flower grass seed mix (NVC-MG5). The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

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

36. Details of the volumes and location of soils stored on the site shall be submitted to the MPA by 31<sup>st</sup> December each year in conjunction with the details submitted pursuant to Condition 27 above.

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

### **Soil Replacement**

37. The MPA shall be notified in writing at least 5 working days before each of the following:

- (a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
- (b) When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out;
- (c) On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

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

38. Overburden, subsoil and topsoil shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of overburden, subsoil or topsoil shall occur:

- (a) During the months November to March (inclusive), unless otherwise agreed in writing with the MPA;
- (b) When it is raining; or
- (c) When there are pools of water on the surface of the storage mound or receiving area.

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

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

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

40. Each overburden layer placed shall be ripped using overlapping parallel passes:

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

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

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

41. Each subsoil layer placed shall be ripped using overlapping parallel passes:

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

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

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

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

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

43. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:

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

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

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

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

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

45. The total restored soil profile shall have a depth of at least 50cm, with a subsoil depth of 200mm and a topsoil depth of 300mm.

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

## **Restoration**

46. The site shall be restored in accordance with Plan title 'Method of Working' Drawing No. P4/689/3g Final Restoration received by the MPA on 29<sup>th</sup> July 2016 and Plan titled 'Restoration (Lower Level)' Drawing No. P4/689/4C received by the MPA on 29<sup>th</sup> July 2016. Landscape planting shall be undertaken during the first seeding and planting seasons following placement of topsoils in each phase. Any seeding or planting that dies or becomes diseased, damaged or removed within five years shall be replaced during the first planting season thereafter with others of similar size and species and maintained, unless the MPA gives written consent of a variation to be replanted.

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

47. Prior to the carrying out of any landscaping planting required under Condition 46 above, details of all tree and hedgerow planting, and grassland establishment, shall have been submitted to the MPA for its approval in writing. These details shall include proposed species to be planted including proportions, size, spacing, positions, densities, seed mixes to be used in grassland establishment methods, proportions, sources (which should be of local provenance), sowing rates, methods of establishment of species, areas left for natural regeneration, creation of field margins, ground preparation, cover material, proposed soil profiles and fencing off of planting areas, and timescales for any additional planting that may be required as a result of the birdstrike monitoring undertaken under Condition 48

below. The plant material should be of native provenance and from provenance areas 402 and 403 (refer to using local stock for planting native trees and shrubs – Forestry Commission Practice Note August 1999). All landscape planting shall be carried out in accordance with the approved details.

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

## **Safeguarding**

48. Within one month of the date of the completion of all mineral extraction, as notified to the MPA under Condition 3, a Bird Management Plan (BMP) shall be prepared for the site and agreed in writing with the MPA through consultation with East Midlands Airport. The BMP shall include an assessment of the current regulatory background, identification of target Bird Strike species, definitions of thresholds (e.g. 'acceptable populations' for actions and response) and detailing the methods used during the implementation of bird control operations for each identified target species listed in the assessment, including how birdstrike monitoring shall be undertaken. The restoration of the site shall be carried out in accordance with the approved details.

*Reason: To correctly identify the inherent risk to aircraft caused by the attraction to birds by the feeding, nesting and/or roosting opportunities of the restoration scheme, and identifying adequate mitigations in the BMP, in the interest of aviation safety.*

49. The conservation grassland as identified on Drawing No. P4/689/4 C received by the MPA on 29<sup>th</sup> July 2016 shall be maintained to an agreed grassland regime as detailed in the BMP and agreed by the MPA in writing, through consultation with East Midlands Airport.

*Reason: To discourage grazing geese, in the interest of aviation safety.*

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

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

51. There shall be no feeding of wildfowl on site.

*Reason: To minimise the attractiveness to bird strike species, in the interest of aviation safety.*

## **Aftercare**

52. Following restoration the site shall undergo aftercare management for a 5 year period for the agricultural pasture land and native woodland, and a 10 year

period for the pond and conservation grassland area, as demarcated by a drainage ditch, fence and hedgerow, as shown on Plan titled 'Restoration (Lower Level) Drawing No. P4/689/4 C, received by the MPA on 29<sup>th</sup> July 2016.

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

53. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year and 10 year aftercare period shall run from the agreed date.

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

54. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months following the completion of mineral extraction in Phase 1. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition. The aftercare scheme shall include but not be restricted to details of the following:

- (a) Cultivations;
- (b) Weed control;
- (c) Sowing of seed mixtures;
- (d) Soil analysis;
- (e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- (f) Drainage amendments;
- (g) Subsoiling and underdrainage proposals;
- (h) Management practices such as the cutting of vegetation;
- (i) Tree protection;
- (j) Remedial treatments;
- (k) Irrigation; and
- (l) Fencing.

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

55. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 54(e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

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

56. The aftercare programme shall be implemented in accordance with the details approved under Condition 54 above, as amended following the annual site meeting referred to in Condition 55 above.

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

### **Alternative restoration**

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

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

58. The revised restoration scheme approved under Condition 57 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 52-56 above.

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

### **Informatives/Note to the applicant**

1. Surface water run-off rates to receiving watercourses must not be increased as a result of the development either during the extraction or restoration phases. Furthermore, the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
1. The attention of the applicant is drawn to the comments contained in a letter from Western Power Distribution dated 26<sup>th</sup> February 2013, a copy of which was previously sent to the applicant.
2. As per the International Civil Aviation Organisation (ICAO), Annex 14 Volume 1 (Section 9.4) of the Convention on International Civil Aviation (initially drafted at amendment 5 to annex 14 and updated at Amendment 10 in November 2009), it is the Applicant's responsibility to produce the 'appropriate wildlife assessment' and to address the birdstrike hazard in applications involving mineral extraction and associated post restoration and aftercare with the aim of showing the development is 'unlikely to create conditions conducive to wildlife (i.e. Bird Strike) Hazard'. The assessment should form the basis of the BMP as outlined above, with thresholds and methodology derived from the findings of the assessment.

3. East Midlands Airport recommend that the applicant consults the Aerodrome Operators Association's Safeguarding of Aerodromes Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design' for more detail on grassland management.
4. Further information relating to aerodrome safeguarding issues at East Midlands Airport can be found at [safeguarding@eastmidlandsairport.com](mailto:safeguarding@eastmidlandsairport.com)
5. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and to retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs, etc. rather than use infiltration techniques.
6. It is the applicant's responsibility to ensure that the existing discharge consent conditions are met.
7. Dewatering to prevent interference with the extraction of the sand and gravel is currently exempt from the need for an abstraction licence. The dewatering activities however may have an adverse impact upon local wells, water supplies and other water activities. It should be noted that current water users may wish to make representations if their supplies are affected. Cemex have a licence to abstract from a borehole at SK 5615 2510. It should also be noted that the dewatering exemption has been removed by the Water Act 2003. Cemex will need to apply for a transfer licence for dewatering when the dewatering exemption has been removed.