



23rd February 2016

Agenda Item:7

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/15/01574/CDM

PROPOSAL: EXTENSION TO EXISTING MISSON GREY SAND QUARRY

LOCATION: MISSON SAND AND GRAVEL, BAWTRY ROAD, MISSON

APPLICANT: MISSON SAND AND GRAVEL CO LIMITED

Purpose of Report

1. To consider a planning application for an extension of Misson Sand Quarry. The planning application is being reported to Planning and Licensing Committee because the annual level of output (33,000tpa) exceeds the level that can be determined under delegated powers (30,000tpa). The planning application does not raise any significant environmental impacts. The recommendation is to grant planning permission, subject to the conditions set out in appendix 1.

The Site and Surroundings

2. Misson Quarry is located within an isolated rural location midway between the villages of Misson and Newington. The area is characterised by flat low lying agricultural land incorporating large arable fields interspersed with hedgerow boundaries. Mineral workings associated with the extraction of sand and gravel within the River Idle valley are prevalent in the area including the workings of Newington Quarry to the south, Finningley Quarry to the north, in addition to the applicants workings at Misson Quarry. (see plan 1)
3. Misson Quarry is located on the north side of Newington Road/Bawtry Road from which vehicle access is obtained. The quarry opened in 2001, early extraction operations were undertaken on land immediately adjacent to the Bawtry Road. Subsequently mineral extraction has progressed in a northerly direction under a series of planning permissions. Areas of worked out void have been restored to provide low lying agricultural land. (see plan 2)
4. The quarry is remote from residential properties. The nearest residential property in Misson village is 0.4km to the east of the site in an east direction. The nearest property in Newington is Tunneltech (a mushroom growing substrate manufacture company) located approximately 1.1km to the south west. A group of residential properties are located approximately 0.6km due west of the quarry at Norwith Hill. (see plan 3)

5. The planning application site incorporates 12ha of land, extending northwards from the existing workings towards the boundary of a public right of way (Bryans Close Lane – Misson Bridleway 2) on the northern boundary of the proposed extraction area. The land is currently in use for agricultural purposes consisting of two arable fields and part of a third with a grade 3b agricultural land classification. The boundaries of the site have been drawn to exclude a woodland block towards the north of the site and a pond to the south which would not be quarried. The site is enclosed by hedgerow boundaries which would be retained.

Planning History (see plan 4)

6. Mineral workings associated with the applicant's business commenced in 2001 (reference 1/32/00/4) on land immediately to the north of Misson Road/Newington Road. The land has now been restored at a low level to agricultural use.
7. In 2005 planning permission (reference 1/32/05/00016) was granted for the extension of the quarry to work 380,000 tonnes of mineral over a period of ten years on land to the west of the original workings. A small extension (8,000t) was granted to the quarry in 2007 (reference 1/32/07/00015). A further westerly extension was granted in 2011 for a 1.2ha extension of land to extract an additional 80,000t of grey sand over a three year period (reference 1/32/11/00020).
8. In 2013 planning permission was granted (reference 1/13/0145/CMM) for a further extension to the north of the existing to workings yielding an estimated 130,000 tonnes of mineral over a five year period.
9. Mineral within the consented planning permission areas has consistently been depleted at a quicker rate than the timescales originally set out within the planning application documentation (and reported above). Data from the Aggregates Working Party Annual Monitoring Reports identify that the annual average output of Misson Sand Quarry (using a ten year average) is 50,000tpa, roughly 20,000tpa higher than figures set out in the original planning application documentation.

Proposed Development

10. Planning permission is sought for a 12 hectare northerly extension to the quarry. The extension would enable the existing phase of workings consented in 2013 to progress in a north and west direction. The planning application site also incorporates the access road and plant site, seeking consent for the continued use of these facilities for the duration of the extended extraction area and increasing the entirety of the application site to 13.5 hectares.
11. The current planning application incorporates the remainder of the land within the applicant's control and therefore is likely to represent the limits of extraction at Misson Quarry. It is anticipated that the extended area would yield around 500,000 tonnes, extending the life of the quarry by 15 years subject to continuity of mineral reserves and market conditions.
12. The applicant reports that much of the application area incorporates land that has previously been worked for mineral extraction. A substantial grey sand

deposit remains within the site which is overlain by thin soils and small dispersed areas of gravel

13. The site is expected to yield about 9 hectares of saleable material. The balance of the remaining land is made up largely of fill sand that will be used for restoration, particularly within the narrow field in the north western part of the site that would be restored to original levels using this material.
14. Mineral extraction would continue with existing practice utilising mechanical excavators and dump trucks to haul the material to the plant site where it would be screened prior to sale. Soils would be stripped from the site and stored for restoration purposes. Extraction would be undertaken to a similar depth to the existing workings and therefore maintain quarry floor levels above the local ground water table. Operational policies and procedures already in place would be maintained to protect the environment including delivery patterns which would be capped at 15 HGV loads a day (30 movements) and would be routed in a westerly direction thereby ensuring HGVs do not travel through Misson village.
15. Restoration would be undertaken to a low level. Since workings would be undertaken to a depth which does not penetrate the water table the restored site would be dry. The edges of the extraction area would be graded back to blend to the levels of the adjacent land. Within the narrow field in the north western part of the site, the land would be backfilled using non-saleable materials excavated from other parts of the extension area.

Consultations

16. **Bassetlaw District Council:** *Raise no objections*
17. **Misson Parish Council:** *Raise no objections in principle but request further information be provided so that an informed decision can be made on the potential impacts upon the community concerning:*
 - *Management of noise and dust, particularly since the workings come closer to a public right of way, a local wildlife site, residential properties and a solar farm.*
 - *Landscape and visual impact particularly on the historic settlements of Misson and Newington.*
 - *Ecological impacts to neighbouring wildlife sites including changes in hydrology and hydrogeology.*
 - *Archaeological and cultural heritage assessments.*
 - *Confirmation that transport movements will not increase.*

The operator of the quarry attended the Parish Council meeting where he agreed to allow access to the quarry for school visits associated with wildlife studies/archaeology education, the provision of a seating and viewing area of Bryans Close Lane and restoration to include new habitat formation.

In addition the Parish would like to see a new public rights of way or permissive path created to link Bryans Close bridleway and a new right of way which is

planned to be created south of Bawtry Road as part of the Hanson Newington West Quarry.

The Parish also discussed concerns regarding traffic issues at a pinch point near the Ship Inn in Newington where it is difficult for two HGV's to pass. The Parish request that the matter be managed by the implementation of a joint traffic management plan between the two quarry operators to control the movement of the companies vehicles and ensure vehicles do not meet at this point.

18. **Environment Agency:** *The Environment Agency raise no objections subject to the restoration levels of the site not being any higher than existing ground levels and the site being worked in accordance with the timing/phasing arrangements embodied in the scheme.*
19. **Natural England:** *Raise no objections to the development. Natural England confirm that the development would not adversely impact Misson Line Bank and River Idle Washlands SSSIs. With regard to the soil resource of the site, Natural England confirm that it is appropriate to require the site to be restored to agricultural use to ensure agricultural land qualities are maintained, encouraging the soils to be handled in accordance with DEFRA's Practice Guide for Handling Soils. Opportunities should be taken to incorporate biodiversity enhancements within the restoration of the site such as the incorporation of roosting opportunities for bats or installing bird nest boxes.*
20. **NCC (Nature Conservation)** *The application is supported by an ecological appraisal which identifies the site comprises two arable fields and part of a third bounded and divided by hedgerow and grass banks with low inherent nature conservation value. No protected species have been found within the site although a population of protected mammals is known in the surrounding area. The following matters are noted:*
 - *The fields have potential for ground nesting birds therefore controls are recommended to restrict vegetation clearance during the bird nesting season.*
 - *The proposals have potential to affect the hydrology of a pond to the south (which is used by three species of amphibians) as a result of alterations to surface water flows within the site following quarrying. Impacts to the hydrology of the pond are uncertain and it is recommended replacement ponds are provided as part of the restoration to mitigate for any adverse impacts.*
 - *Quarrying would be undertaken above the water table and does not necessitate dewatering. Impacts to the Idle Washlands SSSI which is 1km away are therefore not anticipated.*
 - *Direct impacts to protected mammals are not anticipated but the ecological mitigation strategy recommends annual surveys during the working of the quarry.*
 - *The use of temporary fencing around retained habitats is recommended to avoid accidental damage occurring.*

Concerns were originally raised that the restoration scheme for the wider quarry was rather piecemeal, reflecting the fact that the site has been developed on a phase by phase basis rather than in a single comprehensive

submission. The developer has subsequently addressed these concerns by providing supplementary assurances that the restoration of the site would be developed to link into the habitats in the existing quarry and the wider area, providing the necessary assurances that the site would provide ecological benefits following its restoration.

21. **NCC (Landscape)** *Raise no objections to the development. The following observations are noted:*
- The soil handling strategy provides appropriate protection for soils.*
 - The extension is within an established area of quarrying and there are no close visual receptors such as residential properties. However the extension now extends as far as Bryans Close Lane – Misson Bridleway 2, therefore there will be additional and closer visual impacts on recreational receptors including equestrian users; these are screened to an extent by a mature hedgerow to the south west of the Bridleway.*
 - Landscape issues – the proposals for grass seeding, hedgerow planting and tree planting are accepted as being consistent with the species lists for the Idle Lowlands Landscape Character Area, although Ash trees should not be planted.*
22. **NCC Highway Authority:** *Raise no objections to the development on the basis that lorry movements will be similar to existing operational levels. Historical planning conditions limiting vehicles exceeding 7.5 tonnes to 15/per day, requiring the operator to keep records of HGV movements, routeing lorries away from Misson and requiring lorries to be sheeted should be repeated.*
23. **NCC (Noise Engineer):** *The risk of noise impacts from future workings is considered to be low. The site is remote from residential properties and the history of quarry workings has demonstrated that the quarry's operation has not been intrusive to residential receptors. To ensure that there are controls to regulate the level of future noise from quarry workings, a planning condition is recommended that in the event a justified complaint is received, the operator shall be required to formally investigate the matter and prepare a noise survey including a requirement to reduce noise levels to a more appropriate level if deemed necessary.*
24. **NCC (Flood Risk Management Team):** *Raise no objections noting that the site is in Flood Zone 2 and the applicant appears to have considered and understand the risk of flooding to the proposals. The proposals do not appear to impact on the drainage regime or flood risk of areas outside of the development.*
25. **NCC (Built Heritage), NCC Archaeology, NCC (Reclamation) Severn Trent Water Limited, Western Power Distribution, National Grid (Gas) :** No representations received. Any representations that are received will be orally reported.

Publicity

26. The application has been publicised by means of site notices and a press notice in accordance with the County Council's adopted Statement of Community Involvement Review. No representations have been received.

27. Councillor Liz Yates has been notified of the application.

Observations

28. Sand and gravel extraction at Mission Quarry is undertaken at a comparatively low output and consequently the size of the quarry is relatively small. Figures sourced from the Aggregates Working Party Annual Monitoring Data identify that the annual average output of the quarry over the last ten years has been around 50,000tpa, somewhat higher than the 33,000tpa set out within this planning application.
29. The quarry is nearing the exhaustion of its existing consented mineral reserves. The current planning application seeks to address this shortfall of mineral reserves, and in so doing would enable the established quarry company to continue trading and maintain supplies to established markets in the local area. The current application represents the final area of land within the company's ownership in the area and therefore this application is likely to represent the limit of quarry workings.
30. The most pertinent planning policy for the consideration of this planning application is Policy M6.12 of the adopted Nottinghamshire Minerals Local Plan (MLP). The policy is listed below:

POLICY M6.12 MISSON GREY SAND – AREA OF SEARCH

Proposals at Misson to extract grey sand will be permitted providing that:

- (a) they have no significant adverse environmental impact, in particular on the amenity of Misson and Newington, and
- (b) the proposal will maintain recent historic levels of grey sand production in the Misson area.

31. The supporting text of the policy acknowledges that Misson Grey sand is used in mortar as a vernacular building material due to its distinctive colour. The policy aims to maintain a continuity of supply of Misson Grey sand by supporting further extensions at Misson Quarry subject to there being no unacceptable environmental impacts (these matters are considered later in the report where no adverse impact are identified) and the development maintains historical levels of production.
32. With regard to maintaining historical production levels, the 33,000tpa output identified within the current application is lower than the historical outputs of Misson quarry which are in the region of 50,000tpa. The previous planning permissions for Misson Quarry have not limited the annual total output of the quarry by planning condition. If the 33,000tpa level identified in this planning application was rigidly restricted by planning condition it could reduce the historic output of Misson grey sand, potentially leading to shortfalls in mineral supply which would not accord with the objective of MLP Policy M6.12.
33. Quarry outputs are currently controlled by limits imposed on the maximum number of HGV loads leaving the quarry, which are limited to 15 vehicles a day. Based on a 20 tonne carrying capacity this would equate to 1650 tonnes per

week (5.5 working days a week) or 85,800 tonnes per year. If the quarry was regulated by vehicle movements, consistent with previous permissions at the site, this would ensure that production levels are maintained at historical levels and therefore ensure compliance with MLP Policy M6.12. Compliance with MLP Policy M6.12 does not require that all grey sand produced at Misson has to be used to serve specialist markets.

34. On the 14th January 2016 the Council agreed to go forward with a consultation on the submission draft of a New Minerals Local Plan. Upon adoption this plan will replace the MLP.
35. The Replacement Minerals Local Plan aims to ensure there is an adequate supply of sand and gravel reserves throughout the life of the plan by identifying and allocating sufficient land to meet the anticipated demand. The mineral reserves at Misson Quarry contribute to this overall landbank of sand and gravel rather than viewing it as a specialist building material. In particular Policy MP2 paragraph 1b – Bawtry Road allocates 16ha of land for sand and gravel extraction at Misson quarry, the boundaries of which coincide with the current planning application site and the working area granted planning permission in 2013. The mineral within the current planning application site therefore contributes towards the overall 49.02 million tonnes of sand and gravel provision that is required to ensure that Nottinghamshire maintains an adequate supply of sand and gravel production throughout the plan period, if it was adopted in its current wording.
36. In addition to the general sand and gravel provision, the Replacement Minerals Local Plan also provides scope for the extraction of '*specialist grey sand reserves*' on unallocated sites within Policy MP2 paragraph 2, where a need can be demonstrated. Whilst acknowledging the mineral from Misson Quarry may assist in meeting the need for this specialist mineral, the current planning application site is allocated in the proposed Replacement Minerals Local Plan as non-specialist sand and gravel reserves, and therefore would not need to demonstrate need as grey sand under the terms of Policy MP2 paragraph 2.
37. As an emerging plan, only limited weight can be given to the policies the new replacement Minerals Local Plan incorporates. Specifically the NPPF advises that policies within un-adopted development plans cannot solely be relied on for decision making purposes with factors such as stage of plan preparation, the extent to which there are unresolved objections and the degree of consistency with national planning policies being critical when considering the weight that should be given to policies within emerging plans. Since the replacement Minerals Local Plan is still at an early stage of preparation, only limited weight should be given to the policies it incorporates. Nevertheless, the replacement Minerals Local Plan does incorporate the Council's preferred approach for mineral extraction in Nottinghamshire over the next 20 years and is supportive of the extensions to Misson Quarry proposed within this planning application.
38. There are no specific policies within the Bassetlaw Core Strategy (BCS) relating to mineral developments. The BCS designates the development site as a countryside location and Policies DM1 and DM3 seeks to protect such designations from most forms of development. Notwithstanding the control exercised by BCS countryside policy, the NPPF acknowledges that minerals extraction is different from other forms of development because minerals can

only be worked where they naturally occur and that such locations are normally situated within countryside locations.

Assessment of Environmental Effects of the Development

39. Compliance with adopted MLP Policy M6.12 requires the development to not generate significant adverse environmental impacts. These matters are considered below:

Visual and Landscape Impact

40. MLP Policy M3.3 seeks to minimise visual impacts from quarry developments. The policy encourages a number of measures to minimise visual impact including keeping development as low as practicable and ensuring that restoration is undertaken at the earliest practicable opportunity. Policy M3.4 encourages the use of screening to minimise visual impacts.
41. The site is situated 0.4km from Misson village and over one km from Newington village and as such little visual intrusion would result at residential receptors in these villages including features of heritage significance. Quarrying operations would be undertaken from the quarry floor progressively working below existing ground levels thereby screening operational plant. Existing hedgerows on the east, north and west boundaries would be retained to screen views into the site. Mineral extraction would be undertaken on a phased basis with restoration immediately following after extraction therefore ensuring the duration of works in any one area is minimised.
42. The quarry plant site is located within part of the worked out base of the quarry and therefore occupies ground that is lower in level to the surrounding land assisting with minimising visual impacts. The existing facilities within the plant site including portable buildings, stockpiles and operational activities, would be retained in their existing location and are not visually prominent in the area.
43. It is therefore concluded that the development would not have a significant visual impact and the development satisfies the requirements of Policies M3.3 and M3.4 of the MLP in terms of visual impact.
44. Policy M3.22 of the MLP considers landscape character and local distinctiveness, requiring mineral development to not adversely impact upon the character and distinctiveness of the landscape. Landscape impacts resulting from the development are comparatively minor, the existing quarry is relatively small in scale and confined in its impact. The extension that is proposed would be restored to an acid grassland based agricultural grazing end use with woodland which is consistent with the landscape character of the area and supported by the NCC Landscape Officer. The development is therefore consistent with the requirements of Policies M3.22 of the MLP.
45. MLP Policy M3.27 seeks to limit the cumulative impact of mineral workings. The policy requires consideration in the context of the current planning application because there are a number of quarries in the area surrounding the development site including the current Misson Grey Sand quarry workings, two sand and gravel workings (Misson West and Newington North) to the south and Finningley Quarry to the north. Whilst it is acknowledged that the combined

area of these sites is extensive, the nature of working within each quarry ensures that only small areas of the quarries are being actively worked at any single time. The quarries are extensively worked above the water table and are restored to agricultural use, thus ensuring that the landscape character before and after quarrying is similar. Significant cumulative impacts from quarry workings have not therefore been witnessed in the local area.

Noise

46. MLP Policy M3.5 states that planning permission for minerals development will only be granted where noise emissions outside the boundary of mineral workings at sensitive receptors do not exceed acceptable levels. The policy encourages the use of planning conditions to limit noise emissions.
47. The quarry occupies a comparatively remote location which is distant from residential properties. The operator proposes to control the level of noise emissions within the quarry by using appropriately silenced plant and equipment, undertaking mineral extraction below the level of surrounding land thereby screening noise emissions and limiting the working hours to between 7am to 7pm Monday to Friday, 7am to 1pm Saturdays and not permitting working on Sundays or Public/Bank Holidays. These noise controls match the controls imposed on the existing site and have successfully ensured that the operation of Misson Quarry has not generated any noise complaints from the local community. In accordance with the requirements of MLP Policy M3.5 it is recommended that these matters are regulated by planning condition. It is also recommended that a planning condition be imposed to require the operator to undertake noise surveys in the event that noise complaints are received, and for the operator to implement additional noise abatement measures should the noise investigation identify a nuisance.

Air Quality/Dust.

48. MLP Policy M3.7 deals with controlling dust emissions from mineral workings. The policy identifies the importance of site location in controlling dust emissions. The Misson sand and gravel quarry is remote from sensitive receptors thereby assisting with dust dispersal. The planning application supporting statement incorporates a number of working practices to control dust emissions, the use of metalled haul roads for site access, the sheeting of lorries leaving the site and the dampening of stockpiles and other sources of dust during dry and windy conditions. Mineral extraction does not involve any blasting operations. These working practices can be regulated by planning condition and have proven to provide satisfactory control over fugitive dust emissions and ensure that Policy M3.7 is satisfied.

Archaeology

49. Policy M3.24 of the MLP deals with archaeology, seeking to protect nationally important archaeological remains in situ but allowing scope to undertake quarry development on sites of lower archaeological importance where the need for the development outweighs the archaeological importance. In such circumstances provision should be made for the recording of archaeological remains during soil exactions within the planning conditions.

50. Previous soil stripping works at the quarry have demonstrated that the site is likely to have a comparatively low archaeological interest although the potential for archaeology cannot be discounted. MLP Policy M3.24 indicates that appropriate provision for recording any archaeological remains within the extraction area can be made through the imposition of a planning condition to require a watching brief and recording of any archaeological remains during soil stripping operations. This approach is recommended to ensure compliance with the policy.

Ecology

51. The planning application is supported by an ecological appraisal which identifies that the development site comprises arable fields within an area of open farmland. As such the site has very limited intrinsic nature conservation value and does not contain any rare or scarce plants. The hedges surrounding the site are well maintained and support a good range of woody species including a section of wych elm.
52. The site is not covered by any statutory or locally designated nature conservation sites. It is situated approximately 1km from the Idle Washlands SSSI and immediately to the south of Rugged Butts Local Wildlife Site. The consultation response from Natural England confirms that there would be no impacts to the SSSI. The development would therefore satisfy the requirements of MLP Policy M3.19 which seeks to ensure minerals development do not adversely affect SSSIs.
53. MLP Policy M3.17 deals with biodiversity issues, the overall objective of the policy is to ensure that minerals developments minimise adverse impacts to important habitats or ecological features. A number of ecological mitigation measures have been identified to ensure the objectives of MLP Policy M3.17 are satisfied. Compliance with these mitigation measures can be secured through planning condition:
- The fields have potential to host ground nesting birds, avoidance of impact can be ensured by restricting vegetation clearance during the bird nesting season.
 - Potential impacts to an existing pond located to the south of the proposed extraction area cannot be ruled out. The pond is perched above the water table and its water level is maintained by surface water flows. These surface water flows could potentially be altered as a result of proposed extractions in the quarry extension. The pond has an ecological interest, providing a habitat to amphibians. To mitigate for potential adverse impacts it is recommended that a number of small ponds should be provided as part of the restoration of the site to mitigate for any changes in water level due to changes in local hydrology.
 - The use of temporary protective fencing to prevent accidental damage to retained habitats including the acid grassland bank along the northern boundary and the length of wych elm hedge within the site.
 - Annual monitoring of protected mammal species which are known to be present in the wider area but have not been identified within the development site.

54. MLP Policy M4.1 requires that mineral extraction proposals are designed to allow a phased sequence of extraction, reclamation and implementation of the planned after-use. MLP Policy M4.4 requires planning applications to be supported by landscape proposals to demonstrate how the restored site can be assimilated back into the surrounding landscape and biodiversity.
55. The planning application is supported by a restoration scheme which proposes to return the site back to an agricultural after-use. An agricultural restoration of the site would be appropriate and ensures that the site is put back to beneficial agricultural production following the completion of mineral workings. The applicant states that an agreement with a tenant farmer is already in place.
56. Notwithstanding the agricultural based emphasis of the restoration scheme, there are opportunities to incorporate biodiversity features within the restored site. The applicant has provided supplementary plans during the course of processing the planning application which identify how the restoration of the site would integrate with the restored habitats in the existing quarry and adjoining land, particularly the Rugged Butts Local Wildlife Site immediately to the north. The plan identifies that a series of habitat corridors would be created as part of the restoration scheme using the field boundaries. These wildlife corridors would provide a link between the retained and newly created habitats in the wider area. Specific planting proposals have not been provided to support this updated restoration plan. This matter can be satisfactorily controlled by the imposition of a planning condition which would require the submission of species mixes, establishment methods and maintenance regimes at an early stage of the development.
57. It is also recommended that the planning permission incorporates a requirement to review the existing planting undertaken at the site. This planting incorporates species such as pine trees, ash and seed mixes that are not wholly appropriate for the Idle Lowlands Landscape Character Area. To ensure that these habitats tie into the extended quarry area it is recommended that a further planning condition be imposed requiring the surveying of existing plantation woodlands and the selective thinning/removal of the non-native or locally inappropriate tree and shrub species.
58. Subject to the imposition of the identified controls, the development would ensure the biodiversity of the restored quarry provides ecologically enhancements to the area, thus satisfying the requirement of MLP Policy M3.17.

Agricultural Land Quality

59. MLP Policy M3.16 seeks to protect the best and most versatile agricultural land by prioritising minerals development away from land which is classified as Grades 1, 2 and 3a from mineral development.
60. The application site is classified as grade 3b (moderate quality agricultural land) and is therefore not within the definition 'Best and Most Versatile Land'. The working of this moderate quality agricultural land is acceptable in the context of the above planning policy.
61. The soils on the site would be handled by appropriate methods and equipment so as to protect their value and capability for reuse in the restoration of the site. Planning conditions are recommended to regulate the stripping, storage and

replacement of soils and ensure best practice is followed and restore the land back to agricultural use.

Traffic and Access

62. MLP Policy M3.12 concerns itself with protecting the highway from damage and ensuring that road safety is maintained. The policy encourages the use of wheel cleaning facilities, sheeting of lorries and hard surfacing of haul roads to ensure that mineral developments do not contaminate the public highway.
63. The current planning application does not seek to alter the established working patterns of the quarry in terms of vehicle movements. All lorries leaving the site would be sheeted, existing rumble strips on the haul road would be retained to vibrate sand/mud off lorry wheels and the length of the haul road and the existing hard surface adjacent to its point of access with the public highway have successfully ensured that mud from the quarry has not historically entered the highway. It is recommended that these controls are re-imposed within the planning conditions, thus satisfying the requirements of MLP Policy M3.12.
64. MLP Policy M3.13 considers vehicular movements from mineral developments in relation to the highway network and local amenity. Planning conditions are suggested to limit the number of vehicle movements to those set out within the planning submission which identifies 15 vehicles enter the site and 15 vehicles leave the site per day (30 two way movements) in connection with the quarry business. This level of traffic activity is considered acceptable to NCC Highways Development Control.
65. MLP Policy M3.14 concerns vehicular routeing, setting out the means that may be used to achieve restrictions on the routes to be taken by mineral bearing traffic. At present, mineral bearing traffic leaving the existing quarry onto Bawtry Road is required to turn right towards Newington and the major road network (A1, A614, A638, A631). This ensures the lorries enter the strategic highway network at its closest point and minimises the potential for disturbances to communities from haulage traffic. The suggestion of Misson Parish Council to introduce a system of control to ensure lorries visiting either the Misson or Newington Quarries do not pass each other at a narrow point of the public highway near the ship Inn are noted, NCC Highways Development Control have not identified a need for this control which would appear to be very difficult/impossible for the operators to regulate and control. In accordance with the requirements of MLP Policy M3.14 planning conditions are suggested requiring the retention of turn right signs at the exit of the quarry and the issuing of instructions to HGV drivers to ensure the agreed routes are followed.

Public Rights of Way

66. No public rights of way are directly affected. Bryans Close Lane – Misson Bridleway 2 runs in an east-west direction along the northern boundary of the site. The quarry working would be visible from this footpath during its operational life however the magnitude of visual impact is minor in scale and temporary in duration.
67. Misson Parish Council have requested provision be made as part of the restoration of the site for a permissive path to be created to run in a north-south direction between Bryans Close Lane – Misson Bridleway 2 and a potential right

of way which is planned to be created within the restoration of Hanson's Newington Quarry. This request has been forwarded to the operator who has responded by stating he is unwilling to provide this footpath link because he considers it would compromise the agricultural production of the restored site. Whilst it is understandable why the Parish Council would like to see improvements to the public right of way network, the policy test within the MLP Policy M3.26 is to maintain the existing right of way network rather than enhance its provision. Since the extension of Misson Quarry does not directly affect the route of a public right of way, there is no policy requirement upon the developer to provide permissive paths within their restoration proposals.

Flood Risk and Land Drainage

68. The Environment Agency is satisfied that the development would not result in any increased flood risk to the surrounding area on the basis that the extraction of sand and gravel would lower ground levels within the site and therefore the development would provide greater surface water storage capacity during periods of flooding.
69. With regard to the protection of groundwaters, it is suggested that planning conditions be imposed to ensure that quarrying is not undertaken below the water table, that groundwater monitoring is undertaken and that appropriate bunding is provided around areas of oil/fuel and chemical storage to ensure that any accidental spillages are contained. Since the workings would be undertaken above the water table there is no requirement to dewater the ground and therefore no significant impacts are likely to occur from changes in groundwater levels.
70. The restoration of the site incorporates a number of ponds to mitigate potential ecological impacts of the development. These ponds would be excavated to a lower ground level, and would penetrate into the water table to ensure they retain water over 12 months of the year. It is recommended that specific advice is taken from the Environment Agency in dealing with the construction of these ponds to ensure groundwater pollution does not occur.

Other Matters

71. With regard to the requests made by the Parish Council for the quarry to provide community benefits, the quarry operator has confirmed that he would provide scope for school visits to the site subject to satisfying quarry health and safety requirements and would provide a seating/viewing area adjacent to Bryans Close Lane bridleway within the next nine months, if he is successful in obtaining planning permission for this extension to the quarry.

Other Options Considered

72. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other sites have been considered for the development but modifications have been made to provide enhancements to the restoration of the site.

Statutory and Policy Implications

73. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
74. Crime and Disorder Implications: The development relates to the enlargement of an existing quarry and continued retention of the plant site. The quarry is remote from neighbouring properties and the operator has experienced some issues of property crime historically. The current development would not increase risk of crime and existing risks will be managed by the operator.
75. Human Rights Implications: Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.
76. Implications for Sustainability and the Environment: The development would enable sand and gravels to be extracted to serve existing markets in the local area in an environmentally acceptable manner. The submitted scheme and suggested planning conditions provides for the restoration of the site back to its original agricultural use incorporating enhanced ecological features.
77. There are no service user, financial, equalities, safeguarding of children or human resource implications.

Conclusion

78. The development provides for the extraction of around 500,000 tonnes of mineral over a 15 year period. Extraction of grey sand at Misson is supported by adopted MLP Policy M6.12 (Misson Grey Sand – Area of Search), subject to there being no unacceptable environmental impacts, and is also supported by the emerging replacement Mineral Local Plan Policy MP2b: Bawtry Road North which proposes the allocation of the application site as a minerals working area.
79. Environmental impacts have been assessed against the relevant policies of the Nottinghamshire Minerals Local Plan. Visual impacts of the development have been minimised and screened in accordance with the requirements of Policies M3.3 (visual intrusion) and M3.4 (screening). The quarry workings and restoration concept are consistent with the requirements of Policy M3.22 (landscape character) and no significant cumulative impacts with quarrying development in the local area would occur in compliance with Policy M3.27 (cumulative impact). Quarrying operations would not result in intrusive emissions of noise or dust at sensitive receptors in accordance with Policies M3.5 (noise) and M3.7 (dust). The imposition of a planning condition to require monitoring of soil stripping operations to ensure items of archaeological interest are recorded is in accordance with Policy M3.24 (archaeology). Ecological impacts resulting from the development are limited and biodiversity gains are derived from the restoration of the site in compliance with Policy M3.17

(biodiversity). The development does not impact on the best and most versatile land in accordance with Policy M3.16 (protection of best and most versatile agricultural land). Measures are incorporated as part of the development to protect the highway in compliance with Policy M3.12 (highway safety and protection), control vehicle movements in compliance with Policy M3.13 (vehicular movements) and ensure satisfactory routeing of HGV traffic in compliance with Policy M3.14 (vehicular routeing). The concept restoration scheme ensures that the site would have a beneficial use following mineral extraction in compliance with Policy M4.4 (landscape treatment).

80. It is therefore concluded that the proposed development is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of suggested planning conditions set out in appendix 1.

Statement of Positive and Proactive Engagement

81. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as ecological matters and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

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

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the content of this report. (SLB 12/02/2016)

Comments of the Service Director - Finance

There are no specific financial implications arising directly from this report (SES 12/02/16)

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Misterton Diversion – Councillor Liz Yates

Report Author/Case Officer

Mike Hankin

0115 9932582

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