



**20 October 2015**

**Agenda Item: 7**

**REPORT OF CORPORATE DIRECTOR PLACE**

**BASSETLAW DISTRICT REF. NO.: (1) 1/15/01019/CDM**

**(2) 1/15/01020/CDM**

**PROPOSAL: (1) VARIATION OF CONDITIONS: 1, 2, 3, 13, 21, 25, 32, 38, 51, 62, 63, & 65 OF PLANNING PERMISSION 1/32/12/00007, TO ALLOW ADDITIONAL EXTRACTION TO THE SOUTH OF THE EXISTING WORKING AREA**

**(2) APPLICATION FOR A PROPOSED NEW WORKING AREA WITH RESTORATION TO NATURE CONSERVATION AND A TEMPORARY NEW ACCESS OFF BAWTRY ROAD**

**LOCATION: (1) NEWINGTON SOUTH QUARRY, MISSON, NEAR BAWTRY**

**(2) NEWINGTON WEST, NEWINGTON QUARRY, LAND TO THE SOUTH OF BAWTRY ROAD, MISSON, NEAR BAWTRY**

**APPLICANT: HANSON QUARRY PRODUCTS EUROPE LIMITED**

**Purpose of Report**

1. To consider two planning applications relating to sand and gravel extraction at Newington Quarry, near Misson.
  - a) The first application (Newington South) relates to the variation of conditions attached to the existing planning permission 1/32/12/00007 to allow the extraction of an additional 150,000 tonnes of mineral from an area to the south of the existing working area; and
  - b) The second application (Newington West) relates to a new working area for the extraction of 360,000 tonnes of mineral, to be worked after the completion of mineral extraction in the Newington South additional working area.
2. The Newington South application is within an area that has an existing planning permission and is designated for sand and gravel extraction in the Nottinghamshire Minerals Local Plan.

3. Newington West lies outside of any area allocated for sand and gravel extraction identified within the Nottinghamshire Minerals Local Plan. Accordingly the application has been treated as a 'departure' from the Development Plan.
4. The key issues relate to planning policy, ecology, air quality and dust, traffic, aviation safety, public rights of way and archaeology. The recommendation is to grant both applications.

### **The Site and Surroundings**

5. The Newington Quarry sites are sand and gravel workings located in the north of Nottinghamshire, within the district of Bassetlaw. The sites are located approximately 12km north of Retford and 13km south-east of Doncaster.
6. The character of the local area is dominated by intensive arable farmland, with fields bounded by hedgerow, drainage ditches and linear tree belts. A number of woodland blocks also form wider landscape features. The surroundings are part of the catchment area and floodplain of the River Idle with a relatively flat topography, and the area has historically been quarried for sand and gravel.
7. The local settlements include Misson to the east, and Bawtry, Austerfield and Newington (hamlet) to the west. There are scattered farms in the landscape. There are also a number of industrial developments within the area, including Misson Mill (industrial business and retail units), Tunnel Tech (a mushroom substrate company), and the Newington Quarry works itself.
8. The sites are situated to the south of Bawtry Road which runs between Austerfield, Newington and Bawtry to the west, to Misson in the east. Newington Quarry is made up of two workings:
  - a) Newington North (Planning Permission Ref: 1/32/08/00018) – comprises an area of land to the south of Bawtry Road and to the north of Slaynes Lane (a Byway Open to All Traffic – BOAT No. 7). Extraction has now been completed in this area and it is undergoing restoration with the exception of a weighbridge area and access road which leads to Newington South.
  - b) Newington South (Planning Permission Ref: 1/32/12/00007) – was first granted planning permission in 2010 and comprises an area of land lying between Slaynes Lane BOAT and the River Idle.
9. In addition, Misson Quarry (Planning Permission Ref: 1/32/09/00005) forms part of the wider minerals extraction in the area. This quarry is off Bawtry Road, and adjacent to the north-west of Newington North. The same access for Newington North and South is used. This quarry is for the working of 'grey' sand which is worked in smaller quantities and serves a specialist market.
10. The nearest residential receptors to the sites are within the edge of Misson, approximately 360m to the north-east and the edge of Newington approximately 500m to the west. In addition there are isolated rural properties including Everton Carr farmhouse, approximately 500m to the south-east and Northwich Hill approximately 550m to the north-west.

11. With regard to nearby businesses, the Tunnel Tech site is located adjacent to the west of the Newington West application area, however the boundary is approximately 200m from the proposed extraction area. In addition, the Misson Mills units are located approximately 500m to the north-east of the nearest Newington South extraction area.
12. With regard to ecological designations, the nearest statutory designated site is the River Idle Washlands Site of Special Scientific Interest (SSSI), which comprises a number of units that run alongside the River Idle. The nearest is Unit 2, adjacent to the southern side of Newington South, which is a 10.38ha site and comprises a good example of wet grassland plant communities, and attracts large numbers of wintering and passage waterfowl. Unit 1 of the SSSI is approximately 300m to the west of Newington West, separated by the Tunnel Tech site. There are also 10 non-statutory designated Local Wildlife Sites (LWS) within 1km of the application sites.
13. There are two Scheduled Monuments within 2km of the application sites. A Moated site and fishpond to the east of Misson Village, approximately 1.2km to the north-east of the Newington South application site; and a Roman Fort and section of Roman Road approximately 2km to the south-west of the Newington West application site.
14. There are 17 listed buildings within 2km of the application sites, all of which are within the villages of Misson and Austerfield. The Church of St John is a Grade I building and is located approximately 900m to the north-east of the Newington South extension. The other listed buildings in Misson are Grade II. There are three listed buildings within Austerfield, and of these the Grade II\* Church of St Helena is the most sensitive.
15. Running through the Newington Quarry site is the Slaynes Lane Byway No. 7, and separates Newington North from Newington South. It connects to Bawtry Road, near Newington in the west and enters Misson to the east.
16. The River Idle meanders to the south of the application sites in a generally west/east direction. Also noteworthy is Slaynes Drain, which runs alongside Slaynes Lane. Both application sites are within Flood Zone 3, with a small area to the north-west of Newington North located in Flood Zone 2.
17. Robin Hood Airport is located approximately 3km to the north-west of the Newington West site.

### **Proposed Development**

18. Planning permission is sought for two applications for sand and gravel extraction at Newington Quarry. The two applications are described in turn.

#### Newington South

19. Newington South Quarry was originally granted planning permission in 2010 (Ref: 1/32/08/00018) for the extraction of 1,000,000 tonnes of sand and gravel, with permission for extraction until 13<sup>th</sup> June 2018. A further planning permission

was granted in February 2013 (Ref: 1/32/12/00007) for an increase in vehicle movements from 50 to 75 per day.

20. This planning application is seeking to vary the existing Newington South planning permission to allow a 4.5ha Additional Working Area (AWA), resulting in the extraction of an additional 150,000 tonnes of sand and gravel.
21. The rate of extraction is currently 150,000-175,000 tonnes per annum, and there is no proposed change to this. As such, the development is expected to provide an additional year to aggregate production beyond existing reserves. It is anticipated that the extraction can take place within the existing time period of 13<sup>th</sup> June 2018.
22. The proposed AWA would run in a linear manner along the southern boundary of the existing working area. It would measure approximately 600m in length and 80m in width. The existing site lies between 1m – 3m Above Ordnance Datum (AOD) and, on average, the sand and gravel is 2.4m thick, overlain with 2.4m of overburden. As such, the site would be worked to approximately 5m below ground level.
23. The site preparation works would involve stripping topsoil, sub-soil and overburden which would be stored for later use in restoration. Top soil and sub-soil would be located to the eastern and western extents of the application site. The storage bunds would be aligned parallel to flood flows and arranged in discontinuous mounds. Stand-off distances to the River Idle would be maintained.
24. The working of Newington South currently comprises six phases worked sequentially in an east to west direction. The proposed development adds two more phases, also worked in an east to west direction. Phase seven would be worked to the south of phases two, three and four; and phase eight would be worked to the south of phases five and six.
25. The excavations would be dewatered, to allow the extraction of sand and gravel that lies below the water table. Water would be managed by pumping from sumps, which would be created in each phase, to an existing settling lagoon located in the north-east of the site. From the settling lagoon, clean water is discharged on a periodic basis to the River Idle via a pipe to a discharge point.
26. The sand and gravel would be excavated from the dry quarry face by a rubber tyred loading shovel. Sand and gravel is then loaded onto road haulage vehicles using the same loading shovel, from temporary stockpiles on the quarry floor.
27. The road haulage vehicles would use the existing site access for Newington South which runs to the north, over Slaynes Drain and Slaynes Lane, and along the access road located within the original Misson West Quarry. All vehicles would turn left on exiting the site and follow a designated route which is stipulated in an existing Section 106 agreement. Sand and gravel would be transported to the Hanson processing plant at Auckley, near Doncaster.
28. The sand and gravel transported to Auckley would be processed (washed and graded). This would result in silt being generated, which would be stored

adjacent to the plant for drying. The silt would then be returned to the site by HGV for use in restoration. All silt material would be transported back to Newington in the HGVs transporting sand and gravel to Auckley and will, therefore, not result in additional HGV movements.

29. The proposed restoration of the AWA would be incorporated into the existing Newington South restoration. It would involve a mix of after-uses comprising floodplain wetland habitats. It would involve the creation of Biodiversity Action Plan (BAP) habitats including wet grassland, open water bodies, channels, marsh and swamp, and broadleaved wet woodland.
30. The restoration of Newington South would comprise mosaic wet grassland to its eastern half, with a number of open water bodies located sporadically. There would also be some small areas of fringe planting around the open water bodies. The western half of the site would predominately comprise reed bed planting, which would be separated into six blocks, with small open water bodies scattered within the reed bed planting. The restoration also involves the provision of a permanent reinforced concrete access bridge over Slaynes Drain, and a boardwalk and viewing platform over the reedbed, off Slaynes Lane.
31. Newington South is already the subject of a Section 106 legal agreement securing extended aftercare for 21 years following the statutory 5 year aftercare period. It is proposed that the AWA is incorporated into the Section 106 Agreement.
32. The hours of operation at Newington South are 07:00-19:00 Monday to Friday (excluding Bank and Public Holidays); and 07:00-13:00 Saturdays. Pumping of groundwater takes place on a 24 hour basis when required. There are no proposed changes to the hours of working. However, it is indicated that restoration aftercare such as habitat management would occur outside of normal working hours.
33. The existing Newington South permission restricts HGV movements to 75 per day. No change to the condition that restricts HGV movements is proposed.
34. As a result of the above proposed development, the applicant is seeking to vary Conditions 1, 2, 3, 13, 25, 32, 38, 51, 62, 63 and 65 of the extant permission. These conditions and the proposed changes are summarised in Table 1 below:

**Table 1 – Existing conditions and proposed changes summary**

No.	Existing Condition	Proposed Condition
1	Defines the permission, including limiting to total extraction to 1,000,000 tonnes of sand and gravel.	Defines the permission, but increases the proposed extraction to 1,150,000 tonnes of sand and gravel.
2	Sets out the approved drawings.	Replaces the approved drawings with those submitted as part of this AWA extension application.
3	Prevents the extraction of sand outside the extraction areas shown on plans.	Prevents the extraction of sand outside areas on replacement plans submitted as part of this application to include the AWA.
13	Requires the submission of a strategy to remove water fern.	Removal of water fern in accordance with the previously submitted scheme.
25	Requires the development to be carried out in line with a working programme and phasing, as shown on plans detailed in the condition.	Replacement plan to reflect the change to the phasing.
32	Requires the submission of a hauliers' code of conduct.	Development undertaken in accordance with hauliers' code of conduct previously submitted.
38	Identifies the soil stripping drawings.	Replacement plan to reflect the changes to soil stripping.
51	Identifies the drawing which restoration shall be undertaken in accordance with.	A replacement restoration plan which included the AWA.
62	Requires tree and hedgerow planting to take place in the first planting season in accordance with details on a plan.	Seeks to replace the approved plan.
63	Restored ground levels shall not exceed those identified on a plan.	Seeks to replace the approved plan.
65	Requires restoration and aftercare to take place in accordance with approved plan.	Seeks to replace the approved aftercare and restoration scheme.

Newington West (Ref: 1/15/01019/CDM)

35. This application seeks planning permission for the extraction of 360,000 tonnes of sand and gravel across a 16.9ha area of arable land to the west of Newington North. This proposed extraction site is referred to as Newington West.
36. The extraction rate is expected to be at a similar rate to that at Newington South, at approximately 150,000 – 175,000 tonnes per annum, and the proposals would take 2-3 years to complete the extraction, with restoration taking place over a 12 month period following extraction. The working of Newington West would take place following the completion of extraction operations in Newington South.
37. The proposed Newington West site would take place immediately to the west of the restored Newington North site. The extraction area would measure 550m in length at its longest point and 220m wide at its widest point. The extraction area lies between approximately 2.5m AOD, with the site rising in the north-west of the application site boundary to approximately 5m AOD. Extraction would be to between -3 and -4m AOD in Phases 1 and 2, and to -0.4m AOD in Phase 3. The site would be worked up to approximately 6.5m below ground level.
38. The site preparation would involve stripping topsoil, sub-soil and overburden which would be stored for later use in restoration of the site. All soils would be stored to the north-west of the extraction site with top soils stored furthest to the

north, followed by sub-soil and then overburden. The storage bunds would be aligned parallel to flood flows and arranged in discontinuous mounds. Stand-off distances to the River Idle would be maintained.

39. The working of Newington West would comprise three phases, worked sequentially in a south to north direction. The excavations would be dewatered, to allow the extraction of sand and gravel that lies below the water table. Water would be managed by pumping from sumps (created in each phase) into the settlement lagoon located to the east of the extraction area. From there water would be discharged into either the River Idle, or into the restored lakes in Newington North (in the event that monitoring of the water levels indicates a significant lowering within the lakes due to dewatering operations).
40. The sand and gravel would be excavated from the dry quarry face by a rubber tyred loading shovel. Sand and gravel is then loaded into road haulage vehicles, using the same loading shovel, from temporary stockpiles on the quarry floor.
41. Newington West would include the formation of a new access point to the north of the extraction area, off Bawtry Road (C219). The access road would be 8.8m wide and would extend for approximately 150m, with the first 20m being hard surfaced. A wheel wash facility would be located near to the site entrance.
42. The existing site access which serves Newington South and the new access proposed for Newington West would not be used concurrently for the export of minerals from Newington Quarry.
43. It is proposed that the lorry movements are limited to 75 per day, which is the same level of traffic movements associated with Newington West. Given that the operations would run consecutively, there would be no increase in traffic movements over existing levels.
44. The existing arrangements relating to Newington South, secured by Section 106 Agreement, which require all HGVs to approach and leave Newington Quarry to the west using the prescribed route to Auckley Quarry would be maintained. It is expected that a further Section 106 Agreement would be required to secure this.
45. Minerals would be processed at Auckley. Some of the silt materials remaining after processing would be returned to the site by HGV for use in restoration. All silt material would be transported back to Newington in the HGVs transporting sand and gravel to Auckley and will, therefore, not result in additional HGV movements.
46. The proposed restoration scheme would be to nature conservation and public amenity use. The scheme would comprise predominately wet/dry grassland mosaic. There would be three areas of higher ground located centrally within the extraction area and a large pond to the north of the restored extraction area with two smaller ponds to the south. All ponds would incorporate reed fringe planting. There would be a water vole ditch to encircle the southern and central part of the restoration area and a circular footpath route with a lookout over the wet grassland.

47. Newington South is the subject of a Section 106 legal agreement securing extended aftercare for 21 years following the statutory 5 year aftercare period. It is proposed that Newington West is subject to a similar extended programme of aftercare and habitat management.
48. The hours of operation proposed would be 07:00-19:00 Monday to Friday (excluding Bank and Public Holidays); and 07:00-13:00 Saturdays. Pumping of groundwater would take place on a 24 hour basis when required. It is indicated that restoration aftercare such as habitat management would occur outside of normal working hours. These are the same working hours as Newington South.

## **Consultations**

### Newington South (Ref: 1/15/01020/CDM)

49. **Bassetlaw District Council** – *No objection.*
50. **Bassetlaw District Council Environmental Health Department** – *No objection.*
51. **Misson Parish Council** – *No objection.*
52. **Environment Agency Midlands Region** – *No objection. It is recommended that information relating to the dewatering of more than 20 cubic metres of water per day is brought to the attention of the applicant.*
53. *The concept restoration plan is supported and the EA welcomes the opportunity to work with the development to achieve positive environmental outcomes.*
54. **NCC (Planning Policy)** – *The proposal is contained within the existing planning permission boundary of Newington South quarry but needs to be considered against policy M6.2 ‘Sand and gravel landbank’ of the adopted Nottinghamshire Minerals Local Plan (MLP).*
55. *The sand and gravel landbank as of December 2013 (the latest published figures available) stood at 7.9 years, slightly above the minimum 7 years set out in the MLP and the NPPF.*
56. *However since December 2013, additional reserves have been granted planning permission for extensions to Langford and Finningley quarries and a new site at Scrooby. Taking these reserves into account, the landbank at the end of October can be estimated to be 7.11 years based on the most recent 10 year production average (although this is higher than recent production levels).*
57. *As well as the two planning applications for additional reserves at Newington Quarry, an extension to the East Leake quarry in the south of the country is also being considered.*
58. *Newington South contains 150,000 tonnes adding an additional 0.8 months to the landbank and Newington West contains 350,000 tonnes equivalent to 1.9 months. The East Leake proposal contains 1.78 million tonnes, equivalent to an extra 9.5 months.*



59. *If all three applications are granted planning permission, the landbank of permitted reserves would increase to 8.13 years. This would ensure that a steady and adequate supply of sand and gravel continues to be provided across the plan area to meet demand.*
60. *Given the current position of the sand and gravel landbank and the fact the proposal is an additional working area within the existing permitted site boundary; it is considered that the principle of sand and gravel extraction at the proposed site is supported. However, this is subject to your satisfaction that the environmental and amenity impacts of the development are not unacceptable – for this we would defer to the relevant teams within the Council and relevant external bodies. In considering these impacts we would draw your attention to the environment protection and reclamation policies set out in Chapters 3 and 4 of the MLP (which the applicant comprehensively reviews in their Supporting Planning Statement paragraphs 3.4.7 – 3.4.22) and also the emerging development management policies in the preferred approach.*
61. **Natural England** – *The application is in close proximity to the River Idle Washlands and Misson Line Bank Sites of Special Scientific Interest (SSSI). However, the SSSI does not represent a constraint in determining the application.*
62. *A number of conditions are recommended to ensure the development will not impact upon the features of special interest for which the River Idle Washlands SSSI is notified including conditions relating to methods of working, monitoring and management of water levels, bird monitoring, and groundwater monitoring.*
63. *With reference to soils, the commitment to handling, reinstating and managing soils in line with acceptable best practice is welcomed. The details for the post restoration management of the site, as set out in the landscape restoration 5 year aftercare and 21 year habitat management plan appear to meet the requirements for sustainable minerals developments.*
64. *The restoration of the new extraction area offers the potential to create an enhanced nature conservation based restoration scheme which compliments the existing restoration of the quarry and nearby SSSI.*
65. **NCC (Nature Conservation)** – *The proposed Newington South AWA lies immediately adjacent to Unit 2 of the Idle Washlands SSSI, and will bring the extraction closer to the boundary of that site. The potential for changes to hydrology due to dewatering have been assessed as negligible.*
66. *The scheme forms part of the Slaynes Lane LWS. Whilst the proposals would result in the loss of existing farmland habitat which make up part of the LWS, it is only a small part and supports a small range of species, for which extensive areas of similar habitat exist in the wider area. Impacts upon other LWS in the area are not expected.*
67. *The two parts of the scheme are dominated by farmland currently under arable production. The loss of this habitat is not seen as significant and restoration proposals would result in habitat of much greater nature conservation benefit.*

68. *Bats, otter, water vole, amphibians, reptiles and invertebrates are not expected to be significantly affected by the proposals. A small area of habitat potentially suitable for reptiles would be affected by the scheme and it is understood that a precautionary approach to reptiles has been taken on other parts of the site. It is indicated that the same measures would be sufficient, and this should be secured through a condition requiring the submission of a Precautionary Working Method in relation to reptiles, or mirroring an existing reptile condition.*
69. *Direct impacts to birds are limited (through loss of arable farmland) and can be controlled through the timing of works such as soil stripping. It is suggested that a condition is used to control works in the bird nesting season. With regard to indirect noise impacts, Newington South is an active quarry and species are likely to have become habituated to extraction works and vehicle movements to a large degree. For Newington West, a new access route onto Bawtry Road is proposed, which would avoid vehicle movements through Newington North. This will minimise impacts on that part of the site. Consequently no significant adverse effects are predicted on birds as a result on noise.*
70. *It is noted that there may be an impact upon nesting birds within Newington North as a result of rapid localised changes in water levels. In the absence of mitigation this is a moderate adverse impact. To address this it is proposed that water pumped from Newington West is recirculated to Newington North, with a level board placed in the lake nearest to Newington North. It is requested that a condition is used to require the submission of a Water Management Scheme for Newington West to monitor surface water levels and make provision of water from the lake to be circulated back to Newington North.*
71. *Restoration of the Newington South AWA would result in an increased area of reedbed and wet grassland, which is welcomed and supported.*
72. *Restoration of the Newington West area seeks to deliver an increased area of wet grassland and associated habitats, although the area is segregated from the main Newington North site by a bund (upon which is a hedge). From an ecological perspective it would be beneficial to remove the bund to deliver an enlarged area of contiguous habitat. It is requested that this is given consideration. There appears to be a public access route looping through the restored Newington West, which would result in disturbance to the area; it is therefore requested that this is removed.*
73. *Detailed restoration proposals (including species mixes, establishment methods and maintenance regimes) and management prescriptions would be required for both parts of the scheme, and it is suggested that existing conditions are applied for this purpose.*
74. *The success of the restoration of the wider Newington North and Newington South sites will rely to a large degree in the ability to manage water levels, and water control points are proposed in both areas. It is assumed that the submission of further details on this is required through conditions attached to the relevant planning permissions, but given the extended area of the restorations, it is likely that these schemes will need to be amended – or at least for it to be demonstrated that such schemes will still operate effectively. An appropriate condition is requested.*

75. *It is noted that the scheme will be subject to an extended 21 year management programme, which is welcomed. This would need to be secured through a Section 106 agreement or equivalent.*
76. **Nottinghamshire Wildlife Trust** – *The AWA lies within the Slaynes Lane LWS and immediately to the north of Unit 2 of the Idle Washlands SSSI. Both of these are designated for their breeding and overwintering bird populations. There is a risk that working closer to Unit 2 could affect breeding and overwintering birds through noise and disturbance. The applicant has indicated that the noisiest operations (soil stripping and restoration) would occur outside the bird breeding season, and there would not be an impact on breeding birds as a result. The proposed period for soil stripping is until the end of March. It is recommended that this is reduced to mid-March.*
77. *Effects on overwintering birds are possible, however, NWT is reasonably satisfied that the extension into the AWA would not have a significant detrimental effect with regard to noise and disturbance, and it would take place over no more than 1 breeding season. There will be no noise and disturbance effects on Unit 1 of the Idle Washlands SSSI, and it lies outside the zone for the draw down effects of dewatering. Unit 2 of the SSSI is within the draw down zone, although the water levels are due to surface flows and there is not a groundwater connection. As such, there is not considered to be a detrimental hydrological effect on the SSSI as a result of the AWA.*
78. *The proposed AWA is cultivated land that is intensively farmed and of very limited biodiversity value. The replacement of this arable land with wetland habitats of reedbed and wet grassland would result in a net gain for biodiversity and would contribute to targets for the recreation of priority floodplain BAP/Sn 41 habitats.*
79. *NWT is satisfied there would be no impact upon bats, otters, water vole, invertebrates and protected species. With regard to herptiles, the proposed precautionary approach to stand off distances from the main ditch and stripping prior to soil stripping is supported. A receptor area for any reptiles encountered should be identified, with the most suitable location being within the central area of Newington North.*
80. *The area of land to be lost is of limited interest to birds, so the direct loss of habitat would be minor. There would be some impacts of noise, however, on balance the restoration benefits outweigh the likely relatively short term effect.*
81. *NWT strongly welcome the proposal to restore the whole AWA to priority floodplain habitats. The possibility of more sinuous ditches through the reedbed has been discussed with the applicant and it is suggested that this is reflected in a proposed scheme, which could be agreed by conditions. The 21 year aftercare period is also supported.*
82. *There are some minor details which may need review, including bank angles on some minor ditches in the wet grassland. NWT is satisfied that these can be agreed post determination. Subject to the resolution of the minor matters, NWT can support the proposed variation of conditions.*

83. **Doncaster and District Ornithological Society (DDOS)** – *DDOS raise concern about the effect that the proposals may have on the restoration to nature conservation of the Idle Valley Washlands between Hagg Lane and Misson Village.*
84. *DDOS highlight that Nottinghamshire Wildlife Trust and the RSPB have not objected to the proposed development, and suggest that they may be compromised by their involvement with the applicant at other sites locally and nationally.*
85. *DDOS claim that the site is a ‘mere shadow’ of what it was two years ago, and that to bring it back to its former attraction for birds the water levels will need to be raised substantially, which would conflict with Hanson’s objective of extracting sand to the west of the former north quarry. It is requested that the concerns are taken into account and that Hanson ameliorate their environmental impact by raising the water level of the north quarry to its former 2013 level, as well as gaining assurance that the water level would be maintained at this level throughout any future extraction.*
86. **Royal Society for the Protection of Birds (RSPB)** – *The RSPB raises no objection to the principle of either application. The EIA makes it clear that the land proposed for quarrying in both cases is of low value for nature. The RSPB is satisfied that the applications will have no significant adverse effect on existing features of nature conservation interest.*
87. *The RSPB strongly supports the proposed restoration of both areas to nature conservation, comprising high priority wetland habitats entirely suited to the floodplain of the River Idle, together with provision for public access and informal recreation.*
88. *The RSPB provide a number of comments in relation to details connected with the stated conservation objectives, target species and the design and management of some features. The RSPB state that provided the MPA is prepared to accept small changes to the restoration plan or Habitat Management Plan arising from discussions of the management committee, there is no reason for the applications not to be determined.*
89. **Historic England** – *We refer you to the detailed advice of the County Archaeologist.*
90. **NCC (Archaeology)** – *Archaeological evaluations have proved to locate only a scatter of archaeological features. However, there is a possibility that they have hit early iron furnaces, so a controlled strip of three areas will be done under archaeological supervision. There is also clarification required in relation to palaeochannels and flint finds. It is therefore recommended that a condition is attached requiring the submission of a written scheme of investigation and the subsequent implementation of the scheme to our satisfaction.*
91. **NCC (Built Heritage)** – *The information provided in the cultural heritage and landscape and visual impact sections of the ES has been reviewed. The setting of listed buildings in the vicinity of the proposals has not been given a great deal of attention. However, in line with the NPPF the Built Heritage Team has*

*undertaken their own assessment of the likely impacts and concur with the conclusions of the cultural heritage assessment in the ES, which find that there will be no appreciable harmful impact to any of the designated built heritage within the zone of visual influence of the proposals.*

92. **NCC (Landscape)** – *The methodology for the Landscape and Visual Impact Assessment (LVIA) for the scheme is accepted as best practice. The conclusions of the LVIA are no significant landscape and visual effects (greater than moderate effects) at the operational phase, at year 1 of operation, and at 15 year post restoration are accepted.*
93. *With regard to landscape restoration, it is recommended that Ash is not planted and this should not be included in the plant mixes of the restoration scheme.*
94. **NCC (Highways) Bassetlaw** – *The amendment to Condition 1 increases the extraction of sand from 1 million tonnes to 1.15 million tonnes. However, the daily HGV movements will remain capped at 75 vehicles per day by virtue of Condition 33. This will not impact on highway network capacity. It is assumed that quarry traffic will be routed to avoid the village of Misson.*
95. *With regard to Condition 2, the revised phasing drawings have no implications on Bawtry Road*
96. *No objection to the inclusion of Hanson's 'Haulier Rules and Procedures' document in relation to Condition 32.*
97. **NCC (Countryside Access)** – *No objection.*
98. **NCC (Noise Engineer)** – *The predicted noise levels exceed the recommended guidance of  $L_{90} + 10\text{dB}$  at both Pine Tree Cottage and Pasture Farm on Saturdays. However, this is due to very low levels of background noise during the day, and will only occur when noise sources are located at the closest approach to the receptors. For the majority of time noise levels will be much lower than this.*
99. *The NPPF recognises that in some cases it will be difficult to avoid exceeding a limit of  $L_{90} + 10\text{dB}$  and where this places an unreasonable burden on the operator the limit should be set as near to this level as possible subject to a maximum level of 55dB. Therefore, the noise limits of these properties should be adjusted to the predicted 'worst case' noise levels, to prevent unreasonable burdens being placed on the operator, in accordance with NPPF guidance.*
100. *There is no objection to the proposed development subject to conditions relating to noise levels, reversing alarms, and working hours.*
101. **NCC (Reclamation)** – *The Environmental Statement recognises the potential for contamination of the controlled waters which lie coincident with the site and beyond. Control measures are proposed to contain sediment and uncontrolled releases of fuels and other liquids stored on site. A lagoon system is proposed for control of sediments during excavation and materials management. The conservation of soils is also recognised with a considered proposal for the storage and reuse of such detailed within the ES.*

102. *There is no objection with respect to contamination risks and issues and it is recommended that conditions are attached relating to soils, and the construction of a secure bunded fuels and oils facility.*
103. **Peel Airports (Finningley) Limited** – *The existing bird monitoring and management secured by condition is acceptable.*
104. **Canal and River Trust** – *No comments.*
105. No response has been received from **NCC (Road Safety), The Ramblers Association, Health & Safety Executive, National Planning Casework Unit, Anglian Water Services Limited, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas), National Grid Company PLC PYLON, Trent Valley Internal Drainage Board, Doncaster Internal Drainage Board** and **Yorkshire Electricity**. Any responses received will be orally reported.

Newington West (Ref: 1/15/01019/CDM)

106. **Bassetlaw District Council** – *No objection.*
107. **Bassetlaw District Council Environmental Health Department** – *No objection.*
108. **Misson Parish Council** – *No objection. Misson Parish Council (MPC) would welcome the public display and cataloguing of any archaeological finds.*
109. *MPC note the highway has recently been repaired. Should Newington West be approved, it is requested that a condition is attached which requires the Hanson Management Team to have an annual meeting with the NCC Highways Manager to review the impact on the highway. Ideally this would involve the principal traffic generating businesses including Misson Mill industrial site, Misson Grey Sand Quarry, Hanson Quarry Products and Tunnel Tech. MPC are of the opinion that the HGV traffic has a significant detrimental effect on the quality of the highway surface and those businesses creating the HGV traffic should contribute to the repair of the highway.*
110. *MPC are pleased to see the plans for Newington West restoration include public access walks and observation areas which would benefit the community and wildlife. As new wildlife is created and matures, it is envisaged that greater vehicle usage of Slaynes Lane would occur. This may result in fly tipping, criminal damage and antisocial activity. MPC requests that the NCC Public Rights of Way Team consider any mitigation measures that may reduce these hazards.*
111. **Environment Agency Midlands Region** – *No objection subject to conditions relating to the development being carried out in accordance with the Flood Risk Assessment (FRA), and mitigation measures relating to topsoil, sub soil and overburden, ground elevations, stand-off distances to the flood embankment, and alignment of temporary stored materials.*

112. *It is recommended that information relating to the dewatering of more than 20 cubic metres of water per day is brought to the attention of the applicant.*
113. **NCC (Planning Policy)** – *The proposal is not located within an area allocated within the adopted Minerals Local Plan and will therefore need to be assessed against two key policies: M6.3 sand and gravel extraction in unallocated land and M6.2 sand and gravel landbank.*
114. *The sand and gravel landbank as of December 2013 (the latest published figures available) stood at 7.9 years, slightly above the minimum 7 years set out in the MLP and the NPPF.*
115. *However since December 2013, additional reserves have been granted planning permission for extensions to Langford and Finningley quarries and a new site at Scrooby. Taking these reserves into account, the landbank at the end of October can be estimated to be 7.11 years based on the most recent 10 year production average (although this is higher than recent production levels).*
116. *As well as the two planning applications for additional reserves at Newington Quarry, an extension to the East Leake quarry in the south of the country is also being considered.*
117. *Newington South contains 150,000 tonnes adding an additional 0.8 months to the landbank and Newington West contains 350,000 tonnes equivalent to 1.9 months. The East Leake proposal contains 1.78 million tonnes, equivalent to an extra 9.5 months.*
118. *If all three applications are granted planning permission, the landbank of permitted reserves would increase to 8.13 years. This would ensure that a steady and adequate supply of sand and gravel continues to be provided across the plan area to meet demand.*
119. *Although the proposal is an unallocated site, given the proximity to the existing Newington Quarry and the current position of the sand and gravel landbank, it is considered that the principle of sand and gravel extraction at the proposed site is supported. However, this is subject to your satisfaction that the environmental and amenity impacts of the development are not unacceptable – for this we would defer to the relevant teams within the Council and relevant external bodies. In considering these impacts we would draw your attention to the environment protection and reclamation policies set out in Chapters 3 and 4 of the MLP (which the applicant comprehensively reviews in their Supporting Planning Statement paragraphs 3.4.7 – 3.4.22) and also the emerging development management policies in the preferred approach.*
120. **Natural England** – *Same as above.*
121. **NCC (Nature Conservation)** – *Same as above.*
122. **Nottinghamshire Wildlife Trust** – *The proposed Newington West site lies within the Slaynes Lane LWS and to the north of Unit 2 of the Idle Washlands SSSI and east of Unit 1 of the SSSI. All these areas are designated for their breeding and overwintering bird populations. The proposed extension is further*

away from Unit 2 of the SSSI than the current working quarry so there is no increased risk of an impact to breeding and overwintering birds through noise and disturbance. The working of this area is likely to increase disturbance to birds currently using the restored habitats on Newington North. The applicant has indicated that the noisiest operations (soil stripping and restoration) would occur outside the bird breeding season, and there would not be an impact on breeding birds as a result. The proposed period for soil stripping is until the end of March. It is recommended that this is reduced to mid-March.

123. *The potential hydrological impacts of the habitats already restored on Newington North are more complex, as it appears that dewatering of the void may affect levels in the wetland of Newington North, which could have detrimental effects of the breeding success of wildfowl and waders that currently use the wetland, and which have included Schedule 1 birds in recent years. The applicant has undertaken to install gage boards and to recharge the wetlands with clean discharge water as necessary to ensure continuity of water levels. This should be secured by condition.*
124. *Unit 1 of the SSSI lies outside the zone that might be affected by draw down, and Unit 2 of the SSSI is not groundwater dependant. The applicant's Water Framework Directive (WFD) assessment is welcomed. It is possible that the restoration of the land that is currently in arable use to long term biodiversity habitats would help to marginally reduce Phosphate run-off into the river.*
125. *The applicant has undertaken a Phase 1 habitat survey. The proposed western extension is cultivated land that has been intensively farmed and of very limited biodiversity value. The replacement of this arable land with wetland habitats of reedbed and wet grassland would result in a net gain for biodiversity and would contribute to targets for the recreation of priority floodplain BAP/Sn 41 habitats.*
126. *NWT is satisfied there would be no impact upon bats, otters, water vole, invertebrates and protected species. With regard to herptiles, the proposed precautionary approach to stand of distances from the main ditch and stripping prior to soil stripping is supported. A receptor area for any reptiles encountered should be identified, with the most suitable location being within the central area of Newington North.*
127. *The area of land to be lost is of limited interest to birds, so the direct loss of habitat would be minor. There would be some impacts of noise, however, on balance the restoration benefits outweigh the likely relatively short term effect.*
128. *It is noted that the proposal would create a new access from Bawtry Road, so as to remove the current access that bounds Newington North and goes to Newington South. This would result in reduced HGV disturbance overall, so NWT are satisfied this would be a better outcome overall.*
129. *NWT strongly welcomes the proposal to restore a large proportion of the extension to priority flood habitats. However, it is noted that the area of land that is proposed for soil storage is proposed to be restored to agriculture, rather than BAP/Sn41 habitats. It is hoped that this would be restored to permanent grassland, rather than arable land, as this would have some value for feeding waders and wildfowl, although it is noted that this would leave an awkwardly*



*shaped field and a new boundary hedge would be required. If this is not possible, it is suggested that the applicant commits to the creation of a cluster of small amphibian ponds surrounded by grassland in the part of the soil storage area closest to the other wetland habitats. This would provide complimentary priority floodplain habitat whilst still allowing the restoration of the field to agriculture. The 21 year aftercare period is also supported.*

130. *It is noted that a circular access route is proposed around Newington West and NWT support and encourage people's engagement with wildlife. However, access by people and dogs can cause disturbance problems. As such, deep ditches, viewing screens and vegetation barriers should be used.*
131. *There are some minor details which may need review, including bank angles on some minor ditches in the wet grassland. NWT is satisfied that these can be agreed post determination. Subject to the resolution of the minor matters, NWT can support the proposed variation of conditions.*
132. **Doncaster and District Ornithological Society** – *Same as above.*
133. **Royal Society for the Protection of Birds (RSPB)** – *Same as above.*
134. **Historic England** – *Same as above.*
135. **NCC (Archaeology)** – *Same as above.*
136. **NCC (Built Heritage)** – *Same as above.*
137. **NCC (Landscape)** – *Same as above.*
138. **NCC (Highways) Bassetlaw** – *The current planning permission reference for Newington South (Ref: 1/32/12/0007) allows a maximum of 75 HGV movements based on an annual output from the quarry of 200,000 tonnes. The output is proposed to remain at a similar level, therefore, no increase in traffic movements is forecast as a result of the application proposals. It is assumed that lorry routeing would avoid Misson, as is the case at present.*
139. *There are no objections subject to conditions relating to traffic direction signs; sheeting of lorries; access surfaces; the use of Slaynes Lane and Drain; a haulier code of conduct; the number of HGV movements; wheel wash; visibility splays; public access and parking arrangements.*
140. **NCC (Countryside Access)** – *No objection subject to the dewatering pipeline route having no impact upon Slaynes Lane. With regard to restoration it is required that Misson Byway No. 7 is not subject to damp or wet conditions and if necessary Hanson must reconstruct the surface of the byway so that it is capable of withstanding the wetland conditions. It is noted that the surface of the Byway is benefitting from the works that are being carried out in relation to the S106 agreement of the existing permission.*
141. *NCC Countryside Access notes the request by MPC for the team to consider possible anti-social behaviour mitigation measures. Policy requires that requests for mitigation measures are accompanied by evidence that proves that these*

*activities are occurring and that all possible avenues of action have been taken by the police and other relevant authorities and that these have been exhausted. Structures on public rights of way are a last resort and should be kept to a minimum. In addition, the public right of way is a Byway Open to All Traffic which means it must be available for use by walkers, horse riders, cyclists, carriage drivers and road legal motorised vehicles. This would place severe limitations on any action that the Countryside Access Team may be able to take to prevent illegal or anti-social activities.*

142. *Notwithstanding the above, it may help if access to the wildlife site is restricted to one or two entrances with strategically placed landscape features. Another deterrent may be a form of site warden. The Police and Bassetlaw District Council have powers to deal with illegal activities and fly tipping and may be able to provide further advice.*
143. **NCC (Noise Engineer)** – Same as above.
144. **NCC (Reclamation)** – Same as above.
145. **Canal and River Trust** – No comments.
146. **Peel Airports (Finningley) Limited** – *The restoration scheme will not increase the potential for wildlife strike at Robin Hood Airport as most of the restoration consists of lowland wet grassland, reed beds, wet woodland and species rich hedgerow. Nevertheless, it is recommended that a condition is attached that requires the submission and implementation of a bird monitoring and management scheme.*
147. No response has been received from **NCC (Road Safety), The Ramblers Association, Health & Safety Executive, National Planning Casework Unit, Anglian Water Services Limited, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas), National Grid Company PLC PYLON, Trent Valley Internal Drainage Board, Doncaster Internal Drainage Board, and Yorkshire Electricity**. Any response received will be orally reported.

## **Publicity**

148. The applications have been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review. The Newington West application was advertised as a departure from the Development Plan.
149. The County Council has received two representations from members of the public, one of which informs NCC that otters have been identified near to the site and requests that any impact on this species is taken into account in determination. The other representation states that they do not object as there will be no change to the traffic situation.
150. Councillor Liz Yates has been notified of the application.

151. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Introduction

152. Two planning applications have been submitted in relation to sand and gravel extraction at Newington. First, an application has been submitted to extend the existing Newington South Quarry to allow an additional 150,000 tonnes of mineral to be extracted with no change to the existing end date of June 2018. Secondly, permission is sought to create a new working area, referred to as Newington West, to extract 360,000 tonnes of mineral over a 2-3 year period following on from extraction works at Newington South.
153. Whilst the two proposals are separate, they are supported by one Environmental Impact Assessment (EIA) covering both applications.

### Planning Policy Assessment

#### *National Planning Policy Framework*

154. Chapter 13 of the National Planning Policy Framework (NPPF) relates to the sustainable use of minerals. Paragraph 144 states that when determining planning applications great weight should be given to the benefits of the mineral extraction, including to the economy. In granting planning permission, there should be no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and account should be had of the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. In addition, it should be ensured that any avoidable noise, dust and particle emissions are controlled, mitigated or removed at source.
155. Paragraph 144 of the NPPF also looks for decision making to provide for restoration and aftercare at the earliest opportunity and to be carried out to high environmental standards.
156. The NPPF also encourages Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates. One of the methods for doing this is by using landbanks of aggregate mineral reserves as an indicator of security of aggregate minerals supply. Provision should be made for the maintenance of at least 7 years for sand and gravel; longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.
157. Chapter 3 of the NPPF provides support for economic growth in rural areas in order to create jobs and prosperity. This should be done through supporting sustainable growth and expansion of all types of business and enterprise in rural areas; promoting the development and diversification of agriculture and other land based rural business; and supporting sustainable tourism and leisure developments that benefit businesses in rural areas, which respect the character of the countryside.

*Nottinghamshire Minerals Local Plan (adopted December 2005)*

158. Policy M6.2 of the Nottinghamshire Minerals Local Plan (MLP) states that the County Council will endeavour to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction and also an adequate production capacity so that Nottinghamshire meets its reasonable share of regional provision of aggregates. Policy M6.3 of the MLP states that proposals for sand and gravel outside allocated areas will not be permitted unless it is evident that adequate landbanks cannot be sustained.
159. Policy M6.11 of the MLP identifies 57 hectares of land at Newington, South of Slaynes Lane, for sand and gravel extraction. The proposed Newington South extension is within this allocated area.

*Bassetlaw Core Strategy (adopted December 2011)*

160. Policy DM1 of the Bassetlaw Core Strategy & Development Management Policies DPD (BSC) relates to economic development in the countryside. The policy supports economic development (tourist attractions; equine enterprises; rural businesses) in the countryside where the following relevant criteria can be demonstrated:
- a) The development requires the specific location proposed and there are no other suitable sites in, or close to, settlements covered by Policies CS2-CS8 or on brownfield land;
  - b) It is viable as a long term business;
  - c) The scale, design and form of the proposal will be appropriate for its location and setting and be compatible with surrounding land uses;
  - d) It will not create or exacerbate existing environmental or highway safety problems.

*New Minerals Local Plan Preferred Approach (published October 2013)*

161. Policy SP4 of the Minerals Preferred Approach Document (MPAD) outlines the strategy for the supply of minerals in Nottinghamshire and seeks to identify suitable land for mineral extraction; give priority to the extension of existing sites; allow for development on non-allocated sites where a need can be demonstrated; and ensure the provision of minerals in the plan remains in line with wider economic trends through regular monitoring.
162. Policy MP1 of the MPAD highlights the demand for aggregate minerals over the plan period (2012-2030) as 49.02 million tonnes of sand and gravel and 8.74 million tonnes of Sherwood Sandstone, and states that the County Council will make provision for the maintenance of landbanks of at least 7 years. It also states that proposals for aggregate extraction outside of the areas identified in the MPAD will be supported where there is a demonstrable shortfall in the landbank.

163. Policy MP2 relates specifically to the provision of sand and gravel identifying, in connection with proposals maps in the appendix, sites with existing reserves, potential extensions to existing sites, and new sand and gravel sites. The proposed Newington South extension is within an area identified as having remaining reserves at a permitted site. The proposed Newington West site is outside of allocated areas.

*Policy Considerations*

164. There is considerable support for the Newington South AWA in the NPPF, which attributes 'great weight' to the benefits of mineral extraction. Furthermore, the site is located within an area allocated for sand and gravel extraction within the MLP (Policy M6.11) and as an area with remaining reserves in the MPAD. In summary, there is considerable support for the extension of Newington South, subject to there being no unacceptable impacts on the environment or amenity.
165. The proposed development at Newington West also benefits from the 'great weight' attributed to the benefits of minerals extraction in the NPPF. However, it is not within an area allocated for sand and gravel extraction in the MLP and in such instances, Policy M6.3 of the MLP states that development should only be permitted where the adequate landbanks cannot be sustained. This policy is reflected in the MPAD in Policy MP1.
166. As of December 2013 Nottinghamshire had 17.8 million tonnes of permitted reserves and the annual rate of future demand identified in the most recent Local Aggregate Assessment (LAA) was 2.24 million tonnes per annum. This resulted in a landbank of 7.95 years, as of December 2013.
167. Notwithstanding the above, a number of other sites have been granted planning permission including Scrooby (36,000 tonnes) in January 2014; Langford (1,438,000 tonnes) in March 2015; and Finningley (770,000 tonnes) in April 2015. However, taking into account the 22 months that have passed since December 2013, the projected landbank stands at approximately 7.11 years as of the end of October 2015 based on production continuing at a rate of 2.24 million tonnes per annum.
168. In light of the above, Newington West is outside of an allocated area and Nottinghamshire's sand and gravel landbank is marginally over 7 years. Therefore, the proposed development is contrary to Policy M6.3 of the MLP and emerging Policy MP1 and SP4 of the MPAD.
169. Notwithstanding the above, the NPPF looks to Minerals Planning Authorities to make for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of **at least** 7 years for sand and gravel. Based on the above assessment, Nottinghamshire is only 0.11 years (5-6 weeks) above the 7 year landbank. This means that by December 2015 Nottinghamshire will be below the landbank that the County is required to maintain if no further reserves are permitted.
170. It is noted that an application for an additional 1.78 million tonnes of sand and gravel at East Leake has Officer recommendation for approval at this

committee. This proposal would contribute approximately 9 months, two weeks to the sand and gravel landbank.

171. The proposed developments do not represent a significant addition to the landbank with the Newington South extension contributing 3 to 4 weeks and Newington West approximately 8 weeks. As such, the proposed developments do not result in an oversupply of sand and gravel or jeopardise the delivery of other sites allocated within the MLP, but would provide some security in terms of landbank requirements taking it to 8.13 years in combination with the East Leake proposal.
172. In addition, the two applications are essentially extensions to existing workings and in that respect the continuation of existing workings is seen as positive in Policy SP4 of the emerging MPAD. For this reason, and that Nottinghamshire is not significantly above its landbank, the proposals are supported by the NCC Planning Policy Team.
173. Policy DM1 of the BCS applies to all development in the countryside and provides support for economic development provided certain criteria are met. With all minerals extraction development can only occur where the minerals are located and the history of mineral extraction in this location demonstrates that it is viable as a long term business (albeit with restoration once the mineral has been exhausted). The scale and form of the development are considered appropriate for the surroundings and it would not create or exacerbate existing environmental or highway problems; these topics are covered in more detail in following sections of the committee report. Both proposals accord with the criteria set out in Policy BE1 of the BCS.

## Ecology

### *Habitats*

174. The River Idle Washlands Site of Special Scientific Importance (SSSI) is the only statutory designated site within 2km of the boundary of both application sites. The SSSI comprises a number of units and Unit 1 is approximately 300m to the west of the Newington West site and Unit 2 is adjacent to the southern boundary of the Newington South site and comprises a good example of wet grassland plant communities, and attracts large numbers of wintering and passage waterfowl.
175. There are 10 Local Wildlife Sites (LWS) within 1km of the planning application boundaries. One of which is Slaynes Lane LWS, described as carr farmland and sand quarry prone to winter/spring flooding supporting a rich assemblage of breeding birds; overlaying the Newington West application site.
176. The proposed extension to Newington South would take extraction approximately 60m closer to the Unit 2 SSSI. The application recognises that dewatering is undertaken to allow the extraction in a dry environment, and this can have a drawdown impact on groundwater for up to 216m. However, the overriding influence on the SSSI is the seasonal winter flooding from the River Idle during periods of prolonged rainfall. As a result there would be a negligible

effect on the features for which the SSSI is designated from the Newington South workings.

177. Natural England, Nottinghamshire Wildlife Trust (NWT) and NCC Ecology are satisfied that there would not be an unacceptable adverse impact on the hydrology of the Unit 2 SSSI, and that Unit 1 lies outside of the zone of dewatering effects. Notwithstanding this, Natural England recommends conditions relating to working methods, monitoring of water levels, bird monitoring and groundwater level monitoring.
178. Part of the existing habitat comprising the Slaynes Lane LWS would be lost through the Newington West proposal amounting to approximately 12.5ha. Given the extensive areas under cultivation in the wider area the applicant has assessed this loss as negligible. This position is supported by NCC Ecology. It is also noted that a number of other LWS occur within the vicinity of the schemes but effects on these are not expected.
179. The applicant has undertaken a Phase 1 habitat survey of both application sites and demonstrates that they are cultivated land that has been intensively farmed and is of little biodiversity value. The restoration proposals would create habitat that is of significantly greater nature conservation value, and would contribute to the re-creation of priority flood plain Biodiversity Action Plan (BAP) habitats. This view is shared by NCC Ecology and NWT.

#### *Birds*

180. The direct impact of habitat loss is considered to be small as it is of low value and limited interest to birds. Nevertheless, it is recommended that soil stripping works are timed to occur outside of the bird breeding season, which could be secured by condition. This is suggested by NCC Ecology and NWT.
181. Notwithstanding the above, sand and gravel extraction can be an intensive operation and the potential for indirect impacts relating to noise and the potential for dewatering impacting on water levels have been raised in consultation responses, particularly as both the Unit 2 SSSI and Slaynes Lane LWS are designated partially due to the overwintering and breeding birds that they support.
182. Undertaking soil stripping outside of the bird breeding season would assist in minimising noise impact on breeding birds, however, there remains the possibility of adverse impacts on overwintering birds. In regard to the Newington South extension, this is considered in relation to the fact that it would be closer to the Unit 2 SSSI. However it is highlighted in consultation responses that there is an existing bank which would separate Newington South and the SSSI providing visual and noise screening. Furthermore, it is recognised that works in this locating would only take place for one breeding season and Newington South is an active quarry with birds having become habituated to extraction works and vehicle movements, evidenced in monthly bird counts submitted as part of the application. NWT and NCC Ecology are satisfied there would not be an unacceptable impact on birds due to the Newington South proposal.

183. NWT have identified that there would likely be noise impact from works at Newington West on breeding birds that rely on the margins of cultivated land, although this is common habitat and is unlikely to be significant. There would also be some noise impacts on the wider LWS area due to the extended period of working. However, NWT considers the long term restoration benefits outweigh the short term disturbance.
184. It is also important to recognise that upon the restoration of Newington South, the existing access route which passes along the eastern side of Newington North would be discontinued. This would reduce the noise disturbance from HGVs on a large area of the restored Newington North. This is viewed as a benefit by NCC Ecology and NWT.
185. The potential for impacts associated with water level changes resulting from dewatering activity at the proposed Newington West site is a concern that has been raised by consultees. Indeed, the Doncaster and District Ornithological Society has singled this out as their primary concern claiming that the site is a “mere shadow of what it was even two years ago” and call for water levels to be raised substantially.
186. The applicant themselves have identified that, without mitigation, the dewatering associated with the Newington West proposal will have a moderate adverse impact on nesting and foraging birds by allowing previously inaccessible areas to be reached by predators. In addition, NCC Ecology also highlight that rapid changes in water levels could flood-out nests. However, it is proposed that water that is pumped out of Newington West would be re-circulated into Newington North rather than to the River Idle and levels could be maintained through the installation of water level boards. Through mitigation the applicant concludes that the level of impact is not significant. Both NCC Ecology and NWT are satisfied with this approach and NCC Ecology recommends that a water management scheme is secured through condition for water level management and monitoring.

#### *Herptiles*

187. The planning application identifies records of common amphibians within the existing quarries and the now restored Newington North, including recent records of common toad, common frog and records of smooth newt to the north of Bawtry Road. There are no records of Great Crested Newt or reptiles within 1km of the scheme boundary.
188. NWT agrees that the sites are unlikely to provide extensive foraging habitat for amphibians or reptiles and encourages the applicant’s intention of strip prior to soil stripping along soil margins. It is also recommended that a receptor area is identified for any reptiles that are encountered. It is recommended that both these measures are secured by condition.

#### *Bats*

189. The application identifies a number of recent bat records, including a roost on Bawtry Road in Newington. There are also older records (over 10 years) of roosts towards Newington and foraging at Misson. However, no features for



roosting bats were identified at the application sites, which comprise only arable land. As such, no bat survey is deemed necessary and there would no impact on roosting or foraging bats.

#### *Otter*

190. The application notes that there are records of otter using the River Idle downstream of Newington South, but acknowledges that there is nothing to prevent them from using the river upstream where the quarry is located. However it notes that there would be no loss of boundary features and the application site comprises cultivated habitat which is not of value to otter. As such, it is concluded that no specific otter survey is required. However, the restoration proposals provide for an increase and enhancement of suitable otter habitat.
191. One consultation response informs the County Council that they have seen otters recently close to the proposed development. The response requests that the impact on these animals is assessed and not dismissed, as is the case in the application.
192. No concerns regarding the methodological approach to otter assessment have been raised by NCC Ecology. NWT is satisfied that the proposals are too distant to have an impact on this species. In this instance no further assessment is considered necessary.

#### *Water vole*

193. Records of water vole in Slaynes Lane is acknowledged in the planning application, although it is noted that neither of the applications would result in the loss of water vole habitat and stand-offs from other ditches and drains mean that there is no likelihood of impacting on water voles.
194. Provision of water vole habitat is made through the use of mosaic wet grassland, reed beds and shallow water bodies in the restoration proposals, as well as a water vole ditch in the restored Newington West site.
195. NWT is satisfied that there would be no adverse impact on the species and the restoration scheme would include many more suitable features in comparison to the existing sites.

#### *Invertebrates*

196. The applicant is of the view that the land is under regular cultivation and unsuitable for most types of invertebrates; and has therefore not undertaken any surveys. NWT is satisfied with this approach.

#### *Protected species*

197. The applicant notes that no signs of protected species were recorded in the walkover surveys and that the land south of Slaynes Lane often floods completely and no signs of protected species have ever been picked up. NWT is satisfied that there would be no impact on protected species.

## Restoration

198. The restoration scheme would result in both sites being restored to priority flood plain habitat including wet grassland, reed bed and associated habitats. The principle of the proposed restoration schemes is supported by NCC Ecology, NWT, Natural England, the Environment Agency and the RSPB. Notwithstanding the support there are a number of comments made by the consultees in relation to the restoration scheme, along with suggested approaches, which are summarised in Table 2 below:

**Table 2 - Restoration scheme comments**

Consultee	Comment	Suggested approach
NCC Ecology	There is a bund (on which there is a hedge) which separates the existing Newington North site from the proposed Newington West. It would be preferable to deliver an enlarged area of contiguous habitat.	A revised restoration scheme secured by condition which removes the bund (or part of).
NCC Ecology	Detailed restoration proposals including species mixes, establishment methods and maintenance regimes.	Secured by condition.
NCC Ecology	The success of the restoration scheme will rely on the ability to manage water levels.	Use of a water management scheme secured through condition – as discussed above.
NCC Ecology	Welcomes the sites being subject to an extended 21 year aftercare management programme.	Secured through a Section 106 Agreement.
NWT	In relation to Newington West, the area for soil storage is proposed to be restored to agriculture. It is suggested that this is restored to grassland, or the creation of a cluster of small amphibian ponds surround by grassland close to the other wetland habitat.	Condition used to secure detailed restoration scheme indicating grassland or ponds.
NWT	Supports the commitment to 21 year aftercare and welcomes the specific mention of NWT in the Landscape, Restoration, Aftercare and Management Plan (LRAMP).	It is suggested that NWTs inclusion in this group is conditioned.
NWT	Supports the LRAMP although highlights that there are some minor details such as bank angles which need to be revisited.	A condition to revisit these details.
NWT	In relation to Newington South it is recommended that there is the use of more sinuous ditches and open water within the reed beds.	A condition to revisit these details.
RSPB	The proposed grazing periods are too prescriptive.	A more flexible and responsive approach depending on conditions.
RSPB	The design of the main reed bed at Newington South could be improved for biodiversity and the amenity of visitors.	This can be addressed by condition.

	There should be more 'edge' habitat and areas of open water.	
RSPB	Method of reed bed establishment is critical and will need protection from grazing by waterbirds until established. Only one establishment technique is proposed (planting).	Suggested transportation of large turves of reed by machine.
RSPB	Monitoring of breeding waders and wintering bird numbers to be undertaken post restoration.	Can be subject to a condition.

199. The RSPB have also made a number of comments in relation to the restoration of the wider quarry sites; including the quality of the wet grassland in the restored Newington North and water holding in the Unit 2 SSSI. The comments made are not in relation to these two applications and are therefore not for consideration.
200. There is an aftercare management committee as part of the Section 106 attached to the existing Newington South planning permission and the RSPB have indicated that they wish to participate in on-site discussions with all members of the management committee. The RSPB are referenced in the proposed composition of the management committee and Hanson has confirmed that they will be invited to any future group meetings. In addition, should planning permission be granted for Newington West a Section 106 Agreement will secure an aftercare and management committee and it is anticipated that RSPB will also feature.
201. NCC Ecology note that there is a public access route looping through the restored Newington West site and request that it is removed as it would result in disturbance. NWT also note the disturbance that could be caused to wildfowl and waders but are of the view that mitigation measures include deep ditches, viewing screens and vegetation barriers would be sufficient mitigation and allow a suitable balance between encouraging access and protecting sensitive species.
202. The restoration scheme and aftercare for both sites is detailed and receives in principle support from the ecological parties, although there are suggestions in relation to relatively minor aspects as detailed above. The significance of such suggestions does not change the recommendations on the applications and can be guided by the management committee which would be subject to a Section 106 Agreement. Should there be any material alterations as a result of management committee discussions this would need to go through the appropriate planning process.

*Policy*

203. Policy M3.19 of the MLP seeks to prevent development which would have an adverse impact on a SSSI, directly or indirectly. The planning applications are proximate to SSSIs, indeed Newington South is immediately adjacent to one. Nevertheless, the above assessment demonstrates that the proposed development would not affect the features of special interest for which the SSSI has been designated and that it is entirely in accordance with the policy.

204. Policy M3.20 of the MLP relates to regionally and locally designated sites and states that where minerals development is in such an area planning permission will only be granted where it can be demonstrated that the importance of the development outweighs the importance of the regional or local value of the site. In addition, Policy M3.17 of the MLP seeks to protect non-designated habitat that includes features identified as priorities in the UK and/or Nottinghamshire Biodiversity Action Plan.
205. The Newington South site is immediately adjacent to the Slaynes Lane Washland LWS (which overlays the Unit 2 SSSI) and Newington West sits within the Slaynes Lane LWS. Given that Newington South will not have an unacceptable adverse impact on the Unit 2 SSSI it is reasonable to conclude that the Slaynes Lane Washland LWS which overlays the SSSI will also not be harmed. However, part of the Slaynes Lane LWS which the Newington West site sits within would result in the loss of the habitat in that location. In this regard, Policy M3.20 states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy M3.17 also seeks the creation of equivalent habitat where the loss of habitat cannot be avoided.
206. Given that minerals can only be extracted where they occur and the Newington West application would result in a direct impact (i.e. removal of habitat) it would not be possible to locate the development elsewhere or mitigate the direct impacts. However, the actual habitat to be lost through the Newington West development is cultivated farmland with low habitat value, whilst the restored site is of high habitat value and the restoration scheme is supported by NWT, RSPB and NCC Ecology. As such, the development is in accordance with Policy M3.20 and M3.17 of the MLP, and DM4 of the MPAD.
207. Policy DM9 of the Bassetlaw Core Strategy (BCS) relates to green infrastructure; biodiversity and geodiversity; landscape; open space and sports facilities. The biodiversity and geodiversity section of the policy expects development to take the opportunity to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance, including trees and hedgerow; ancient woodlands; SSSIs; regionally important geodiversity sites; LWS; Local and UK BAP sites and protected species. Given that for both application sites the proposed restoration which is of greater habitat value than that which would be lost, the development is in accordance with Policy DM9.
208. Policy DM9 also expects development to support the Council's strategic approach to the delivery, protection and enhancement of Green Infrastructure and particular support will be given to proposals that will further the development of the Idle Valley Project. Where opportunities exist, development proposals provide improvements to the green infrastructure network that benefit biodiversity through the incorporation of retained habitats and by the creation of new areas of habitat. The proposed development would result in a significant habitat enhancement within the Idle Valley and is therefore supported by this aspect of Policy DM9.

## Traffic and Transportation

209. Condition 33 of the extant Newington South planning permission limits the number of HGVs entering/leaving the site to a maximum of 75 vehicle movements per day. No change is sought to this condition.
210. It is proposed that the extraction rates associated Newington West will be at the same level as existing extraction from Newington South (i.e. approximately 150,000 – 175,000 tonnes per annum). As a result, the traffic levels that would be generated by Newington West are predicted to be the same as those generated by Newington South. Given that Newington West would commence extraction only after the cessation of Newington South, a matter which would be secured by condition, there would be no increase in HGV movements over current levels.
211. HGVs from Newington South approach and leave the quarry from the west, ensuring that no HGVs pass through Misson. HGVs then travel via the prescribed route to Auckley Quarry where the mineral is processed. The route is secured as part of an existing Section 106 Agreement. The applicant proposes that the same route is used for the Newington South extension and Newington West and suggest that this is secured through a new Section 106.
212. As part of the Newington West application a new access is proposed onto Bawtry Road, approximately 670m to the west of the existing access to Newington South. The proposed access would include appropriate visibility splays to allow HGV drivers visibility along Bawtry Road and would include macadam surfacing and wheel wash facilities.
213. The applicant intends to retain the Newington South access, but states that the two access points will not be used simultaneously for the export of minerals. It is proposed that the new Newington West access would be restored to an agricultural access once the restoration has been completed.
214. The NCC Highways Team has no objection to the Newington South extension and comment that the proposed condition variations have no impact on highway matters. The NCC Highways Team also have no objection to the Newington West application subject to a number of conditions relating to lorry signage, sheeting of lorries, wheel cleaning facilities, a hauliers code of conduct, HGV movement numbers, visibility splays, access and parking arrangements. There is also a note to applicant about if any off-site highway works are necessary the applicant would have to enter into a Section 278 agreement with the Authority.
215. The NCC Highways Team has also recommended a condition about the use of the crossing over Slaynes Lane and Drain to ensure that Misson Byway is not affected. Clearly this condition would only relate to the Newington South application.
216. It is noted that MPC has requested that the site operator has an annual meeting with the Highways Authority to review the impact of the development on the highway, with the meeting also involving other traffic generating businesses in the area. It is also suggested that those businesses contribute to the repair of the highway. With regard to an annual meeting, it would not be within the remit

of the planning authority to oblige other businesses to take part and it would be impossible to attribute any highway damage to a single party. In relation to the repair contribution, it should be noted that the hauliers visiting the site will be subject to road tax and fuel duty and to ask for further contribution is not reasonable given that the site is accessed from a classified road. Finally, the proposed developments do not result in any increase in traffic generation over existing levels. As such, the requests do not meet the requirement for conditions or obligations set out in the NPPF and, therefore, are not recommended.

217. Policy M3.12 of the MLP seeks to put in place measures to prevent damage to the highway and prevent mud and other deleterious material contaminating the public highway. As requested by NCC Highways, conditions would be attached relating to sheeting of lorries, wheel wash facilities and the hard surfacing of access entrances. These conditions are in accordance with Policy M3.12.
218. Policy M3.13 states that planning permission will only be granted where the highway network can satisfactorily accommodate the level of vehicle movements generated and there would not be an unacceptable impact on the environment and disturbance to amenity. The approach taken in the NPPF is arguably more relaxed, stating that development should only be prevented on transport grounds where residual impacts of development are severe. In any case, for both applications there would be no change to existing traffic levels, there is no capacity concerns from NCC Highways and the development is deemed to be fully in accordance with the Policy.
219. Policy M3.14 of the MLP relates to vehicular routing and recommends the use of conditions relating to signage and issuing instructions to lorry drivers; negotiating planning obligations to secure highway improvements. The recommendations made by NCC Highways relating to driving, the hauliers code of conduct and the use of the S106 agreement for the routing of vehicles are entirely in accordance with this Policy.
220. The proposed development is also in accordance with Policy DM9 of the MPAD, which also relates to highways safety, vehicle movements and routing.

#### Ground and Surface Water / Flood Risk

221. The site is located within the flood plain of the River Idle and the Environment Agency web based flood maps show Newington Quarries as being located within Flood Zone 3 (a 1 in 100 or greater annual probability of flooding). There is an extensive system of flood protection bunds that extend along the River Idle in the vicinity of the application sites.
222. There are numerous man made drainage channels within the wider area and separating Newington South from Newington North and the proposed West site is Slaynes Drain. Land drainage within the low lying land along the River Idle is managed by the Isle of Axholme and North Nottinghamshire Water Level Management Board (WLMB).
223. The Sherwood Sandstone which underlies the site is a Major Aquifer and the superficial sand and gravel deposits in the area are classed as minor aquifers. In addition, the sites are within the Source Protection Zone (SPZ) of a public

supply borehole at Highfield Lane approximately 2.5km to the north-west of Newington Quarry. This is Yorkshire Water's public supply and approximately 9 million m<sup>3</sup> is pumped annually. The closest abstraction is at the Tunnel Tech site approximately 250m from the Newington West extraction area.

- 224. The public water supply abstraction is said to exert a strong influence on the groundwater levels and the regional flow direction within the Sherwood Sandstone is to the north and north-west, away from the River Idle.
- 225. Dewatering has taken place as part of the existing sand and gravel extraction works at Newington Quarry and has facilitated previous extraction at Newington North. The applicant has identified a poor hydraulic connectivity between the sand and gravel workings and the River Idle.

#### *Hydrology and Hydrogeology*

- 226. The proposed method of working involves dewatering so that sand and gravel can be extracted in a dry environment. This would have an impact on local groundwater levels. The applicant identifies that the progressive working and restoration of the site means that the dewatering impact is likely to be limited to the actual working face at any given time and has assessed the impact on groundwater levels a negligible with a minor significance.

Water would be discharged to the River Idle. The assessment notes that the total discharge would be less than 1% of the combined mean flow of the Rivers Idle and Ryton and the significance has been assessed as minor. It is also noted that there have been numerous other sand and gravel workings that have extracted near the river without adverse impacts. During times of flooding operations would temporarily cease and there would be no pumping to the river.

- 227. As discussed in the ecology section above, the nearby Unit 2 SSSI is not groundwater dependent and Unit 1 is sufficiently distant so as not to be affected by dewatering. NCC Ecology, NWT and Natural England are satisfied that there would not be an impact on the SSSI.
- 228. It is possible that dewatering associated with the Newington West site could result in water levels in the restored Newington North site lowering. Should this occur in the bird breeding season it could have an adverse impact on nesting birds allowing access for predators that would otherwise have been unable to access nests. This is proposed to be mitigated through the use of water level gage boards which would be monitored. If the lakes dropped below an agreed level the water being pumped to the River Idle would be temporarily diverted to Newington West to maintain acceptable levels.
- 229. Good working practice on the site would be adopted and fuels and oils would have appropriate storage, with spill kits and a site specific emergency response plan.
- 230. Policies W3.8 of the MLP and DM2 of the MPAD seek to protect the water environment in respect of surface water flows, groundwater levels and pollution to ground and surface water. This policy is supported in paragraph 109 of the NPPF which looks to prevent new and existing development from contributing to

or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. The applicant has satisfactorily demonstrated that through the use of mitigation measures there will be no adverse impacts and the proposed development meets the requirements of this policy.

### *Flood Risk*

231. The planning application sites are located within an area at high risk of flooding. However, the Flood Zone and Flood Risk Tables within Planning Practice Guidance identify sand and gravel extraction as water compatible development. As such, the vulnerability of the proposal to flooding is not significant.
232. During the operational phase of the proposals, there will be an increase in net flood storage capacity through the creation of additional quarry void which could store floodwater, thereby reducing flooding elsewhere. The restoration of the site would be back to nature conservation and the wetland vegetation associated with this is assessed as providing higher flow resistance than the existing farmland, reducing flood risk elsewhere.
233. The new hard surfaced access to Newington West would have a low level of permeability. However, it would be a very small area and any increased surface water runoff would be directed towards the extraction water management system for the site.
234. There are no objections on the basis of flood risk and the Environment Agency are satisfied that the development can be carried out without adverse impact subject to conditions relating to development being carried out in accordance with the Flood Risk Assessment; soil handling and storage; and stand-off distances to flood embankments.
235. The NPPF seeks to ensure that appropriate development should only be considered in areas at risk of flooding, and ensure that the risk of flooding is not increased elsewhere. Policies M3.9 of the MLP and DM2 of the MPAD reflect this position stating that development will not be granted planning permission where there is an unacceptable impact on flood flows, storage capacity or the function of flood defences and local land drainage. In addition, Policy DM12 of the BCS only supports development in high risk flood zones where the development is defined as suitable in national guidance. The proposed development is in accordance with these policies.

### Noise

236. The applicant has considered the impact of noise associated with sand and gravel extraction and has undertaken a noise assessment. The main noise generating activities are identified as vehicles entering and leaving the site; stripping of topsoil, sub-soil, overburden and storage; extraction of minerals; mobile plant; and reversing beepers.
237. Works hours would be 07:00 – 19:00 Monday to Friday (excluding Bank and Public Holidays) and 07:00 – 13:00 Saturdays, with no working on Sundays. The pumping of groundwater would take place 24 hours per day, when it is



needed. These are the operational hours used at the existing Newington South site.

238. To inform the noise assessment measurements of operational noise at the existing quarry have been used, which included noise from dump trucks, tracked loaders and excavators.
239. As a rural location there are few noise sensitive receptors in the immediate vicinity, nevertheless four noise monitoring locations have been identified, including:
- a) M1 – Pine Tree Cottage, approximately 380m from the limit of extraction, to the north of the site;
  - b) M2 – Pasture Farm, approximately 800m from the limit of extraction, south of the site;
  - c) M3 – Everton Carr Farm, approximately 500m from the limit of extraction, east of the site; and
  - d) M4 – Newington Farm, approximately 380m from the limit of extraction, west of the site.
240. A summary of the predicted noise levels, and a comparison against the existing background levels, is set out in Table 3 below.

**Table 3 - Baseline and predicted noise levels**

<b>Receptor Location</b>	<b>Criteria Limit (Background noise level + 10dB L<sub>Aeq,1hr</sub>) (dB) A</b>	<b>Predicted noise level from operational activities L<sub>Aeq,1hr</sub> (dB) B</b>	<b>Level above background noise level + 10dB L<sub>Aeq,1hr</sub> (dB) B - A</b>
M1 – Pine Tree Cottage	51 (weekday)	51	0
	47 (Saturday)	51	+4
M2 – Pasture Farm	45 (weekday)	44	-1
	42 (Saturday)	44	+2
M3 – Everton Carr Farm	48	48	0
M4 – Newington Farm	55	51	-4

241. The NPPF looks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. The Planning Practice Guidance (PPG) provides specific guidance looking to MPAs to establish noise limits through planning conditions to not exceed background noise levels by more than 10dB(A) during normal working hours (07:00 – 19:00).
242. The noise assessment demonstrates that noise levels would exceed the 10dB(A) limit on Saturdays at Pine Tree Cottage (+4dB) and Pasture Farm (+2dB).

243. Notwithstanding the above, the PPG goes on to state that where it would be difficult to not exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable and in any event not exceed 55dB(A)  $L_{Aeq\ 1hr}$  (free field).
244. Taking this into account, and acknowledging that background levels on the Saturday are low, it is considered appropriate that noise levels are set 44dB(A) and 51 dB(A) at Pasture Farm and Pine Tree Cottage respectively, with both these levels being below the 55dB(A) maximum set out in the PPG. Furthermore, it is recognised that the predicted noise levels are worst case scenario with all plant operating at full capacity and at the closest approach to the sensitive receptors. For the majority of the time it is likely that noise levels would be below that predicted.
245. The NCC Noise Engineer is satisfied that there would not be an unacceptable noise impact, subject to conditions controlling noise levels at sensitive receptors; reversing alarms; and working hours. It is also noted that there have been no historic objections in relation to noise.
246. Policies M3.5 of the MLP, and part of DM1 of the MPAD, relate to noise and prevent development where noise outside the boundary of the site would exceed acceptable levels. The applicant's noise assessment has demonstrated that there would not be adverse noise impacts associated with the development. The use of conditions recommended by the NCC Noise Engineer is also supported by Policies M3.5 and DM1.

### Heritage and Archaeology

#### *Built Heritage*

247. There are no world heritage sites, historic parks and gardens or historic battlefields within 2km of the sites. There are two scheduled monuments that lie within 2km of the site, namely a moated site and fishpond to the east of Misson Village, approximately 1.2km to the north-east of the Newington South application site; and a Roman Fort and section of Roman Road approximately 2km to the south-west of the Newington West application site.
248. There are 17 listed buildings within 2km of the sites, all within the villages of Misson and Austerfield. The only Grade I building is the Church of St John the Baptist in Misson approximately 900m north-east of the scheme boundary. The Church of St Helena in Austerfield is also Grade II\* Listed. All other listed buildings are Grade II.
249. The Scheduled Monuments have been assessed and the Misson Moat has no visual or contextual connection with the site, being located 1.2km from the boundary. The Roman Fort lies approximately 2km from the scheme boundary and view towards the site are interrupted by flood banks of the River Idle. The nearest listed buildings are located on West Street, Misson approximately 700m from the site and views of the extraction area are interrupted by intervening development. The Grade I listed Church of St John is centrally located within Misson. The applicant has assessed the impact of the proposed development

on the setting of scheduled monuments and listed buildings and concluded that there will be no impact either directly or indirectly. The NCC Built Heritage Team agrees with these conclusions.

250. Chapter 12 of the NPPF also sets out criteria for the protection of heritage assets, as do Policy M3.25 of the MLP, Policy DM8 of the BCS and Policy DM6 of the MPAD. In light of the above assessment the proposals will have no impact on built heritage assets and are in accordance with the relevant policies and guidance.

#### *Archaeology*

251. The applicant has highlighted that the Newington South area has very limited archaeological potential and, whilst extremely unlikely, waterlogged remains such as boats, trackways or occupation platforms may occur. The Newington West site has higher archaeological potential which has been evidenced by geophysical anomalies and cropmarks that point to Iron Age or Roman activity to the west of the site, with linear cropmarks continuing into the site boundary.
252. At the time of writing the ES highlighted that a further geophysical survey within Newington West would be undertaken when ground conditions allowed. This work has been reported to the NCC Archaeologist and it identified a scatter of archaeological features with the possibility of early iron furnaces.
253. In terms of mitigation the applicant recommends an occasional watching brief for the Newington South proposal. For the Newington West site the applicant recommends a watching brief which would comprise:
- a) Removal of overburden under the supervision of an archaeologist;
  - b) Archaeological excavation, mapping and recording of a sample of features identified;
  - c) Palaeoenvironmental sampling (to reconstruct the biological, chemical, and physical nature of the environment at the collection site at the time of deposition);
  - d) Analysis, assessment and publication.
254. Policy M3.24 of the MLP states that planning permission will not be granted for minerals development which would destroy or degrade national important archaeological remains and their settings, whether scheduled or not. Where the remains are of less than national significance the importance of the development should outweigh the regional or local significance of the remains. In addition, Policy DM8 of the BCS and Chapter 12 of the NPPF are of relevance, seeking to protect heritage assets. Policy DM6 of the MPAD states that development can be supported where the importance of the development outweighs the significance of the heritage asset and provision is made for excavating and recording and affected archaeological remains. The applicant has concluded that there would be no significant residual impacts on archaeology provided that the mitigation is followed, and the NCC archaeologist raises no objection to the proposed development schemes. As such, the proposals are in accordance with the relevant policy.

255. In line with the applicant's comments, the NCC archaeologist recommends that a written scheme of investigation is submitted and implemented, secured through condition.
256. Misson Parish Council has noted the potential for archaeological finds and would welcome the public display and cataloguing of any archaeological finds in Retford Museum. The appropriate place for archaeological finds would need to be established depending on their nature and significance, which would be done in consultation with NCC Archaeology. As such, a condition in relation to display and cataloguing at Retford Museum would not meet the tests of conditions set out in the NPPF. Nevertheless, the Parish Council's suggestions will be brought to the attention of the applicant by way of an informative should planning permission be granted.

### Landscape and Visual Impact

#### *Landscape Impact*

257. No specific designations relating to landscape value or scenic quality have been identified at, or near to, the proposed development sites.
258. At a national level the development lies within the National Character Area (NCA) 39: Humberhead Levels, with the wider landscape study area (within 1km of the boundary of the site) there is the NCA 48: Trent and Belvoir Vales. In terms of Regional Character Areas (RCAs) the site lies within the Idle Lowlands RCA. At a local level Bassetlaw is divided into Landscape Policy Zones (LPZs) and the application site falls into IL02: Misson and IL03: Misterton LPZs, with the study area including the Doncaster H2: Sandland Heaths and Farmlands.
259. The Misson policy zone has a *high sensitivity* landscape that is in *moderate condition*. The policy objective for the zone is one of conserve and restore. The Misterton policy zone also has a *high sensitivity* landscape and is said to be in *good condition*, with a policy objective of conserve.
260. A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the EIA and the magnitude and significance of the landscape effects has been assessed in relation to the construction, operation and restoration of the sites.
261. The assessment identifies the magnitude of the potential impact on the Misson and Misterton Policy Zones, and the study area, as being low during construction, operation and post restoration. The significance of the landscape effects is assessed as negligible.
262. During construction and operation there would be a medium magnitude of the potential effect on the site itself, with minor significance. However, at post restoration this reduces to a low magnitude with negligible significance.
263. The NCC Landscape Team is satisfied with the methodology of the LVIA and that there are no significant landscape effects. The only comment being that Ash should not be included in the restoration scheme plant mixes.

264. The NPPF at paragraph 109 looks to the planning system to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Policy M3.22 of the MLP states that operators must demonstrate that landscape character and local distinctiveness are fully taken into consideration within development proposals and that planning permission will not be granted for minerals development which is likely to adversely impact upon the character and distinctiveness of the landscape. Policy DM5 of the MPAD supports development that does not have an adverse impact on landscape and encourages restoration proposals to take it into account. In addition, the landscape character section of Policy DM9 states that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment.
265. The landscape character effects of the proposed development have been assessed as being of negligible significance, other than at the site during construction and operation, where the significance is minor. Whilst the LVIA does not reference this, the proposed development would further the development of the Idle Valley Project, which is given support in Policy DM9 (albeit not in the landscape section of the policy). Overall the development is in accordance with the relevant landscape policies.

#### *Visual Impact*

266. The LVIA includes an assessment of the visual impacts of the proposed development.
267. Nine visual receptor locations have been assessed and these include viewpoint locations on a Byway Open to All Traffic, the Highway and Public Rights of Way. The locations represent viewpoints from all compass points surrounding the proposed extraction sites. The magnitude of the visual impact, and its significance, has been assessed for the initial earthworks, at year 1 of operation and post restoration (at 15 years).
268. During the initial earthworks and the operation stages the magnitude of the visual effects is either low or medium, resulting in minor or negligible significance at all viewpoint locations. In relation to the post restoration stage the magnitude is low and the significance is minor for all view point locations. The assessment highlights the short duration of the works and concludes that no mitigation measures are necessary as the development would not result in any significant long term landscape or visual effects.
269. The NCC Landscape Team is satisfied with the methodology of the LVIA and that there are no significant visual effects. Policy M3.3 of the MLP and Policy DM1 of the MPAD relate to visual intrusion and states that planning permission should only be granted where any adverse impact can be kept to an acceptable level. Give the above assessment, the development is in accordance with this policy and no addition screening or mitigation measures are deemed necessary.

### Agriculture and Conservation of Soils

270. The Newington West site and the extended Newington South area currently comprise cultivated land that has been intensively farmed. The planning application identifies that extraction would take place across a total of 11.8ha, 4.5ha within the Newington South AWA and 7.3ha with the Newington West site.
271. The agricultural land comprises Grade 2 and sub-grade 3a soils, thereby falling into the Best and Most Versatile Agricultural Land (BMVAL) classification. The restoration scheme is not to agriculture and BMVAL would be lost as a result of the proposed development.
272. The applicant concludes that the scheme would have a minor adverse impact, highlighting that the removal of BMVAL within the Idle Valley is relatively small and the restoration scheme has benefits in relation to UK BAP habitats and the nearby SSSI.
273. Policy M3.16 of the MLP looks to restrict development in BMVAL unless (a) proposals will not affect the long term agricultural potential of the land; or (b) there is no available alternative and the need for development outweighs the agricultural interest; or (c) available land of lower value has sustainability considerations which outweighs the agricultural land quality. In addition the NPPF directs planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
274. With regard to Policy M3.16, there is no reasonably available alternative land taking into account that minerals have to be worked where they are and the applicant has considered alternative sites within the ES and has highlighted the relatively small scale additional working at an existing quarry site has benefits over the development of a wholly new site.
275. With regard to the need for the development outweighing the agricultural interest it is noted that Nottinghamshire is currently above its 7 year landbank and therefore there is not a pressing need for additional sand and gravel. However, the scheme delivers more than additional minerals in the high quality restoration scheme that is being proposed, a scheme which would help to deliver biodiversity aims identified in the BCS and by the ecological consultees. The NPPF states that great weight should be given to the benefits of mineral extraction, and this can extend to restoration. In this regard the need for the scheme is considered to outweigh the agricultural land quality, meeting the requirements of Policy M3.16.
276. Furthermore, it is noted that no concerns have been raised about the loss of BMVAL from any consultees or members of the public.

## Bird Strike and Aviation Safety

277. Robin Hood Airport is approximately 3km to the north-west of the application sites, lying within the 13km bird strike risk consultation zone. The restoration of mineral extraction sites can be of particular concern in terms of airport safeguarding particularly where new open waterbodies, which could attract waterfowl, are being created.
278. An assessment of bird strike risk was undertaken for the original application for the Newington South site, and the site is now operating in accordance with a bird monitoring scheme which was submitted in 2011. Condition 18 of the extant Newington South permission references the monitoring scheme stating:
- “Populations of birds shall be monitored in accordance with the submitted scheme for monitoring birds at Newington Quarry prepared by URS and set out within the letter from Hanson dated 5<sup>th</sup> September 2011 (ref: N59/P/RM/SC.a). The results of the monitoring shall be submitted to the MPA on an annual basis during the operational life of the planning permission (including the 5 year aftercare period). In the event that bird monitoring results show a significant strike hazard, the annual report shall incorporate detailed mitigation measures including a timetable for controlling and reducing such a hazard”.*
279. The applicant is not seeking to alter the existing condition relating to bird monitoring and mitigation measures.
280. It is noted that in line with the existing permissions that bird monitoring is undertaken on a monthly basis for all of the Newington Quarry/Misson Mineral areas, and has been since 2007. The ES includes survey results from October 2013 to November 2014, with a summary of the historical findings from 2007. The total water bird trigger level is set at 2,000, although it is lower for individual species and the 2014 data shows that across the survey area (Newington North, Newington South and the Washlands SSSI) a peak of 861 birds was reached in October 2014.
281. There was an individual species threshold breach in July 2014 when 111 greylag geese were recorded (threshold of 50 at Newington North). It is suggested that this was a flock of post breeding birds on their way to a larger waterbody for their post breeding moult, especially as the following month numbers had dropped to 19.
282. There have been total waterbird (all species combined) threshold breaches in the past, however, these in most cases appear to be as a direct result of large scale flooding of the valley rather than the sand and gravel workings and subsequent restoration schemes.
283. The applicant highlights the restoration scheme for Newington South which includes 3.3ha of reed bed and 1.2ha of wet grassland to be incorporated into the restoration of the wider area. The restoration for Newington West includes wet/dry grassland mosaic with ditches, areas of higher ground and bare ground. No significant open water bodies are proposed, with the scheme designed to be attractive to water vole, invertebrates and small birds. The applicant has

assessed the potential impact of the scheme as very low risk in terms of increasing bird strike with effects of negligible significance.

284. Robin Hood Airport has commented on the applications stating that the restoration appears as though it will not have the potential to attract large wading wildlife like Canadian and Greylag Geese. They are satisfied with the existing condition in relation to Newington South and request an equivalent condition for monitoring and mitigation attached to any permission granted for the Newington West site. Robin Hood Airport also request that they are consulted on alterations to the restoration scheme.
285. In light of the design of the restoration scheme and the ongoing monitoring and mitigation measures to be secured by condition, it is concluded that the development would be in accordance with the NPPF.

#### Public Rights of Way

286. The Slaynes Lane BOAT (Byway Open to All Traffic) runs alongside Slaynes Drain passing centrally through Newington Quarry and separating Newington North from Newington South. It connects to Bawtry Road, near Newington in the west and enters Misson to the east.
287. To enter the Newington South site HGVs cross Slaynes Lane Byway and pass over Slaynes Drain on a reinforced concrete access bridge. This crossing is secured by Condition 6 on the extant planning permission and no change to this is proposed. The Newington West proposals would not directly impact on the Slaynes Lane Byway.
288. The NCC Rights of Way Team has reviewed the proposals and has no objection to the extension of Newington South.
289. With regard to the Newington West proposal some concern has been raised in relation to the placement of dewatering apparatus and whether this would interfere with the Byway. However, it has been confirmed that an existing pipeline would be used. The risk of increased flooding and damp or wet conditions impacting on the Byway was also raised, however, the applicant's Flood Risk Assessment demonstrates that there would be no increased risk of flooding. In addition, it is noted that the Byway is benefiting from previous works undertaken by the applicant as part of the previous Section 106 Agreement.
290. The NPPF states that planning authorities should protect and enhance public rights of way and access. In addition Policy M3.26 of the MLP and Policy DM7 of the MPAD seek to ensure that proposals do not adversely impact on public rights of way. It is noted that there would be limited visual impact on the rights of way, but this is not deemed to be significant. These applications have no unacceptable direct adverse impact of rights of way and are in accordance with the relevant policies.

#### Dust and Air Quality

291. The applicant has identified the existing sources of dust and air pollution from the current mineral operations at Newington to include mineral extraction,



movement, storage, processing and transportation. On a wider basis existing local sources of particulate matter include windblown dust from agricultural land, local industrial sources, exhaust emissions from road vehicles, break and tyre wear from road vehicles and long range transportation of material from outside of the study area.

292. There is no Air Quality Management Areas (AQMA) in the vicinity of the application sites and background concentration of nitrogen dioxide (NO<sub>2</sub>) is below air quality objective values.
293. The applicant has acknowledged that the development can have the potential to generate dust which may travel beyond the site boundary and that this can vary significantly based on meteorological conditions. The main effect of the proposals would be to move the workings to the south during the extension of working of Newington South and to the west during activities at Newington West. There would be no residential receptors within 100m of activities, with the closest being Pine Tree Cottage and Newington Farm (circa 380m distant) and these are judged to be at a sufficient distance that significant adverse effects would not occur.
294. It has been identified that there would be short periods of working closer to the boundary of Tunnel Tech to the west. However, the applicant states that the potential for dust generation would be at a similar level to agricultural activities and management procedures and mitigation would ensure that any increased risk would be minimised having an overall effect of minor significance.
295. The applicant has considered the impact of dust generation on the SSSI Unit 2, noting that work would be taking place closer to the boundary (less than 25m distant). Nevertheless, the applicant states that the impacts would be of negligible significance as any soil material deposited on vegetation would be displaced during periods of precipitation; the actual distance between working and the SSSI will be more than 25m the majority of the time; and significant impacts are unlikely to occur at deposition rates less than 1,000 mg/m<sup>2</sup>/day, which is much higher than that expected to occur from Newington Quarry.
296. It is also noted that the volume and frequency of road traffic using the sites would remain as is the case at present, meaning there would be no increase in NO<sub>2</sub> and PM<sub>10</sub> from the proposed development.
297. The existing Condition 10 of the Newington South planning permission references a previously undertaken dust monitoring and management scheme which ensures that dust from operations within the site is minimised and requires monitoring to be undertaken during periods of soil stripping and submitted to the MPA. If the monitoring identifies the potential for nuisance, measures have to be identified and implemented to minimise emissions to an acceptable level.
298. The most recent dust monitoring considered dust levels at three locations (including one at the Tunnel Tech boundary). The highest recorded level was of 33.6 mg/m<sup>2</sup>/day at the Tunnel Tech boundary between 17 October 2014 and 18 December 2014. Levels of 20 to 100 mg/m<sup>2</sup>/day are reported as being typical in rural areas and 200 mg/m<sup>2</sup>/day is the criteria level for nuisance.

299. The applicant is not seeking a variation of Condition 10 of the Newington South permission. With regard to Newington West it is considered that with good working practice, suitable mitigation and on-going monitoring, secured by condition, there will not be an adverse impact. This approach is in line with Policy M3.7 of the MLP and Policy DM1 of the MPAD which recommend the mitigation of dust impacts, and the NPPF which seeks to prevent new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of air pollution and ensure that any unavoidable dust and particle emissions are controlled, mitigated or removed at source.
300. It is also noted that no objections based on dust or air quality have been raised.

#### Restoration, After-Use and Long Term Management

301. Newington South is currently being worked over six phases and the proposed extension would add an additional two phases to this. Extraction at Newington West would take place over three phases. The applicant has submitted phasing plans for both sites demonstrating the ongoing restoration as working in subsequent phases takes place. This is in accordance with the NPPF which seeks to provide for restoration at the earliest opportunity and Policy M4.1 of the MLP which states that mineral extraction proposals should be designed to allow a phased sequence of extraction, reclamation and implementation of the planned after use.
302. Policy M4.2 of the MLP also relates to phasing and requires applications to include an overall concept plan with sufficient detail to demonstrate the scheme is feasible and illustrative details of contouring, landscaping and other relevant information. In the case of both the Newington South extension and the Newington North proposal the applicant has included restoration schemes that do not have any unacceptable impacts and are supported, in principle, by the ecological bodies (Nottinghamshire Wildlife Trust, RSPB and NCC Ecology). Notwithstanding this, these parties have recommended some minor alterations to the restoration schemes that do not alter their overall concept. The significance of such suggestions does not change the recommendations on the applications and can be guided by the management committee which would be subject to a Section 106 Agreement. Should there be any material alterations as a result of management committee discussions this would need to go through the appropriate planning process.
303. The existing Newington South planning permission was granted subject to a Section 106 Agreement which included an extended 21 year aftercare period. The extension to Newington South would also be subject to such a period. In addition, the applicant has volunteered a similar 21 year aftercare period for the Newington West extension which would also be subject to a Section 106 Agreement. This commitment would greatly assist the establishment of high quality habitat created in the restoration schemes and would be fully in accordance with Policy 4.11 of the MLP. It is also supported by the NPPF which encourages aftercare to high environmental standards.

### Socio-Economic Impact

304. The NPPF outlines at its start the purpose of the planning system being to contribute to the achievement of sustainable development, which comprises three dimensions: economic, social and environmental. There is significant weight given to supporting economic growth through the planning system and all types of business and enterprise in rural areas. In addition, Chapter 13 (Facilitating the sustainable use of minerals) highlights the essential role they play in supporting economic growth and our quality of life. In addition, Policy DM1 of the BCS applies to all development in the countryside and provides support for economic development provided certain criteria are met.
305. The applicant highlights that the proposed developments together would continue mineral operation in the area without a break in production and this would support growth of the local and regional construction industry, which is experiencing recovery after the recession. Also highlighted are the jobs that would be sustained through the continuation of the site, including those on-site, at the processing facility in Auckley, haulage drivers and other contractors (machinery repair and maintenance, plant hire, earth moving, landscaping and restoration).
306. The applicant considers that the potential community and socio-economic impact of the scheme would be low-medium (beneficial) with effects of minor-moderate-significance. The applicant's assessment is not disagreed with, although the benefits are considered to be towards the 'low' and 'minor' ends of the scale. Nevertheless, there would be some economic benefit, and the NPPF states that significant weight should be given to supporting economic growth.
307. In addition, there would be a socio-economic benefit in the restoration of the site to a high quality landscape with public access.

### Cumulative and Combined Impact

308. Where effects occur as a result of different effects originating from the proposed development (e.g. noise effects and air quality effects) together on a receptor this is a cumulative effect. Effects which occur from the proposed development in conjunction with other development in the vicinity are known as combined effects.
309. The applicant does not identify any cumulative impacts primarily because there are few significant impacts associated with the proposals and the site is in a rural area with few near-by receptors on which cumulative effects would occur.
310. The applicant has identified a number of sites which they have considered combined effects of the proposed development with:
- a) Finningley Quarry (Ref: 1/14/01104/ CDM) – an extension of time to allow remaining sand and gravel reserves to be extracted. Approximately 4km to the north;

- b) Scrooby Top Quarry concrete batching plant (Ref: 1/14/00955/CDM) – and 1/14/00956/CDM) variation of conditions for an extension of timescales. Approximately 5km south-west;
  - c) Misson Grey Sand Quarry (Ref: 13/01145/CDM) – 2ha extension. North of Newington Quarry on the north side of Bawtry Road.
311. Given the distances to the Finningley and Scrooby sites the only real combined impacts is likely to be in relation to traffic. However, it is recognised that these proposals would not increase in traffic over the existing situation. In relation to the Misson Grey Sand site it is noted that this scheme comprises the extraction of 26,000 tpa over a 5 year period, and there would be no increase in the quarry's existing output or vehicle movements. The applicant has assessed the combined impacts as being not significant.
312. In addition, the applicant has identified an EIA Screening opinion for a potential 5MW solar park on land to the north, off Bawtry Road (approximately 100m north of the Newington West extension), but considers this to be at an early stage and has not considered it further.
313. On a site not identified by the applicant is a proposal for a shale gas exploratory borehole at a site off Springs Road, Misson. At the time of writing the proposed development has been subject to EIA scoping, although no planning application has been submitted. The site is approximately 4km north-east of the Newington sites. Given the distance the potential for cumulative impacts is limited to traffic, however, it is noted that the Newington Quarry HGVs are routed west away from Misson and the proposed traffic associated with the exploratory borehole would be routed northwards, also not passing through Misson. As such, there is unlikely to be any combined impact.
314. A planning application for groundwater monitoring boreholes has been submitted in relation to the site off Springs Road, Misson. The distance and routing of vehicles mean that there would not be any significant combined impacts from the proposal and the Newington Quarry applications.
315. The NPPF, at paragraph 144, highlights the need to take into account cumulative impacts. In addition, Policy M3.27 of the MLP and Policy DM8 of the MPAD seek to prevent development which would result cumulatively in a significant adverse impact on the environment and/or the amenity of local communities. The applicant has assessed cumulative and combined impact and demonstrated that the application is in line with these policies.

#### Legal Agreement

316. Planning permission for Newington South was granted in 2010 (Ref: 1/32/08/00018) subject to a Section 106 Agreement which:
- a) Secured a designated route between Newington South and the processing facility at Auckley, ensuring that all HGVs enter/leave the site avoiding Misson;

- b) Maintenance and repair of Misson Byway No. 7 for the duration of the quarrying operations and the first 5 years of the restoration and aftercare; a restriction to placing any plant, machinery, equipment or structures on or under the Byways; and maintenance of the Byway crossing point for the duration of the quarrying, restoration and aftercare.
  - c) An additional 21 year aftercare period;
  - d) A management committee meeting at least every 6 months.
317. A further planning permission was granted for Newington South in February 2013 (Ref: 1/32/12/00007) for the increase in vehicle movements from 50 to 75 per day. This application included a deed of variation to the original Section 106 to ensure that it applied to the new permission.
318. The applicant has stated that they anticipate the use of a further legal agreement to be entered into in relation to Newington South, reflecting the existing arrangements. Given that there has been a previous Section 106 which has subsequently been amended by a deed of variation the applicant is proposing a single Section 106 Agreement to cover both sites with the existing Section 106 Agreement being released (as it will be superseded).
319. In addition, any off site works to the public highway will require the application to enter into a Section 278 Agreement with the Highways Authority. This will be brought to the attention of the application by attaching an informative to any planning permission granted.

#### Other Matters

320. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer 'departure' planning applications to the Secretary of State (SoS). The application does not trigger the thresholds for referral set out within the Circular. As such, there is no requirement to refer the Newington West application to the SoS should Committee be minded to approve.

The comments from MPC are noted in relation to increased antisocial activity associated with increased public access at a restored site. Unfortunately this is an acknowledged risk with providing public access to a site. The NCC Countryside Access Team have been consulted and highlight that the use of mitigation is a last resort response to an actual problem rather than a potential one, as their aim is to minimise use of structure on public rights of way. Nevertheless, they recommend the one to two public access points and the use of landscaping. The restoration scheme for Newington West includes two access points with a habitat ditch that would prevent access from other points. Overall the amenity value to the public is considered to outweigh antisocial risk, and further measures can be taken in consultation with the police and Bassetlaw District Council should persistent problems arise.

#### Conclusion

321. The committee report relates to two planning applications at Newington Quarry. The first application is to vary conditions attached to an existing planning

permission to allow an extension of the extraction area and working of an additional 150,000 tonnes of mineral. The second application is a new working area referred to as Newington West, which would comprise extraction of 360,000 tonnes of mineral over a 2-3 year period following on from the extraction works at Newington South.

322. The Newington South extension is located within an area allocated for minerals extraction within the Minerals Local Plan and therefore benefits from policy support, in principle.
323. The Newington West application site is not within an allocated area within the Minerals Local Plan and based on up-to-date calculations Nottinghamshire has a landbank of over 7 years. As such, the proposed development is contrary to Policy M6.3 of the MLP.
324. Notwithstanding the above, Nottinghamshire is just 5-6 weeks supply above the 7 year landbank that the County is required to maintain, and by December 2015 will be below it. The NPPF looks to Minerals Planning Authorities to make for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of **at least** 7 years for sand and gravel.
325. The proposed developments do not represent a significant addition to the landbank with the Newington South extension contributing 3 to 4 weeks of supply and Newington West approximately 8 weeks supply. As such, it is not considered that the proposal would result in an oversupply of sand and gravel or jeopardise the delivery of other sites that are allocated within the MLP. It is also worth noting that Policy SP4 of the emerging Minerals Local Plan provides support for the extension of existing working areas over extraction at new sites.
326. The sites are close to the River Idle Washlands SSSI but have been assessed as not having an adverse impact. The Newington West scheme would result in extraction within an LWS, although the habitat to be created through the restoration scheme is an enhancement. Subject to conditions the development would not have a significant adverse impact on any protected species. Overall the restoration schemes for both sites would result in an increase in valuable wetland habitat within the Idle Valley and is supported by Natural England, NCC Ecology, the Environment Agency, Nottinghamshire Wildlife Trust and the RSPB.
327. The site lies within an area of flood risk, however sand and gravel extraction is flood compatible development and the restoration of the sites will not result in increased flood risk elsewhere. The sand and gravel extraction would be worked dry and the dewatering to achieve this would cause changes in localised groundwater conditions, most notably to the restored Newington North lakes. This can be mitigated through monitoring and discharging water to Newington North when water reaches trigger levels.
328. Based on a worst case scenario the proposed operations would have a noise impact of more than 10dB(A) above background noise levels at the nearest residential properties when working on a Saturday. However, this is largely due to the low background levels at the weekend and the noise generated would still be within acceptable levels for mineral working.

329. The proposed development would have no significant impact on the setting of any listed buildings or scheduled monuments. There is some potential for archaeological remains, more so at Newington South, and this is to be suitably addressed through, a condition requiring the submission and implementation of a written scheme of archaeological investigation.
330. The impact of the proposal on landscape character has been assessed as being of low significance during operations reducing to negligible upon restoration. The visual impact of the proposals is assessed as having minor to negligible significance (depending on viewpoint) during operations, reducing to minor significance for all viewpoints following restoration.
331. Both sites are cultivated agricultural land which falls into the Best and Most Versatile Agricultural Land category. The proposed development would result in the loss of this land. It is acknowledged that there is significant agricultural land in the wider area.
332. The restoration schemes do not include large open bodies of water and are therefore unlikely to be attractive to large wading wildlife which poses a bird strike risk to the nearby Robin Hood Airport. In order to ensure that bird strike does not become a risk in the future monitoring and mitigation can be secured by condition.
333. Misson Byway No. 7 runs between the two application sites and the access to Newington South passes over the Byway. These applications would have no unacceptable direct or indirect adverse impact on the rights of way.
334. The likely level of dust generated by the proposal would fall within or below typical levels for rural areas and significantly below the nuisance criteria levels. This has been demonstrated through monitoring associated with the existing Newington South site.
335. It is recognised that there is some socio-economic benefit to the proposal in the continuation of jobs associated with the site directly and indirectly and that the minerals extracted would feed into the local construction industry. Whilst the impact would be minor beneficial, great weight is placed on this benefit by the NPPF.
336. There are not anticipated to be any significant cumulative or combined impacts associated with the proposed development.
337. The restoration scheme is widely regarded as beneficial and associated with it would be a long term aftercare of 21 years. This would be secured by legal agreement for each site. In addition, the legal agreement would cover vehicle routing, maintenance of the Byway (in relation to Newington South) and a management committee following restoration.
338. In conclusion, the Newington South application is supported by the sand and gravel policies within the MLP. It is acknowledged that the proposal would result in the loss of some BMVAL, however, this is not considered significant in the context of the wider environment and the habitat benefits of the final restoration and aftercare are considered to exceed the loss of the agricultural land. In all

other respects, impacts can be kept within acceptable levels. As such, it is recommended that planning permission is granted subject to conditions.

339. The Newington West proposal is not within an allocated area and at present Nottinghamshire is over the 7 year sand and gravel landbank that it is required to maintain. Therefore there is not support for the Newington West proposal within the sand and gravel policies of the MLP. However, the scheme would not result in an oversupply of sand and gravel or jeopardise other allocated sites; and there is merit in the continuation of extraction from an existing site. In addition, the scheme would result in the loss of some agricultural land, however, again this is considered relatively minor in the context of the wider environment and the habitat benefits of the final restoration and aftercare are considered to exceed the loss of the agricultural land. In all other respects, impacts can be kept within acceptable levels. As such, it is recommended that planning permission is granted subject to conditions.

### **Other Options Considered**

340. Both planning applications have been subject to an EIA. It is a requirement of the EIA Regulations that the Environmental Statement states what alternatives have been considered in the development of the scheme. The main alternatives discussed in the ES relate to sites, access, method of working, extraction footprint, mitigation and restoration.
341. The applicant has not considered other sites but has justified their approach to selecting the Newington South and West locations by:
- a) Using remain resources within an area identified within the Minerals Local Plan (in relation to the Newington South site);
  - b) Existing systems and infrastructure can be used;
  - c) The new workings can be accommodated into the existing quarry setting more easily than new quarries;
  - d) Mineral reserve at the quarry is proven and mitigation measures are known to work;
  - e) Restoration of the additional areas in combination with the existing worked areas would have an overall biodiversity benefit.
342. Consideration was given to using the existing access to Newington South to serve the Newington West site. However, the preferred option of a new direct access was selected to avoid travelling through the restored Newington North and move the entrance further from Misson.
343. The applicant decided the most appropriate method of working is to follow established working methods that have been used at previous and existing extraction at Newington North and South. The applicant is of the view that these methods have been demonstrated to be efficient, and minimise impacts from the operations on the environment and public amenity.



344. For Newington South the remaining area within the planning application boundary would be used. For Newington West the extraction footprint takes account of the depth of the mineral across the site, the location of the access and the provision of a stand-off from Tunnel Tech to the west.
345. The applicant states that the various mitigation measures that they have identified in their ES represent best practice and effective working established through previous extraction at Newington.
346. The applicant states that the restoration scheme has been designed to complement and enhance the existing restoration at the quarry, being the most appropriate scheme delivering significant benefit in the medium to longer term.

### **Statutory and Policy Implications**

347. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

348. Any planning permissions granted will be subject to Section 106 Agreement(s). Legal costs incurred by the County Council associated with drawing up and/or reviewing these agreements shall be met by the applicant. This is standard practice.

### **Crime and Disorder Implications**

349. The Newington Quarry sites are surrounded by open agricultural land, with a public right of way passing centrally through the land. As such, there is the potential for trespass and other crimes. The proposed development would not have any additional impact on the potential for on-site crime and disorder above the existing situation.
350. The restoration proposals for Newington West include for public access. There is a small risk that this increases the potential for antisocial behaviour.

### **Implications for Sustainability and the Environment**

351. The development would contribute towards the sustainable use of mineral resources which would contribute to the country's economic growth and quality of life. The extraction schemes have been designed on a phased basis to minimise the size of the active quarries and ensure that land is restored to beneficial purposes at the earliest practical opportunity. The issues have been considered in the Observations section above.

## **Safeguarding of Children**

352. The sites are accessible from the surrounding areas, including the Byway which separates Newington West and South. The quarry would continue to comply with health and safety procedures which aim to minimise as far as possible the risk of accidents happening on site.

## **Implications for Service Users, Equalities and Human Resources**

353. No implications.

## **Human Rights Implications**

354. 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 proposed development. The proposals have the potential to introduce impacts such as dust and noise upon users of Byway No. 7 and nearby residences. It is important to note that the impacts of noise and dust are assessed as being minimal and within acceptable levels. In addition, these potential impacts need to be balanced against the wider benefits the proposals would provide such as the economic benefit of minerals extraction and a restoration scheme with significant habitat enhancement. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

## **Statement of Positive and Proactive Engagement**

355. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals 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; 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 impacts of ecology and restoration, traffic and airport safeguarding and have been addressed through negotiation and acceptable amendments to the proposals. 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 draft Section 106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## RECOMMENDATIONS

### *Newington South Additional Working Areas – Application Ref: 1/15/01019/CDM*

356. It is RECOMMENDED that the Corporate Director for Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:
- a) A designated route for all HGVs using the site;
  - b) The maintenance and repair of Misson Byway No. 7 to an acceptable standard;
  - c) A 21 year aftercare period following on from the 5 year statutory aftercare period for the site;
  - d) The establishment of a management committee.
357. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 20<sup>th</sup> January 2016 or another date which may be agreed by the Team Manager Development Management, the Corporate Director for Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 20<sup>th</sup> January 2016, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director for Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

### *Newington West New Working Area – Application Ref: 1/15/01020/CDM*

358. It is RECOMMENDED that the Corporate Director for Place be instructed to enter into an agreement under Section 278 of the Highways Act 1980 (as amended) to secure a new access on to the public highway and a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:
- a) A designated route for all HGVs using the site;
  - b) A 21 year aftercare period following on from the 5 year statutory aftercare period for the site;
  - c) The establishment of a management committee.
359. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 20<sup>th</sup> January 2016 or another date which may be agreed by the Team Manager Development Management, the Corporate Director for Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 20<sup>th</sup> January 2016, or within any subsequent extension of decision time agreed with the Minerals Planning

Authority, it is RECOMMENDED that the Corporate Director for Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

**TIM GREGORY**

**Corporate Director – Place**

### **Constitutional Comments**

The recommendation in the report fall with the Terms of Reference of the Planning Committee.

[LM – 2/10/2015]

### **Comments of the Service Director - Finance**

The financial implications are set out in the report.

[SES 06/10/2015]

### **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**

Misson - Councillor Liz Yates

Report Author/Case Officer

Oliver Meek

0115 9932583

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

W001427

ES/3264 and ES/3265

**RECOMMENDED PLANNING CONDITIONS - NEWINGTON SOUTH ADDITIONAL WORKING AREAS (REF: 1/15/01019/CDM)**

1. This permission is for the continuation of extraction of 1,150,000 tonnes of sand and gravel at Newington South Quarry, the construction of temporary topsoil banks and subsoil/overburden mounds and a means of access to the highway together with the restoration of the site to nature conservation (reedbeds, wet grassland and woodland) all within the area edged red on Drawing Number 47072089.NS.SS.003 received by the Minerals Planning Authority (MPA) on 24<sup>th</sup> March 2015.

*Reason: To define the permission and for the avoidance of doubt.*

2. Unless amendments are made pursuant to the other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
  - a) Drawing Ref: N59/145 titled 'Existing Site Layout' – received by the MPA on 24<sup>th</sup> March 2015;
  - b) Drawing Ref: N59/146 titled 'Phase 5 Working & Phase 4 Restoration' – received by the MPA on 24<sup>th</sup> March 2015;
  - c) Drawing Ref: N59/147 titled 'Phase 6 Working & Phase 5 Restoration' – received by the MPA on 24<sup>th</sup> March 2015;
  - d) Drawing Ref: N59/148 titled 'Phase 7 Working & Phase 6 Restoration' – received by the MPA on 24<sup>th</sup> March 2015;
  - e) Drawing Ref: N59/149 titled 'Phase 8 Working & Phase 7 Restoration' – received by the MPA on 24<sup>th</sup> March 2015;
  - f) Drawing Ref: N59/150 titled 'Final Earthworks & Restoration Phase 8' – received by the MPA on 24<sup>th</sup> March 2015;
  - g) Drawing Ref: N59/151 titled 'Concept Restoration Plan' – received by the MPA on 24<sup>th</sup> March 2015;
  - h) Drawing Ref: D115389.ES.004 titled 'Slaynes Lane Crossing' – received by the MPA on 24<sup>th</sup> March 2015;
  - i) Drawing Ref: N59/152 titled 'Typical Section through Wet Grassland & Boardwalk over Reedbeds' – received by the MPA on 24<sup>th</sup> March 2015;
  - j) Landscape Restoration, 5 Year Aftercare and 21 Year Habitat Management Plan dated March 2015 – received by the MPA on 24<sup>th</sup> March 2015;
  - k) Section 73 planning submission for continuation of the development at variance to planning permission 1/32/12/00007 and comprising planning application form, supporting statement and accompanying drawings – received by the MPA on 24<sup>th</sup> March 2015.

*Reason: For the avoidance of doubt.*

3. No extraction of sand and gravel shall take place outside the limit of the excavation areas shown on the phased working drawings ref: N59/146–N59/149 – received by the MPA on 24<sup>th</sup> March 2015;

*Reason: To ensure the development is carried out in accordance with the approved documents.*

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

*Reason: To ensure that the development is carried out in accordance with the approved documents.*

5. Traffic direction signs to direct HGVs to make a left turn only out of the quarry onto the Bawtry Road shall be retained at all times during the development in accordance with the scheme agreed by the MPA within the letter dated 23<sup>rd</sup> February 2011.

*Reason: In the interests of highway safety in accordance with Policy M3.14 of the Nottinghamshire Minerals Local Plan (MLP) 2005.*

6. The development shall be implemented in accordance with the scheme for the provision and implementation of the methods of working, restoration and maintenance of all remaining watercourses affected by the development, as approved by the MPA within their letter dated 23<sup>rd</sup> February 2011.

*Reason: To accord with Policy M3.8 of the MLP to avoid detriment to the water environment.*

7. The temporary works carried out in, under, over or adjacent to the watercourse shall be implemented in accordance with the scheme agreed by the MPA within their letter dated 23<sup>rd</sup> February 2011.

*Reason: To protect the water environment in accordance with Policy M 3.8 of the MLP.*

8. The plant and machinery used on the site shall be restricted to a wheel loader, haulage lorries & cabin for the storage of loading shovel. No further plant and machinery shall be operated on the site without the prior written agreement of the MPA.

*Reason: To enable the MPA to adequately control the development in accordance with Policy M3.4 and M3.5 of the MLP.*

9. The dust monitoring and management scheme detailed in the letter from the operator dated 19<sup>th</sup> January 2011 and approved by MPA on the 23<sup>rd</sup> February 2011 shall be implemented throughout the life of the development so as to ensure

that dust from operations within the site is minimised. Dust monitoring shall be undertaken during periods of soil stripping and the results submitted in writing to the MPA for its approval in writing. In the event that the dust monitoring survey identifies potential for nuisance from dust, the report shall identify measures to minimise dust emissions to an acceptable level, such measures shall be implemented within one month of the MPA's approval in writing.

*Reason: To enable the MPA to adequately control the development and minimise its impacts on the amenities of the local area in accordance with Policy M3.7 of the MLP.*

10. Fuels shall only be stored within the bunded fuel store in the location shown on Drawing No. N59/100 'Site Establishment, Phase 1 Working & Site Office Layout and Parking' and as detailed in the letter from the applicant dated 19<sup>th</sup> January 2011. For the avoidance of doubt any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater. All filling points, vents, and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

*Reason: In the interest of pollution control in accordance with Policy M3.8 of the MLP.*

11. All soil stripping shall be undertaken in accordance with the scheme for the archaeological investigation and recording of the site prepared by Andrew Josephs Environmental Consultant (January 2011), received by the MPA on the 4<sup>th</sup> May 2011 and approved by the MPA on 9<sup>th</sup> June 2011.

*Reason: To ensure that adequate archaeological investigation and recording is carried out prior to the development commencing, in accordance with Policy M3.24 of the MLP.*

12. The strategy to ensure the safe and permanent removal of Azolla Filiculoides (water fern) shall be implemented in accordance with the scheme detailed in the URS/Scott Wilson letter dated 17<sup>th</sup> January 2011.

*Reason: To prevent the spread of an invasive non-native species and protect the natural environment in accordance with Policy M3.19 of the MLP and to provide for the satisfactory protection of water voles.*

### **Commencement**

13. The development hereby permitted shall be begun before the 13<sup>th</sup> June 2017.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

14. The MPA shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

### **Buildings, Fixed Plant and Machinery**

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order) no buildings, fixed plant or machinery shall be erected or otherwise brought on to the site without the prior written approval of the MPA.

*Reason: To enable the MPA to adequately control the development and minimise its impact on the amenity of the local area in accordance with Policy M3.3 of the MLP.*

16. No processing or treatment of materials shall take place on the site.

*Reason: To enable the MPA to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy M3.5 of the MLP.*

### **Bird Strike**

17. Populations of birds shall be monitored in accordance with the submitted scheme for monitoring of birds at Newington Quarry prepared by URS and set out within the letter from Hanson dated 5<sup>th</sup> September 2008 (ref: N59/P/RM/SC.a) as approved by the MPA on 23 February 2011. The results of the monitoring shall be submitted to the MPA on an annual basis during the operational life of the planning permission (including the five year aftercare period). In the event that the bird monitoring results show a significant bird strike hazard, the annual report shall incorporate detailed mitigation measures including a timetable for controlling and reducing such a hazard.

*Reason: In the interests of aircraft safety in line with the NPPF.*

### **Duration of Operations**

18. All mineral extraction shall cease before 13<sup>th</sup> June 2018. Should extraction cease before this date the MPA shall be notified within 1 month of extraction ceasing.

*Reason: To ensure the proper restoration of the site within an acceptable timescale in line with the NPPF.*

19. All restoration operations shall be completed no later than 12 months after the completion of final extractive operations.

*Reason: To secure the proper restoration of the site within an acceptable timescale in line with the NPPF.*



## **Ecology**

20. Vegetation clearance shall be undertaken in accordance with the precautionary measures in relation to reptiles outlined in Section 4.3.7 of the Environmental Statement – received by the MPA on 24 March 2015. Should any reptiles be found during vegetation clearance, works shall cease until they have been relocated to a suitable receptor area, the details of which shall have been previously submitted to, and agreed in writing by, the MPA.

*Reason: In the interests of amenity and wildlife conservation.*

21. Any vegetation clearance works shall only be conducted outside the bird breeding season (15<sup>th</sup> March – end of August) unless a written ecological report by a suitably qualified ecologist demonstrating that no harm will be caused by such works, is previously submitted to, and approved in writing by, the MPA. Any works shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of amenity and wildlife conservation.*

## **Water Resources**

22. The development shall be carried out in accordance with surface water and flood risk management details as set out in the Summary Section (on pages 6 and 7) of the letter to the Environment Agency dated 20 October 2008 – received by the MPA on 29 October 2008. The development shall be carried out in accordance with the approved details and a timetable to be agreed in writing by the MPA, unless otherwise agreed in writing by the MPA.

*Reason: To ensure that flood risk issues are adequately addressed in the development of the site in line with Policy M3.9 of the MLP.*

23. A strip of land 9 metres wide adjacent to the tops of both banks of all retained watercourses on site shall be kept clear of all excavation works and any stored materials unless otherwise agreed in writing by the MPA.

*Reason: In the interests of the protection of the water environment in accordance with Policy M3.8 of the MLP.*

24. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or surface water, whether direct or via soakaways.

*Reason: In the interests of groundwater protection in accordance with Policy M3.8 of the MLP.*

25. No extraction shall take place below 5 metres below Ordnance Datum.

*Reason: In the interests of groundwater protection in accordance with Policy M3.8 of the MLP.*

## Working Programme

26. The development hereby approved shall be carried out in accordance with the working programme and phasing shown on plans N59/145-N59/151 – received by the MPA on 24<sup>th</sup> March 2015.

*Reason: To enable the MPA to control the development and minimise its impact on the amenities of the local area.*

## Hours of Operation

27. No quarrying operations including the movement of plant or machinery and the haulage of mineral between the application site and the Auckley processing facility shall take place outside the hours of 0700 and 1900 Mondays to Fridays and 0700 to 1300 hours on Saturdays. There shall be no working on Sundays, Public or Bank Holidays, except in the case of emergency or as otherwise agreed in writing by the MPA. The MPA shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours.

*Reason: To enable the MPA to control the development and minimise its impacts in accordance with Policy M3.5 of the MLP.*

## Noise

28. The free field noise levels associated with the development, when measured in the curtilage of any of the noise sensitive properties listed below, shall not exceed the following limits measured as an Equivalent Continuous Noise Level for 1 hour LAeq (free field):

Criterion Noise Levels LAeq, 1 hour	
Location	LAeq
M1 – Pine Tree Cottage	51dB
M2 – Pastures Farm	44dB
M3 – Everton Carr Farm	48dB
M4 – Newington Farm	51dB

In the event of a justifiable noise complaint, the applicant shall within a period of 30 days carry out a noise survey as agreed in advance with the MPA. If the results indicate exceedance of the above levels, the applicant shall submit to the MPA for approval and implement an agreed scheme of noise mitigation.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the MLP.*

29. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufactures specifications to minimise noise disturbance to the satisfaction of the MPA.

*Reason: To enable the MPA to control the development and to minimise its impact on the amenities of the local area in accordance with Policy M3.5 of the MLP.*

### **Lighting**

30. No floodlighting shall be used within the planning application area hereby approved.

*Reason: To minimise impact on the amenity of the local area, in accordance with Policy M3.5 of the MLP.*

### **Dust and Mud**

31. All lorries leaving the site shall be sheeted.

*Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.*

32. The surface of the site access and the crossing over Slaynes Lane shall be maintained in a good state of repair and kept clean and free from mud and other debris at all times until completion of site restoration and aftercare.

*Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.*

33. All vehicles leaving the site shall use the wheel cleaning facilities. These facilities shall be maintained in an effective state for the duration of the development so that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried on to the public highway.

*Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.*

34. The crossing over Slaynes Drain and Slaynes Lane shall be used so as to ensure that no user of Misson Byway No. 7 is detrimentally affected and unable to pass.

*Reason: In the interests of the safety and amenity of users of Misson Byway No 7 (Slaynes Lane).*

### **Vehicles**

35. The development hereby approved shall be undertaken in accordance with Hanson's 'Haulier Rules and Procedures' dated June 2013 and 'Safety / Environmental Procedures for Face Lorries' dated September 2010 – received by the MPA on 24<sup>th</sup> March 2015.

*Reason: To minimise the potential adverse impacts associated with the haulage of mineral in accordance with Policy M3.12 of the MLP.*

36. Unless otherwise agreed in writing by the MPA the number of HGVs entering/leaving the site in connection with the development hereby permitted shall not exceed a maximum of 75 vehicle movements per day. The operator

shall keep annual records of all HGV movements to and from the site and such records shall be supplied to the MPA within two weeks of a request for such records being made.

*Reason: To enable the MPA to control the development and minimise its impacts on the amenities of the local area in accordance with Policy M3.13 of the MLP.*

### **Topographical Survey**

37. A topographical survey of the site shall be carried out annually and supplied to the MPA. Supplementary topographical surveys shall be undertaken upon the written request of the MPA and supplied to the MPA within four weeks of a written request.

*Reason: To ensure that reinstated ground levels are not raised over pre-worked levels.*

### **Soil Handling**

38. No turf, topsoil, subsoil or overburden shall be removed from the site.

*Reason: To conserve and manage all available soil reserves to ensure the proper restoration of the site in accordance with Policy M4.3 of the MLP.*

39. No waste materials other than waste sand and gravel materials processed at the Auckley plant for restoration purposes shall be brought onto site.

*Reason: To ensure the proper restoration of the site in accordance with Policy M 4.3 of the MLP.*

40. No plant or vehicles shall cross any area of unstripped topsoil except where such traffic is essential and unavoidable for purposes of undertaking permitted operations. Essential traffic routes shall be marked in such a manner as to be clear and effective. No part of the site shall be excavated or traversed or used for a road or for storage of subsoil or overburden, waste or mineral deposits until all available topsoil and subsoil to a minimum depth of 1000 mm has been stripped from that part.

*Reason: To ensure the proper conservation of soil resources and the restoration of the site in accordance with Policy M4.3 of the MLP.*

41. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Drawing Numbers N59/145-N59/150 inclusive – received by the MPA on 24<sup>th</sup> March 2015;

*Reason: To ensure the proper restoration of the site in accordance with Policy M4.3 of the MLP.*

42. All topsoil shall generally be stripped to a depth of 300 mm, or to its full depth if different, and all subsoil to a depth of not less than 1000mm.

*Reason: To ensure the proper conservation of resources and restoration of the site in accordance with Policy M4.3 of the MLP.*

43. All stripped topsoil shall be permanently retained on site for subsequent use in restoration, as detailed in the application.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

44. The MPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

45. Soil stripping shall not take place until any standing crop or vegetation has been cut and removed.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

46. Prior to the use of any area for the storage of subsoil that area shall first be stripped of topsoil.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

47. Subsoils should be stripped in accordance with the following details shown on the Newington South ADAS Figure H2 – received by the MPA on 24 July 2008:

- a) Unit 1 – up to a depth of 88 cms;
- b) Units 2 and 3 - up to a depth of 90 cms;
- c) Unit 4 – up to 120 cms.

All soil units shall be stored separately, with the exceptions of units 2 and 3 which can be stored together.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

48. 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 and managed in accordance with a scheme that is to be submitted to and approved in writing by the MPA before stripping and soil mound construction is due to commence.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

49. All topsoil, subsoil and soil making materials shall be stored in accordance with the flood risk assessment and surface water management details set out in the letter and accompanying appendix to the Environment Agency dated 20 October 2008, received by the MPA on 29 October 2008, in relation to all phases of phased mineral extraction, progressive restoration and post restoration, and in accordance with the following details:
- a) bunds shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped to avoid the collection of water in surface undulations;
  - b) bunds shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or maintenance;
  - c) bunds shall not be subsequently moved or added to until required for restoration unless otherwise agreed in writing with the MPA.

*Reason: To ensure the proper management of the site in the floodplain during operations and the proper restoration of the site, conserving and managing all available soil resources in accordance with Policies M3.8, M3.9 and M4.3 of the MLP.*

50. On or before the date of 31 October in any year the MPA shall be supplied with a plan showing:
- a) the area stripped of topsoil and subsoil;
  - b) the location of each storage mound;
  - c) the quantity and type of the material therein;
  - d) the areas of the site which have been restored to final levels and soils replaced;
  - e) the areas of the site stripped of soils but not worked;
  - f) the operational areas of the site;
  - g) those areas remaining to be worked.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

### **Retention of Hedgerows**

51. The operator shall maintain and make stock proof until restoration is completed all the existing site perimeter hedges and fences and protect the same from damage. Undisturbed hedgerows within or bounding the site shall be carefully maintained, cut and trimmed at the proper season throughout the period of working and restoration.

*Reason: In the interests of amenity and wildlife conservation.*

52. Any trees, bushes and hedgerows within the site shall be retained until their removal is necessary to allow the development of the current or succeeding phase of mineral working.

*Reason: In the interests of amenity and wildlife conservation.*

### **Restoration and Soils Replacement**

53. The site shall be fully restored in accordance with Drawing No. N59/151 titled 'Concept Restoration Plan' – received by the MPA on 24 March 2015.

*Reason: To ensure the proper restoration of the site in accordance with Policies M4.2 and M4.4 of the MLP.*

54. The MPA shall be notified 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 soil making materials or subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
- 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 proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the MLP.*

55. Subsoils and soil making materials shall only be replaced when they and the ground on which they are placed are in a moist but not saturated condition and no movements, respreading, levelling, ripping or loosening of subsoil shall occur:

- a) when it is raining;
- b) when there are pools of water on the surface of a storage mound or receiving area.

*Reason: To ensure proper restoration of the site and conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

56. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced soil making material, 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 proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

57. Subsoil and any soil making material shall be levelled to provide an even depth across the re-laid areas so that the total thickness of settled subsoil is no less than 1 metre.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

58. Each subsoil layer shall be cross-ripped:

- a) to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m; and
- b) any non-subsoil making material, 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 pre-settlement contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

59. Topsoil shall be evenly respread to achieve at least a minimum of 300mm settled depth.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

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

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

61. The respread topsoil shall be rendered suitable for agricultural (pastoral) cultivation by loosening and ripping:

- a) to provide loosening equivalent to a single pass at a spacing of 1.5m or closer;
- b) to the full depth of the topsoil plus 100mm;
- c) any non-soil making materials 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 settlement contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

62. 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.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

63. For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

64. Tree and hedgerow planting as indicated on Drawing Number N59/151 received by the MPA on 24<sup>th</sup> March 2015 and those details subsequently approved pursuant to conditions attached to this permission shall take place in the first planting season following the replacement of soils in each phase.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

65. Restored ground levels shall not exceed those details on the plan reference N59/151 received by the MPA on 24<sup>th</sup> March 2015.

*Reason: To ensure that reinstated ground levels are not raised over existing levels.*

#### **Removal of operational plant and machinery**

66. In accordance with the restoration requirements, all fixed and mobile plant, machinery and buildings shall be removed from the site within 6 months of the date of the cessation of mineral extraction as notified to the MPA under Condition 19 above.

*Reason: To ensure that the site is restored satisfactorily.*

## **Aftercare**

67. The submitted aftercare and restoration scheme entitled Landscape, Restoration, 5 Year Aftercare and 21 Year Habitat Management Plan Dated March 2015 received by the MPA on 24<sup>th</sup> March 2015 shall be implemented in accordance with the details contained therein, unless otherwise varied by details agreed between the members of the approved Management Committee and as subsequently submitted to and approved in writing by the MPA.

*Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP.*

## **Premature cessation of operations**

68. Should, for any reason, extraction operations cease for a period exceeding 6 months, or in any other circumstances cease prior to the completion of the approved scheme, such cessation being in the reasoned opinion of the MPA a permanent cessation of operations, upon written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing for the approval of the MPA. Details to be submitted shall include the restoration landform, after-uses of the restored site, a programme of restoration works with timings, provision of soil cover, grass seeding, tree and shrub planting, rights of way and associated drainage, fencing and aftercare provisions, in a manner similar to those details submitted with this application and subsequently approved pursuant to conditions attached to this permission.

*Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP.*

69. The revised scheme for the restoration of the site required under Condition 68 shall be implemented in accordance with the approved details and shall be subject to aftercare requirements detailed in Condition 67 above.

*Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP.*

## APPENDIX 2

### Notes to Applicant – Newington South Additional Working Area (Ref: 1/15/01019/CDM)

- 1) In order to carry out off site works to the public highway you would need to enter into an agreement under Section 278 of the Highways Act 1980 (as amended). Please contact Nottinghamshire County Council (Martin Green – 01623 520 734) for details.
- 2) Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- 3) The County Council may under the provisions of Section 149 of the Highways Act 1980, take proceedings against the applicant for the removal and disposal of mud and debris being carried onto the public highway as a result of the development hereby permitted.
- 4) Attention is drawn to the consultation response from Central Networks dated 6 August 2008 regarding network in the vicinity.
- 5) The Environment Agency note that proposed water control measures in the Restoration Water Level Management Plan may need the prior written consent of the Environment Agency.
- 6) The applicant's attention is drawn to the consultation response from Misson Parish Council, dated 21 April 2015, which suggests the public display and cataloguing of any archaeological finds in Retford Museum.
- 7) The applicant's attention is drawn to the consultation response from the Environment Agency, dated 5<sup>th</sup> June 2015, with particular reference to dewatering more than 20m<sup>3</sup> per day.

**RECOMMENDED PLANNING CONDITIONS - NEWINGTON WEST NEW WORKING AREA (REF: 1/15/01020/CDM)**

**Commencement**

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. No mineral extraction associated with the development hereby permitted shall commence until mineral extraction operations at Newington South (Planning Permission Ref: 1/15/01019/CDM).

*Reason: To prevent cumulative impacts in accordance with Policy M3.27 of the Nottinghamshire Minerals Local Plan (MLP).*

3. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of development.

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

**Permission**

4. This permission is for the extraction of 360,000 tonnes of sand and gravel at Newington West Quarry, the construction of temporary topsoil banks and subsoil/overburden mounds and a means of access to the highway together with the restoration of the site to nature conservation (wet/dry grassland mosaic) all within the area edged red on Drawing Ref: 47072089.NW.SS.003 titled 'Planning Application Area' – received by the MPA on 24<sup>th</sup> March 2015.

*Reason: To define the permission and for the avoidance of doubt.*

5. Unless amendments are made pursuant to the other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

a) Drawing Ref: 47072089.NW.SS.004 titled 'Site Setting' – received by the MPA on 24 March 2015;

b) Drawing Ref: N59/154 titled 'Site Establishment & Phase 1 Working' – received by the MPA on 24 March 2015;

c) Drawing Ref: N59/155 titled 'Phase 2 Working Phase 1 Restoration' – received by the MPA on 24 March 2015;

- d) Drawing Ref: N59/156 titled 'Phase 3 Working Phase 2 Restoration' – received by the MPA on 24 March 2015;
- e) Drawing Ref: N59/157 titled 'Final Earthworks & Phase 3 Restoration' – received by the MPA on 24 March 2015;
- f) Drawing Ref: N59/158 titled 'Concept Restoration Plan' – received by the MPA on 24 March 2015;
- g) Drawing Ref: N59/159 titled 'Section through Wet Grassland & Bird-Hide' – received by the MPA on 24 March 2015;
- h) Drawing Ref: 14-190-LOC-003 titled 'Site Access Location Plan' – received by the MPA on 24 March 2015;
- i) Drawing Ref: 14-190-TR-001 Rev A titled 'Proposed Temporary Access Arrangement' – received by the MPA on 24 March 2015;
- j) Application for planning permission submission comprising planning application form, supporting statement and accompanying drawing – received by the MPA on 24 March 2015

*Reason: For the avoidance of doubt.*

- 6. No extraction of sand and gravel shall take place outside the limit of the excavation areas shown on the phased working drawing Ref: N59/154 to N59/157 – received by the MPA on 24 March 2015.

*Reason: To ensure the development is carried out in accordance with the approved documents.*

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

*Reason: To ensure the development is carried out in accordance with the approved documents.*

### **Duration of Operations**

- 8. All mineral extraction shall cease before 13<sup>th</sup> June 2021. Should extraction cease before this date the MPA shall be notified within 1 month of extraction ceasing.

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

- 9. All restoration operations shall be completed no later than 12 months after the completion of final extraction operations.

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

### **Topographical Survey**

10. A topographical survey of the site shall be carried out annually and supplied to the MPA. Supplementary topographical surveys shall be undertaken upon the written request of the MPA and supplied to the MPA within four weeks of a written request.

*Reason: To ensure that reinstated ground levels are not raised over existing levels.*

### **Buildings, Fixed Plant and Machinery**

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order) no buildings, fixed plant or machinery shall be erected or otherwise brought on to the site without the prior written approval of the MPA.

*Reason: To enable the MPA to adequately control the development and minimise its impact on the amenity of the local area in accordance with Policy M3.3 of the MLP.*

12. No processing or treatment of materials shall take place on the site.

*Reason: To enable the MPA to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy M3.5 of the MLP.*

### **Hours of Operation**

13. No quarrying operations including the movement of plant or machinery and the haulage of mineral between the application site and the Auckley processing facility shall take place outside the hours of 0700 and 1900 Mondays to Fridays and 0700 to 1300 hours on Saturdays. There shall be no working on Sundays, Public or Bank Holidays, except in the case of emergency or as otherwise agreed in writing by the MPA. The MPA shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours.

*Reason: To enable the MPA to control the development and minimise its impacts in accordance with Policy M3.5 of the MLP.*

### **Lighting**

14. No floodlighting shall be used within the planning application area hereby approved.

*Reason: To minimise impact on the amenity of the local area, in accordance with Policy M3.5 of the MLP.*

### **Noise**

15. The free field noise levels associated with the development, when measured in the curtilage of any of the noise sensitive properties listed below, shall not exceed

the following limits measured as an Equivalent Continuous Noise Level for 1 hour LAeq (free field):

<b>Criterion Noise Levels LAeq, 1 hour</b>	
<b>Location</b>	<b>LAeq</b>
M1 – Pine Tree Cottage	51dB
M2 – Pastures Farm	44dB
M3 – Everton Carr Farm	48dB
M4 – Newington Farm	51dB

In the event of a justifiable noise complaint, the applicant shall within a period of 30 days carry out a noise survey as agreed in advance with the MPA. If the results indicate exceedance of the above levels, the applicant shall submit to the MPA for approval and implement an agreed scheme of noise mitigation.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the MLP.*

16. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufactures specifications to minimise noise disturbance to the satisfaction of the MPA.

*Reason: To enable the MPA to control the development and to minimise its impact on the amenities of the local area in accordance with Policy M3.5 of the MLP.*

### **Dust and Mud**

17. Prior to any soil stripping taking place a dust monitoring and management scheme shall be submitted to, and approved in writing by, the MPA. Dust monitoring shall be undertaken during periods of soil stripping and the results submitted in writing to the MPA for its approval in writing. In the event that the dust monitoring survey identifies potential for nuisance from dust, the report shall identify measures to minimise dust emissions to an acceptable level, such measures shall be implemented within one month of the MPA's approval in writing.

*Reason: To enable the MPA to adequately control the development and minimise its impacts on the amenities of the local area in accordance with Policy M3.7 of the MLP.*

18. The site access shall be hard surfaced to a minimum of 20m from the carriageway and shall be maintained in a good state of repair and kept clean and free from mud and other debris at all times until the completion of the site restoration.

*Reason: In the interests of highway safety and in accordance with Policy M3.12 of the MLP.*

19. All HGVs leaving the site shall be sheeted.

*Reason: In the interest of highway safety and in accordance with Policy M3.12 of the MLP.*

20. Prior to installation, details of wheel cleaning facilities shall be submitted to the MPA and approved in writing. The wheel cleaning facilities shall thereafter be installed in accordance with the approved details and maintained in an effective state for the duration of the development so that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried on to the public highway.

*Reason: In the interest of highway safety and in accordance with Policy M3.12 of the MLP.*

21. All vehicles leaving the site shall use the wheel cleaning facilities.

*Reason: In the interest of highway safety and in accordance with Policy M3.12 of the MLP.*

### **Traffic and Transportation**

22. Before the installation of the new access onto Bawtry Road details of signs requiring HGV drivers to only turn left onto Bawtry Road shall be submitted to the MPA, and approved in writing. The details shall include number, design and location(s). The signs shall thereafter be installed as approved and maintained for the life of the development.

*Reason: In the interests of highway safety in accordance with Policy M3.14 of the MLP.*

23. The development hereby approved shall be undertaken in accordance with Hanson's 'Haulier Rules and Procedures' dated June 2013 'Safety / Environmental Procedures for Face Lorries' dated September 2010 – received by the MPA on 24 March 2015.

*Reason: In the interest of highway safety and in accordance with Policy M3.12 of the MLP.*

24. Unless otherwise agreed in writing by the MPA the number of HGVs entering/leaving the site in connection with the development hereby permitted shall not exceed a maximum of 75 vehicle movements per day. The operator shall keep annual records of all HGV movements to and from the site and such records shall be supplied to the MPA within two weeks of a request for such records being made.

*Reason: To enable the MPA to control the development and minimise its impacts on the amenities of the local area in accordance with Policy M3.13 of the MLP.*

25. Prior to mineral extraction operations commencing 2.4m x 215m visibility splays shall have been put in place on Bawtry Road on both sides of the access as shown on Drawing Ref: 14-190-TR-001 Rev A titled 'Proposed Temporary Access Arrangements' – received by the MPA on 24 March 2015. The visibility splays



shall be kept clear of all obstructions over 0.6m above carriageway level for the life of the development.

*Reason: To ensure that suitable access arrangements are provided to a suitable standard to accommodate HGVs in the interest of highway safety in line with Policy M3.12 of the MLP.*

26. No plant and machinery shall access the site from Bawtry Road until the visibility splays required under Condition 25 have been put in place.

*Reason: To ensure that access arrangements are provided to a suitable standard to accommodate vehicles accessing the site, in the interest of highway safety in line with Policy M3.12 of the MLP.*

27. Prior to the commencement of Phase 2, as shown on Drawing N59/155, details of public access and parking arrangements shall be submitted to, and approved in writing by, the MPA. The approved details shall be in place, including the removal of any redundant site access arrangement and wheel wash facilities prior to the site being opened to the public.

*Reason: To ensure that appropriate infrastructure is in place for the purposes of public access to the nature conservation area.*

### **Archaeology**

28. No soil stripping shall take place within the application area until a written scheme of archaeological investigation and recording of the site has been submitted to, and approved in writing by, the MPA. Such a scheme include among other things:
- a) The provision of a watching brief during the phased operations at the quarry;
  - b) The excavation and recording of unexpected discoveries;
  - c) The undertaking and reporting and archiving of all archaeological work to be carried out during the course of the development.

The scheme shall thereafter be carried out as approved.

*Reason: To ensure that adequate archaeological investigation and recording is carried out prior to the development commencing, in accordance with Policy M3.24 of the MLP.*

### **Ecology**

29. Vegetation clearance shall be undertaken in accordance with the precautionary measures in relation to reptiles outlined in Section 4.3.7 of the Environmental Statement – received by the MPA on 24 March 2015. Should any reptiles be found during vegetation clearance, works shall cease until they have been relocated to a suitable receptor area, the details of which shall have been previously been submitted to, and agreed in writing by, the MPA.

*Reason: In the interests of amenity and wildlife conservation.*

30. Any vegetation clearance works shall only be conducted outside the bird breeding season (15<sup>th</sup> March – end of August) unless a written ecological report by a suitably qualified ecologist demonstrating that no harm will be caused by such works, is previously submitted to, and approved in writing by, the MPA. Any works shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of amenity and wildlife conservation.*

31. Prior to sand and gravel extraction taking place a Water Management Scheme shall be submitted to, and approved in writing by, the MPA. The scheme shall include details of water level monitoring for Newington North and make provision for the discharge of water from Newington West into Newington North. Thereafter the scheme shall be implemented for the life of mineral extraction.

*Reason: In the interests of amenity and wildlife conservation.*

### **Water Resources**

32. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 1038/FRA-02 prepared by Hafren Water dated March 2015, and the following mitigation measures detailed in the FRA:

- a) Topsoil, subsoil and overburden will be utilised progressively such that material excavated from each phase will be placed in the proceeding phase;
- b) Ground elevations across the site after restoration shall be the same as, or lower than, pre-development levels;
- c) A stand-off distance of at least 9 metres will be maintained between the working face of the quarry and the landward toe of the flood embankment;
- d) Temporary storage of excavated materials should be aligned where possible parallel to flood flows.

*Reason: In the interests of the protection of the water environment in accordance with Policy M3.8 of the MLP.*

33. Groundwater levels shall continue to be monitored for the life of minerals extraction. Results of the monitoring shall be provided to the MPA within 30 days of a request.

*Reason: In the interests of groundwater protection in accordance with Policy M3.8 of the MLP.*

34. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or surface water, whether direct or via soakaways.

*Reason: In the interests of groundwater protection in accordance with Policy M3.8 of the MLP.*

35. No extraction shall take place below 4 metres below Ordnance Datum.

*Reason: In the interests of groundwater protection in accordance with Policy M3.8 of the MLP.*

36. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater. All filling points, vents, and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

*Reason: In the interest of pollution control in accordance with Policy M3.8 of the MLP.*

### **Bird Strike**

37. Within six months of the date of this permission, a scheme for the monitoring of birds at the site shall be submitted to the MPA for its approval in writing. The scheme shall set out the following:
- a) The methodology to be used for collecting data on bird numbers within the site, and bird movements to and from the site;
  - b) The duration and frequency of the monitoring to be carried out and the dates of its submission to the MPA;
  - c) Likely thresholds of bird numbers above which would be considered to pose a significant bird strike hazard;
  - d) Detailed mitigation measures to be carried out in the event that the bird monitoring results indicate a significant bird strike hazard, and the timescale for implementing these measures.

Bird monitoring at the site, the submission of results to the MPA and the submission of any report required setting out the mitigation measures that have been carried out as a result of the monitoring highlighting potential bird hazards at the site, shall be carried out in accordance with the approved scheme.

*Reason: In the interest of aircraft safety in line with the NPPF.*

### **Soil Handling**

38. No turf, topsoil, subsoil or overburden shall be removed from the site.

*Reason: To conserve and manage all available soil reserves to ensure the proper restoration of the site in accordance with Policy M4.3 of the MLP.*

39. No waste materials other than waste sand and gravel materials processed at the Auckley plant for restoration purposes shall be brought onto site.

*Reason: To ensure the proper restoration of the site in accordance with Policy M 4.3 of the MLP.*

40. No plant or vehicles shall cross any area of unstripped topsoil except where such traffic is essential and unavoidable for purposes of undertaking permitted operations. Essential traffic routes shall be marked in such a manner as to be clear and effective. No part of the site shall be excavated or traversed or used for a road or for storage of subsoil or overburden, waste or mineral deposits until all available topsoil and subsoil to a minimum depth of 1000 mm has been stripped from that part.

*Reason: To ensure the proper conservation of soil resources and the restoration of the site in accordance with Policy M4.3 of the MLP.*

41. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Drawing Numbers N59/154 to N59/157 inclusive - received by the MPA on 24<sup>th</sup> March 2015;

*Reason: To ensure the proper restoration of the site in accordance with Policy M4.3 of the MLP.*

42. All topsoil shall generally be stripped to a depth of 300 mm, or to its full depth if different, and all subsoil to a depth of not less than 1000mm.

*Reason: To ensure the proper conservation of resources and restoration of the site in accordance with Policy M4.3 of the MLP.*

43. All stripped topsoil shall be permanently retained on site for subsequent use in restoration, as detailed in the application.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

44. The MPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

45. Soil stripping shall not take place until any standing crop or vegetation has been cut and removed.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

46. Prior to the use of any area for the storage of subsoil that area shall first be stripped of topsoil.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

47. 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 and managed in accordance with a scheme that is to be submitted to and approved in writing by the MPA before stripping and soil mound construction is due to commence.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

48. All topsoil, subsoil and soil making materials shall be stored in accordance with the following details:

- a) bunds shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped to avoid the collection of water in surface undulations;
- b) bunds shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or maintenance;
- c) bunds shall not be subsequently moved or added to until required for restoration unless otherwise agreed in writing with the MPA.

*Reason: To ensure the proper management of the site in the floodplain during operations and the proper restoration of the site, conserving and managing all available soil resources in accordance with Policies M3.8, M3.9 and M4.3 of the MLP.*

49. On or before the date of 31 October in any year the MPA shall be supplied with a plan showing:

- a) The area stripped of topsoil and subsoil;
- b) The location of each storage mound;
- c) The quantity and type of the material therein;
- d) The areas of the site which have been restored to final levels and soils replaced;
- e) The areas of the site stripped but not worked;
- f) The operational areas of the site;
- g) Those areas remaining to be worked.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

## **Retention of Hedgerows**

50. The operator shall maintain and make stock proof until restoration is completed all the existing site perimeter hedges and fences and protect the same from damage. Undisturbed hedgerows within or bounding the site shall be carefully maintained, cut and trimmed at the proper season throughout the period of working and restoration.

*Reason: In the interests of amenity and wildlife conservation.*

51. Any trees, bushes and hedgerows within the site shall be retained until their removal is necessary to allow the development of the current or succeeding phase of mineral working.

*Reason: In the interests of amenity and wildlife conservation.*

## **Restoration and Soils Replacement**

52. The site shall be fully restored in accordance with Drawing No. N59/158 titled 'Concept Restoration Plan' – received by the MPA on 24 March 2015.

*Reason: To ensure the proper restoration of the site in accordance with Policies M4.2 and M4.4 of the MLP.*

53. The MPA shall be notified 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 soil making materials or subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
- 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 proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the MLP.*

54. Subsoils and soil making materials shall only be replaced when they and the ground on which they are placed are in a moist but not saturated condition and no movements, respreading, levelling, ripping or loosening of subsoil shall occur:

- a) when it is raining;
- b) when there are pools of water on the surface of a storage mound or receiving area.

*Reason: To ensure proper restoration of the site and conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

55. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced soil making material, 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 proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

56. Subsoil and any soil making material shall be levelled to provide an even depth across the re-laid areas so that the total thickness of settled subsoil is no less than 1 metre.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

57. Each subsoil layer shall be cross-ripped:

- a) to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m; and
- b) any non-subsoil making material, 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 pre-settlement contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

58. Topsoil shall be evenly respread to achieve at least a minimum of 300mm settled depth.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

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

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

60. The respread topsoil shall be rendered suitable for agricultural (pastoral) cultivation by loosening and ripping:

- d) to provide loosening equivalent to a single pass at a spacing of 1.5m or closer;

- e) to the full depth of the topsoil plus 100mm;
- f) any non-soil making materials 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 settlement contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

61. 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.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

62. For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

63. Tree and hedgerow planting as indicated on Drawing Number N59/158 received by the MPA on 24<sup>th</sup> March 2015 and those details subsequently approved pursuant to conditions attached to this permission shall take place in the first planting season following the replacement of soils in each phase.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources in accordance with Policy M4.3 of the MLP.*

64. Restored ground levels shall not exceed those details on the plan reference N59/158 received by the MPA on 24<sup>th</sup> March 2015.

*Reason: To ensure that reinstated ground levels are not raised over existing levels.*

### **Removal of Operational Plant and Machinery**

65. In accordance with the restoration requirements, all fixed and mobile plant, machinery and buildings shall be removed from the site within 6 months of the date of the cessation of mineral extraction as notified to the MPA under Condition 8 above.



*Reason: To ensure that the site is restored satisfactorily.*

### **Aftercare**

66. The submitted aftercare and restoration scheme entitled Landscape, Restoration, 5 Year Aftercare and 21 Year Habitat Management Plan Dated March 2015 received by the MPA on 24<sup>th</sup> March 2015 shall be implemented in accordance with the details contained therein, unless otherwise varied by details agreed between the members of the approved Management Committee and as subsequently submitted to and approved in writing by the MPA.

*Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP.*

### **Premature Cessation of Operations**

67. Should, for any reason, extraction operations cease for a period exceeding 6 months, or in any other circumstances cease prior to the completion of the approved scheme, such cessation being in the reasoned opinion of the MPA a permanent cessation of operations, upon written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing for the approval of the MPA. Details to be submitted shall include the restoration landform, after-uses of the restored site, a programme of restoration works with timings, provision of soil cover, grass seeding, tree and shrub planting, rights of way and associated drainage, fencing and aftercare provisions, in a manner similar to those details submitted with this application and subsequently approved pursuant to conditions attached to this permission.

*Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP.*

68. The revised scheme for the restoration of the site required under Condition 67 shall be implemented in accordance with the approved details and shall be subject to aftercare requirements detailed in Condition 66 above.

*Reason: To ensure that the site is restored satisfactorily in accordance with Policy M4.9 of the MLP*



**Notes to Applicant - Newington West New Working Area – Application Ref: 1/15/01020/CDM**

1. In order to carry out off site works to the public highway you would need to enter into an agreement under Section 278 of the Highways Act 1980 (as amended). Please contact Nottinghamshire County Council (Martin Green – 01623 520 734) for details.
2. The applicant's attention is drawn to the consultation response from Misson Parish Council, dated 21 April 2015, which suggests the public display and cataloguing of any archaeological finds in Retford Museum.
3. The applicant's attention is drawn to the response from the Environment Agency, dated 14 May 2015, with particular reference to dewatering more than 20m<sup>3</sup> per day.