

**RECOMMENDED PLANNING CONDITIONS FOR PLANNING PERMISSION 3/19/2233/CMM FOR A VARIATION OF PLANNING CONDITIONS 1, 2, 3, 15, 21, 22 & 27 OF PLANNING PERMISSION 3/18/01737/CMA TO MODIFY THE APPROVED QUARRY RESTORATION SCHEME AND AMEND THE METHOD OF WORKING WITHIN THE QUARRY COMPLEX TO FACILITATE ITS USE IN CONNECTION WITH THE PROCESSING OF MINERAL ORIGINATING FROM THE SOUTHERN EXTENSION.**

**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. 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 the development hereby permitted.

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

**Scope of Planning Permission**

3. This planning permission is for the extraction of sand and gravel within the area edged with a dashed line on drawing set P1/1379/6R (dated 18 July 2018) (excluding ponds 1, 2 and 3 and their respective stand-off areas) together with the operation of the mobile processing plant and ancillary infrastructure within the area edged red on 'Drawing Number 14\_C048\_CROM\_001 – Site Location', dated July 2014 which may be used for the processing of mineral from the planning application site and the adjoining southern extension area, and for the retention of a container unit housing a generator. The quarry shall be restored to nature conservation lakes, marginal reedbed habitat, marshy areas, seasonally wet grassland, neutral grassland and other associated habitat. This permission comes into effect on the date of commencement of either planning permission 3/19/02231/CMM or planning permission 3/19/02232/CMM.

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

4. The development hereby permitted shall only be carried out in accordance with the following plans, except where amendments are made pursuant to other conditions below or through the approval of a non-material amendment to the permission:

- (a) Set of Drawings Numbered 20-03 P1/1379/6A i-ix: 'Method of Working Phase 7/8'; 'Method of Working Phase 9a'; 'Method of Working Phase

- 9b'; 'Method of Working Phase 9c'; 'Method of Working Phase 9d'; 'Method of Working Phase 10'; 'Method of Working – Plant Site'; 'Method of Working Restoration of Plant Site'; 'Method of Working Restoration Complete' all dated 3rd April 2020 and received by the MPA on 6th April 2020.
- (b) Drawing No. P1/1379/9/K 'Restoration Plan' dated March 2006 (Rev 6<sup>th</sup> April 2020), and received by the MPA on 6<sup>th</sup> April 2020.
  - (c) Drawing No. 1910/P3/CRMWLL/10 ELEV 'Generator Elevations' dated Mar 2020 and received by the MPA on 6<sup>th</sup> April 2020.
  - (d) Drawing No. 1910/P3/CRMWLL/9 Proposed Site Plan - Existing Quarry dated Mar 2020 and received by the MPA on 6<sup>th</sup> April 2020.
  - (e) Planning application forms, planning statement and environmental statement received by the MPA on 28 October 2014, subject to any modifications that may be agreed in writing with the MPA;
  - (f) Regulation 22 submission received by the MPA on 6 March 2015 (with the exception of the plans).
  - (g) Drawing Number P1/1379/13 'Weighbridge Location Plan' received by the MPA on 12 February 2009 and approved on 15 May 2009 for the purposes of denoting the access road to the quarry.
  - (h) Drawing No. 14\_C048\_CROM\_007\_A 'Condition 10 -8m Road' received by the MPA on 14 March 2016 and approved on 12 April 2016 pursuant to condition 10 of planning permission 3/14/01995/CMA.
  - (i) Drawing No.s 15\_C034\_CROM\_003 'Office/Weighbridge'; 15\_C034\_CROM\_004 'Canteen'; 15\_C034\_CROM\_005 'Changing Room'; 15\_C034\_CROM\_006 'Weighbridge' all received by the MPA on 14 March 2016 and approved on 12 April 2016 pursuant to condition 22 of planning permission 3/14/01995/CMA.
  - (j) Technical specification for 'Hippowash' both received by the MPA on 4 April 2016 and approved on 22 April 2016 (under NMA 3501).
  - (k) Drawings no. P1/1379/16 'Fuel Storage Location' and 'Cemex Fuel Store NMA Plan View 1' both received by the MPA on 16 March 2017 and approved 31 March 2017 (under NMA 3639).
  - (l) Drawings 18\_C034\_CROM\_002 'Office/weighbridge 9.7m x3.0m' dated August 2018; 18\_C034\_CROM\_003 'Storage Unit 8m x 3.0m' dated August 2018, all approved by the MPA on 20 September 2018 (under ref PD/3913).

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

5. Mineral extraction shall take place in compliance with Drawings Numbered 20-03 P1/1379/6A i-ix: 'Method of Working Phase 7/8'; 'Method of Working Phase 9a'; 'Method of Working Phase 9b'; 'Method of Working Phase 9c'; 'Method of Working Phase 9d'; 'Method of Working Phase 10'; 'Method of Working – Plant Site'; 'Method of Working Restoration of Plant Site'; 'Method of Working Restoration Complete' all dated 3rd April 2020 and received by the MPA on 6th April 2020. All mineral processed within the Cromwell Quarry plant site including mineral originating from the Southern Extension shall be dispatched to the public highway via the existing quarry haul road and shall comply with the HGV routing requirements of the S106 relating to the quarry plant site permission.

*Reason: To define the extent of planning permission in the interests of retaining landscape and ecological features necessary to mitigate the impacts of the development and in order to ensure the integrity of flood defences.*

## **Monitoring**

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

*Reason: To enable an easy reference and to encourage compliance with the requirements of this permission.*

## **Access**

7. All vehicles accessing and leaving the site shall only do so via the access road highlighted in yellow and marked as 'Access Road to the Quarry' on 'Drawing Number P1/1379/13 – Weighbridge Location Plan' received by the MPA on 12 February 2009 and approved in writing by the MPA on 15 May 2009.

The access road shall be maintained in accordance with the details within drawing Number 14\_C048\_CROM\_007\_A – 'Condition 10 -8m Road' received by the MPA on 14 March 2016.

*Reason: In the interests of road safety, in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

8. All outbound HGVs shall use the wheel cleaning facilities and procedures under Condition 2j) above and the wheel cleaning 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 onto the public highway.

*Reason: In the interests of road safety, in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

9. All HGVs transporting minerals from the site shall be sheeted prior to leaving site.

*Reason: In the interests of road safety and to control dust, in accordance with policies M3.7 and M3.12 of the Nottinghamshire Minerals Local Plan.*

## **Hours of Working**

10. Except in emergencies, which are to be notified to the MPA within 48 hours of their occurrence, or with the prior written agreement of the MPA, the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays, Public and Bank Holidays
Mineral extraction, processing or treatment	7am to 7pm	7am to 1pm	Not at all
Stripping, replacement, regrading or ripping of soils or overburden	7am to 7pm	7am to 1pm	Not at all
Servicing, testing, or maintenance of plant or machinery	7am to 5pm	7am to 4pm	Not at all
Heavy goods vehicles entering and leaving the site	7am to 6pm	7am to 1pm	Not at all

*Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

## Operations

11. All plant and machinery shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the plant or machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

*Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

12. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

*Reason: To protect the amenities of local residents in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

13. Best practicable means shall be taken to minimise the generation of dust from operations at the site. These shall include, but not be restricted to, taking any or all of the following steps as appropriate.

- (a) The use of water bowsers to dampen haul roads and other operational areas of the site;
- (b) Upon request from the MPA, the temporary suspension of mineral extraction, soil and overburden stripping and replacement operations during periods of unfavourable dry and windy weather conditions.

*Reason: To protect the amenities of local residents in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

14. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious walls. The volume of the

bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow outlets should be detailed to discharge downwards into the bund.

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

15. All foul drainage must be contained within a sealed and watertight cesspit fitted with a level warning device.

*Reason: To minimise the risk of pollution to the local water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

### **Ancillary Buildings and Plant**

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any future replacement order) no fixed plant or machinery shall be erected on the site until full details have been submitted to and approved by the MPA.

*Reason: To minimise any visual impact from the development in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

17. All plant, ancillary buildings and associated structures shall be removed from the site within 12 months of the completion of mineral extraction operations within the planning application site and the extended southern area granted consent by virtue of planning permissions 3/19/02231/CMM and 3/19/02232/CMM .

*Reason: In the interest of visual amenity in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan and so to provide a high standard of restoration in accordance with paragraph 205 of the National Planning Policy Framework.*

18. No additional floodlighting or security lighting (over and above the previously approved Hilclare Talca floodlight details received by the MPA on 14 March 2016 and approved in writing by the MPA on 12 April 2016) shall be used on site except in accordance with details previously submitted to, and approved in writing by, the MPA. The details shall ensure that the floodlighting or security lighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land. The floodlighting and security lighting shall not be used outside the hours of operations detailed in Condition 8 above. Outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding five minutes. The floodlighting and security lighting shall be implemented and maintained in accordance with the approved details for the life of the development hereby permitted.

*Reason: To minimise the visual intrusion of the development in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

## **Archaeology**

19. Archaeological works at the site, and the reporting of findings to the MPA, shall be carried out in accordance with the Trent and Peak Archaeology document entitled 'Archaeological General Project Design for Sand and Gravel Extraction at Land East of Cromwell, Nottinghamshire' received by the MPA on 12 August 2009.

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

## **Protected Species**

20. The development shall be undertaken in accordance with the recommendations of the Protected Species Mitigation Programme (Scarborough Nixon Associates Ltd.) dated July 2005 received by the MPA on 14 March 2016 and approved in writing by the MPA on 12 April 2016. In accordance with this Programme the operator must:
- a) Retain the three existing ponds and the purpose-built hibernacula alongside each (together with fencing and a ten-metre buffer zone) along with their ongoing management and monitoring in order to retain suitable amphibian and reptile habitat on site throughout the development hereby permitted;
  - b) Retain (until when required for site restoration purposes) the landscaped soil bund along the eastern periphery of the extraction boundary to prevent reptiles along the river corridor from entering the working quarry;
  - c) Follow the recommendations for the carrying out of hand surveys for amphibians and reptiles prior to works commencing in any phase along with the mitigation steps should any be encountered at any time in undertaking the development;
  - d) Follow the survey recommendations for potential badgers prior to works commencing in any phase along with the mitigation steps should any be encountered at any time in undertaking the development;
  - e) Manage vegetation in operational areas, and areas which have been previously hand searched and which are soon to become operational, to deter amphibians and reptiles from entering these areas;
  - f) Retain hedgerows, trees and shrubs within and on the boundary of the site which are to be retained, protected, enhanced and managed for the duration of the development hereby permitted and the subsequent aftercare period, along with the provision of stand-offs and/or protective fencing and their ongoing management in order to provide enhanced habitat for birds and foraging bats.

*Reason: To provide suitable protection and habitats for protected species on the site in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan.*

21. Site clearance operations that involve the removal and destruction of vegetation shall not be undertaken during the months of March to August inclusive except following the carrying out of a walkover survey of the affected area by a suitably qualified ecologist in accordance with details which have been previously submitted to, and approved in writing by, the MPA.

*Reason: In the interests of protecting species and their habitats in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan.*

22. Should there be a need to remove the tree identified on the Method of Working Plans No. P1/1379/6R, no works to the tree shall be undertaken until it has been the subject of a full bat emergence survey, undertaken in accordance with details previously submitted to, and approved in writing by, the MPA. The survey shall be carried out in accordance with the approved details and, should the presence of roosting bats in the tree be identified, details of mitigation measures to be implemented prior to the removal of the tree shall be submitted to the MPA for its approval in writing. The approved mitigation measures shall be implemented in accordance with the approved details prior to the tree being removed.

*Reason: To provide the necessary conservation of protected species in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan.*

## **Soil Handling**

23. Soil handling on the site shall be carried out in accordance with the set of method of working drawings numbered 20-03 P1/1379/6A i-ix referenced within Condition 2a above and the document entitled 'Cromwell Soil Handling Scheme' submitted as part of the Regulation 22 submission received by the MPA on 6 March 2015, except with respect to the seeding of soil mounds which shall be carried out in accordance with Condition 24 below.

*Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

24. No turf, topsoil, subsoil, or overburden shall be removed from the Cromwell Quarry site incorporating the original quarry and southern extension area. No waste materials, including soils and mineral working wastes, shall be brought onto the site.

*Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

25. Soil stripping and replacement operations in each phase of the development shall not commence until at least seven working days after the MPA have been notified of such operations in writing.

*Reason: To enable adequate control of the development by the MPA and to ensure compliance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

26. All soil and overburden storage mounds that remain in situ for more than six months, or over winter, shall be seeded and maintained in accordance with the 'Bird and Invertebrate Seed Mix Recommendations' received on 4 April 2016 and approved by the MPA on 12 April 2016.

*Reason: To ensure that soil resources are preserved and used beneficially within the restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

## **Duration**

27. All mineral extraction shall cease no later than 18 May 2028. The MPA shall be notified in writing of the date when mineral extraction ceases within 14 days of its occurrence.

*Reason: To minimise the duration of disturbance from the development hereby permitted, in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

28. All restoration operations in accordance with conditions 27-29 below shall be completed within 12 months after completion of mineral extraction (as notified by condition 25) or no later than 18 May 2029, whichever is the earliest.

*Reason: To ensure the satisfactory and early restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan and paragraph 205 of the National Planning Policy Framework.*

## **Restoration**

29. The application site shall be subject to a phased restoration in order to achieve a final restoration which accords with the details, including final contours, shown on Drawing No. P1/1379/9/K 'Restoration Plan' dated March 2006 (Rev 6th April 2020), and received by the MPA on 6th April 2020.

*Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the area and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

30. Prior to the replacement of any overburden and topsoil within any phase of the site in accordance with the soil-handling programme approved under Condition 21 above, a topographical survey of the site, showing the surface contours of the replaced overburden in that phase, shall have been submitted to, and approved in writing by, the MPA.

*Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the area and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

31. No restoration works shall be undertaken within any phase until detailed restoration proposals have been submitted to, and approved in writing by, the MPA. The details shall include the following:
- (a) Full details of tree and scrub planting areas; seasonally wet grassland areas (to include additional areas of wet grassland alongside the eastern lake shore); and neutral meadow grassland areas, including full seed mixes, sowing rates, establishment methods and maintenance regimes;
  - (b) A detailed reedbed creation methodology to cover the management of silt deposition, the design of open water areas/channels and the design of water management structures. Full details of the planting of the aquatic margins/reedbed areas, including species, numbers, positions, establishment and maintenance regimes;
  - (c) Underwater contours for the lakes to provide for shallow sloping margins and shallows/beaches.
  - (d) Details for the provision of ponds and scrapes including additional provision within the neutral grassland field.
  - (e) Details of fencing arrangements/ means of enclosure and any necessary safety signage.

The detailed restoration proposals shall be submitted for approval in advance of the completion of mineral extraction in that particular phase so that seeding and planting can be carried out in the first seeding and planting seasons following the replacement of soils in that phase. The site shall be restored in accordance with the approved details.

*Reason: To ensure the site is restored to a condition capable of beneficial ecological afteruse at the earliest possible date in the interests of protected species in the area and in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

### **Aftercare**

32. Following the restoration of any phase of the site, that phase shall undergo aftercare management for a 5 year period.

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

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

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

34. An aftercare scheme and strategy for each phase shall be submitted for the written approval of the MPA at the same time as restoration details for that phase are submitted under Condition 29 above. The aftercare scheme and strategy shall outline the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps to ensure the land

is restored and brought back to its intended restored afteruse. The aftercare scheme shall include, but not be restricted to, details of the following:

- (a) Cultivations;
- (b) Weed control;
- (c) Sowing of seed mixtures;
- (d) Soil analysis;
- (e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 October and 31 December of each year;
- (f) Drainage provision;
- (g) Management practices such as the cutting of vegetation;
- (h) Tree protection and replacement;
- (i) Remedial treatments;
- (j) Fencing;
- (k) Proposals for a survey visit by a suitably qualified ecologist, to be undertaken in year 5, to assess the ecological interest of the site, including their habitats, flora and fauna, to inform management practices for the additional periods of aftercare secured through the legal agreement; and
- (l) A report detailing the findings of the survey visit referred to in (k) above, to be submitted to the MPA before the end of year 5.

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

35. Site management meetings shall be held with the MPA each year to determine the detailed annual programmes of aftercare operations referred to in Condition 32(e) above, having regard to the condition of the land and progress in its rehabilitation.

*Reason: To enable adequate control of the development by the MPA and to ensure compliance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.*

36. The aftercare programme for each phase of the site shall be implemented in accordance with the details approved under Condition 32 above, as amended following the annual site meeting referred to in Condition 33 above.

*Reason: To ensure that the site is restored to a condition capable of beneficial use at an early date in the interests of the amenity of the area and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

### **Alternative Restoration**

37. Should, for any reason, mineral extraction from the application site cease for a period in excess of 12 months, then within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to, for approval in writing by, the MPA. Such a scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to

that submitted with the application and modified by these conditions. The revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 30-34 above.

*Reason: To ensure that should mineral extraction ceases prior to the phased closure of the quarry interim restoration measures progress to reduce environmental impacts and to ensure compliance with Policy M4.7 of the Nottinghamshire Minerals Local Plan.*

### **Informatives/notes to applicants**

1. This decision should be read alongside the legal agreement (under Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011) dated 9 March 2016 providing for controlled lorry routeing to and from the quarry and the A1 and for an additional 5 years of aftercare management (making 10 years in total).
2. Your attention is drawn to the consultation response from the Environment Agency dated 5 June 2014, and 8 October 2018 copies of which are attached to this decision notice.
3. With respect to condition 29 which requires the submission of detailed phase by phase restoration details to accord with the overarching restoration scheme, your attention is drawn to the comments and recommendations of NCC Nature Conservation and from the Nottinghamshire Wildlife Trust. The MPA would expect such details to respond positively to these recommendations as far as practicable.
4. In order to ensure the successful establishment of the reedbeds (so that they do not scrub over) it will be critical that silt deposition is carefully undertaken so that they are not filled above 4.0-4.5mAOD, based on a final water level of 5.0mAOD, as well as providing some open areas of deeper water within the reed beds. It may also be necessary to include water management structures to permit the seasonal topping up of water levels from the main lake to the north.
5. As a general guide the following points are recommended by the County Council Lead Local Flood Authority to control flood risk for all developments:
  1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
  2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
  3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
  4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

