

19th April 2022**Agenda Item: 7****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/22/00047/CDM**

PROPOSAL: VARIATION OF THE TRIGGER DATE OF CONDITIONS 67 AND 68 TO 31 DECEMBER 2024 TO AFFORD SUFFICIENT TIME FOR ADDITIONAL SURVEYS, TO SECURE ALL NECESSARY APPROVALS UNDER NON-PLANNING REGIMES AND IMPLEMENTATION WORKS TO TAKE PLACE PRIOR TO EXTRACTION RECOMMENCING

LOCATION: LAND AT STURTON LE STEEPLE, GAINSBOROUGH ROAD, RETFORD

APPLICANT: TARMAC AGGREGATES LIMITED

Purpose of Report

1. To consider a Section 73 planning application which seeks to amend the originally approved controls at Sturton le Steeple Quarry which incorporates an option for the planning authority to request the permanent closure and restoration of the implemented planning permission in the event that the quarry does not enter production before the 15th April 2022. The request is to provide an extended period up until the end of 2024 for the applicant to put the quarry into operational production.
2. The report identifies that providing the applicant a further period of time up to 2024 to allow flexibility to put Sturton le Steeple Quarry into operational production is supported by the mineral supply policies and will ensure that Nottinghamshire continues maintain an adequate landbank of minerals and a steady and adequate supply of minerals throughout the plan period of the Nottinghamshire Minerals Local Plan.
3. The recommendation is to grant planning permission subject to conditions set out in Appendix 1.

The Site and Surroundings

4. The main body of the application site (i.e. excluding the access corridors for road and wharf) is located approximately 9.5km east of Retford, some 3.5km south of Gainsborough, 2km east of Sturton le Steeple village and 1.5km south

east of West Burton Power Station. 1.5km to the east across the River Trent is the village of Knaith, in Lincolnshire. The site is generally contained by the River Trent to the east, Littleborough Road to the south and Gainsborough Road (which passes through Sturton le Steeple) to the west. The most prominent landscape feature in the area is West Burton Power Station which is situated directly to the north of the site (see Plan 1).

5. The application site is situated approximately 300m west and south of the meandering River Trent flood defences. The topography of the site is very flat, which is typically characteristic of the Trent valley area. The current use of the application site is predominantly arable agricultural land.
6. The site extends to approximately 110 hectares (ha). It is generally rectangular in shape, orientated north-south (see Plan 2). The main body of the application site (from which sand and gravel would be extracted and processed) lies immediately to the west of the 'Mother Drain' which runs parallel with North/Middle/South End Lane. The northern limit is demarcated by New Ings Drain, whilst the southern extent lies approximately 250m south of Upper Ings Lane, cutting across a large field. The western boundary follows the line of New Ings Lane in the north and several field boundaries further to the south, but predominantly follows arbitrary lines crossing through large fields.
7. Two narrow corridors extend out from the main body of the application site. Firstly, a straight corridor, 40m in width, runs northwards from the north western corner of the proposed site for a distance of around 1km to accommodate a proposed loading wharf and associated conveyor at the bank of the River Trent. The second corridor is approximately 2.8km in length, generally between 45m and 65m wide, and runs in a westerly direction towards the southern boundary of the power station before joining Gainsborough Road. This corridor of land would accommodate the quarry access road which joins onto Gainsborough Road to the west and links with the A631 and wider strategic road network to the north.

Background to Development Proposal

8. Planning permission was originally granted for the development of a sand and gravel quarry including the construction of a new access road and erection of processing plant, ancillary buildings and a wharf facility with restoration to agriculture, woodland and water areas for amenity and nature conservation after-uses at Sturton le Steeple in October 2008 under reference 1/46/06/00014 (See Plan 3).
9. In March 2012 planning permission was granted under reference 1/46/11/00002/R to extend the implementation deadline set out within the original consent to 8 March 2017.
10. In May 2016 a further planning permission was granted under reference 1/16/00354/CDM to enable the quarry access road to be constructed in two stages:

- The initial stage of developing the quarry access road relates to the construction of a 500m section of bound surface adjacent to Gainsborough Road (and the remainder of the haul road laid with stone) and for the use of this road for the removal of the first 100,000 tonnes of mineral from the site.
 - The second stage, which has not yet been constructed, includes the full surfacing of the haul road along its entire length.
11. The 2016 planning permission was implemented in September 2016 through the construction of the first 500m section of the haul road with a bound surface, but the full length of the road in stone surfacing was not constructed. A small quantity of mineral was extracted in March 2017 and utilised for site engineering purposes but no mineral has yet been removed from the site. Minor modifications were made to the design of the access road as part of a Non-Material Amendment in September 2017. Condition 68 of this planning permission includes a requirement wherein if mineral extraction ceases for a period in excess of 12 months the operator is required to submit a revised scheme of restoration for approval in writing following a written request for this submission. In January 2020 the County Council wrote to Tarmac requesting the submission of a revised restoration scheme in accordance with the requirements of the planning condition.
12. In June 2020 planning permission was granted under reference 1/20/00605/CDM to defer the obligations imposed under Condition 68 of planning permission 1/16/00354/CDM to delay the submission of a revised restoration scheme for the quarry until after the 15th April 2022. In support of this submission to defer the full implementation of quarrying operations the applicant stated the mineral deposit was more variable than originally anticipated with the presence of peat and a higher ratio of fine sand to coarser material in certain phases. This has resulted in the applicant needing to carry out further investigations to establish whether there is any need to change the approved method of working/phasing as part of provisions to re-open the quarry necessitating a change to the approved working scheme to facilitate concurrent working phases and blending of different grades of material.

Proposed Development

13. The extant planning permission (ref: 1/20/00605/CDM) for Sturton le Steeple quarry incorporates two planning conditions (Conditions 67 and 68) which set a trigger date of 15th April 2022 by which time the applicant is either required to fully implement the quarry planning permission and enter the site into full production, or alternatively submit a restoration scheme for the quarry site, if formally requested to do so in writing by the Minerals Planning Authority after this trigger date. The planning conditions are set out below.

No.	Alternative Restoration
67	<p>In the event that the quarry hereby approved does not enter production before the 15th April 2022, then, within three months of the receipt of a written request from the MPA a revised scheme for the restoration of the site shall be submitted in writing to the MPA for the approval of the MPA. Such a scheme shall include details of the final contours, provision of soil, 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.</p> <p><i>Reason: To secure the proper restoration of the site within an acceptable timescale</i></p>
68	<p>After the 15th April 2022, should for any reason, mineral extraction from the application site cease after this date 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 in writing to the MPA for the approval of the MPA. Such a scheme shall include details of the final contours, provision of soil, 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.</p> <p><i>Reason: To secure proper restoration of the site within an acceptable timescale.</i></p>

14. This planning application seeks approval to vary the trigger date in conditions 67 and 68 of planning permission 1/20/00605/CDM ("the extant consent"), effectively deferring the requirement to submit a revised restoration scheme until 31st December 2024.
15. The applicant has now completed the further investigations into the variability of the mineral reserve they referenced as part of the 2020 planning submissions and confirm that no changes are proposed to the initial phase of the permitted working scheme in connection with extraction of the first 100,000 tonnes of mineral. The applicant states that arrangements are being put in place to complete the haul road construction and are currently seeking to agree a footpath crossing scheme with the Council's Rights of Way Team as part of this process.
16. As part of this current planning submission the applicant has provided an indicative completion programme which sets out various elements of the permitted development that need to be completed prior to the recommencement of mineral extraction and a timetable for doing these works which identify that

the programme would take 28 months. The completion programme is summarised below:

Ecology Surveys and Mitigation

- Great Crested Newt – 10 Months (Year 1)
- Otter and Water Vole – 9 Months (Year 1)
- Bat/trees – 12 Months (Year 1)
- Nesting Birds – 12 Months (Year 1)
- Barn Owl – 12 Months (Year 1)

Environment Agency Permitting

- Baseline Monitoring - 12 months (Year 1)
- Abstraction Licence - 28 months (Years 1-3)
- Discharge Consent – 6 months (Year 2)

Sundry Engineering Works

- Severn Trent Crossing – 15 days (Year 2)
- Access Road Construction – 80 days (Year 2)
- 100m Roadway to Culvert, Compound & Crane Pad – 10 days (Year 2)
- Import Stone from Culvert to Quarry Area 1100m – 25 days (Year 2)
- Quarry Area Compound – 10 days (Year 2)
- Box Culvert Construction – 35 days (Year 2)
- IDB Crossing Over Cowpasture Lane 10 days (Year 2)
- Complete Fencing and Install Gates to all PROW Crossing Points – 8 days (Year 2)
- Install Concrete Speed Bumps (x8) PROW Crossings – 10 days (Year 2)
- Signage - PROW Crossings – 6 days (Year 2)
- Signal System (Crossing D) – 5 days (Year 2)
- Surfacing of first 500m Internal Haul Road – 3 days (Year 2)
- Archaeology Written Scheme of Investigation and Watching Brief (ongoing for duration of physical works – Year 2)
- Further Archaeological investigation in event of unexpected finds (Year 2)

17. Based on the 28-month period identified in the completion programme it is requested the trigger date of conditions 67 and 68 is extended to 31st December 2024 and thus afford sufficient time for the schedule of work to be undertaken. The applicant also states that an extension to the trigger date would:

- a. Secure the permission from a technical perspective.
- b. Reduce current constraints on investment associated with the respective trigger date of the extant consent.
- c. Address the recent recessive economic trends associated with Brexit and Covid-19 which has meant that commercial mineral need was temporarily curtailed by a decline in market demand.
- d. Enable the applicant to respond to a recovering minerals market which has shown successive growth over all quarters in 2021, is now exceeding pre-pandemic levels and projected to increase significantly in the future.

- e. Maintain minerals supply in the Nottinghamshire area and the wider Yorkshire and Humberside region.
- 18. There are no proposals to amend any other element of the permitted development, or vary any of the remaining conditions, and all environmental controls will continue to be applied.

Consultations

- 19. Bassetlaw District Council: *No objections.*
- 20. Sturton le Steeple Parish Council: *Object to the planning application.*
- 21. *Tarmac's original planning permission dates back to 2008, and a lot has changed locally since that time. The power station is closing, and the potential to move materials by rail or water could be available. Increasing levels of transportation by road does not fit the green agenda of modern times. A substantial amount of HGV traffic could be moving in and out of the site every few minutes, generating increased pollution levels and not fitting the green agenda. Farming practices have also changed massively since Tarmac's original application, with a reduction in the use of chemicals and an increase in wildlife being apparent. The council believes that the environmental impact study submitted in 2008 is old and, given the changes highlighted, needs reviewing.*
- 22. NCC Highways: *No objections.*
- 23. Environment Agency: *No representations received.*
- 24. Trent Valley Internal Drainage Board: *No representations received.*
- 25. VIA (Countryside Access): *No representation received.*
- 26. Anglian Water Services, Cadent Gas Limited, National Grid Company PLC, Western Power Distribution, Serco Gulf Engineering Limited: *No consultation responses received. Any responses received shall be orally reported.*

Publicity

- 27. The application has been publicised as affecting a public right of way by means of site notices and a press notice in the Retford Times. Six letters have been sent to occupiers of nearby residential property. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement.
- 28. One letter of representation has been received from a local resident who lives adjacent to the quarry who objects to the planning application raising the following concerns:

- a. It is questioned whether the proposed quarry would be larger in size than the scheme previously approved.
 - b. The scheme should not be enlarged until such time that other changes in the village have been finalised including a new solar farm and the closure of the power station.
 - c. The weight restriction on the road through Sturton le Steeple village is often ignored and should be enforced.
 - d. The hours of work of the quarry should close at 13:00 hours on Saturday and not 14:00 as currently approved.
 - e. Concerns are expressed that any lorries arriving at the site before it opens at 7am will park/wait on Gainsborough Road before entering the quarry once the gates are opened. If this happens the traffic build up at rush hour on Gainsborough Road will be dangerous. Double yellow lines should be put on the road to stop parking and policed by the quarry in a morning.
 - f. Concern is expressed that lorries may travel and park along an existing narrow road located immediately to the north of the new quarry haul road, mistaking it for the main quarry access.
 - g. The quarry should continue to look after and maintain the existing boundary hedges.
29. Councillor John Ogle has been notified of the application.
30. The issues raised are considered in the Observations Section of this report.

Observations

31. This Section 73 planning application seeks to amend the originally approved controls at Sturton le Steeple Quarry which incorporate an option for the planning authority to request the permanent closure and restoration of the implemented Sturton le Steeple Quarry planning permission in the event that the quarry does not enter production before the 15th April 2022. The request is to allow some flexibility to allow an extended period up until the end of 2024 for the applicant to put the quarry into operational production. The planning application does not request any further amendments to any other elements of the permitted development or vary any of the remaining conditions with all existing environmental controls proposed to continue as previously consented.
32. The planning merits of the approved minerals extraction scheme for Sturton le Steeple quarry have previously been subject to a detailed appraisal by the planning authority when the scheme was originally granted planning permission and subsequently renewed. In summary this previously planning appraisal concluded that:
- The Sturton le Steeple quarry represents part of a strategically important mineral resources contributing to maintaining Nottinghamshire's 7-year sand and gravel landbank. The development of the site would help to

ensure Nottinghamshire continues to meet its regional apportionment of sand and gravel production for the foreseeable future. The quarry would form an essential component of this county's aggregate provision.

- The main area of local concern related to additional lorries associated with the transport of mineral from the quarry. However, the transport assessment demonstrated that the highway network has sufficient capacity to satisfactorily accommodate the additional vehicles associated with the development.
 - The implementation of a lorry routeing agreement would ensure that HGVs are routed along the Strategic Highway Network and are not permitted to travel to the south of the site passing through Sturton le Steeple village and roads of a more rural character.
 - The approved scheme provides scope for the movement of a proportion of the sand and gravel by river.
 - The development site is relatively remote site with few on-site constraints.
 - The main effect of the development is the change in landscape character with the loss of a number of large arable fields and their replacement with wetland and open water areas which although representing a different character of landscape was not considered to be out of keeping with the landscape character and distinctiveness of the Trent Valley.
 - Visual impacts of the development are limited and screened to a significant extent by existing vegetation.
 - The application boundaries have been drawn to minimise impacts on nearby archaeologically important areas.
 - Operational impacts on surrounding residential properties are minimised due to the remoteness of the site.
 - The restoration of the site would provide significant ecological benefits which are maximised through the suggested extended management secured through a Section 106 agreement.
33. In appraising the merits of this planning application to extend the trigger date for the permanent closure and restoration of the quarry it is not necessary to re-examine the wider planning policy merits and environmental effects associated with the development of Sturton le Steeple quarry. Instead, this appraisal is limited to the main planning issues which the modification to the trigger date impacts in terms of mineral supply and landbank issues.

Mineral Supply and Landbank Issues

34. The Nottinghamshire Minerals Local Plan (MLP) was adopted in March 2021 and incorporates a number of key policies in respect of mineral supply, specifically:
- I. Strategic objective SO2: Providing an adequate supply of minerals seeks to maintain an adequate supply of all minerals to assist in economic

growth both locally and nationally by providing sufficient land to enable a steady and adequate supply of minerals over the plan period.

- II. Policy SP1: Minerals Provision seeks to ensure that adequate and steady mineral supplies can be maintained throughout the plan period in accordance with NPPF policy to maintain a landbank of permitted reserves by identifying suitable land for mineral extraction.
 - III. Policy MP1: Aggregate Provision identifies that during the plan period (2018-2036) provision will need to be made for the extraction of 32.30 million tonnes of sand and gravel, requiring a 7-year landbank of sand and gravel reserves to be maintained to ensure there is a steady and adequate supply of minerals.
 - IV. Policy MP2: Sand and Gravel Provision seeks to maintain an adequate supply of sand and gravel to meet the expected demand over the plan period, identifying the importance that the extraction of the remaining reserves at Sturton le Steeple quarry has in meeting this objective.
35. The emphasis of Strategic Objective S02 and Policy SP1 is to maintain a steady and adequate supply of minerals throughout the plan period by ensuring that suitable land is identified for mineral extraction. Policy MP1 quantifies the amount of sand and gravel reserves that is forecast to be needed to meet this objective at 32.3 million tonnes and Policy MP2 identifies the role that the 7.1 million tonnes of consented sand and gravel reserves at Sturton le Steeple quarry has in meeting this need.
36. The most recent Local Aggregate Assessment for Nottinghamshire was published in November 2021 and reported on 2020 data. The Assessment identifies that the County's landbank currently stands at 17.97 million tonnes of which Sturton accounts for 7.1 million tonnes (ie 40% of the total figure), clearly demonstrating the significance of the permitted reserve in maintaining the landbank.
37. Whilst it is acknowledged that Sturton le Steeple Quarry is currently not operational, it is a key requirement within Policy MP1 to maintain a steady and adequate supply of aggregate mineral throughout the plan period up to the year 2036. The sand and gravel originating from Sturton le Steeple can make an important long-term contribution towards maintaining mineral supply over the remaining 14-year period of the plan. By contrast, if this planning application is not approved and a restoration scheme requested under Condition 67, implementation of that scheme would effectively quash the extant consent by requiring the restoration of Sturton Quarry. This would result in a significant shortfall in sand and gravel provision within the County, conflicting with the principles of sustainable development as well as making best use of minerals and would require the Council to identify further mineral resources to replace the productive capacity and total reserve that would have been sourced from Sturton le Steeple Quarry. The identification of further mineral resources would most likely be undertaken through an early review of the minerals local plan.

38. The applicant has clearly set out their reasons why they have not currently commenced mineral extraction at Sturton and also described the improving market conditions which now support a business case to put the quarry into production by 2024. The applicant's planning submission incorporates a detailed timetable setting out the various elements of the permitted development that need to be completed prior to the recommencement of mineral extraction by the end of 2024. A planning condition is recommended to monitor the operators progress towards the recommencement of mineral working through the submission of six monthly progress reports up to this date and to confirm that satisfactory progress is made in terms of undertaking the required survey and construction works detailed in the planning submission and summarised within paragraph 16 of this report to facilitate the reopening of the quarry.
39. It is therefore concluded that a decision to provide the applicant a further period of flexibility up to 2024 to allow sufficient time to put Sturton le Steeple Quarry into operational production is supported by the mineral supply policies outlined above. NPPF Paragraph 211 confirms that great weight should be given to the benefits of mineral extraction, including the benefits the development will bring to the economy.

Re-appraisal of transport arrangements for the quarry

40. Sturton le Steeple Parish Council raise concerns about the level of traffic associated with the development and request that the potential to haul mineral by road or rail is re-examined.
41. The levels of traffic associated with the development were closely examined in detail as part of the original planning assessment wherein it was concluded that the local highway network has satisfactory capacity to accommodate the additional traffic generated by the development without any significant additional safety risk and a Section 106 legal agreement is in place to ensure that all vehicles access the site from the north and avoid travelling through Sturton le Steeple village to the south. The changes proposed in this planning application do not alter the output or HGV activity associated with the development from the levels previous consented.
42. Opportunities for the sustainable transport including barge and rail were assessed as part of the original planning application. The approved scheme incorporates consent for the establishment of a wharf and barge loading facility which provides the option to transport some of the sand and gravel by water. Rail transport of minerals is not proposed.
43. The applicant has re-appraised the transport arrangements of the quarry in response to the consultation response from the Parish Council. This review has identified that the pattern of aggregate sales from other Tarmac quarries within Nottinghamshire are predominantly local with 91% of sales from Besthorpe Quarry delivered within Nottinghamshire, 84% at Calverton Quarry, and 61% at Langford Quarry with the average distance of delivery being 30 miles. The

characteristics of the sand and gravel market means that the mineral is delivered to multiple different end users.

44. Whilst the applicant has noted the rail-linked West Burton Power Station is expected to close later this year, the transport of sand and gravel by rail is dependent on unloading infrastructure being in place as well as suitable depots for the redistribution of the material. The applicant states that there is not a network of railhead unloading facilities available to unload sand and gravel in multiple locations which would be required, and the haulage distances of sand and gravel are comparatively short. Since rail transport becomes more viable when long term contracts are established delivering material between two fixed locations over longer distances, the applicant has concluded that the local nature of demand for the distribution of sand and gravel means that rail haulage is likely to be less sustainable and viable than the existing permitted modes of transport for the quarry.
45. Planning policy in relation to mineral haulage is incorporated within Policy SP4: Sustainable Transport. The policy states that all mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline where practical and economic. These matters were appraised as part of the original assessment of the planning application where it was shown that the approved development incorporates arrangements for barge transport but rail transport was not viable, practical or economic. The applicant's re-appraisal of the transport options for the quarry demonstrates that these conclusions remain valid.
46. Vehicular access to the planning application site is obtained via a purpose-built access off Gainsborough Road which links with the A631 and the wider strategic road network to the north with good road linkage to markets in North Nottinghamshire and Yorkshire/Humberside. This pattern of road transport is consistent with the remainder of MLP Policy SP4 which goes onto to highlight that where it can be demonstrated that there is no viable alternative to road transport all new mineral working should be located within close proximity to existing or proposed markets to minimise transport movement and be within close proximity to the county's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation. The development proposal is consistent with these policy objectives of MLP Policy SP4.

Changes to farming practices and wildlife guidance since the original grant of planning permission

47. Sturton le Steeple Parish Council has identified that there have been changes to farming practices which have potential to change the ecological value of the site. The Parish Council request the environmental protection measures should be reviewed in light of this changed environmental baseline.
48. In response to this matter, the current Section 73 planning application does not seek to extend the scope of the existing implemented planning permission at

Sturton le Steeple Quarry except in terms of modifying the 15th April 2022 trigger dates and the option within planning conditions 67 and 68 which enable the planning authority to request the permanent closure and restoration of the site in the event that the quarry does not enter production by this trigger date. Instead, the application seeks some flexibility to allow an extended period up until the end of 2024 for the applicant to put the quarry into operational production under the terms of the current planning permission. Since planning permission is not being sought to extend the scope of the development previously approved, a full re-appraisal of the environmental effects of the development is not considered to be either necessary or appropriate.

49. The original planning permission for the site was informed by extensive studies and assessments covering a full range of potential environmental effects including the ecological baseline and the local drainage network. Whilst the Parish Council's observations that there may have been modifications to farming practice over the years which could influence the ecological conditions within the site are acknowledged, there has not been any significant change to the overall character of land use within the application site which remains in predominately arable agricultural use. The planning conditions imposed within the planning permission for the site acknowledge that the ecological conditions may change over time and therefore require additional ecological survey works prior to any new phase of mineral extraction, including appropriate mitigation if the ecological features have changed. It is considered these existing controls, which will remain unchanged and rolled forward into any new planning permission, will continue to provide satisfactory control for any changes to the environmental baseline as a result of any updated farming practices that may have occurred.

Other Matters

50. In terms of the representations raised by the local resident, the case officer has spoken with the resident, discussed the scope of development sought planning permission and confirmed that the proposed quarry would not be any larger in size than the scheme previously approved. Assurances have also been provided that the planning authority would take action to enforce the requirements of the lorry routing arrangements regulated through the Section 106 legal agreement, in the event that these controls were breached. The planning application does not seek to modify the approved working hours wherein it is noted that mineral processing is restricted to 1pm on Saturdays with scope to allow mineral transportation until 2pm.
51. In respect of concerns raised regarding the potential for HGVs to park on the public highway outside the quarry entrance before the quarry opens at 7am, if this was to occur and was to result in problems the planning authority would seek to liaise with the operator to address this matter as they have successfully done at other operational sites where this has been an issue. Whilst an option may be to use a more formal traffic regulation order in the future to regulate the matter, currently there are not any problems regarding HGV parking in the area and therefore these controls are not currently considered necessary.

52. Officers have inspected the narrow road referred to by the resident which is located approximately 280m to the north of the quarry access. The road is narrow and in the opinion of officers it would be extremely unlikely that drivers would mistake this as the quarry access which is clearly signed, marked out and engineered to an appropriate standard. If there were issues of HGVs parking on this road, this matter would be taken up with the operator.
53. The existing planning conditions incorporate an obligation for the quarry to maintain the existing retained hedges around the site.

Section 106 Legal Agreement

54. The existing planning permission for the site is supported by a Section 106 agreement which regulates:
 - a. Lorry routeing;
 - b. The long-term management of the restored site for 5 years beyond the statutory 5-year period;
 - c. The developer to use their best endeavour to extend the Traffic Regulation Order (TRO), agreeing to pay all the County Council's costs in processing the amendment to the TRO and any subsequent changes to signs and lines required to implement the amended weight restriction (now complete);
 - d. To secure the creation of supplementary Great Crested Newt terrestrial habitat on the land to the north of the quarry, as indicated on drawing reference Sturton Steeple Ecology Habitat Plan 001;
 - e. A scheme of mitigation to compensate for indirect hydrological changes within the Mother Drain SINC and New Ings Drain. The scheme shall include survey data of seasonal water levels, trigger levels for water pumping, water quality monitoring and six-monthly invertebrate assemblage assessments throughout the life of quarry dewatering operations.
55. The controls within the existing Section 106 agreement would continue to apply to any new planning permission for Sturton le Steeple Quarry issued under Section 73 of the Town and Country Planning Act and therefore would continue as part of this new planning permission.

Other Options Considered

56. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly, no other options have been considered.

Statutory and Policy Implications

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

Crime and Disorder Implications

58. It is not anticipated that the operation of the quarry will give rise to any significant crime and disorder implications.

Data Protection and Information Governance

59. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Financial Implications

60. None arising.

Human Resources Implications

61. None arising.

Human Rights Implications

62. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. The modifications sought within this planning application result in no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Public Sector Equality Duty Implications

63. None arising.

Safeguarding of Children and Adults at Risk Implications

64. None arising.

Implications for Service Users

65. None arising.

Implications for Sustainability and the Environment

66. The request to allow some flexibility and allow an extended period up until the end of 2024 for the applicant to put the quarry into operational production is compliant with the principles of sustainable development insofar that the development will allow the mineral operator to make use of a proven mineral resource and ensure that it does not become sterilised.

Statement of Positive and Proactive Engagement

67. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

68. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 04/04/2022]

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments (SES 22/03/2022)

There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4386

Electoral Division(s) and Member(s) Affected

Tuxford

Councillor John Ogle

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

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